

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

Original Application No. 888/2024

In the matter of:

Sh. Vijender Yadav

...Applicant

Versus

Govt. of NCT of Delhi

...Respondent

NDOH:-09.12.2024

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Filed by:

New Delhi:

Dated: 6th.12.2024

Delhi Pollution Control Committee

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Original Application No. 888/2024

In the matter of:

Sh. Vijender Yadav

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**COMPLIANCE REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO THE ORDER DATED
29.08.2024.**

I, PS Pankaj, Sr. Env. Engineer, Delhi Pollution Control Committee, 3th Floor, Block-B, IT Park, Shastri Park, Delhi- 110053, do hereby solemnly affirm and state as under:

1. That, I am working as Sr. Env. Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.
2. That, this Hon'ble Tribunal taken up the matter on 29.08.2024 on the basis of the complaint filed by applicant raising the issue of thousands of trees cutting Chajju Ram Bagh, Jindpur, Delhi and pleased to issue notice to DPCC, DFO, DM (North Delhi), Anantraj Limited c/o Chajju Ram Bagh, Jindpur, Delhi and DDA.
3. That, in compliance of the order passed by this Hon'ble Tribunal joint inspection of the site was carried out on 28.11.2024, by the officials of DPCC, Revenue Department and Forest Department. Copy of the joint inspection report dated 28.11.2024 is enclosed herewith as **ANNEXURE-1**. During the

inspection it was observed that:

Tree cutting, forest official Sh. Ashok (Forester) informed that forest department issued a notice dated 25.06.2024 under DPTA, 1994.

Copy of show cause notice order dated 25.06.2024 is enclosed



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herewith as **Annexure-2**. Thereafter Rs. 9,00,000/- (Rupees Nine Lakhs only) have already been imposed for illegal cutting of 15 Nos of trees in Khasra No- 38/1, 38/2, 38/3 and 38/4 vide order dated 10.07.2024. Copy of order dated 10.07.2024 is enclosed herewith as **Annexure-3**. While during the visit no fallen trees were observed.

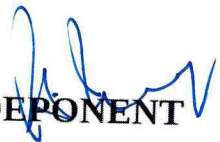
- ii. The Land Revenue Department, the representatives of the Revenue Department i.e. Naib Tehsildar and the Halka Patwari, were present during the site inspection and as per the Land Revenue Records i.e. Records of Rights (RoR/Khatuani) of the said land the ownership of the land was private. Copy of RoR is enclosed herewith as **Annexure-4**.
- iii. The construction of Warehouse/Godown it was informed by Sh. Sujoy Das (representative of Anantraj Limited) that warehouse / godown is being built by them with the permission of DDA and provided a copy of Grant of sanction dated 12.12.2020. Copy of the sanction issued by DDA is enclosed herewith as **Annexure-5**.
- iv. At the time of inspection i.e. on 28.11.2024 no construction activity was going on at plot No-38/7 situated in Village Jindpur due to implementation of the GRAP-4 stage.
- v. Sh. Sujoy Das also informed that this project is also registered on dust portal for ensuring compliance of dust pollution.

4. That the Delhi Preservation of Trees Act (DPTA) of 1994 is legislation that provides legal protection to trees in Delhi. The Act aims to prevent any action that might harm the growth or regeneration of trees. As per the act, a tree is defined as any woody plant that has branches supported by a trunk or body of at least 5cm diameter and is at least one meter high from the ground level. The Act prohibits several activities that can cause the death of a tree, such as cutting, uprooting, bulldozing, girdling, and pollarding. Applying arboricides, burning, or damaging a tree in any other manner that can lead to its death is also considered illegal under the Act.



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5. That, the answering respondent per se does not have jurisdiction under "The Delhi Preservation of Trees Act, 1994". The Forest Department, Government of NCT Delhi is the appropriate authority under this Act therefor is the appropriate department to look and take action in the matter or to recommend any action under the provision of the said Act.
6. The present status report may kindly be taken on record.


DEPONENT

VERIFICATION

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom.

Verified at New Delhi on this 6th day of December, 2024.


DEPONENT



TESTED

NOTARY PUBLIC
GOVT. OF NCT OF DELHI

16 DEC 2024

Annexure-1

DATED: 28.11.2024

JOINT INSPECTION REPORT IN OA NO-888 OF 2024

In compliance with the Hon'ble NGT order dated 29.08.2024 DPCC carried out joint inspection of the site with officials of revenue department and Forest Department on 28.11.2024. Following are the observation during the inspection:

1. With respect to the matter of tree cutting, forest official Sh. Ashok(Forester) informed that in the past Rs. 9,00,000/- (Rupees Nine Lakhs only) have already been imposed for illegal cutting of 15 Nos of trees in Khasra No- 38/1, 38/2, 38/3 and 38/4 vide order dated 10.07.2024.(copy of order dated 10.07.2024 enclosed). Prior to the order dated 10.07.2024 forest department also issued notice dated 25.06.2024 under DPTA,1994. (Copy Enclosed). While during the visit no fallen trees were observed.
2. With respect to the Land Revenue Department, the representatives of the Revenue Department i.e. Naib Tehsildar and the Halka Patwari, were present during the site inspection and as per the Land Revenue Records i.e. Records of Rights (RoR/Khatuani) of the said land the ownership of the land was private (Copy of RoR enclosed for reference).
3. With respect to the construction of Warehouse/Godown it was informed by Sh. Sujoy Das(representative of Anantraj Limited) that warehouse/godown is being built by them with the permission of DDA and provided a copy of Grant of sanction dated 12.12.2020(Copy enclosed) of the plot No- 38/7 situated in village Jindpur. However, At the time of inspection i.e on 28.11.2024 no construction activity was going on due to implementation of the GRAP-4 stage. Sh Sujoy Das also informed that this project is also registered on dust portal for ensuring compliance of dust pollution.

Amzad Khan
(AMZAD KHAN, JEE)
DPCC

Ashok
28/11/24
ASHOK Forester
FOREST

Naib Tehsildar
28/11/24
(Naib Tehsildar)
REVENUE (ALIPUR)

Attendance for the Joint Inspection in OA-888/2024 ¹¹ (5) 28/11/24

Name of official	Designation/Department	Mobile No.	Signature
AMZAD KHAN	JEE / DPCC	8860364102	<u>Amzad Khan</u>
ASHOK	Forester Forest Dept.	9315571160	A=
Kandosh Singh	SDM office	9953564733	(A)
Vibhan	Naib Tehsildar	8750200209	\$

Annexure-2



GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
NORTH FOREST DIVISION, MGICCC, BAKOLI, ALIPUR, NEW DELHI-110036

No.F.41/DCF(N)/Tree Offence/2024-25/ 3439

Dated: 25/06/2024

NOTICE UNDER DFTA, 1994


Whereas, it has been alleged that a tree offence has been committed by illegal cutting of trees located at Khasra No. 38/1,2,3,4,5,6,7,8,9,10, Jindpur, Delhi without permission, which is violation of Delhi Preservation of Tree Act, 1994.

And whereas, the statement/presence of the person (s) this notice addressed to are required to find out the factual position and to determine the extent of offence according to its merit.

Now, therefore, I, DY. CONSERVATOR OF FORESTS (NORTH), Tree Officer, as empowered u/s 31 of Delhi Preservation of Trees Act, 1994 call upon you to appear before me on 28.6.24 at 11.45 A.M. in the office of Dy. Conservator of Forests cum Tree Officer, North Forest Division, MGICCC, Alipur, Bakthawarpur Road, Bakoli, Delhi-110036, in event of failure to appear, legal action will be initiated against concerned and the matter would be proceeded ex-parte. *As per section 136, CrPC, non-compliance of this notice will attract penal provisions u/s 188 of IPC.*

To,

1. Sh. Nitinkr Contractor Civil, Add: Khasra No. 38/1,2,3,4,5,6,7,8,9,10, Jindpur, Opp. SaiMandirAlipur, Delhi with direction to appear before undersigned.


Tree Officer & DCF
(North Forest Division)

GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
NORTH FOREST DIVISION, MGICCC, BAKOLI, ALIPUR, NEW DELHI-110036
No.F.41/DCF(N)/Tree offence/2024-25/ 3635

Annexure-2

Date: 10/07/2024

IN THE COURT OF TREE OFFICER/DY. CONSERVATOR OF FOREST,
NORTH FOREST DIVISION, NEW DELHI

ORDER

1. Sh. Sujoy and Sh. Nitin Kumar appear before this Court in the hearing.
2. Whereas, in this case, the inspection has been carried out by the I.O, it has been found that a tree offence has been committed by Sh. Nitin Kumar, by illegally cutting of fifteen (15) nos. of trees located in Khasra No. 38/1, 38/2, 38/3 & 38/4, Jindpur, Alipur, Delhi-36 (Opposite Sai Mandir) without permission from the concerned department and the same has been accepted by Sh. Nitin Kumar before this Court.
3. Whereas on enquiry, it is found that in the above mentioned case, the trees have been cut/felled, which is violation of Delhi Preservation of Tree Act, 1994. And in the hearing held in the chamber of Tree Officer, North Forest Division on 03.07.2024, Sh. Nitin Kumar accepted that the trees located in Khasra No. 38/1, 38/2, 38/3 & 38/4, Jindpur, Alipur, have been illegally cut/felled by Sh. Nitin Kumar and stated that he is ready to compound the said offence and agreed to submit the compound affidavit.
4. Whereas Sh. Nitin Kumar has been directed to submit the compounding affidavit accepting the offence regarding illegally cutting of trees as mentioned above and the same has been signed/submitted by Sh. Nitin Kumar on the same day.
5. Whereas, after going through the facts of case and as empowered under Section-21 of Delhi Preservation of Tree Act, 1994, I the Tree Officer/Dy. Conservator of Forests (North), agreed to compound the offence. A compounding fee of Rs. 9,00,000/- (Rupees Nine Lakh only) is hereby imposed on Sh. Nitin Kumar, for illegally cutting/felling of fifteen (15) nos. of tree, at the rate of Rs. 60,000/- (Rupees Sixty Thousand only) per tree for illegal cutting/felling.
6. Whereas, Sh. Nitin Kumar, is hereby directed to deposit the above-mentioned amount, through DD in favour of Dy. Conservator of Forest (North), being the composition fees within 30 days of receipt of this order. In case of failure to deposit the same within prescribed period of 30 days, action shall be initiated in the court of Law, as per relevant provisions of Delhi Preservation of Tree Act, 1994.
7. Further, Sh. Nitin Kumar, is hereby also directed to plant fifteen (15) nos. of tree saplings with height not less than 6 feet around the same compound/plot and maintain the same for at least 5 years. The compliance report along with photographs shall be submitted in this office within 30 days of receipt of this order.

To,

1. Sh. Nitin Kumar (Ph. No. 9671890095), Khasra No. 38/1, 38/2, 38/3 & 38/4, Opposite Sai Mandir, Jindpur, Alipur, Delhi-110036.

10/7/24
Tree Officer & DCF
(North Forest Division)

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Annexure-5

FORM-B-1
(Chapter 2, Para 2.3)

GRANT OF SANCTION

Delhi Development Authority
Building Section

File No : NAR009020-21

Dated : 12 December, 2020

To,

M/S. ANANT RAJ LIMITED
H-65 CONNAUGHT PLACE
110001

GRANT OF SANCTION

Sub: Sanction U/S 12 of the Delhi Development Act 1957

Dear Sir/Madam,

With reference to your application dated **06 November, 2020** for the grant of sanction to erect/re-erect/add/alteration in the building to carry out the development specified in the said application relating to Plot No. **38/7** Focker No. -- Block No. -- Sector No. -- Situated in the **VILLAGE JINDPUR**, I have to state that the same has been sanctioned on **12 December, 2020** by the Delhi Development Authority subject to the following conditions and corrections made on the plans:-

- 1) The plans are valid up to **11** day of month **12** year **2025**
- 2) The construction will be undertaken as per sanctioned plan only and no deviation from the bye-laws will be permitted without prior sanction. Any deviation done against the bye-laws is liable to be demolished and the supervising Architect, engaged on the job will run the risk of having his license cancelled.
- 3) Violation of building bye-laws will not be compounded.
- 4) It will be duty of the owner of the plot and the Architect preparing the plan to ensure that the sanctioned plans are as per prevalent building bye-laws. If any infringement of the bye-laws remain unnoticed the Delhi Development Authority reserves the right to amend the plans as and when the infringement comes to its notice and Delhi Development Authority will stand indemnified against any claim on this account.
- 5) The party shall not occupy or permit it to occupy the building or use permit the building or part thereof of affected by any such work until occupancy certificate is issued by the sanctioning Authority.
- 6) Delhi Development Authority will stand indemnified and kept harmless from all proceedings in courts and before other authorities of all expenses/assessments which the Delhi Development Authority may incur or become liable to pay as a result or in consequences of the sanction accorded by it to these building plans.

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- 11
- 7) The door and window leaves shall be fixed in such a way that they shall not when open project on any street.
 - 8) The party will convert the house into dwelling units of each floor as per the approved parameters of the project and shall use the premises only for residential purpose.
 - 9) The building shall not be constructed within minimum mandatory distance as specified in Indian Electricity Rules and as per the requirement of Delhi Vidut Board from the voltage lines running on any side of the site.
 - 10) The land left open on consequences of their enforcement of the set back rule shall form part of the public street.
 - 11) The thickness of outer walls will be maintained at least 0.23 m. (9").
 - 12) The basic levels should be got ascertained from the concerned at the site of the construction.
 - 13) The owner will display boards of minimum size of 3 ft. X 4ft. indicating the following
 - i. Plot No. and location **38/7 (Narela).**
 - ii. Name of less/owner **M/S. ANANTI RAJ LIMITED.**
 - iii. Use of the property as per lease deed **57222.077.**
 - iv. Date of sanction of Building Plan with No. **CA/BP/8063/20-21(12 December, 2020)**
 - v. Sanction valid up to **11 December, 2025**
 - vi. Use of different floors and areas sanctioned --
 - vii. Name of the Architect & his address **PRADEEP SHARMA,64,REAR GROUND FLOOR,POORVI MARG VASANTI VIHAR, NEW DELHI-110057).**
 - viii. Name of the contractor and his address --
 - 14) The provision of the display board on the construction site is a mandatory requirement and non-compliance of the same will invite a penalty of Rs. 500/-.
 - 15) It will be ensured that the construction / demolition work shall be carried out in such a manner that no disturbance/nuisance is caused to residents of the neighborhood.
 - 16) It will be ensured by the owner and the Architect that during the construction the building plans sanctioned shall satisfy all the Environmental Conditions for Buildings and Constructions of Chapter 3, Annexure XIV of these Bye laws and as amended from time to time or any specific orders issued by the Govt.
 - 17) Intimation of Completion of work up to Plinth Level, Plinth Level Inspection and the issue of Plinth level Inspection shall be done as per procedures laid down in the Chapter 2 of these Bye-laws.
 - 18) The building shall be constructed strictly in accordance with the sanction plan as well as in accordance with the certificate submitted jointly by the owner/Architect/Structural Engineer for safety requirement as stipulated in Chapter 9 of these Building Bye-Laws, and the structural Design including safety from any natural hazards duly incorporated in the design of the building as per the Government Of India notification issued time to time and Annexure VII of these Bye laws.
 - 19) The mulla during the construction will be removed on weekly basis. If the same is not done, in that case the local body shall remove the mulla and the cost shall be borne by the owner of the plot.

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20) During construction, it is mandatory on the part of the owner to properly screen the construction site of the main road by means of erecting a screen wall not less than 8 ft. in height from ground level which is to be painted to avoid unpleasant look from the road side. In addition to this a net or some other protective material shall be hoisted at the facades of the building to ensure that any falling material remains within the protected area.

21) Noise related activities will not be taken up for construction at night after 10.00 PM.

22)

i. Every builder or owner shall put tarpaulin on scaffolding around the area of construction and the building. No person including builder, owner can be permitted to store any construction material particularly sand on any part of the street, roads in any colony.

ii. The construction material of any kind that is stored in the site will be fully covered in all respects so that it does not disperse in the air in any form.

iii. The construction material and debris shall be carried in the trucks or other vehicles which are fully covered and protected so as to ensure that the construction debris or the construction material does not get dispersed into the air or atmosphere, in any form whatsoever.

iv. The dust emissions from the construction site should be completely controlled and all precautions taken in that behalf.

v. The vehicles carrying construction material and construction debris of any kind should be cleared before it is permitted to ply on the road after unloading of such material.

vi. Every worker working on the construction site and involved in loading, unloading and carriage of construction material and construction debris shall be provided with mask to prevent inhalation of dust particles.

vii. Every owner and or builder shall be under obligation to provide all medical help, investigation and treatment to the workers involved in the construction of building and carry of construction material and construction debris relating to dust emission.

viii. It shall be the responsibility of every builder to transport construction material and debris waste to construction site, dumping site or any other place in accordance with rules and in terms of this order.

ix. All to take appropriate measures and to ensure that the terms and conditions of the earlier order and these orders should strictly comply with by fixing sprinklers, creations of green air barriers.

x. Compulsory use of wet jet in grinding and stone cutting.

xi. Wind breaking walls around construction site.

xii. All efforts to be made to increase the 'tree cover' area by planting large number of trees of various species depending upon the quality content of soil and other natural attendant circumstances.

xiii. All the builders who are building commercial, residential complexes which are covered under the EIA Notification of 2006 shall provide green belt around the building that they construct.

23) The sanctioning authority approves Architectural Drawings/Development Control norms with respect to the Building Bye Laws and Master Plan provisions only. The technical drawings/documents submitted by the owner/consultant/Architect/Engineer/Structural Engineer/Landscape Architect /Urban Designer/Engineer for Utility Services are considered as part of the record/information supporting the building permit only. The responsibility of the correctness of information/application of technical provisions fully vests with the owner/consultant/ Architect/Engineer/Structural Engineer/Landscape Architect /Urban Designer/Engineer for Utility Services and shall be liable as per laws.

24) The sanctioning authority approves Architectural Drawings/Development Control norms with respect to the Building Bye Laws and Note : "This is a computer-generated document therefore does not require any signature or stamp." Page 3 of 4

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Master Plan provisions only. The technical drawings/documents submitted by the owner/consultant/Architect/Engineer/Structural Engineer/Landscape Architect/Urban Designer/Engineer for Utility Services are considered as part of the records/information supporting the building permit only. The responsibility of the correctness of information/application of technical provisions fully vests with the owner/consultant/Architect/Engineer/Structural Engineer/Landscape Architect/Urban Designer/Engineer for Utility Services and shall be liable as per laws.

25) No puncture, perforation, cutting, chiseling, trimming of any kind for any purpose are permitted in the structural members (beams / columns) submitted by the structural engineer as structural drawing for building permit in accordance with the relevant structural codes.

26) The sanction will be void ab initio if any material fact has been suppressed or mis-represented or if auxiliary conditions mentioned above are not complied.

Plot No: 38/7

Plot No: -

Block No: -

Sector No: -

Delhi.

Encl: One set of sanctioned plan.

Yours Faithfully

Name : PARVEEN KUMAR
Designation : Assistant
Engineer
Organization : DELHI
DEVELOPMENT
AUTHORITY
Date : 20-Jan-2021 15:44:21

For Vice Chairman
Delhi Development Authority

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