

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**
Original Application No. 896/2024

IN THE MATTER OF:

Sameer Sharma

...Applicant

Versus

Shakuntalam Landcraft Pvt. Ltd. & Ors.

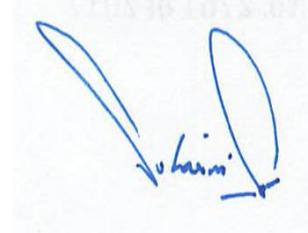
...Respondent(s)

N.D.O.H. – 13.05.2025

INDEX

S. No.	Particulars	Page No.
1.	Counter Affidavit on behalf of Respondent No. 2 – Union of India through Ministry of Environment, Forest, and Climate Change.	1-4
2.	Annexure R2/1: A true copy of letters dated 06.08.2024 and 29.11.2024.	5-8

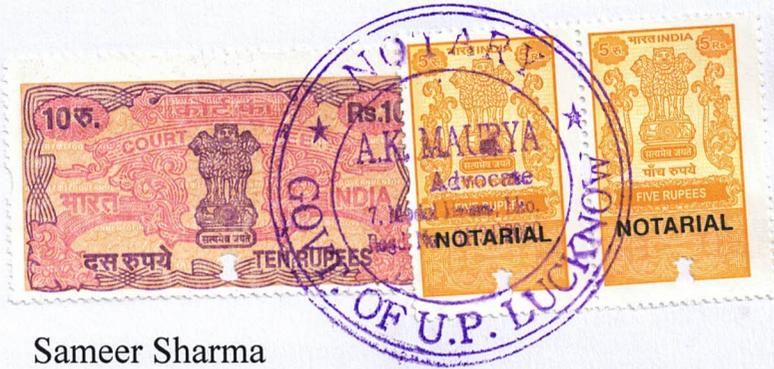
THROUGH



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New Delhi
Date: 05.05.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
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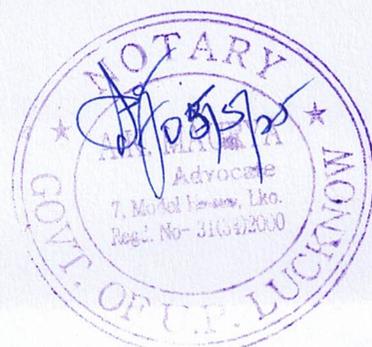
..... Respondent(s)

**AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,
FORESTS & CLIMATE CHANGE, GOVERNMENT OF INDIA**

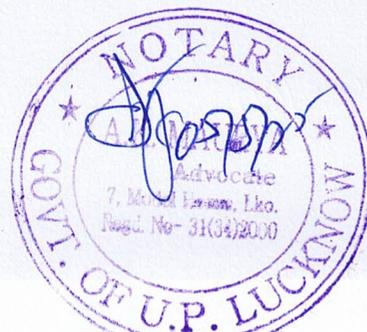
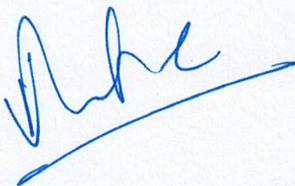
I, Ms. Vijaya Ratre, currently working as Assistant Inspector General of Forest at the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Lucknow, do hereby solemnly affirm and state as under:

1. That in my official capacity as stated above, I am aware of the facts and circumstances of the present case and competent to swear to the contents of the present affidavit. I state that my knowledge in this regard is based on the official records available with the Ministry of Environment, Forests & Climate Change (hereinafter the 'MoEF&CC').

Vijaya Ratre

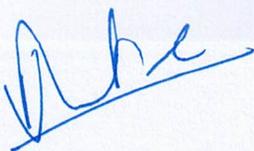


2. It is submitted that the present Affidavit is being filed by the answering Respondent and the Answering Respondent humbly seeks liberty to file an additional affidavit in the present matter if so directed by this Hon'ble Tribunal as and when required.
3. That, in the present application applicant has made a complaint about the illegal cutting of about 1000 trees in Daewoo Factory, Greater Noida.
4. In this regard, it is humbly submitted that the MoEFCC deals with policy and regulatory issues at a broader level. The role of the MoEFCC is to frame policy, provide directions and guidance in an advisory capacity, as well as to provide necessary approvals under the provisions of the relevant Central Acts so far as the protection and conservation of forest, wildlife and other environmental resources are concerned.
5. That the 'land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, the State Government has the primary responsibility to determine the status of any parcel of land, giving due regard to gazette notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.
6. It is submitted that the felling of trees on non-forest land is regulated by the respective State Government /UT Administration as per the provisions of various State Acts and Rules made thereunder. Many States have

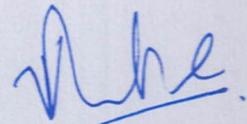


specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating the felling of trees on revenue lands and penal provisions for the violations. The implementation of these rules is supervised by designated authorities in the State Government whose permission is necessary for the felling of reserved trees in Non- Forest Land, under such rules.

7. That, prior approval of the Central Government under Section 2 of the "Van (Sanrakshan Evam Samvardhan) Adhiniyam",2023, [earlier known as the Forest (Conservation) Act, 1980] (hereinafter referred to as "Van Adhiniyam, 1980") is required for carrying out any non-forest activity on forest land. Any contravention of the above provision would amount to a violation of the Act, 1980 and attract the penal provisions in it.
8. That nonetheless, to ascertain the correct position and the truthfulness of the matter, the answering respondent vide letter dated 06.08.2024 has sought a factual status report from the State Government of Uttar Pradesh, a subsequent reminder was also issued on 29.11.2024. However, till date no information has been received from the State Government in this regard. (Copy of letter dated 06.08.2024 & 29.11.2024 is annexed as **Annexure-R1(Colly)**)
9. It is humbly submitted that The Uttar Pradesh Protection of Trees Act, 1976 came on the force on 19 November 1976, the act to provide for regulation of felling of trees and replanting of trees in Uttar Pradesh.



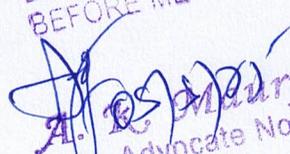
10. That the answering respondent per se does not have jurisdiction under the Uttar Pradesh Protection of Trees Act, 1976. The Forest Department Government of UP is the appropriate authority under this Act to look and take punitive action in the matter.
11. It is humbly submitted that no action of the Ministry of Environment, Forest and Climate Change is being challenged by the applicant in the present matter.
12. That the present affidavit may kindly be taken on record so as to assist this Hon'ble Tribunal in passing appropriate orders in the present matter as deemed fit. That it is respectfully submitted the answering respondent undertakes to file a further affidavit if so directed by this Hon'ble Tribunal.

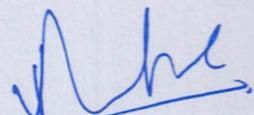

DEPONENT

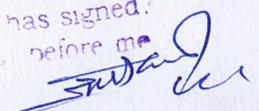
VERIFICATION

Verified at Lucknow on this 5th day of May, 2025 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.



EXECUTION ADMITTED
 BEFORE ME

 A. K. Maurya
 Advocate Notary
 7, Model House, Lucknow


DEPONENT

Identify the deponent/
 executant who has signed/
 put his/her name before me.


ANNEXURE R2/1



भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, लखनऊ
Regional Office, Lucknow



केन्द्रीय भवन, ग्यारवां तल, सेक्टर एच, अलीगंज, लखनऊ-226024
Kendriya Bhawan, 11th Floor, Sector H, Aliganj, Lucknow-226024, Phone No : 0522-2326696
Email : roc.lko-mef@nic.in, goimofrolko@gmail.com

File No: L-1325/UP/2024/173

Date: 06.08.2024

Court matter/ Email

To,

Additional Chief Secretary,
Forest & Wildlife Department,
Government of U.P.
Lucknow.
Email: psecforest@nic.in

Sub: O.A. NO. 820 OF 2024 TITLED NEWS ITEM TITLED "22 SAAL SE BAND COMPANY MEIN KAAT DIYE 1 HAZAAR SE JYADA PED NOIDA MEIN VAN VIBHAG NE JABT KIYA KATE PEDO SE BHARA TRUCK" APPEARING IN NAVBHARAT TIMES DATED 11.06.2024 VS BEFORE THE HON'BLE, NGT, NEW DELHI-reg.

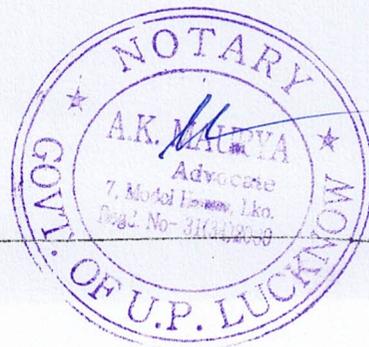
Sir,

Kindly refer to the above cited subject matter. The matter relates to the illegal cutting down of more than a thousand trees in Greater Noida's DCM Company that has been shut for 22 years. As per the article, it is alleged that trees have been cut down without permission from the Forest Department. The article highlights that the employees sitting on a dharna at the company for their demands said that trees have been felled by machines for several days. After the matter came on social media, the forest department team reached the spot and confiscated a truck full of felled trees. This office has been arrayed as the respondent in the matter and has to file a reply before the Hon'ble Tribunal.

The Hon'ble Tribunal was pleased to pass the order dated 12.07.2024 (copy enclosed), relevant para read as:

"..... 6. Hence, we implead the following as respondents in the matter:

- i. Uttar Pradesh Forest Corporation, Through its Managing Director Aranya Vikas Bhawan, 21/475 Indira Nagar, Lucknow, Uttar Pradesh

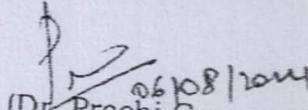


- ii. Principal Chief Conservator of Forest, Uttar Pradesh Principal Chief Conservator of Forests, Govt. of Uttar Pradesh, 17, Rana Pratap Marg, Lucknow, (Uttar Pradesh) - 226001
- iii. Ministry of Environment, Forest and Climate Change, Through its Regional Office Integrated Regional Office, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow - 226020
- iv. District Magistrate, Gautam Buddh Nagar District Magistrate, G.B.Nagar (UP)
7. Let notice be issued to the above respondents for filing their response at least one week before the next date of hearing.
8. List on 14.10.2024...."

In view of above, you are requested to submit a detailed factual report based on field inspection and other documents/information in the perspective of the case so as to enable this office to file a reply before the Hon'ble Tribunal within the stipulated time period. This may be treated as urgent.

Encl: As above

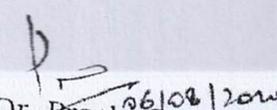
Yours Sincerely,


(Dr. Prachi Gangwar)

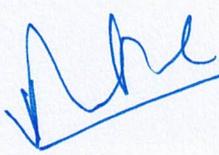
Deputy Inspector General of Forests (Central)

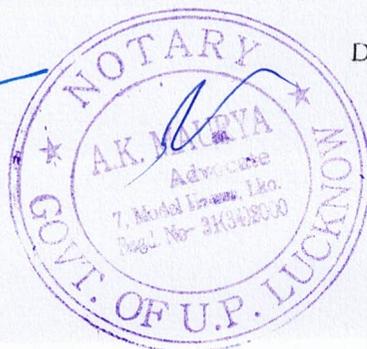
Copy for necessary action:

1. PCCF (HOFF), Forest Department, Lucknow. U.P. Email: pccf-up@nic.in
2. PCCF & Nodal Officer, U.P. Forest Department, Lucknow Email: ccfnodalup@gmail.com
3. AIG, FP Division, MoEF&CC, New Delhi. Email: fpd-moefcc@gov.in for information only.
4. DFO, Gautam Buddh Nagar. Email: dfonoida@gmail.com


(Dr. Prachi Gangwar)

Deputy Inspector General of Forests (Central)







भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, लखनऊ
Regional Office, Lucknow



केन्द्रीय भवन, ग्यारवां तल, सेक्टर एच, अलीगंज, लखनऊ-226024

Kendriya Bhawan, 11th Floor, Sector H, Aliganj, Lucknow-226024, Phone No : 0522-2326696

Email : roc.lko-mef@nic.in, goimocfrolko@gmail.com

File No: L-1337/UP/2024 | 269

Date: 29.11.2024

Court matter/ Email
Reminder-I

To,
Additional Chief Secretary,
Forest & Wildlife Department.
Government of U.P.
Lucknow.
Email: psecforest@nic.in

Sub: O.A. NO. 896 of 2024 SAMEER SHARMA VS SHAKUNTALAM LANDCRAFT PVT. LTD & ORS AND O.A. NO. 820 OF 2024 TITLED NEWS ITEM TITLED "22 SAAL SE BAND COMPANY MEIN KAAT DIYE 1 HAZAAR SE JYADA PED NOIDA MEIN VAN VIBHAG NE JABT KIYA KATE PEDO SE BHARA TRUCK" APPEARING IN NAVBHARAT TIMES DATED 11.06.2024 VS BEFORE THE HON'BLE, NGT, NEW DELHI-reg.

Ref: Letter No. L-1325/UP/173 dated 06.08.2024 of this office.

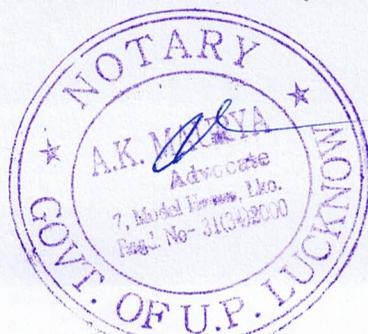
Sir,

Kindly refer to the above cited subject matter & referred letter (copy enclosed). The applicant has filed present Applicant under Section 18 (1) read with Sections 14 and 15 of the National Green Tribunal Act, 2010 complaining about illegal cutting of about 1000 trees in the Daewoo Factory, Greater Noida and seeking issuance of directions for remedial measures as mentioned in the application.

This Tribunal has already taken suo-moto cognizance of the matter in OA No. 820/2024 titled as "News Item titled 22 साल से बंद कंपनी में काट दवर 1 हजार से ज्यादा पेड़, नोएडा में वन ववभाग ने जब्त दक्या कटे पेड़ों से भरा ट्रक" appearing in Navbharat Times dated 11.06.2024"

The Hon'ble Tribunal was pleased to pass the order dated 14.10.2024, relevant para read as:

"...7. In this OA the applicant has made a complaint about the illegal cutting of about 1000 trees in Daewoo Factory, Greater Noida. The same 3 issue is involved in the connected O.A. No. 820/2024 which has been taken up suo-motu.



8. I.A. No. 359/2024 has been filed by the Applicant seeking permission to implead the additional Respondents. I.A. is allowed. Let the memo of parties be amended by the applicant. Issue Notice Respondents for filing their reply by way of affidavit at least one week before the next date.

9. The Applicant is directed to serve the newly added Respondents and file an affidavit of service at least one week before the next date of hearing.

10. List these matters on 03.02.2025."

In view of above, a detailed factual report has been sought vide referred letter which is still awaited. You are again requested to submit a detailed factual report based on field inspection and other documents/information in the perspective of the case so as to enable this office to file a reply before the Hon'ble Court within the stipulated time period. This may be treated as urgent.

Encl: As above

Yours Sincerely,

(Dr. Prachi Gangwar)

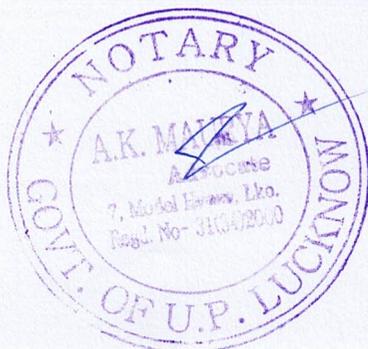
Deputy Inspector General of Forests (Central)

Copy for necessary action:

1. PCCF (HOFF), Forest Department, Lucknow. U.P. Email: pecf-up@nic.in
2. PCCF & Nodal Officer, U.P. Forest Department, Lucknow Email: ccfnodalup@gmail.com
3. AIG, FP Division, MoEF&CC, New Delhi. Email: fpd-moefcc@gov.in for information only.
4. DFO, Gautam Buddh Nagar. Email: dfonoida@gmail.com

(Dr. Prachi Gangwar)

Deputy Inspector General of Forests (Central)



Signed by Prachi Gangwar
Date: 29-11-2024 14:54:5