BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI
ORIGINAL APPLICATION NO. 911/2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GNCTD & ORS. …RESPONDENTS

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NEW DELHI
30.11.2023

30.11.2023

The Hon'ble National Green Tribunal,
Principal Bench,
Faridkot House, Copernicus Marg, New Delhi–110001

IN RE: Original Application No. 911/ 2022 titled as *Prof. Dr. Sanjeev Bagai & Ors. v. Department of Environment, GNCTD & Ors* (**"OA"**).

1. As per the directions of this Hon'ble Tribunal vide its order dated 20.11.2023 passed in the subject OA, the following documents are being filed on behalf of the Applicants:
   a. Copy of the writ petition being W.P. (C) 2317 of 2023 titled as *Prof. Dr. Sanjeev Bagai & Ors. v. Department of Environment, GNCTD & Ors.*

   b. Copy of complete order sheet of writ petition being W.P. (C) 2317 of 2023 titled as *Prof. Dr. Sanjeev Bagai & Ors. v. Department of Environment, GNCTD & Ors.*

   c. Copy of final orders dated 31.10.2023 passed by the Deputy Conservator of Forest (West) Forest Division in Complaint IDs- 127, 132, 133 and 135.

2. It is also brought to the notice that the copy of the complete order sheet of writ petition being W.P. (C) 2317 of 2023 titled as *Prof. Dr. Sanjeev Bagai & Ors. v. Department of Environment, GNCTD & Ors.* has already been filed as an annexure to the application filed by Applicants on 16.11.2023 (seeking withdrawal of the OA).

3. It is also brought to the attention of this Hon'ble Tribunal that the Guidelines in question are presently under consideration before the Hon'ble High Court of Delhi in W.P (C) 12271/2022 titled *Rajiv Dutta vs. GNCTD & Ors.* It is submitted that the draft guidelines presented before the Hon'ble High Court

can be obtained from Department of Environment, GNCTD. The Applicants herein are not a party in the said matter and therefore do not have access to the same.

4. Accordingly, it is humbly submitted that the prayers sought by the Applicants in its application seeking withdrawal of OA may be granted and the Applicants herein be granted permission to withdraw the said OA.

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IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT, GNCTD & ORS. …RESPONDENTS

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1. Non-filing statement/ Certificate filed @Pg 852
2. Certificate for complete Court record filed @Pg 851
3. Court Fees @Pg A
4. Service made to all respondents along with affidavit of service @Pg 847- 850

All defects have been removed.

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IN THE HIGH COURT OF DELHI AT NEW DELHI

EXTRAORDINARY CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT
GNCTD & ORS. …RESPONDENTS

NOTICE OF MOTION

Kindly take notice that the present Writ Petition will be listed before the Hon'ble High Court of Delhi on 22.02.2023 at 10.30 a.m., or as soon as thereafter as may be convenient to the Hon'ble Court. Please take notice accordingly.



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NEW DELHI
DATE: 18.02.2023

IN THE HIGH COURT OF DELHI AT NEW DELHI

EXTRAORDINARY CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT
GNCTD & ORS. …RESPONDENTS

To,
The Registrar,
High Court of Delhi
Sher Shah Suri Road,
New Delhi.

URGENT APPLICATION

Sir,

Would you kindly treat the accompanying Writ Petition as an urgent matter in terms of Delhi High Court Rules and prayers as have been prayed for.



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NEW DELHI

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IN THE HIGH COURT OF DELHI AT NEW DELHI

EXTRAORDINARY CIVIL WRIT JURISDICTION

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VERSUS

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GNCTD & ORS. …RESPONDENTS

MEMO OF PARTIES

1. PROF. DR. SANJEEV BAGAI
   43, POORVI MARG, VASANT VIHAR
   NEW DELHI – 110057 …PETITIONER NO. 1

2. RAJIT KUMAR,
   A-10/7, VASANT VIHAR,
   NEW DELHI -110057 … PETITIONER NO. 2

3. VIVEK TANDON
   E-9/9, VASANT VIHAR,
   NEW DELHI - 110057 … PETITIONER NO. 3

VERSUS

1. DEPARTMENT OF ENVIRONMENT,
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NEW DELHI
DATE: 18.02.2023

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2023

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DEPARTMENT OF ENVIRONMENT,
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SYNOPSIS AND LIST OF DATES

The present writ petition ("**Writ Petition**") is being preferred by the Petitioners herein (original Applicants) under Articles 226 and 227 of the Constitution of India assailing the order dated 19.01.2023 ("**Impugned Order**") passed by the Hon'ble National Green Tribunal, Principal Bench ("**NGT**") in original application No. 911 of 2022 (**"Original Application"**) titled as *Prof. Dr. Sanjeev Bagai and ors. vs Department of Environment, GNCTD & Ors.*

The Impugned Order is liable to be set aside as it contains an error of law apparent on the face of record and is in excess of jurisdiction as it *firstly,* fails to appreciate that in terms of Section 8 of Delhi Preservation of Trees Act, 1994 (**"DPT Act"**) 'cutting/ felling' includes pruning/ pollarding, ; *Secondly,* in terms of DPT Act permission is to be mandatorily taken to

carry out pruning on government land; and *thirdly*, only land-owning agencies viz. Municipal Corporation of Delhi (**"MCD"**), Delhi Development Authority (**"DDA"**), Public Works Department (**"PWD"**) can carry out pruning on its own land. In other words, no private person/ entity can undertake pruning of the government land. Further, the Impugned Order is beyond jurisdiction as in effect it allows private parties/ persons/ entities to carry out pruning of trees on government land (i.e. the land owned by MCD, DDA and PWD.

The Impugned Order is in error of jurisdiction as it permits pruning of trees without any approval, permission or inspection and fails to appreciate and examine the applicable provisions under the DPT Act for cutting, felling and pruning of trees.

The Impugned Order is also repugnant to substantive provisions of the DPT Act and its general purpose and therefore suffers from substantive and procedural *ultra vires* - as it allows land-owning agencies (bound by established procedure), to NOT follow the manner prescribed under the DPT Act. Further, the Impugned Order allows the land-owning agencies to seek financial assistance and man-power for pruning of trees, on discretionary and arbitrary basis and in derogation of all applicable laws/ rules/ regulations governing the said land owning agencies, from private parties, residents, resident welfare association(s), without appreciating that

the pruning of trees has to be undertaken by the land-owning agencies on their own (using their own resources), as the residents (including the petitioners) pay heavy property taxes and other direct and indirect taxes to the landowning agencies, state and central government. If the same were to be allowed the land-owning agencies such as MCD, DDA and PWD shall seek financial assistance and man-power support from residents, individuals, resident welfare associations to perform all activities which they are mandated to undertake (as per their governing legislations). Furthermore, the Impugned Order also ignores the roles and responsibilities of the civic/ land-owning agencies which is in complete derogation of DPT Act for pruning of trees.

Apart from the above, the Impugned Order was passed in excess of jurisdiction as the Hon'ble NGT has casted scurrilous aspersions (reflecting bias of Hon'ble NGT) on the bona fide of the Petitioners by merely relying on the unproved statement of counsel for Respondent No. 18/ VVWA. Hon'ble NGT did not take into consideration that the interim relief sought (as well as oral submissions) by the Petitioners and explicitly prayed for the pruning to be undertaken by MCD (land-owning agencies). Casting un-substantiated, unwarranted and undue aspersion not only amounts to breach of fundamental right to live a dignified life but it also renders the Impugned Order perverse as it transgresses the limits set by the parent statute viz. the National Green Tribunal Act, 2010 (**"NGT Act"**).

It is also pertinent to mention that the Hon'ble NGT ignored the intention of the legislation (for inspection and approval) is cardinal for insuring, scientific pruning, which in turn is critical for the health and long-life of trees. The Hon'ble NGT ignored that if pruning is done in an unscientific manner by a private agency/ contractor/ party, then harm if any is caused to the tree so pruned, would not be borne by the land-owning agencies. Further, the Hon'ble NGT ignored that the pressure on lungs and hearts of residents of Delhi, constantly exposed to toxic levels of pollution; ended up suffering multi-fold with the onset of covid infections, thereby leading to further deterioration in lung-heart conditions of all residents of Delhi. The Hon'ble NGT also failed to take cognizance that unscientific, excessive, lop-sided pruning ran the risk of loss of green cover and resultant environmental damage.

Even otherwise, the Impugned Order is also in violation of principles of natural justice (**"PNJ"**) as it was passed without examining and taking into consideration the submissions, documents, reply of Respondent No. 18/ VVWA, rejoinder of Petitioners to the reply of Respondent No. 18/ VVWA thereby being in violation of the doctrine of fair hearing. The Hon'ble NGT ignores the plea of Petitioners that apart from excessive and illegal pruning, several trees have been cut/ felled and the same has been duly reported to

Respondent No. 3/ DCF. Further, the Hon'ble NGT fails to apply orders of the coordinate benches (of the NGT) with respect to pruning of trees.

The Hon'ble NGT has also failed to take cognisance of violation for its previous order by the Respondents, in so far as Respondent No. 18/ VVWA on its own continues to prune trees in Vasant Vihar, whereas the same was to be undertaken by land-owning agencies.

The Petitioner directly (or through its counsel) while submitting that the pruning of trees on the government land can only be undertaken by the land-owning agencies could not have been forced to spell/ give name of another private party/ agency to undertake pruning of trees. Any suggestion towards the same (even under pressure) would have been contrary to law and the reliefs as sought by the Petitioners in the Original Application. Mere reassertion of the submissions in the Original Application, under *no* circumstance can amount to questioning bonafides and objectives of the Petitioners. Petitioners, vide, their Application only wished to highlight the contradictory statements/ stand adopted by Respondent No. 13/ Mr. GS Bindra before the Hon'ble NGT, which have a potential of misleading the Hon'ble NGT, have an impact on the outcome of the Original Application and result in miscarriage of justice (leading to continued loss of green cover – by wrong statement of facts and interpretation of applicable laws);

The Hon'ble NGT erred in not addressing an important issue that the land-owning agencies are trying to take advantage of their own wrong, as they *firstly* chose not to undertake pruning of trees in Vasant Vihar on their own; and *secondly* did not object to/ restrain/ stop Respondent No. 18/ VVWA (through a private contractor and skylift) from pruning of trees (around 7000 trees on its land); and *thirdly* wishes to (purposefully/ wilfully) ignore/ turn blind eye to excessive/ lop-sided pruning of trees in Vasant Vihar (resulting into depletion of green cover in Vasant Vihar). The Hon'ble NGT further erred, as it failed to address an important issue that the land-owning agencies are trying to take advantage of their own wrong, as despite being informed about cutting/ felling of trees in Vasant Vihar, vide email dated 28.10.2022/ 30.10.2022 (less than 50 meters away from MCD's horticulture office/ nursery) NO action, enquiry, investigation was done by the land-owning agencies especially in terms of Section 22 of the DPT Act).

The Impugned Order is bad in law and is liable to set aside as it was passed with non-application of mind as the Hon'ble NGT while passing the Impugned Order has not taken into consideration that in terms of Section 22 of the DPT Act, it is the duty of every officer (including Police and Department of Horticulture) to inform Respondent No. 3/ DCF about any violation of section 8 of the DPT Act. Instead, the Impugned Order directs Petitioners to approach Respondent No. 3/ DCF and file a separate

application/ complaint regarding illegal cutting, felling and pruning of trees. Without prejudice to the said submission, Petitioners (in accordance with the directions of the Hon'ble NGT) have informed Respondent No.3 about the same. The non-application of mind is also evident from the fact that the Hon'ble NGT while passing the Impugned Order has not taken into consideration the basic facts not disputed by the Respondent No. 18/ VVWA (even though argued by Petitioners) that Respondent No. 18/ VVWA has not denied that they were carrying out pruning in Vasant Vihar through a private contractor and which was (at least) continuing until 31.01.2023 (directly undertaken by the Respondent No. 18/ VVWA).

The Impugned Order was passed by not complying with the mandatory provisions of law as the Hon'ble NGT failed to undertake/ direct a preliminary enquiry in accordance with Section 340 of the Code of Criminal Procedure, 1973 ("**Cr.P.C.**"), as Respondent No. 18/ VVWA statements (through Respondent No. 13/ Mr. GS Bindra) before the Hon'ble NGT were in contradiction to its reply affidavit (duly signed and affirmed by Respondent No. 13/ Mr. GS Bindra) and records (inter-alia communications (written messages) made by Respondent No. 12/ Mrs. Nidhi Agarwal using mobile number (+91) 9999372629and Respondent No. 14/ Mrs. Parul Gaur using mobile number (+91) 9810507726 and Respondent No. 13/ Mr. GS Bindra using mobile number (+91) 9811169751) as available before the Hon'ble NGT; (effectively allowing

Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) to play fraud on court/ Hon'ble NGT only to mislead/ misguide and obtain favourable order/s.

Further, the Hon'ble NGT failed to take cognisance of violation for its previous orders (dated 21.12.2022, 03.01.2023 and the Impugned Order) by the Respondents, in so far as Respondent No. 18/ VVWA (under directions of Respondent Nos. 12 to 17/ Managing Committee members of Respondent No.18) continued to prune trees in Vasant Vihar on its own, whereas, as per the directions of the Hon'ble NGT the same was to be undertaken by land-owning agencies (MCD/ PWD/ DDA) and Respondent Nos. 2, 4, 5, 6, 7 and 8 did not object to the same. Respondent Nos. 2, 4, 5, 6, 7 and 8 have not placed any communication on record to establish that the said pruning of trees in Vasant Vihar by Respondent No. 18/ VVWA especially pursuant to the orders of the Hon'ble NGT, was undertaken with their approval/ consent or after seeking assistance (man-power/ financial) from Respondent No.18/ VVWA

The Impugned Order reflects bias is also evident from the fact that on the one hand it does not take cognisance of Respondent No. 18/ VVWA's violation, breach, derogation of Hon'ble NGT's orders dated 21.12.2022, 03.01.2023 and 19.01.2023, by continuing to undertake pruning itself (employing private contractor and sky-lift)and not the land owning

agencies; but on the other hand it makes strict observations against the Petitioners for not making complaint to Respondent No. 3/ DCF as per Hon'ble NGT's order dated 03.01.2023 (even though the Petitioners submitted that the complaint as made by them is sufficient and no further complaint is required to be made and the land-owning agencies are required to take action under Section 22 of the DPT Act). Further, from the bare perusal of the Impugned Order, it is writ at large that the Impugned Order is unreasoned as *firstly*, it gives no reason for dismissal apart from casting aspersion on the bona fide of the Petitioners by simply relying upon the oral statement of Respondent No. 18/ VVWA (*which was in derogation of the record reflecting Petitioner No. 1 as an environment-enthusiast since 2008*) and *secondly*, does not disclose as to how the judgments (relied upon by the Petitioners) are not applicable to the facts of the case (except holding that the facts are different).

LIST OF DATES AND EVENTS

DATE	EVENT
30.09.2022	Certain trees (exact number is not known to the Petitioners) were cut/felled in Vasant Vihar, without any prior approval and with (direct/ indirect) understanding/ consent of Respondent Nos. 12-17 and less than/ around 40 meters away (across the road) from the offices of Horticulture Inspector, MCD.

28.10.2022	A complaint was also lodged by Petitioner No. 1 with various authorities/ departments, including the Respondent No. 2/ Commissioner MCD and Respondent No. 11/ Commissioner of Police stating that the trees have been cut/ felled without prior permission of the concerned department.
18.11.2022	the Petitioners received a communication from Respondent No. 14, wherein it was stated that MCD does not have the ***means*** to carry out the pruning and thus MCD has conveyed its ***inability*** to undertake pruning of trees in Vasant Vihar and therefore Respondent No. 18/ VVWA has decided to carrying out pruning itself
	Respondent No. 18/ VVWA's minutes also clearly states that Respondent No. 18/ VVWA was engaging a private contractor to carry out pruning.
20.11.2022	Petitioners vide letter sought details from Respondent Nos. 12 to 17/ Managing Committee members of VVWA regarding the approvals/ permissions (from the appropriate authorities) for pruning of trees.
21.11.2022	Petitioners were forced to file a RTI application (filed by Petitioner No. 3) with the MCD.
21.11.2022	After starting of pruning, Petitioners reported the matter with the Respondent Nos. 2/ Commissioner MCD and Respondent No. 4/ Deputy Director Department of Horticulture MCD vide letter/ complaint bearing no. 20221121000000355462.
21.11.2022	Respondent No. 18/ VVWA wrote a letter to Respondent No. 7/ Asst. Director MCD (who is not the

	proper authority to give permission) seeking permission to prune the trees in Vasant Vihar.
24.11.2022	Pruning was suspended by Respondent No. 18/VVWA.
25.11.2022	Respondent No. 14/ Mr. GS Bindra, through a WhatsApp message communicated that certain office bearers of Respondent No. 18/ VVWA met with Respondent No. 8/ Deputy Commissioner MCD at her office Respondent No. 8/ Dy Commissioner MCD has informed that and pruning of trees is not covered by 'model code of conduct'.
28.11.2022	Petitioners wrote a letter to Respondent No. 2/ Commissioner MCD Respondent No. 4/ Deputy Director Department Of Horticulture MCD and Respondent No. 8/ Deputy Commissioner MCD, informing them about the factual scenario and requested information with regard to any approval given by them to Respondent No. 18/ VVWA for pruning of trees.
01.12.2022	Respondent No. 18/ VVWA wrote a letter to Respondent No. 3/ DCF wherein they admitted that Respondent No. 18/ VVWA was carrying out pruning themselves and further stated that same will be below 15.5 centimetres girth.
12.12.2022	Petitioners filed Original Application bearing No. 911 of 2022.
17.12.2022, 19.12.2022 and 20.12.2022	Respondent No. 18/ VVWA wrote WhatsApp messages informing resident of Vasant Vihar that they are in the process of taking permission from PWD.

20.12.2022	Notice was issued by Hon'ble NGT in the Original Application to the Respondent No. 2/ Commissioner MCD, Respondent No. 3/ DCF and Respondent No. 18/ VVWA in Original Application.
21.12.2022	The matter was adjourned for 03.1.2022 with direction to Respondent Nos. 2, 3, 4, 8 & 18 to file Reply/response. The Hon'ble NGT further directed that pruning of the trees, if considered necessary, be carried out by the concerned civic authorities, MCD/DDA as the case may be.
22.12.2022	One of a resident of Vasant Vihar informed the residents and the office bearers of Respondent No. 18/ VVWA that the tree trimming contractor is pruning the trees as per his own whims and fancies and without any logic.
23.12.2022 and 24.12.2022	Respondent No. 18/ VVWA issued notice to residents of Vasant Vihar stating that *"…Pruning is being carried out by VVWA in the larger interest of the residents…"*.
02.01.2023	Respondent No. 4/ Dy. Director MCD, filed a short affidavit (wrong stated as affidavit on behalf of Respondent No. 2/ Commissioner MCD) and Respondent No. 18/ VVWA filed its reply.
03.01.2023	The matter was adjourned to 19.01.2023 with directions that pruning of the trees, if considered necessary, be carried out by the concerned Civic Authorities, MCD/DDA as the case may be, by associating office bearers of the Vasant Vihar Residents Welfare Association and other residents of the locality including

	the Petitioners volunteering for the purpose by providing the men-power/financial resources.
16.01.2023	Respondent No. 18/ VVWA commenced pruning of trees in Vasant Vihar on its own through a private contractor that too, in absence of any officer from the MCD.
16.01.2023	Reply/affidavit to the Original Application filed by Respondent No. 3/ DCF admitting that reckless pruning of trees is an offence under section 8 of the DPT Act.
18.01.2023	Petitioners filed rejoinders to the reply/short affidavit of Respondent No. 4/ Dy. Director MCD and Respondent No. 18/ VVWA along with application to form a joint/ expert committee.
19.01.2023	Impugned Order was passed by the Hon'ble NGT.
30.01.2023 and 31.01.2023	Pruning was again conducted by the private contractors (using the Sky-lift) and not by land-owning agencies; neither in the presence of land-owning agencies and in complete defiance of the DPT Act. Against the same, Petitioners immediately wrote a complaint to PWD secretary, Respondent Nos. 1-5, Respondent No. 10, etc. along with the photographs and in terms of direction of the Hon'ble NGT vide the said Impugned Order.
07.02.2023	Complaint filed to Respondent No. 3/ DCF
Hence the present writ petition.	

IN THE HIGH COURT OF DELHI AT NEW DELHI

EXTRAORDINARY CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GNCTD & ORS. …RESPONDENTS

PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA AGAINST THE IMPUGNED ORDER DATED 19.01.2023 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (PRINCIPAL BENCH) IN ORIGINAL APPLICATION NO. 911 OF 2022.

MOST RESPECTFULLY SHOWETH:

1. The present writ petition ("**Writ Petition**") is being preferred by the Petitioners herein (original Applicants) under Articles 226 and 227 of the Constitution of India inter-alia assailing the order dated 19.01.2023 ("**Impugned Order**") passed by the Hon'ble National Green Tribunal, Principal Bench ("**NGT**") in original application No. 911 of 2022 (**"Original Application"**) titled as *Prof. Dr. Sanjeev Bagai and ors. vs Department of Environment, GNCTD & Ors.*

2. The Respondent No.1 in the present petition is Department of Environment, Government of NCT of Delhi ("**Respondent No.1/ DOE**") and has been assigned responsibility of improving the overall Environmental Quality in Delhi and actively engaged in overall environmental assessment and Respondent No. 3 is the Deputy Conservator of Forests ("**Respondent No.3/ DCF**"); Respondent No. 2 is the Commissioner of Municipal Corporation of Delhi ("**Respondent No.2/ Commissioner MCD"**) and Respondent No. 4 is the Deputy Director (Department of Horticulture) at Municipal Corporation of Delhi ("**Respondent No.4/ Dy. Director MCD**") and Respondent No. 7 is the Asst. Director (Department of Horticulture) at Municipal Corporation of Delhi ("**Respondent No.7/ Asst. Director MCD**") and Respondent No. 8 is the Deputy Commissioner of Municipal Corporation of Delhi ("**Respondent No.8/ Dy. Commissioner MCD**") - which is one of the land owning/ civic agencies in Delhi and is required to prune trees on its own land; Respondent No. 5 is the Deputy Director (Horticulture) at Public Works Department ("**Respondent No.5/ Dy. Director PWD**"); Respondent No. 6 is the Deputy Director (Department of Horticulture) at Delhi Development Authority ("**Respondent No.6/ Dy. Director DDA**"); Respondent No. 9 is Delhi Pollution Control Committee (through its secretary) ("**Respondent No. 9**"); Respondent No. 10 is

the Station House Officer at Vasant Vihar Police Station (Delhi Police) ("**Respondent No. 10**"); Respondent No. 11 is the Commissioner of Police, Delhi Police ("**Respondent No. 11/ Commissioner DP**"); Respondent Nos. 12 to 17 are Managing Committee members of Respondent No. 18/ Vasant Vihar Welfare Association and are directly responsible for undertaking (*unapproved*) pruning of trees, on government land (MCD, DDA, PWD) in Vasant Vihar (under the umbrella of Respondent No.18/ VVWA, after hiring a private contractor for pruning of around 7000 trees in Vasant Vihar). Respondent Nos. 12 to 17 (under the umbrella of Respondent No.18/ VVWA, through a private contractor) continued pruning of trees (even after 03.01.2023). Respondent No. 12/ Mrs. Nidhi Agarwal is the block representative and managing committee member of Respondent No. 18/ VVWA and communicates through mobile number (+91) 9999372629, Respondent No. 13/ Mr. Gurpreet Singh Bindra is the President of Respondent No. 18/ VVWA and communicates through mobile number (+91) 9811169751 Respondent No. 14/ Mrs. Parul Gaur is the Jojnt Secretary/ Spokesperson/ Director (Operations) of Respondent No. 18/ VVWA and communicates through mobile number (+91) 9810507726 Respondent No. 15/ Mr. Keshav Garg is the Vice President of Respondent No. 18/ VVWA, Respondent No. 16/ Mrs. Mridula

Murgai is the Secretary/ Director (Admin) of Respondent No. 18/ VVWA and Respondent No. 17/ Mr. Sarvesh Dutt is the Treasurer/ Director (Finance) of Respondent no. 18/ VVWA.

3. The Petitioners herein are giving short brief of grounds/ issues, which have constrained them to approach this Hon'ble Court under Articles 226 and 227 of the Constitution of India and inter-alia challenge the Impugned Order and detailed grounds are made after this paragraph:

(a) the Impugned Order contains an error of law apparent on the face of record and is in excess of jurisdiction as it *firstly,* fails to appreciate that in terms of Section 8 of Delhi Preservation of Trees Act, 1994 (**"DPT Act"**) 'cutting/ felling' includes pruning/ pollarding, ; *Secondly,* in terms of DPT Act permission is to be mandatorily taken to carry out pruning on government land; and *thirdly,* only land-owning agencies viz. Municipal Corporation of Delhi (**"MCD"**), Delhi Development Authority (**"DDA"**), Public Works Department (**"PWD"**) can carry out pruning on its own land. In other words, no private person/ entity can undertake pruning of trees on the government land.

(b) the Impugned Order is beyond jurisdiction as in effect it allows private parties/ persons/ entities to carry out pruning of trees on government land (i.e. the land owned by MCD, DDA and PWD);

(c) the Impugned Order is in error of jurisdiction as it permits pruning of trees without any approval, permission or inspection and fails to appreciate and examine the applicable provisions under the DPT Act for cutting, felling and pruning of trees;

(d) further the Impugned Order is repugnant to substantive provisions of the DPT Act and its general purpose and therefore suffers from substantive and procedural *ultra vires* - as it allows land-owning agencies (bound by established procedure), to NOT follow the manner prescribed under the DPT Act;

(e) furthermore, the Impugned Order allows the land-owning agencies to seek financial assistance and man-power for pruning of trees, on discretionary and arbitrary basis and in derogation of all applicable laws/ rules/ regulations governing the said land owning agencies, from private parties, residents, resident welfare association(s), without appreciating that the pruning of trees has to be undertaken by the land-owning agencies on their own (using their own resources), as the residents (including the Petitioners) pay heavy property taxes and other direct and indirect taxes to the landowning agencies, state and central government. If the same were to be allowed the land-owning agencies such as MCD, DDA and PWD shall seek financial

assistance and man-power support from residents, individuals, resident welfare associations to perform all activities which they are mandated to undertake (as per their governing legislations);

(f) the Impugned Order also ignores the roles and responsibilities of the civic/ land-owning agencies (MCD, PWD, DDA) which is in complete derogation of DPT Act for pruning of trees;

(g) the Impugned Order was passed in excess of jurisdiction as the Hon'ble NGT has casted scurrilous aspersions (reflecting bias of Hon'ble NGT) on the bona fide of the Petitioners by merely relying on the unproved statement of counsel for Respondent No. 18/ VVWA. Hon'ble NGT did not take into consideration that the interim relief sought (as well as repeated oral submissions) by the Petitioners and explicitly prayed for the pruning to be undertaken by land-owning agencies/ MCD/ PWD/ DDA. Casting un-substantiated, unwarranted and undue aspersion not only amounts to breach of fundamental right to live a dignified life but it also renders the Impugned Order perverse as it transgresses the limits set by the parent statute viz. the National Green Tribunal Act, 2010 (**"NGT Act"**). The Petitioner directly (or through its counsel) while submitting that the pruning of trees on the government land can only be undertaken by the land-

owning agencies could not have been forced to spell/ give name of another private party/ agency to undertake pruning of trees. Any suggestion towards the same (even under pressure) would have been contrary to law and the reliefs as sought by the Petitioners in the Original Application. Mere reassertion of the submissions in the Original Application, under *no* circumstance can amount to questioning bonafides and objectives of the Petitioners. Petitioners, vide, their Application only wished to highlight the contradictory statements/ stand adopted by Respondent No. 13/ Mr. GS Bindra before the Hon'ble NGT, which have a potential of misleading the Hon'ble NGT, have an impact on the outcome of the Original Application and result in miscarriage of justice (leading to continued loss of green cover – by wrong statement of facts and interpretation of applicable laws);

(h) the Hon'ble NGT ignored the intention of the legislation (for inspection and approval) is cardinal for insuring, scientific pruning, which in turn is critical for the health and long-life of trees;

(i) the Hon'ble NGT ignored that if pruning of trees is done in an unscientific manner by a private agency/ contractor/ party, then

harm if any is caused to the tree so pruned, would not be borne by the land-owning agencies;

(j) the Hon'ble NGT by trivialising the issue of pruning of trees, ignored that the pressure on lungs and hearts of residents of Delhi, constantly exposed to toxic levels of pollution due to reduced green cover; ended up suffering multi-fold with the onset of covid infections, thereby leading to further deterioration in lung-heart conditions of all residents of Delhi;

(k) the Hon'ble NGT ignored to take cognizance that unscientific, excessive, lop-sided pruning of trees ran the risk of loss of green cover and resultant environmental damage;

(l) the Impugned Order is also in violation of principles of natural justice (**"PNJ"**) as it was passed without examining and taking into consideration the submissions, documents, reply of Respondent No. 18/ VVWA, rejoinder of Petitioners to the reply of Respondent No. 18/ VVWA thereby being in violation of the doctrine of fair hearing;

(m) the Hon'ble NGT failed to take cognisance of violation for its previous orders (dated 21.12.2022, 03.01.2023 and the Impugned Order) by the Respondents, in so far as Respondent

No. 18/ VVWA (under directions of Respondent Nos. 12 to 17/ Managing Committee members of Respondent No.18) continued to prune trees in Vasant Vihar on its own, whereas, as per the directions of the Hon'ble NGT the same was to be undertaken by land-owning agencies (MCD/ PWD/ DDA) and Respondent Nos. 2, 4, 5, 6, 7 and 8 did not object to the same. Respondent Nos. 2, 4, 5, 6, 7 and 8 have not placed any communication on record to establish that the said pruning of trees in Vasant Vihar by Respondent No. 18/ VVWA especially pursuant to the orders of the Hon'ble NGT, was undertaken with their approval/ consent or after seeking assistance (man-power/ financial) from Respondent No.18/ VVWA;

(n) the Hon'ble NGT fails to appreciate the environmental impact because of excessive and lop-sided pruning of trees in Vasant Vihar by Respondent No.18/ VVWA (to an extent that few trees have been left with only 20% leaves);

(o) the Hon'ble NGT ignores the plea of Petitioners that apart from excessive and illegal pruning, several trees have been cut/ felled and the same was duly reported to Respondent Nos. 2/ Commissioner MCD and Respondent No. 11/ Commissioner DP and pursuant to which Respondent No. 10/ SHO VV commenced

an investigation and in terms of Section 22 of the DPT Act the above mentioned Respondents were obligated to inform Respondent No. 3/ DCF about cutting/ felling of trees in Vasant Vihar;

(p) the Hon'ble NGT fails to apply orders of the coordinate benches (of the NGT) with respect to pruning of trees – wherein, it has been held that cutting/ felling of trees includes pruning of trees;

(q) the Impugned Order fails to address an important issue that the land-owning agencies (MCD/ DDA/ PWD through Respondent Nos. 2, 4, 5, 6, 7 and 8) are trying to take advantage of their own wrong, as they *firstly* chose not to undertake pruning of trees in Vasant Vihar on their own; and *secondly* did not object to/ restrain/ stop Respondent No. 18/ VVWA (through a private contractor and skylift) from pruning of trees (around 7000 trees on their land); and *thirdly* wish to (purposefully/ wilfully) ignore/ turn blind eye to excessive/ lop-sided pruning of trees in Vasant Vihar (resulting into depletion of green cover in Vasant Vihar);

(r) the Impugned Order fails to address an important issue that the land-owning agencies (MCD/ DDA/ PWD through Respondent Nos. 2, 4, 5, 6, 7 and 8) are trying to take advantage of their own wrong, as despite being informed about cutting/ felling of trees

in Vasant Vihar, vide email dated 28.10.2022/ 30.10.2022 (less than 50 meters away from MCD's horticulture office/ nursery) NO action, enquiry, investigation was done by the land-owning agencies especially in terms of Section 22 of the DPT Act);

(s) the Impugned Order was passed with non-application of mind as the Hon'ble NGT while passing the Impugned Order has not taken into consideration that in terms of Section 22 of the DPT Act, it is the duty of every officer (including Police and Department of Horticulture – in the instant case Respondent Nos. 2, 4, 5, 6, 7, 8, 10 and 11) to inform Respondent No. 3/ DCF about any violation of section 8 of the DPT Act. Instead, the Impugned Order directs Petitioners to approach Respondent No. 3/ DCF and file a separate application/ complaint regarding illegal cutting, felling and pruning of trees; without acknowledging that the said issue has also been raised in the Original Application and is already in the knowledge of Respondent No.3/ DCF. Without prejudice to the said submission, Petitioners (in accordance with the directions of the Hon'ble NGT) have separately informed Respondent No.3/ DCF about the same;

(t) the Impugned Order was passed with non-application of mind as the Hon'ble NGT while passing the Impugned Order has not taken into consideration the undisputed/ admitted facts by the Respondent No. 18/ VVWA and by Respondent Nos. 12 to 17 (even though argued by Petitioners) that Respondent No. 18/ VVWA (and Respondent Nos. 12 to 17 categorically admitting to pruning of trees after engaging a private contractor and skylift – with an estimated cost of Rs. 5 lakhs) has not denied that they were carrying out pruning of trees in Vasant Vihar through a private contractor and which was (at least) continuing until 31.01.2023 (directly undertaken by the Respondent No. 18/ VVWA);

(u) the Impugned Order reflects bias as on the one hand it does not take cognisance of Respondent No. 18's/ VVWA's wilful and intentional violation, breach, derogation of Hon'ble NGT's orders dated 21.12.2022, 03.01.2023 and 19.01.2023, by continuing to undertake pruning itself (employing private contractor and sky-lift) and not the land owning agencies (MCD/ DDA/ PWD); but on the other hand it makes strict observations against the Petitioners for not making complaint to Tree Officer/ Respondent No. 3/ DCF as per Hon'ble NGT's order dated 03.01.2023 (even though the Petitioners submitted that the

complaint as made by them to Respondent Nos. 2, 10 and 11) is sufficient and no further complaint is required to be made and the land-owning agencies/ police are required to take action under Section 22 of the DPT Act);

(v) the Impugned Order is passed in error of jurisdiction and reflects bias on the part of the Hon'ble NGT as the Hon'ble NGT has taken cognizance of pruning of trees undertaken in Vasant Vihar year/s ago (different cause of action), merely relying on the oral statement *(see: order dated 03.01.2023)* made by Respondent No. 13/Mr. GS Bindra and subsequent to passing of the Impugned Order directed Respondent Nos. 1-8 and Respondent No. 18/ VVWA to file documents regarding the same. It is pertinent to submit that any wrong done in the past cannot be used to justify/ entitle anyone to continue/ repeat the same wrong/ illegal act;

(w) the Impugned Order was passed by not complying with the mandatory provisions of law as the Hon'ble NGT failed to undertake/ direct a preliminary enquiry in accordance with Section 340 of the Code of Criminal Procedure, 1973 ("**Cr.P.C.**"), as Respondent No. 18/ VVWA statements (through Respondent No. 13/ Mr. GS Bindra) before the Hon'ble NGT

were in contradiction to its reply affidavit (duly signed and affirmed by Respondent No. 13/ Mr. GS Bindra) and records (inter-alia communications (written messages) made by Respondent No. 12/ Mrs. Nidhi Agarwal using mobile number (+91) 9999372629and Respondent No. 14/ Mrs. Parul Gaur using mobile number (+91) 9810507726 and Respondent No. 13/ Mr. GS Bindra using mobile number (+91) 9811169751) as available before the Hon'ble NGT; (effectively allowing Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) to play fraud on court/ Hon'ble NGT only to mislead/ misguide and obtain favourable order/s;

(x) the Hon'ble NGT by mechanically passing an unreasoned Impugned Order (though running in 27 pages) dismissed the application of Petitioners under Section 340 of Cr.P.C**("Application")**. The Impugned Order is unreasoned as *firstly*, it gives no reason for dismissal apart from casting aspersion on the bona fide of the Petitioners by simply relying upon the oral statement of Respondent No. 18/ VVWA (*which was in derogation of the record reflecting Petitioner No. 1 as an environment-enthusiast since 2008*) and *secondly*, does not disclose as to how the judgments (relied upon by the Petitioners)

are not applicable to the facts of the case (except holding that the facts are different);

(y) the Impugned Order is biased as it also wrongly records that Application was filed at 'very initial stage' and the said observation was used to cast aspersions on the motives of Petitioners. The said observations would dissuade Petitioners and other similarly placed citizens of India to raise any illegal act/conduct by any person/ body – having adverse impact on green cover/ environment before the Hon'ble NGT. As a matter of fact, none of the WhatsApp messages were denied by the Counsel for Respondent No.18/ VVWA (who also gave her appearance for Respondent Nos. 12 to 17) before the Hon'ble NGT and/or in the counter/ reply affidavit.

True copy of the Impugned Order dated 19.01.2023 (uploaded on the NGT website on 27.01.2023) is annexed herewith as **ANNEXURE-1** and copy of the guidelines bearing no. F.no.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 (**"Guidelines"**) are annexed herewith as **Annexure-2**. The Impugned Order is bad in law, perverse, arbitrary, unreasoned and is liable to be set.

4. The present writ petition has been filed assailing the following grounds:

A. <u>THE IMPUGNED ORDER CONTAINS AN ERROR OF LAW APPARENT ON THE FACE OF RECORD; IS IN EXCESS OF JURISDICTION; AND IS REPUGNANT TO THE SUBSTANTIVE PROVISIONS OF THE DPT ACT AND ITS GENERAL PURPOSE AND THEREFORE SUFFERS FROM SUBSTANTIVE AND PROCEDURAL ULTRA VIRES:</u>

i) The Hon'ble NGT's Impugned Order transgresses the limits/ substantive provisions of the DPT Act and the general purpose of the DPT Act – thereby rendering it substantively ultra vires. The Impugned Order suffers from procedural ultra vires as it allows land-owning agencies (namely MCD, DDA and PWD), which are bound by the provisions of the DPT Act, and the procedure/ manner prescribed thereunder – to NOT follow the same. The Impugned Order by virtue of being substantively ultra vires and promoting procedural impropriety is amenable to be set aside.

ii) The Hon'ble NGT had till date neither made any enquiries with regard to the submission of the Petitioners that "*no permission*" was taken by the Respondent No. 18/ VVWA to carry out pruning in terms of the said Guidelines and pruning was done by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) without any permission. The

Hon'ble NGT ought to have considered that Respondent No. 4/ Dy Director MCD and even Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) are trying to cover up their illegal and improper acts by stating that *no permission* for pruning of trees (by any person/ resident welfare association), on government land, below 15.7 centimeters girth is required. Further, the Respondent No.3/ DCF has not stated that pruning of trees on government land can be undertaken, even if below 15.7 centimeters, by any private party/ person on its own (in the present case Respondent No. 18/ VVWA). In effect any person can prune trees anywhere in Delhi (including on government land) and action, if any (if and when it comes to the notice/knowledge of Respondent No. 3/DCF) for pruning of trees in excess of 15.7 centimeters will be taken after the pruning has been completed and the tree(s) has (have) been damaged and green cover destroyed. It fails to recognize the fact that such damage to green cover (including trees) cannot be compensated especially by imposing monetary penalties. Furthermore, Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) contradicts itself by repeatedly communicating (through WhatsApp messages on their own official communication WhatsApp group) that pruning of trees on "Margs" which fall under the jurisdiction of PWD/ Respondent No. 5 cannot be undertaken as Respondent No. 15/ Dy Director PWD has not

granted the permission to prune trees and the same is awaited. However, Respondent No. 18/ VVWA, on its own, (on 31.01.2023) commences pruning of trees on margs/ lane A-9, which come under the jurisdiction of Respondent No.5/ Dy Director PWD/ PWD. The Guidelines do not discriminate between landowning agencies (i.e. MCD, PWD, DDA) and apply in the same manner to all. Respondent No. 18/ VVWA's own communications (through Respondent No. 12/ Mrs. Nidhi Agarwal, Respondent No.13/ Mr. GS Bindra and Respondent No. 14/ Mrs. Parul Gaur – apart from other managing committee members) to the residents of Vasant Vihar and to MCD (Respondent Nos. 4, 7 and 8)/ PWD was that the approval is required/ approval has not been granted). If no approval was required for pruning of trees then why did Respondent No. 18/ VVWA seek approval for pruning from MCD and PWD; and subsequently upon concerns being raised by Petitioners why was pruning stopped/ halted on 24.11.2022.

iii) The Petitioners deem it pertinent to draw the attention and reiterate the steps to be followed in terms of the DPT Act and the Guidelines for pruning/felling of tree(s) is as follows:

a) Definition of **'tree'** under section 2(i) of the DPT Act: "Tree" means any woody plant whose branches spring from and are

supported upon a trunk or body and whose trunk or body is not less than 5 centimeter in diameter at a height of 30 centimeter form the ground level and is not less than 1 meter in height form the ground level. Summarily, as per the DPT Act, a woody plant would qualify as "Tree" if it fulfils following:

(i) trunk or body is not less than 5 centimeters in diameter (or 15.7 centimeters in circumference/ girth) at a height of 30 centimeters form the ground level; and

(ii) is not less than 1 meter in height form the ground level.

b) Further, section 8 of the DPT Act states the following:

> *"8. Restrictions on felling and removal of trees – Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer. ...."*

It is pertinent to note two (2) important aspects of section 8 of the DPT Act:

(i) *FIRSTLY,* Section 8 begins with a non-obstante clause and therefore overwrites jurisdiction onto itself in so far as the subject provision is concerned – including

over "…in any custom or usage or contract and except as provided in this Act…" The import of the above words is not to be taken lightly, but to be understood strictly, to mean that section 8 of the DPT Act is to take precedence and shall supersede all.

(ii) *SECONDLY*, as per Section 8 of the DPT Act, No person shall fell or remove or dispose of any tree, except with the previous permission of the Tree Officer.

c) There is no disagreement that in terms of Section 8 of the DPT Act 'cutting/ felling' includes 'pruning'. The reply filed by the Respondent No.3/ DCF dated 13.01.2023 (filed on 16.01.2023) before the Hon'ble NGT itself agrees with this position and the same is reflected under para 3 of their reply.

d) In Conclusion the intention of the legislation under the DPT Act was clear:

(i) Tree = trunk above 30 centimeters from ground if measures 15.7 centimeters in girth by circumference (or 5 centimeters by diameter); and

(ii) NO TREE Can be felled/ pruned except with permission of Tree Officer as required under Section 8 of the DPT Act.

e) The procedure therefore, that is to be followed under the DPT Act read with Guidelines would be as under:

CLAUSE 9	**CLAUSES 10 & 11**
STEP 1 If the tree is **inside the house/premises** which needs to be felled or pruned, then the said individual/ general public/ society/ RWAs.	**STEP 1** If the tree is **standing on Government land/ roads/ parks/ government property** which needs to be felled or pruned.
STEP 2 Application under **Form B** along with photographs, number of trees, etc. in question has to be sent to DCF/Tree Officer.	**STEP 2** Letter (on a plain piece of paper) to be sent to the Deputy Director (Horticulture) of the land-owning agency.
N/A	**STEP 3** The Deputy Director (Horticulture) of the concerned land-owning agency shall forward it to the DCF by way of filling up the **Form B –** and in turn seek permission of DCF.
STEP 4 After receiving Form B (either from Individual land-owner OR the land-owning agency; the DCF shall proceed with the **inspection of the tree(s).**	
STEP 5 After inspection, the permission or otherwise is communicated by concerned DCF within 60 days.	

f) After combined reading of clauses 5 to 11 of the said Guidelines it is clear that clause 5 has no bearing on clauses 9 to 11 as clauses 9 to 11 clearly states that if the ***individual,***

RWA, etc. wants to get the trees pruned then they have to apply for permissions which will be granted after inspection by the tree officer. Even if for the sake of argument (without admitting) it is to be assumed that pruning of trees is completely/ wholly covered under Clause 5; then there is no purpose of having Clause 9 to 11 in the Guidelines (because clauses 9 to 11 will never get triggered/applied by any civic agency). Further, the civic agencies and concerned land owing agency apart from pruning to be done at regular intervals might not know as to in which area the pruning is to be done or in which area pruning was conducted by the land owing agency/ property owner and to what extent the trees were pruned unless the individual, RWA, etc. applies for permission. Thus, it is crystal clear that inspection followed by permission by concerned DCF is mandatory in terms of the said Guidelines to prune the trees.

g) The sum and substance of section 9(2) of the DPT Act conveys and in fact confirms the intention of the legislature to ensure that there will be prior inquiry and inspection for each request for cutting, felling, and pruning of tree(s) – which inspection and inquiry may or may not result in permission in full or part permission for cutting, felling, and

pruning of trees. Admittedly, there was no inspection of the trees that were pruned and hence, the said activity of pruning was unlawful. The said unlawful act has resulted in serious harm and injury to the environment as healthy trees have been cut/ excessively/ lop-sided pruned. Trees have to be pruned without causing any damage to it, as trees are indispensable ingredients of environment and play a significant role in keeping environment pollution free and safeguard all from irreparable environmental changes like global warming, caused due to imbalance in environment.

h) It is also pertinent for this Hon'ble Court to note that there is a distinct and clear difference between the two issues of: (a) regular, light and heavy pruning on one hand (as referred in Guidelines); and (b) excessive pruning on the other hand (which is reflective of environmental damage).

i) In terms of the definitions 'excessive pruning' is said to be undertaken when more than one-third of the canopy of a tree is chopped off. "Excessive pruning means the removal of more than one-third of the tree canopy or cutting back the limbs to a point that prevents the natural growth of the tree." [From Law Insider]. The pictures of the excessive and lop-

sided pruning of trees (few trees) undertaken by Respondent No. 18/ VVWA are attached herein for the ready perusal of this Hon'ble Court as **Annexure-3 Colly.**

j) It is also important to note that even the photographs filed by the Petitioners (at pages 110-114 of the Original Application) clearly show that the trees which were pruned are of girth way over than 15.7 centimeters. Apart from that, even after closely looking at the photographs filed by the Respondent No. 18/ VVWA itself (at page 18) it is clear that the tree pruned (which the Respondent No. 18/ VVWA claims to be less than 15.7 centimeters) is more than 15.7 centimeters. Even otherwise, the Petitioners have filed various photographs (annexed as **Annexure-4 Colly**) to demonstrate the illegal acts of undertaking illegal and excessive pruning of trees. Even otherwise, it is again reiterated that 15.7 centimeters girth size of branches has no relevance to the facts of the present case as it is mandatory to take permission (as already explained above) for pruning any "tree"..

k) It is further submitted that the Hon'ble NGT (West Zone, Pune) in *Pradeep Indulkar v. Municipal Corporation for the city of Thane and others (Application No. 157 of 2016)* after

observing that the term 'cutting/ felling' includes 'pruning', held that *"...if any person including an Officer of the Urban Local Authority, State Govt. or Central Govt. proposes to fell a tree, he shall apply in writing to the Tree Authority for permission in that behalf. An elaborate procedure to deal with such Application is prescribed by law in the manner aforesaid."*. The said judgment was also confirmed by the Hon'ble Supreme Court of India in Civil Appeal No. 8946/2017.

l) Without prejudice to the above and without admitting, even if the submission of Respondent No. 4/ Dy. Dircetor MCD and Respondent No. 6/ Dy Director DDA is admitted that no permission for pruning of trees up to 15.7 centimeters girth is required then it can only be concluded that the said Guidelines are not in conformity with the DPT Act which is the parent act/legislation and are thus liable to be read down in view of section 8 of the DPT Act, which reads as follows:

> *"8. Restrictions on felling and removal of trees.- Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise,* ***except with the previous permission of the Tree Officer****..."*

m) It is settled law that if the exercise of power is in the nature of subordinate legislation the exercise must conform to the provisions of the statute. All the conditions of the statute must be fulfilled. It is further well settled law that a notification/guideline cannot supersede the parent act. Further, be the above as it may and without prejudice to any other averment/ submission, the Guidelines have been issued without any authority, as DPT Act does not empower the DCF/ Secretary Tree Authority to issue such guidelines. The Guidelines have been issued in pursuance to section 2(h) of the DPT Act and which does not provide for any mechanism to enable DCF/ Secretary Tree Authority to issue such guidelines. Furthermore, the Hon'ble NGT is not bound by the law, statute, rules, regulations and notifications issued under appropriate provisions of the applicable/ governing laws.

n) Further, as per section 2 (h) of DPT Act, the term 'felling' is defined in an inclusive way to include 'pruning'/ 'pollarding' (see: *Pradeep Indulkar (supra)*).

o) Apart from the above, even the 'Form B' (form to seek permission for pruning) attached with the said Guidelines, unambiguously mentions 'felling' and not 'pruning', which categorically establishes that the term 'cutting/ felling' includes 'pruning'. Thus, on the conjoint reading of DPT Act and said Guidelines, it is clear that the term 'cutting/ felling' includes 'pruning' and therefore for pruning of trees prior permission from the concerned horticulture department is mandatory.

iv) Further, Respondent No. 3/DCF in its reply to the Original Application has clearly stated that *reckless pruning is an offence under Section 8 of the DPT Act*, which is a clear admission on the part of Respondent No. 3/ DCF that the term 'cutting/ felling' includes 'pruning'.

v) Even otherwise, the stand of Respondent No. 4/ Dy Director MCD, Respondent No. 6/ Dy Director DDA and Respondent No. 18/ VVWA with regard to *"no permissions required for pruning of trees up to 15.7 cms"* completely falls on its foot because only assuming and not admitting that even if the aforesaid stand is correct, then there was no occasion for Respondent No. 18/ VVWA to write a letter dated 21.11.2022 (seeking permission for pruning of trees after

commencement of pruning) to Respondent No. 7/ Asst. Director MCD (who was not even authrised to grant any approval). This clearly shows the mala fide on the part of Respondent No. 4/ Dy. Director MCD and Respondent No. 18/ VVWA who are now trying to put cover up the illegal acts and action/ inaction. Further, Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) could not have stated that Respondent No. 8/ Dy Commissioner has granted approval for pruning of trees (when Respondent No. 8/ Dy Commissioner was not empowered to grant any such approval).

vi) Therefore, it is expedient in the interest of justice that this Hon'ble Court may in light of the above give a finding on whether the said Guidelines are in in conformity with the DPT Act or not and direct the Hon'ble NGT to decide the Original Application on the basis of the same.

B. <u>THE IMPUGNED ORDER WAS PASSED BEYOND JURISTICTION; IGNORES THE ROLES AND RESPONSIBILITIES OF THE CIVIC/ LAND-OWNING AGENCIES; FAILS TO ADDRESS AN IMPORTANT ISSUE OF DEPLETING GREEN COVER AND THAT THE LAND-OWNING AGENCIES ARE TRYING TO TAKE ADVANTAGE OF THEIR OWN WRONG:</u>

i) The Impugned Order ignores the roles and responsibilities of the civic/ land-owning agencies (MCD, DDA, PWD) which is in complete derogation of DPT Act and is also in derogation of all applicable laws/ rules/ regulations governing the said land owning agencies as it allows the land-owning agencies (MCD, DDA, PWD) to seek financial assistance and man-power from the Petitioners, residents of Vasant Vihar and Respondent No. 18/ VVWA to support them in carrying out pruning of trees in Vasant Vihar especially when the Petitioners and residents of Vasant Vihar-Category A colony pay heavy (property) taxes and other direct and indirect taxes to the landowning agencies, state and central government. This is also contrary to the fact that MCD and PWD have been carrying out pruning of trees in other parts of Delhi on their own. If the same were to be allowed the land-owning agencies such as MCD, DDA and PWD shall seek financial assistance and man-power support from residents, individuals, resident welfare associations to perform all activities which they are mandated to undertake (as per their governing legislations).

ii) The Impugned Order fails to address an important issue that few land-owning agencies (Respondent Nos. 2, 4 to 8) are trying to take advantage of their own wrong, as they firstly chose not to undertake pruning of trees in Vasant Vihar on their own; and secondly did not object to/ restrain/ stop Respondent No. 18/ VVWA (through a private

contractor and skylift) from pruning of trees (around 7000 trees on its land); and thirdly wish to (purposefully/ wilfully) ignore/ turn blind eye to excessive/ lop-sided pruning of trees in Vasant Vihar (resulting into depletion of green cover in Vasant Vihar).

iii) The Impugned Order fails to address an important issue that the land-owning agencies are trying to take advantage of their own wrong, as despite being informed about cutting/ felling of trees in Vasant Vihar, vide email dated 28.10.2022/ 30.10.2022 (less than 50 meters away from MCD's horticulture office/ nursery) NO action, enquiry, investigation was done by the land-owning agencies especially in terms of Section 22 of the DPT Act).

iv) The mala fide of Respondent No. 6/ Dy Director MCD is evident from the fact that Respondent No. 6/ Dy Director MCD also filed its short status report to the said against the said Original Application wherein Respondent No. 6/ Dy Director MCD has annexed few photographs of a park in A Block Vasant Vihar to argue that "no illegal cutting/ felling/ pruning of trees" took place in Vasant Vihar. Upon comparing the said photographs with the photographs of March 2022 and September 2022 (already on record), it is crystal clear that trees were cut/ felled in the said park against which the said complaint dated 28.10.2022 was filed by the Petitioner No. 1. Copy of the photographs

of March 2022, September 2022 and photographs filed by Respondent No. 6/ Dy Director DDA are Annexed herewith as **Annexure-5 Colly**.

v) Even the reply dated 16.01.2023 (not part of the record before the Hon'ble NGT) to the RTI application filed by Petitioner No. 3/ Mr. Vivek Tandon with MCD (seeking information on pruning of trees in Vasant Vihar) clearly establishes that the land-owning agencies are trying to take advantage of their own wrong wherein in one answer they admit that "*no budget was spent for pruning in Vasant Vihar*". Contradicting to the same they say that "pruner and loper was used" and again contradicting to both they say that "no permission required below 15.7 cms girth". It is very glaring and raises important questions that (1) since no budget was spent, it means that MCD is not carrying out pruning; (2) if MCD is not carrying out pruning then why are they reply that "no permission required below 15.7 cms girth"? (3) how does MCD know that pruning of only 15.7 cms girth is being done in Vasant Vihar? (4) if no budget is spent and MCD is not carrying out pruning then for what purpose is pruner and loper is used in Vasant Vihar? Copy of the reply to the RTI application is annexed herewith as **Annexure-6**.

vi) The Hon'ble NGT failed to appreciate the intention of the legislation (for inspection and approval) is cardinal for insuring, scientific

pruning of trees, which in turn is critical for the health and long-life of trees.

vii) The Hon'ble NGT ignored that if pruning of trees is done in an unscientific (excessive/ lop-sided) manner by a private agency/ party/ person, then harm if any is caused to the tree so pruned, would not be borne by the land-owning agencies.

viii) The Hon'ble NGT by trivialising the issue of pruning of trees, ignored that the pressure on lungs and hearts of residents of Delhi, constantly exposed to toxic levels of pollution due to reduced green cover; ended up suffering multi-fold with the onset of covid infections, thereby leading to further deterioration in lung-heart conditions of all residents of Delhi.

ix) The Hon'ble NGT ignored to take cognizance that unscientific, excessive, lop-sided pruning ran the risk of loss of green cover and resultant environmental damage.

C. <u>IMPUGNED ORDER WAS PASSED WITH PRE-DETERMINED MIND/ BIAS CASTING ASPERSIONS ON THE BONAFIDE OF THE PETITIONERS (IN VIOLATION OF DOCTRINE OF FAIR HEARING) AND IN BREACH OF FUNDAMENTAL RIGHT TO LIVE A DIGNIFIED LIFE:</u>

i) The Impugned Order was passed in excess of jurisdiction as the Hon'ble NGT has casted scurrilous aspersions (reflecting bias of Hon'ble NGT) on the bona fide of the Petitioners by merely relying on the unproved statement of counsel for Respondent No. 18/VVWA. Casting un-substantiated, unwarranted and undue aspersion not only amounts to breach of fundamental right to live a dignified life but it also renders the Impugned Order perverse as it transgresses the limits set by the parent statute. **The Hon'ble NGT did not take into consideration that the interim relief sought (as well as repeated oral submissions) by the Petitioners and explicitly prayed for the pruning to be undertaken by MCD/ land-owning agencies.**

ii) The Impugned Order and the Hon'ble NGT ignores the oral and written submissions with respect to the involvement of Petitioner No. 1 on issues relating to environment/ pollution in Delhi since 2016-2017.

iii) In **para 6 page 35** of the rejoinder on behalf of Petitioners to the reply filed by Respondent No. 18/ VVWA, it was specifically stated by the Petitioners that *"6…More importantly, Applicant 1 is known and publicly acknowledged medical professional raising concerns on the pollution in Delhi and its ill-effects on the health of Delhites (especially children) since 2016/2017…"*. Links to few articles/

activities showing involvement of Petitioner No. 1 in raising environment and related health issues:

(A) http://news.bbc.co.uk/2/hi/south_asia/7727114.stm (2008)

(B) https://timesofindia.indiatimes.com/city/delhi/air-pollution-harsh-climate-also-take-toll/articleshow/11645496.cms (2012)

(C) https://chinadialogue.net/en/pollution/6886-air-pollution-causing-irreversible-damage-to-india-s-urban-children/ (2014)

(D) https://www.worldhealthcongress.com/role-players/2017/sanjeev-bagai.html (2017)

(E) http://dccc.iisc.ac.in/assets/pdf/news_letter/Vol.2,Issue.2,May-August,2017.pdf (2017)

(F) https://www.indiatoday.in/mail-today/story/polluted-air-maybe-the-reason-behind-your-kid-lower-iq-1117479-2017-12-28 (2017)

(G) https://www.dailyo.in/politics/delhi-ncr-air-pollution-india-smog-deaths-asphyxiation-ima-21430 (2017)

(H) https://mobile.twitter.com/mirrornow/status/1172485125520576513 (2019)

(I) https://www.scidev.net/asia-pacific/news/delhis-toxic-haze-fuelled-by-political-wrangling/ (2022)

(J) https://www.youtube.com/watch?v=4zeOtwWwiPo (2022)

(K) https://www.cseindia.org/global-online-training-demystifying-data-on-public-health-and-environment-for-communication-and-action-11583 (2023).

iv) The Hon'ble NGT further failed to appreciate that the Petitioner No. 1 while addressing the Hon'ble NGT on 19.01.2023, specifically informed that in his capacity as a medical practitioner he has found there to be impact on the lungs of Delhites and impairment to brains of young adolescents living in Delhi due to high levels of pollution in Delhi. The Hon'ble NGT not only ignored the submissions pertaining to critical importance of green cover in Delhi to prevent pollution; but infact chose to trivialise the Petitioners' efforts since 2016/2017 by casting aspersions and labelling them to be politically motivated.

v) The findings of the Hon'ble NGT casting aspersions on the bona fide of the Petitioners are as under:

> *"18. ...Such prosecution can be sanctioned only when it is considered expedient in the interests of justice that the delinquent be punished and not merely to gratify feelings of personal revenge or vindictiveness or to serve the ends of a private party."*

"19…On the other hand the application appears to have been filed at very initial stage of the proceedings merely to gratify feelings of personal revenge and vindictiveness and to serve the ends of the applicants as private party."

"26. …On being asked whether the applicants will assist in such scientific pruning of trees or suggest name of any agency which could be engaged by the MCD/ DDA/ PWD to carry-out such scientific pruning applicant no.1 - Prof. Dr. Sanjeev Bagai and learned Counsel for the applicants expressed inability which prima facie makes us to also consider, in the course of these proceedings, the bona fides of the applicants and their objectives in pursuing this environmental litigation for dispelling that the same is not one of the many facets of power contest/tussle between rival groups of the members of Respondent No.18 Association or residents of the locality."

vi) The Hon'ble NGT failed to appreciate that Petitioner No.1 (including through his counsel) while submitting that the pruning of trees on the government land can only be undertaken by the land-owning agencies/ MCD/ PWD/ DDA could not have been forced to spell/ give name of another private party/ agency to undertake pruning of trees. Any suggestion towards the same (even under pressure) would have been contrary to law and the reliefs as sought by the Petitioners in the Original Application. Further, Hon'ble NGT failed to appreciate that the said landowning agencies have been undertaking pruning of trees on their own in other parts of Delhi and infact for almost 50 years undertook pruning of trees in Vasant Vihar, on their own – without asking/allowing/ directing Respondent No.18/ VVWA to prune trees. Mere reassertion of the submissions in the Original Application, under

no circumstance can amount to questioning bonafides and objectives of the Petitioners. Petitioners, vide, their Application only wished to highlight the contradictory statements/ stand adopted by Respondent No. 13/ Mr. GS Bindra before the Hon'ble NGT, which have a potential of misleading the Hon'ble NGT, have an impact on the outcome of the Original Application and result in miscarriage of justice (leading to continued loss of green cover – by wrong statement of facts and interpretation of applicable laws).

vii) The Impugned Order is biased as it also wrongly records that Application was filed at 'very initial stage' and the said observation was used to cast aspersions on the motives of Petitioners. The said observations would dissuade Petitioners and other similarly placed citizens of India to raise any illegal act/conduct by any person/ body – having adverse impact on green cover/ environment before the Hon'ble NGT. As a matter of fact, none of the WhatsApp messages were denied by the Counsel for Respondent No.18/ VVWA (who also gave her appearance for Respondent Nos. 12 to 17) before the Hon'ble NGT and/or in the counter/ reply affidavit.

viii) It is strongly submitted that the aforesaid findings of the Hon'ble NGT are liable to be set aside as the said findings reflect bias and render the Impugned Order in violation of doctrine of fair hearing.

ix) The aforesaid unreasonable findings of the Hon'ble NGT in the Impugned Order (despite the facts stated herein above), are liable to be set aside as they reflect a bias and impair the right to fair hearing.

x) The aforesaid findings of the Hon'ble NGT targeting the Petitioners who had approached Hon'ble NGT to stop illegal acts done by Respondent No. 18/ VVWA at the behest of Respondent Nos. 12 to 17 against the environment, is likely to create a chilling effect in the minds of environmentally-conscious/ spirited citizens and instilling this fear would result in refraining them from blowing a whistle against the illegal acts of some in society around them; lest the Hon'ble NGT would cast aspersions on them – in effect besmirching their good name and denigrating their work/cause for protecting environment. Thus, the Impugned Order is liable to be set aside.

xi) Further, because of the aforesaid scurrilous aspersions, various messages by Respondent No. 13/ Mr. GS Bindra and Respondent No. 14/ Mrs. Parul Gaur are being circulated in numerous WhatsApp groups (of residents of Vasant Vihar) saying that strictures have been passed by Hon'ble NGT against the Petitioners. On 29.01.2023, Respondent No. 13/ Mr. GS Bindra (mobile number 98111 69751) wrote on "*VV 'A' Block Resident Grp*" (one of the official WhatsApp

groups created by managing committee members of Respondent No. 18/ VVWA):

> *"... 1. A case of perjury and contempt was filed against President VVWA. It has been dismissed with the contempt it deserves'...*
> *2. Please see para 26, where strictures have been passed against Dr. Bagai and his associates. His antecedents and motives lie exposed...*
> *4. Pruning will continue"*

xii) Respondent No. 14/ Mrs. Parul Gaur (mobile number 98105 07726) wrote on "*VVWA A Block Solutions*" (another official WhatsApp groups created by managing committee members of Respondent No. 18/ VVWA and Respondent Nos. 12 and 14 being admins):

> *"... 1. A case of perjury and contempt was filed against President VVWA. It has been dismissed with the contempt it deserves'...*
> *2. Please see para 26, where strictures have been passed against Dr. Bagai and his associates. His antecedents and motives lie exposed...*
> *4. Pruning will continue"*

xiii) Because of the aforesaid unsubstantiated observations in the Impugned Order leading to such kind of WhatsApp messages has made the life of Petitioners very difficult. Copy of the WhatsApp messages are annexed herewith as **Annexure-7**.

xiv) The Impugned Order reflects bias as on the one hand it does not take cognisance of Respondent No. 18/ VVWA's (through Respondent Nos. 12 to 17) violation, breach, derogation of Hon'ble NGT's orders dated 21.12.2022, 03.01.2023 and 19.01.2023, by continuing to

undertake pruning itself (employing private contractor and sky-lift)and not the land owning agencies; but on the other hand it makes strict observations against the Petitioners for not making complaint to Tree Officer/ Respondent No. 3/ DCF as per Hon'ble NGT's order dated 03.01.2023 (even though the Petitioners submitted that the complaint as made by them is sufficient and no further complaint is required to be made and the land-owning agencies are required to take action under Section 22 of the DPT Act).

xv) the Impugned Order is passed in error of jurisdiction and reflects bias on the part of the Hon'ble NGT as the Hon'ble NGT has taken cognizance of pruning of trees undertaken in Vasant Vihar year/s ago (different cause of action), merely relying on the oral statement *(see: order dated 03.01.2023)* made by Respondent No. 13/Mr. GS Bindra and subsequent to passing of the Impugned Order directed Respondent Nos. 1-8 and Respondent No. 18/ VVWA to file documents regarding the same. It is pertinent to submit that any wrong done in the past cannot be used to justify/ entitle anyone to continue/ repeat the same wrong/ illegal act.

D. <u>IMPUGNED ORDER IS BAD IN LAW/ UNREASONED AS IT DID NOT MAKE ANY PRELIMINARY INQUIRY TO UNEARTH FRAUD PLAYED ON COURT *INTER ALIA* IN TERMS OF SECTION 340 OF THE CR.P.C.:</u>

i) Without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry into whether the Respondent No. 18/ VVWA and its office bearers/ managing committee member (Respondent Nos. 12 to 17) were lying on oath (or not) in order to get a favourable order and to defeat the ends of justice.

ii) Without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry into whether the pruning is/ was being undertaken in accordance with the DPT Act as the same is directly related to the false statement made on oath by Respondent No. 18/ VVWA.

iii) Without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said l Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry by going through the replies filed by land-owning agencies to ascertain and come to prima-facie opinion that whether in the interest

of justice action/ reprimand/ prosecution against Respondent No. 18/ VVWA was imperative as not doing so would amount to perpetuating a fraud being committed on it.

iv) Without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry by examining the statements of Respondent No. 18/ VVWA made before it to ascertain and come to prima-facie opinion that whether in the interest of justice action/ reprimand/ prosecution against Respondent No. 18/ VVWA was imperative as not doing so would amount to perpetuating a fraud being committed on it.

v) Without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry by examining the documents placed on record by Petitioners which included letters and WhatsApp messages issued by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) to residents of Vasant Vihar to ascertain and come to prima-facie opinion whether in the interest of justice action/ reprimand/ prosecution against Respondent

No. 18/ VVWA was imperative as not doing so would amount to perpetuating a fraud being committed on it.

vi) Without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry as Respondent No. 18/ VVWA statements before the Hon'ble NGT were in contradiction to its reply affidavit and records as available before the Hon'ble NGT; (effectively allowing Respondent No. 18/ VVWA (through Respondent Nos. 12 to Respondent No. 17) to play fraud on court/ Hon'ble NGT only to mislead/ misguide and obtain favourable order/s.

vii) In light of all the above, the Hon'ble NGT failed to appreciate that 'fraud' unravels/ vitiates everything; and Petitioners had a legitimate expectation from the Hon'ble NGT to take notice, and examine how the reply by Respondent No. 18/ VVWA (supported by affidavit) presented facts different from those understatement of Respondent No. 18/ VVWA before Hon'ble NGT, documents/ letters sent to residents, facts presented in affidavit of Respondent No. 5/ Dy. Director PWD – thereby, amounted to playing fraud on Hon'ble NGT and with impunity.

viii) The Hon'ble NGT ought to have considered that by not making preliminary enquiry and straight away dismissing the said Application will only mean that all the statements made by the Respondent No. 18/ VVWA at the behest of Respondent Nos. 12 to 17 will be taken as gospel truth and will certainly have bearing on the outcome of the said Original Application.

ix) The Hon'ble NGT ought to have considered that the Petitioners by approaching the Hon'ble NGT were not seeking any relief for themselves, but were only raising a substantial question of environmental damage and harm, which the Hon'ble NGT is duty bound to decide – and which the respondents are trying to avoid (and intentionally/ maliciously misleading and playing fraud on Hon'ble NGT) by bringing up extraneous issues wholly unrelated to the cause before the Hon'ble NGT.

x) Petitioners approached Hon'ble NGT and filed the Original Application only after waiting for almost a month and failing to get any response (despite several letters/ communications) from landowning agencies/ Respondent Nos. 2, 4, 7, 8 and 18 (through Respondent Nos. 12 to 17).

E. <u>IMPUGNED ORDER WAS PASSED WITH NON-APPLICATION OF MIND; WITHOUT CONSIDERING THE RELEVANT RECORD AND WITHOUT TAKING INTO CONSIDERATION THE SUBMISSIONS OF THE PETITIONERS (AGAINST THE PNJ):</u>

i) The Hon'ble NGT **in para 25** has held that:

> *"25. We have specifically asked learned Counsel for the applicants that when we had specifically observed that in case of any unscientific pruning of the trees in violation of the guidelines, the applicants may avail the equally efficacious remedy of making complaints to the Deputy Conservator of Forest, West Forest Division (Tree Officer) who was also directed to take appropriate action in accordance with law in case of making of any such complaint to him, why complaint regarding illegal pruning with relevant evidence was not made to him <u>but learned Counsel for the applicants could not give any plausible explanation for not making of any complaint to the Deputy Conservator of Forest, West Forest Division (Tree Officer).</u>"*

ii) It is pertinent to mention that the counsel for the Petitioners against the aforesaid question had submitted orally before the Hon'ble NGT and also in its rejoinder that in terms of Section 22 of the DPT Act it is the duty of every officer (including Police and Department of Horticulture) to inform Respondent No. 3/ DCF about any violation of section 8 of the DPT Act. Therefore, the Petitioners having already complained of the illegal acts of cutting and felling of trees, barely 50 meters away (across the road) from the MCD's Horticulture office, the Hon'ble NGT ought not have given the aforesaid findings. Without prejudice to the said submission, Petitioners (in accordance

with the directions of the Hon'ble NGT) have separately informed Respondent No.3/ DCF about the same. It is further submitted that the said direction was not required to be passed as all information regarding cutting/ felling of trees was made part of Original Application and the same was available with the Respondent No.3/ DCF and Respondent No.3/ DCF is obligated to take cognizance of the same. Respondent No. 3/ DCF failed to update the Hon'ble NGT that it had already issued notice to Respondent No. 17/ Mr. GS Bindra for cutting/ felling of 'one' tree in front of B-6/12 Vasant Vihar, which was also raised by the Petitioners in their Original Application.

iii) the Impugned Order was passed against the PNJ as the Hon'ble NGT while passing the Impugned Order has not taken into consideration the basic facts **not** disputed by the Respondent No. 18/ VVWA (even though argued by Petitioners) that Respondent No. 18/ VVWA has not denied that they were carrying out pruning in Vasant Vihar through a private contractor and which was (at least) continuing until 31.01.2023 (directly undertaken by the Respondent No. 18/ VVWA).

iv) Another instance of cutting of (Ashok) tree (infront of B-6/12 Vasant Vihar) by the Respondent Nos. 12 to 18 was part of record before the Hon'ble NGT and as per the affidavits filed by Respondent No. 18/ VVWA and Respondent No. 4/ Dy Director MCD – if Respondent

No. 4/ Dy. Director MCD was supervising the pruning of trees; then the cutting/ felling of Ashok Tree (in front of B-6/12 Vasant Vihar) was known to Respondent No. 4/ Dy Director MCD also. Therefore, in accordance with the provisions of the DPT Act, the Hon'ble NGT ought to have directed the Respondent No. 3/ DCF to examine the same, present a report to the Hon'ble NGT for taking appropriate action against the Respondents responsible for the said act. Directing, Petitioners (who have approached the Hon'ble NGT – after not getting any response from the authorities concerned) to approach the Respondent No. 3/DCF and file a fresh complaint for cutting of trees is putting additional burden on the Petitioners. Moreover, for any violation of the DPT Act, once the same comes to the knowledge of the Respondent No. 3/DCF, there is an obligation to take suo-moto cognizance of the same and no separate complaint is required to be filed. Considering the fact that the Respondent No. 3/DCF is already a respondent in the present Original Application, the Respondent No. 3/DCF ought to have acted on the complaint automatically (and not warranting filing of any separate complaint). Respondent No. 3/ DCF failed to update the Hon'ble NGT that it had already issued notice to Respondent No. 17/ Mr. GS Bindra for cutting/ felling of 'one' tree in front of B-6/12 Vasant Vihar, which was also raised by the Petitioners in their Original Application.

v) The Hon'ble NGT failed to take cognisance of violation for its previous orders (dated 21.12.2022, 03.01.2023 and the Impugned Order) by the Respondents, in so far as Respondent No. 18/ VVWA (under directions of Respondent Nos. 12 to 17/ Managing Committee members of Respondent No.18) continued to prune trees in Vasant Vihar on its own, whereas, as per the directions of the Hon'ble NGT the same was to be undertaken by land-owning agencies (MCD/ PWD/ DDA) and Respondent Nos. 2, 4, 5, 6, 7 and 8 did not object to the same. Respondent Nos. 2, 4, 5, 6, 7 and 8 have not placed any communication on record to establish that the said pruning of trees in Vasant Vihar by Respondent No. 18/ VVWA especially pursuant to the orders of the Hon'ble NGT, was undertaken with their approval/ consent or after seeking assistance (man-power/ financial) from Respondent No.18/ VVWA.

vi) The Hon'ble NGT fails to appreciate the environmental impact because of excessive and lop-sided pruning of trees, in some cases, 80% leaves have been shaved-off.

vii) The Hon'ble NGT ignores the plea of Petitioners (even though argued) that apart from excessive and illegal pruning, several trees have been cut/ felled and the same has been duly reported to Respondent Nos. 2, 10 and 11.

viii) The Hon'ble NGT fails to apply orders of the coordinate benches (of the NGT) (even though argued and cited) with respect to pruning of trees – wherein, it has been held that cutting/ felling of trees includes pruning of trees.

F. <u>IMPUGNED ORDER IS CRYPTIC THOUGH IT RUNS INTO 27 PAGES:</u>

i) The Impugned Order is completely cryptic (even though long), unreasoned and is liable to be set aside. It is important to note that apart from **paras 18 and 19** of the Impugned Order, there is not even a whisper of **<u>reasoning</u>** on why the said Application is liable to be dismissed.

ii) It is again reiterated that even in the said **paras 18 and 19**, the Hon'ble NGT has targeted and questioned the bona fides of the Petitioners to dismiss the said Application.

G. <u>IMPUGNED ORDER WAS PASSED IN VIOLATION OF DOCTRINE OF FAIR HEARING (IGNORED MATERIAL ON RECORD); WITHOUT COMPLYING WITH THE MANDATORY PROVISIONS OF LAW AND AGAINST THE PNJ:</u>

i) The Impugned Order was passed by overlooking/ not appreciating/ without dealing with the judgment of the coordinate bench viz. *Pradeep Indulkar (supra)* which was also relied upon by the Petitioners wherein it was specifically held that the term 'cutting/ felling' includes 'pruning'. The said judgment was also confirmed by the Hon'ble Supreme Court of India in Civil Appeal No. 8946/2017.

ii) It is a settled principle of law that the interpretative function of the court is to discover the true legislative intent. It is trite that in considering whether there is ambiguity, the court must look at the statute as a whole and consider the appropriateness of the meaning in a particular context avoiding absurdity and inconsistencies or unreasonableness which may render the statute unconstitutional [see: *Nathi Devi vs Radha Devi Gupta*, (2005) 2 SCC 271].

iii) It is further well settled that the court's jurisdiction to interpret a statute can be invoked when the same is ambiguous. It is also necessary to determine that there exists a presumption that the legislature has not used any superfluous words. It is well settled that the real intention of the legislation must be gathered from the language used [see: *Nasiruddin* v. *Sita Ram Agarwal* [(2003) 2 SCC 577].

iv) It is a settled principle of law that a false and a misleading statement deliberately and wilfully made by a party to the proceedings on oath

to obtain a favourable order, amounts to prejudice or interference with the due course of judicial proceedings and same amount to committing perjury as well as criminal contempt. Every party is under a legal obligation to make truthful statement before the court, for the reason that causing obstruction in the due course of justice "undermines and obstructs the very flow of the unsoiled stream of justice, which has to be kept clear and pure, and no one can be permitted to take liberties with it by soiling its purity".

v) The Impugned Order was passed against the settled principles of Section 340 read with Section 195(1)(b) of CR.P.C. as from the bare reading of the Impugned Order, it is evident that no preliminary inquiry was held to record a finding to the effect that it is expedient in the interests of justice that inquiry should be made into any of the offences referred to in Section 195(i)(b) Cr.P.C.

vi) Further, there are no findings to the effect that whether any false statement made on oath were **deliberately** and **wilfully** made by Respondent No. 13/ Mr. GS Bindra as authorised signatory of Respondent No. 18/ VVWA to pollute and obstruct the stream of justice.

vii) The Hon'ble NGT while dismissing the said Application has laid huge emphasis (in paras 18, 19 and 26 of the Impugned Order) on the point

that the said Application has been filed to gratify feelings of personal revenge or vindictiveness. Based on the said findings, the said Application was dismissed which is against the well settled principles of Section 340 of the Cr.P.C. and cannot be sustained in the eyes of law.

viii) Further, the Hon'ble NGT fails to deal and/ or give any findings and/ or make any enquiries on the false statements made on oath by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) which is demonstrated in the below table for ready reference:

<table>
<tr><td colspan="2">I. Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) issued contradictory statements/ letters/ applications with respect to pruning of trees being undertaken by Respondent No. 18/ VVWA itself.

However, Respondent No. 18/ VVWA's reply to Original Application mentions:
1) pruning is being undertaken by Respondent No. 18/ VVWA under supervision of MCD;
2) pruning is being undertaken by MCD and PWD; and
3) pruning is being undertaken by MCD with support from Respondent No. 18/ VVWA.

None of the WhatsApp messages/communications/ letters as cited/ annexed/ extracted by the Petitioners have been denied by Respondent Nos. 12 to 17 before the Hon'ble NGT</td></tr>
<tr><td><u>Respondent No. 18/ VVWA's reply to Original Application</u></td><td>Communications by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) to residents of Vasant Vihar and other government agencies including Respondent No. 3/ DCF, Respondent No. 7/ Asst. Director MCD</td></tr>
<tr><td>Para I(7) page 4 of Respondent No. 18/ VVWA's reply to Original Application
"<i>The <u>pruning is being undertaken by the Municipal</u></td><td>Respondent No. 14/ Mrs. Parul Gaur's communication dated 18.11.2022 (through her mobile number 9810507726) to residents of</td></tr>
</table>

Corporation of Delhi in compliance of order dated 21.12.2022 of this Hon'ble Tribunal." **Para II(2) page 5 of Respondent No. 18/ VVWA's reply to Original Application** "*The pruning had been done within the boundary of law and under the supervision and control of the appropriate authorities.*" **Para III(2) page 5 of Respondent No. 18/ VVWA's reply to Original Application** "*It is stated that no pruning of more than 15.7 cm was undertaken by the answering Respondent*" **Para III(3) page 6 of Respondent No. 18/ VVWA's reply to Original Application** *"3…It is reiterated that pruning was done with the approval and under the control and supervision of the concerned authorities…"* **Para III(4) page 6 of Respondent No. 18/ VVWA's reply to Original Application** "*… pruning which was undertaken under the supervision and control of the appropriate authorities…*" **Para IV(2) page 9 of Respondent No. 18/ VVWA's reply to Original Application** "*It is again reiterated that the activity of pruning undertaken by the Respondent No.5 was as per law and under the active supervision and control of the concerned authorities and its officers.*"	**Vasant Vihar on "E-Block RWA Members" WhatsApp Group [Annexure A-3 to Original Application and Annexure-9 herein]** "*…We had been following up the matter with MCD, but they do not have the means to carry out pruning at this scale. SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES*" *"…1. VVWA has engaged the services of a skylift on hire charges. Chandrapal who recently retires from MCD, has been engaged to carry out the pruning…"* *"5. The work shall be supervised by the block representatives and they may be contacted for any issue."* **WhatsApp message dated 21.11.2022 sent from mobile number 9810454579 (used by Mrs. Arvind Arora a managing committee members of Respondent No.18/ VVWA until middle of 2022) on behalf of Respondent No. 18/ VVWA on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA) [Annexure 15 herein]** "*Dear Residents, Pruning is successfully started from F block today. Permission has been granted from govt. in writing. Horticulture team along with its seniors are there with sky lift*" **Respondent No. 18/ VVWA's Letter dated 01.12.2022 (signed Respondent No. 14/ Mr. GS Bindra and Respondent No. 14/ Mrs. Parul Gaur) to Respondent No. 3/ DCF [Annexure R-1 of Respondent No. 18/ VVWA's reply to Original Application and Annexure-19 herein]** "*…we are carrying out pruning of our trees in Vasant Vihar…*"

Para IV(3) page 10 of Respondent No. 18/ VVWA's reply to Original Application *"…it is reiterated that pruning was undertaken under the active supervision and control of the concerned authority and ancillary services were facilitated by the Respondent No. 18."* **Para V page 11 of Respondent No. 18/ VVWA's reply to Original Application** *"…pursuant to the order dated 21.12.2022 passed by this Hon'ble Tribunal, the Municipal Corporation Delhi has undertaken the work of pruning and there exists no involvement of the Respondent No. 18 in the same."*	"*…in no case would the pruning be greater than 15.5 cms be carried out*" **Respondent No. 14/ Mrs. Parul Gaur's communication dated 23.12.2022 (through her mobile number 9810507726) to residents of Vasant Vihar on "VV Divas" WhatsApp Group** **(Annexure 25 Colly herein)** *"…Pruning is being carried out by VVWA in the larger interest of the residents…"* **Respondent No. 12/ Mrs. Nidhi Agarwal's communication dated 23.12.2022 (through her mobile number 9999372629) to residents of Vasant Vihar on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA)** ***(after the first hearing before Hon'ble NGT)*** **[Annexure-25 Colly herein]** *"Pruning was being dine by mcd only We were facilitating with sky lift as we have big trees"* **Short affidavit of Respondent No. 4/ Dy. Director MCD (Annexure-26 herein)** **Para 7** *"That as per record of the department, the said regular pruning has been undertaken/ carried out w.e.f 21/11/2022 till 20/12/2022 under the supervision of the said officers."*

II.	Respondent No. 18/ VVWA issued contradictory statements/ letters/ applications with respect to permission granted/ awaited for pruning of trees. However, Respondent No. 18/ VVWA's reply to Original Application mentions: 1) pruning is being undertaken with the approval; 2) no approval required for pruning. None of the WhatsApp messages/communications/ letters as cited/ annexed/ extracted by the Petitioners have been denied by Respondent Nos. 12 to 17 before the Hon'ble NGT

Respondent No. 18/ VVWA's reply to Original Application	**Communications by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) to residents of Vasant Vihar and other government agencies including Respondent No. 3/ DCF, Respondent No. 7/ Asst. Director MCD**
Para I(2) page 2 of Respondent No. 18/ VVWA's reply to Original Application *"…For pruning upto 15 cms of grith, no permission is required."* **Para III(3) page 6 of Respondent No. 18/ VVWA's reply to Original Application** *"3…It is reiterated that pruning was done with the approval and under the control and supervision of the concerned authorities…"* **Para IV(2) page 9 of Respondent No. 18/ VVWA's reply to Original Application** *"…for regular pruning/ general trending up to 15.7 cm, no permission is required…"* **Para IV(2) page 9 of Respondent No. 18/ VVWA's reply to Original Application** *"…pruning is not in violation of any model of conduct and for pruning of up to 15.7 cms, no permission is also required to be taken …"*	**Letter dated 21.11.2022 sent by Respondent No. 18/ VVWA (signed by Respondent No. 13/ Mr. GS Bindra and Respondent No. 14/ Mrs. Parul Guar) to Respondent No. 7/ Asst. Director, MCD** **[Annexure A-7 of Original Application and Annexure-14 herein]** "*…The matter has been discussed at various levels of MCD and there is no ambiguity on the issue that pruning needs to be carried out."* *"…we would request you to give us permission to carry this out."* **Respondent No. 12/ Mrs. Nidhi Agarwal's communication dated 17.12.2022 (through her mobile number 9999372629) to residents of Vasant Vihar on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA)** **[Annexure-21 Colly herein]** *"Anything on A 10 will be done* *We will not do vasant marg side till we have permission…"* **WhatsApp message dated 19.12.2022 sent from mobile number 9810454579 (used by Mrs. Arvind Arora a managing committee members of Respondent No.18/ VVWA until middle of 2022) on behalf of Respondent No. 18/ VVWA on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA)** **[Annexure-21 Colly herein]** *"As far as pruning for A9 is concerned, that comes under PWD scheme. Our*

	office bearers are in the process of acquiring permissions from authorities." *"Yes PWD we are in process of talking this permission"* **WhatsApp message dated 20.12.2022 sent from mobile number 9810454579 (used by Mrs. Arvind Arora a managing committee members of Respondent No.18/ VVWA until middle of 2022) on behalf of Respondent No. 18/ VVWA on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA)** **[Annexure-21 Colly herein]** *"A9 street comes under PWD so we have not received any permissions for tree pruning A9 street.* *Office is working on the permissions. Updates on the same will come next week."* **Another message sent by Respondent No. 13/ Mr. GS Bindra (through his mobile number 9811169751) on behalf of Respondent No. 18/ VVWA on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA)** *"Yes. We are pursuing that"*

III. Respondent No. 18/ VVWA issued contradictory statements/ letters/ applications with respect to hiring private contractor to carry out pruning. However, Respondent No. 18/ VVWA's reply to Original Application mentions private contractor was not undertaking pruning None of the WhatsApp messages/communications/ letters as cited/ annexed/ extracted by the Petitioners have been denied by Respondent Nos. 12 to 17 before the Hon'ble NGT	
Respondent No. 18/ VVWA's reply to Original Application	**Communications by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) to residents of Vasant Vihar**

Para III(4) page 6 of Respondent No. 18/ VVWA's reply to Original Application *"4…it is denied that pruning was undertaken by private contractor. Respondent No. 18 had only provided the facility of the skylift for carrying out the work of pruning which was undertaken under the supervision and control of the appropriate authorities…"* 3rd line at Page 7: *"…it is categorically denied that huge amount of money was being spent on private contractors for this purpose."* **Para III(6) page 8 of Respondent No. 18/ VVWA's reply to Original Application** *"It is denied that any private agency was involved for any illegal or unlawful activity by the answering Respondent."* **Para IV(3) page 10 of Respondent No. 18/ VVWA's reply to Original Application** *"It is denied that pruning was carried on by private contractors by the Respondent No.18…"* **Hon'ble NGT's Order dated 3.01.2022 Respondent No. 13/ Mr. GS Bindra admitted before Hon'ble NGT that Respondent No. 18/ VVWA paid for pruning. This statement recorded in NGT's order is at variance with Respondent No. 18/ VVWA's reply to Original Application under affidavit before Hon'ble NGT** – *"Para 9…on earlier occasions also pruning was done on requests made by residents as per decision taken in the meetings of office bearers of the*	**Respondent No. 14/ Mrs. Parul Gaur's communication dated 18.11.2022 (through her mobile number 9810507726) on behalf of Respondent No. 18/ VVWA on "E-Block RWA Members" WhatsApp Group** **[Annexure-3 to Original Application and Annexure-9 herein]** "*…We had been following up the matter with MCD, but they do not have the means to carry out pruning at this scale. SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES*" *"…1. VVWA has engaged the services of a skylift on hire charges. Chandrapal who recently retires from MCD, has been engaged to carry out the pruning"…* *"8. The expenses on the whole exercise shall be met out of the money collected from the yearly Subscriptions"* **Respondent No. 18/ VVWA's minutes (signed by Respondent No. 14/ Mrs. Parul Gaur) (annexed as Annexure-10 herein)** *"It is proposed to engage a Skylift for the necessary period of 2-3 months. Shri Chander Pal who was previously employed with MCD till he retired has been engaged to carryout this pruning…"* **Respondent No. 18/ VVWA's Letter (signed by Respondent No. 13/ Mr. GS Bindra and Respondent No. 14/ Mrs. Parul Gaur) to Respondent No. 7/ Asst. Director MCD dated 21.11.2022** **[Annexure A-7 of the Original Application and Annexure-14 herein]** *"VVWA is in the process of arranging a Trolley to handle the green waste. We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will*

above association including applicant no.3 and expenses for the same were borne by the above said association"	*fund the purchase of Shredder on permanent basis.* *The entire expense for the exercise will be borne by VVWA."*

IV. Respondent No. 18/ VVWA issued contradictory statements/ letters/ applications with respect to suspension of pruning owing to letters sent by the Petitioners**.** However, Respondent No. 18/ VVWA's reply to Original Application mentions that the pruning was not suspended on 24.11.2022 None of the WhatsApp messages/communications/ letters as cited/ annexed/ extracted by the Petitioners have been denied by Respondent Nos. 12 to 17 before the Hon'ble NGT.	
Respondent No. 18/ VVWA's reply to Original Application	**Communications by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) to residents of Vasant Vihar and other government agencies including Respondent No. 3/ DCF, Respondent No. 7/ Asst. Director MCD**
Para III(4) page 7 of Respondent No. 18/ VVWA's reply to Original Application *"4…It is however denied that pruning was suspended on 24.11.2022 on the plea that few residents had raised concerns regarding prior approval of pruning of trees…"*	**Respondent No. 14/ Mrs. Parul Gaur's communication dated 24.11.2022 (through her mobile number 9810507726) on behalf of Respondent No. 18/ VVWA on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA)** **[Annexure-16 herein]** *"…6. In view of this, we are constrained to temporarily suspend the pruning process till the matter is clarified."* **Respondent No. 14/ Mrs. Parul Gaur's communication dated 25.11.2022 (through her mobile number 9810507726) on behalf of Respondent No. 18/ VVWA on "VV Divas" WhatsApp Group** **[Annexure A-9 of Original Application & Annexure-17 herein]**

	"Pruning of trees has just recommenced."

V.	Respondent No. 18/ VVWA issued contradictory statements/ letters/ applications with respect to pruning undertaken from 21.11.2022 is less than 15.7 centimeter in girth size. However, Respondent No. 18/ VVWA's reply to Original Application fails to mention that several trees were felled/ cut and the same was fully known to Respondent No. 13 i.e. the signatory of Respondent No. 18's reply. None of the WhatsApp messages/communications/ letters as cited/ annexed/ extracted by the Petitioners have been denied by Respondent Nos. 12 to 17 before the Hon'ble NGT
Respondent No. 18/ VVWA's reply to Original Application	**Communications by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) to residents of Vasant Vihar and other government agencies including Respondent No. 3/ DCF and Respondent No. 7/ Assit. Director MCD**
Para III(2) page 5 of Respondent No. 18/ VVWA's reply to Original Application *"…no pruning of more than 15.7 cms was undertaken by the answering Respondent…"*	**Respondent No. 18/ VVWA's letter (through Respondent Nos. 12 to 17) (signed by Respondent No. 14/ Mr. GS Bindra and Respondent No. 13/ Mrs. Parul Gaur) dated 01.12.2022 sent to Respondent No. 3/ DCF and Respondent No. 7/ Asst Director MCD** **(Annexure R-1 of the Respondent No. 18/ VVWA's reply to Original Application and Annexure-19 herein)** "*…in no case would the pruning be greater than 15.5 cms be carried out*" **WhatsApp messages dated 22.12.2022 sent by resident (through mobile number 9818231020) of Vasant Vihar – complaints on excessive and lopsided pruning on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA)**

	[Annexure-24 Colly herein] "*A walk on A10/A11 will tell you that <u>this tree trimming contractor Chanderpal</u> is <u>trimming as per his whims only and no rules or logic or with underhand dealings</u> because some trees are barely trimmed and some were chopped 50% or more, he left trees in front of my house with almost no trimming but would not trim a branch or two hanging over the plot and in next half hour in next house A11/22 he chopped the tree right upto 40' height from all over to more than 60% and almost denuded it.*" "*Yes driving down A10 Street I also noted some trees not pruned properly at all.*" **WhatsApp message dated 23.12.2022 sent by resident (through mobile number 9811886012) of Vasant Vihar – complaints on excessive and lopsided pruning on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA)** **[Annexure-25 Colly herein]** "*Pruning is necessary. No denying that.* *But in many cases it has been excessive*" **Respondent No. 12/ Mrs. Nidhi Agarwal's reply to the above message (through her mobile number 9999372629) to residents of Vasant Vihar on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA)** "*I m sorry lop sided i also said But excessive no*"

VI.	Respondent No. 18/ VVWA issued contradictory statements/ letters/ applications with respect to handling/ shredding of the green waste.

However, Respondent No. 18/ VVWA's reply to Original Application states that the green waste is being removed by MCD. None of the WhatsApp messages/communications/ letters as cited/ annexed/ extracted by the Petitioners have been denied by Respondent Nos. 12 to 17 before the Hon'ble NGT	
Respondent No. 18/ VVWA's reply to Original Application	**Communications by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) to residents of Vasant Vihar and other government agencies including Respondent No. 3/ DCF, Respondent No. 7/ Asst Director MCD**
Para IV(3) page 10 of Respondent No. 18/ VVWA's reply to Original Application *"…It is also submitted that all the wood/ lops/ tops that are created by the pruning, are being removed by Municipal Corporation of Delhi in their vehicles to their nursery for onward use as they deem fit and as per the norms and rules…"*	**Respondent No. 18/ VVWA's minutes (signed by Respondent No. 13/ Mrs. GS Bindra and Respondent No. 14/ Mrs. Parul Gaur) (annexed as Annexure-10 herein)** *"It may be necessary for us to purchase a trolley for carriage of green waste. The necessary quotation and prices are available for approval.* *…* *Shredder on hire – 4000/= per day"* **Respondent No. 18/ VVWA's Letter (through Respondent Nos. 12 to 17) (signed by Respondent No. 13/ Mr. GS Bindra and Respondent No. 14/ Mrs. Parul Gaur) to Respondent No. 7/ Asst. Director MCD dated 21.11.2022** **[Annexure A-7 of the Original Application and Annexure-14 herein]** *"VVWA is in the process of arranging a Trolley to handle the green waste. We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis.* *The entire expense for the exercise will be borne by VVWA."* **WhatsApp message dated 19.12.2022 sent from mobile number**

	9810454579 (used by Mrs. Arvind Arora a managing committee members of Respondent No.18/ VVWA until middle of 2022) on behalf of Respondent No. 18/ VVWA on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA) **[Annexure-21 Colly herein]** "*...As for its green waste, we are arranging a pick-up for today for the lanes, which have already been pruned."* **Respondent No. 12/ Mrs. Nidhi Agarwal's communication dated 24.12.2022 (through her mobile number 9999372629) to residents of Vasant Vihar on "VVWA A Block Solutions" WhatsApp Group (official WhatsApp Group of Respondent No.18/ VVWA)** **[Annexure-25 Colly herein]** "*...The whole exercise is being done with a MCD staff present and they are the ones clearing all green waste."* **Short affidavit of Respondent No. 4/ Dy. Director MCD (Annexure-26 herein)** **Para 7** *"That as per record of the department, the said regular pruning has been undertaken/ carried out w.e.f 21/11/2022 till 20/12/2022 under the supervision of the said officers."*

ix) The Hon'ble NGT's Impugned Order only takes into account the above WhatsApp messages – thereby ignoring (a) the statement of Respondent No. 13/ Mr. GS Bindra made before Hon'ble NGT; (b) documents/ letters/ minutes sent by Respondent No. 18/ VVWA

(through Respondent Nos. 12 to 14) to residents of Vasant Vihar, which were part of the record/ pleadings; (c) pictures of excessive and lop-sided pruning which were part of the record/ pleadings; (d) and the affidavit of Respondent No. 5/ Dy Director PWD – all of which are part of the above table/ documents before the Hon'ble NGT, yet ignored.

x) The Hon'ble NGT's Impugned Order ignoring all the other material, places reliance only on above mentioned WhatsApp messages and holds the following - in **para 19**:

> *"19. In the present case the averments made in the reply filed on behalf of Respondent No.18 are stated to be false with reference to the averments made in whats app messages but who sent the whats app messages by which device by which mobile number and to whom and on which mobile number is not mentioned in the application. The genuineness of the messages and truth of the averments made in the whats app messages is not yet established before this Tribunal. Therefore, the averments made in the reply cannot be prima facie said to be false on the basis of the averments made in the whats app messages…"*

xi) Having dismissed the Petitioner's application under Section 340 of Cr.P.C without giving any credence to Respondent No. 13/ Mr. GS Bindra's statement before open court; when the Hon'ble NGT placed reliance on the same statement of Respondent No. 13/ Mr. GS Bindra to issue directions – then the Hon'ble NGT's Impugned Order

suffered from arbitrariness and unreasonableness; thereby making it liable to be set aside.

xii) Additionally, the aforesaid findings of the Hon'ble NGT are completely against the settled propositions of Section 340 Cr.P.C. because it is well settled that while deciding an application under Section 340 Cr.P.C. only preliminary inquiry is to be held to come to a prima facie conclusion and courts cannot go into the evidentiary value of documents and/ or question the genuineness of documents which is the subject matter of trial.

xiii) Apart from the above, the Hon'ble NGT ought to have considered that neither Respondent No. 18/ VVWA nor Respondent No. 13/ Mr. GS Bindra (who was present during all hearings before the Hon'ble NGT and Respondent Nos. 12, 14 to 17 – who were represented through the same counsel) denied in its reply dated 02.01.2023 to the Original Application that its office bearers have sent the WhatsApp messages on behalf of Respondent No. 18. Additionally, Hon'ble NGT did not consider that the counsel representing Respondent No. 18/ VVWA did not deny the WhatsApp messages placed on record.

xiv) Further, the aforesaid findings of the Hon'ble NGT with regard to *"…who sent the whats app messages by which device by which mobile number and to whom and on which mobile number is not mentioned*

in the application…" is completely against the record as the Petitioners have annexed screen shots (which clearly shows the person sending, to who it was sent, date and time, from which mobile it was sent, etc.) of all the messages along with the said Application. Furthermore, the Hon'ble NGT, failed to appreciate that it had directed the Respondent Nos. 13 and 14 to join the hearing through a virtual, after a call was made to them on the same mobile numbers as visible in the WhatsApp Messages. This clearly shows that the Hon'ble NGT did not examine the annexures of the said Application and/ or said reply of Respondent No. 18/ VVWA to the Original Application, and/ or documents relied with the Original Application, which evidences that Impugned Order was passed with complete non-application of mind and bias.

xv) It is also interesting to mention that at one place the Hon'ble NGT is questioning the genuineness of the WhatsApp messages relied by the Petitioners whereas at other place the Hon'ble NGT is dismissing the said Application merely on the statement of the counsels for the Respondent No. 18/ VVWA (recorded in para 11 of the Impugned Order) viz. *"11…applicants have filed application under Section 340 of the Cr.P.C. out of personal vendetta to wreck vengeance…"*.

xvi) Even the findings of the Hon'ble NGT in **para 19** of the Impugned Order viz. *"…On the other hand the application appears to have been filed at very initial stage of the proceedings merely to gratify feelings of personal revenge…"* is completely perverse because if the Hon'ble NGT were inclined to give these findings for dismissing the said Application, then it ought not have decided the said Application and ought to have kept it pending.

xvii) The Hon'ble NGT failed to appreciate that Respondent No. 18/ VVWA was continuously and deliberately making false statements, orally and in-writing before the Hon'ble NGT (misleading Hon'ble NGT, playing fraud thereon – and violating directions of Hon'ble NGT with impunity) on issues with respect to:

(a) whether permission is required for pruning under the DPT Act;

(b) who did Respondent No. 18/ VVWA approach for seeking permission for pruning;

(c) Respondent No. 18/ VVWA to name all land-owning agencies having jurisdiction within Vasant Vihar;

(d) who informed Respondent No. 18/ VVWA that permission was required or not required;

(e) did any land-owning agency NOT grant permission/ refuse grant of permission for pruning to Respondent No. 18/ VVWA, and why;

(f) can different land-owning agencies apply and interpret the same DPT Act differently, why and how;

(g) whether pruning being undertaken in Vasant Vihar since 21.11.2022 (atleast until 31.01.2023) has been carried out by Respondent No. 18/VVWA or pruning undertaken by land-owning agency like MCD;

(h) whether MCD/ land-owning agency can wash hands and ask resident welfare associations to pay/ fund/ use private contractors and hire machinery form private contractors;

(i) whether Respondent No. 2/ Commissioner MCD engaged private personnel/ contractor for undertaking pruning in Vasant Vihar;

(j) whether excessive or lop-sided was undertaken by Respondent No. 18/ VVWA and did Respondent No. 18/VVWA receive complaints about the same;

(k) whether despite orders of Hon'ble NGT dated 03.01.2023 and 19.01.2023, Respondent No. 18/ VVWA has violated the Hon'ble NGT's orders and independently/ wilfully carried out

pruning which was directed to be undertaken by land-owning agencies.

H. <u>IMPUGNED ORDER THOUGH CITES JUDGMENTS RELIED BY THE PETITIONERS, HOWEVER, FAILS TO RETURN A FINDING ON HOW THE SAID JUDGMENTS ARE NOT APPLICABLE TO THE FACTS OF THE CASE/APPLICATION– THEREBY BEING IN VIOLATION OF PNJ:</u>

i) It is important to mention that the Hon'ble NGT while dismissing the said Application though cites judgments **(in para 20)** relied upon by the Petitioners, however, apart from holding that *"20…However, the facts of the present above quoted case are evidently different from the facts of the present case and the observations in the above quoted cases, which are relied upon by the learned counsel for the applicants, are not applicable to the facts of present case and are not of any help to the applicants.",* it fails to return a finding as to how the said judgments are not applicable on the facts of the present case. The Hon'ble NGT was duty bound to return a finding apart from merely stating *"...<u>the facts of the present above quoted case are evidently different from the facts of the present case…"</u>*.

ii) Further, the Hon'ble NGT relied on various judgments in order to dismiss the said Application, however, from the bare perusal of the

said judgments it is evident that the said judgments relied by the Hon'ble NGT are in fact different from the facts of the case of the Petitioner.

iii) Therefore, the Impugned Order is to be set aside because:

(a) does not indicate 'adjudication' on the judgments and submissions made thereon by the Petitioners – in the Impugned Order;

(b) The above reflects non-application of mind, apart from ignoring material on record – thereby rendering the Impugned Order to be set aside on the basis of it being unreasonable, violating doctrine of fair hearing and in turn violating PNJ.

5. It is important to mention that the division bench of this Hon'ble Court is already seized of a case highlighting a huge concern that the forest cover in Delhi is reducing drastically and that injustice is being done to the nature. **[**See: Court on Its Own Motion (Air Pollution In Delhi) v. Union Of India & Ors.]

BRIEF FACTS

I) That the Petitioner No. 1 herein is a paediatrician and an astute medical administrator, known for his proficiency in paediatric nephrology and neonatology. The Petitioner No. 1 has been awarded

with Padma Shri (the fourth highest civilian award) in 2006 for his contributions to medical science in India. He has also received Dr. B. C. Roy Award (the highest award for medical professionals in India) in 2008 by the Hon'ble President of India. Petitioner No. 1 is also working on issues relating to air pollution especially relating to Delhi NCR (since 2016-17) and actively works with Centre for Science and Environment on issues relating to environment and air pollution and its impact on children.

II) Links to few articles/ activities showing involvement of Petitioner No. 1 in raising environment and related health issues is included herein above under Para 3 (A).

III) That the Petitioner No. 1 has been a resident of Vasant Vihar since early eighties and has earned substantial reputation over the years for his impeccable work for the people of Vasant Vihar and the society at large. The Petitioner No. 1 has been working tirelessly to work for the protection of the environment and has been making extraordinary efforts to spread awareness about the ongoing environmental pollution and concerns and the need to safeguard trees and plants in order to protect the environment.

IV) That the Petitioner No. 1 being an environmentally-conscious medical practitioner who understands the damages (including physiological,

neurological etc.) being caused to those living in Delhi. He recognises the criticality associated with human sustenance and the need for adopting 'defensive' as well as 'preventive' means to safeguard against pressures of Delhi's pollution which multiplied the (negative) impact owing to Covid-19 on the health and wellbeing (including impacting lungs and increasing incidents of heart attacks) of Delhiites. It is in this context that Petitioner No.1 has been keen on saving green cover in Delhi; and being a resident of Vasant Vihar, Petitioner No.1 could not have turned a blind-eye towards the environmental harm/ damage writ large and with impunity around him.

V) That Petitioners Nos. 2 and 3 enjoy a very good reputation, command, and great respect amongst family, friends, colleagues, and locality as well as the community. The Petitioner Nos. 2 and 3 are respectable residents of the Vasant Vihar and have actively participated in all proceedings/ events in Vasant Vihar.

VI) The Respondent Nos. 1-8 are the Department of Environment, GNCTD, its officials, tree officer, etc. Respondent No. 9 is the regulatory body in respect of NCT of Delhi for implementation of various environmental/ pollution control laws enacted by the Parliament. Respondent No. 10 is the Station House Officer of Vasant Vihar Police Station under whose jurisdiction the illegal act of cutting,

felling, and pruning is being committed. Respondent No. 11/ Commissioner DP is the Commissioner of Delhi Police. Respondent Nos. 12-17 are the officials/ managing committee members of Respondent No. 18/ VVWA (resident welfare association of Vasant Vihar) and are responsible and involved in the illegal act of cutting, felling and pruning of trees – without obtaining requisite approvals (despite being asked to do so repeatedly by the residents of Vasant Vihar).

VII) On 30.09.2022, certain trees (exact number is not known to the Petitioners) were cut/felled in Vasant Vihar, without any prior approval and with (direct/ indirect) understanding/ consent of Respondent Nos. 12-17 and less than/ around 40 meters away (across the road) from the offices of Horticulture Inspector, MCD. A complaint dated 28.10.2022 was also lodged by Petitioner No. 1 with various authorities/ departments, including the Respondent No. 2/ Commissioner MCD and Respondent No. 11/ Commissioner DP stating that the trees have been cut/ felled without prior permission of the concerned department. It is understood that Respondent No. 11/ Commissioner DP has instructed Respondent No. 10/ SHO VV to investigate the same. Copy of the complaint dated 28.10.2022 along with photographs is annexed herewith as **Annexure-8 Colly**.

VIII) On 18.11.2022 the Petitioners received a communication from Respondent No. 14/ Mrs. Parul Gaur (mobile number (+91) 9810507726), wherein it was stated that there are around 7000 trees in Vasant Vihar and since the pruning was long due, the pruning will start from 21.11.2022 and will move from block to block of Vasant Vihar. It was further stated in the said communication that MCD does not have the ***means*** to carry out the pruning and thus MCD has conveyed its ***inability*** to undertake pruning of trees in Vasant Vihar and therefore Respondent No. 18/ VVWA has decided to carry out pruning itself. The same have not been denied by Respondent Nos. 12 to 18. A copy of the WhatsApp communications dated 18.11.2022 is annexed herewith and marked as **Annexure-9**.

IX) Further, Respondent No. 18/ VVWA's minutes also clearly states that Respondent No. 18/ VVWA was engaging a private contractor to carry out pruning, which minutes clearly states that *"It is proposed to engage a Skylift for the necessary period of 2-3 months. Shri Chander Pal who was previously employed with MCD till he retired has been engaged to carryout this pruning…"*. The same have not been denied by Respondent Nos. 12 to 18. Copy of the Respondent No. 18/ VVWA's minutes is annexed herewith as **Annexure-10**.

X) That as soon as the Petitioners received the aforementioned communications, the Petitioners vide letter dated 20.11.2022 sought details from Respondent Nos. 12 to 17 regarding the approvals/ permissions (from the appropriate authorities) for pruning of trees. Furthermore, in their letter dated 20.11.2022, the Petitioners expressed their concerns about the liabilities that would be imposed on for conducting such pruning activities and if the same can be done without requisite approvals/permission, etc. The same have not been denied by Respondent Nos. 12 to 18. A copy of the letter dated 20.11.2022 is annexed herewith and marked as **Annexure-11**.

XI) The Petitioners having not received any response to the letter dated 20.11.2022, were forced to file a RTI application (filed by Petitioner No. 3) with the MCD on 21.11.2022 in order to obtain information regarding the permissions given to prune the trees in Vasant Vihar from 2018 to 2022, etc. Copy of the RTI application dated 21.11.2022 and its reply is annexed herewith and marked as **Annexure-12 'colly'**.

XII) Thereafter, on 21.11.2022, at around 10:00 AM, the privately engaged contractor/ Mr. Chanderpal using the Skylift arrived and started pruning the trees in Vasant Vihar. Subsequent to the commencement

of pruning of trees, several residents (including the Petitioners) at around 10:30 AM raised their concern with respect to approval taken from the concerned department for carrying out pruning.

XIII) Since the Respondent Nos. 12-17 failed to show any prior approval, the Petitioners were forced to report the matter with the Respondent Nos. 2/ Commissioner MCD and 4/ Dy Director MCD vide letter dated 21.11.2022 and complaint bearing no. 20221121000000355462, wherein the Petitioners raised certain queries that whether the Respondent Nos. 2/ Commissioner MCD and 4/ Dy Director MCD will take the responsibility if any penal action is taken and further requested to immediately take action against illegal pruning. Copy of the complaint dated 21.11.2022 is annexed herewith as **Annexure-13**.

XIV) That post noon of 21.11.2022, after hearing about the complaint filed by the Petitioners, the office bearers of Respondent No. 18/ VVWA wrote a letter to Respondent No. 7/ Asst. Director MCD seeking permission to prune the trees in Vasant Vihar. It is pertinent to bring to the notice of this Hon'ble Court that according to the DPT Act and the said Guidelines, there is a specific process which has to be followed with respect to obtaining approvals for pruning of trees in an area. No procedure of any sort was followed in this situation and a

letter was sent to the wrong department/ authority for permissions. It is pertinent to note that within hours of sending the said letter, the residents of Vasant Vihar suddenly received a WhatsApp communication from Respondent No. 14/ Mrs. Parul Gaur (mobile phone number 9810507726) stating that "*Dear Residents, Pruning is successfully started from F block today*. ***Permission has been granted from govt. in writing***. *Horticulture team along with its seniors are there with sky lift*". Copy of the letter dated 21.11.2022 and the consequential WhatsApp message dated 21.11.2022 are annexed herewith as **Annexure-14** and **Annexure-15** respectively. The same have not been denied by Respondent Nos. 12 to 18.

XV) On 24.11.2022**,** pruning was suspended by Respondent No. 18/ VVWA which is evident from the WhatsApp message sent by Respondent No. 14/ Mrs. Parul Gaur mobile number 9810507726 dated 24.11.2022

> *"We are given to understand that a few disgruntled residents have approached the MCD…*
>
> *…2. The work was commenced after the Managing Committee acting as per the Articles of Association approved the proposal to carry-out the pruning…*
> *5. With the winter setting in everyone needs the sunlight…*
> *6. In view of this, we are constrained to temporarily suspend the pruning process till the matter is clarified.".*

Copy of the WhatsApp message dated 24.11.2022 sent by Respondent No. 14/ Mrs. Parul Gaur mobile number 9810507726 on WhatsApp Group VVWA A BLOCK SOLUTIONS (official WhatsApp Group of Respondent No. 18/ VVWA) is annexed herewith as **Annexure-16**. The same have not been denied by Respondent Nos. 12 to 18. The above categorically establishes that the pruning was being undertaken by Respondent No. 18/ VVWA for the purposes of 'sun-light'(which cannot be a ground for undertaking pruning) and the same was halted / suspended on 24.11.2022 (as the Petitioners had approached Respondent Nos. 2/ Commissioner MCD and 4/ Dy Director MCD). The same have not been denied by Respondent Nos. 12 to 18.

XVI) On 25.11.2022, Respondent No. 14/ Mrs. Parul Gaur, through a WhatsApp message (mobile number 9810507726 on *VV Divas* WhatsApp Group) communicated that certain office bearers of Respondent No. 18/ VVWA met with Respondent No. 8/ Dy Commissioner MCD at her office Respondent No. 8/ Dy Commissioner MCD has informed that and pruning of trees is not covered by 'model code of conduct'. Such statement on the part of Respondent No. 8/ Dy Commissioner MCD (if actually stated by her) was in teeth of the DPT Act; said Guidelines; and the settled position of law. Screen shot of the WhatsApp message dated 25.11.2022 sent by Respondent No. 14/ Mrs. Parul Gaur, through a WhatsApp

message (mobile number 9810507726 on *VV Divas* WhatsApp Group) is annexed herewith as **Annexure-17**. The same have not been denied by Respondent Nos. 12 to 18.

XVII) That on 28.11.2022, the Petitioners left with no option wrote a letter to Respondent Nos. 2/ Commissioner MCD, 4/ Dy Director MCD and 8/ Dy Commissioner MCD, informing them about the factual scenario that had changed drastically since the last letter/complaint sent to them and requested information with regard to any approval given by them to Respondent No. 18/ VVWA for pruning of trees. The Petitioners vide the abovementioned letter requested the authorities to investigate into the matter and take immediate remedial action. To the dismay of the Petitioners, no reply to the said letter has been received by the Petitioners till date. Even Respondent No. 4/ Dy Director MCD had failed to reply to the said submission of the Petitioners in its short affidavit. Copy of the letter dated 28.11.2022 is annexed herewith as **Annexure-18**.

XVIII) Thereafter, on 01.12.2022, Respondent No. 18/ VVWA wrote a letter to Respondent No. 3/ DCF wherein they admitted that Respondent No. 18/ VVWA was carrying out pruning themselves and further stated that same will be below 15.5 centimeter. It is pertinent to mention that this letter clearly demonstrates that pruning was

neither carried out by the civic agencies (i.e. MCD, PWD or DDA) nor any permission for the same was taken from Respondent No. 3/ DCF. Copy of the letter dated 01.12.2022 is annexed herewith as **Annexure-19**. The same have not been denied by Respondent Nos. 12 to 18.

XIX) That having not received any response to their complaints/ letters and left with no other option and in order to save the trees and protect the green cover (knowing fully well that certain trees have been felled and other trees have been excessively pruned – taking away/ cutting upto 80% leaves), the Petitioners filed the said Original Application before the Hon'ble NGT under sections 14 and 15 of the NGT Act seeking direction from the Hon'ble NGT to direct Respondent No. 18/ VVWA to handover the pruning to concerned land owing agency with immediate effect along with other reliefs. Copy of Original Application bearing No. 911 of 2022 is annexed herewith as **Annexure-20**.

XX) On 17.12.2022, 19.12.2022 and 20.12.2022, office bearers of Respondent No. 18/ VVWA wrote WhatsApp messages [Respondent No. 12/ Mrs. Nidhi Agarwal using mobile number 9999372629 on VVWA A BLOCK SOLUTIONS (official WhatsApp Group of Respondent No. 18/ VVWA)] informing resident of Vasant Vihar that

they are in the process of taking permission from PWD. The same have not been denied by Respondent Nos. 12 to 18. This clearly shows that at one place Respondent No. 18/ VVWA is saying that no permission is required for pruning of trees, whereas at another place Respondent No. 18/ VVWA is trying to seek permission. Copy of the WhatsApp messages dated 17.12.2022, 19.12.2022 and 20.12.2022 sent by Respondent No. 12/ Mrs. Nidhi Agarwal (mobile number 9999372629), on VVWA A BLOCK SOLUTIONS (official WhatsApp Group of Respondent No. 18/ VVWA) are annexed herewith as **Annexure-21 Colly.**

XXI) The matter was listed for hearing on 20.12.2022, where the Hon'ble NGT appreciated the serious nature of the averments made in the said Original Application and directed the issued notice to Respondent No. 2/ Commissioner MCD, 3/ DCF and 18/ VVWA and further directed them to file their responses. Copy of the order dated 20.12.2022 passed by the Hon'ble NGT is annexed herewith as **Annexure–22**.

XXII) Thereafter, the matter was again listed on 21.12.2022. During the time of hearing the submissions, the Petitioners showed certain pictures with respect to the cutting of trees in garb of pruning that was conducted by Respondent No. 18/ VVWA. However, since no response was received from Respondent Nos. 2/ Commissioner MCD,

3/ DCF and 18/ VVWA, the matter was adjourned for 03.1.2022 with direction to concerned civic agencies to carry out pruning, if required. Apart from the same Respondent Nos. 4 to 8 were also directed to file their respective responses. Copy of the order dated 21.12.2022 passed by the Hon'ble NGT is annexed herewith as **Annexure–23**.

XXIII) On 22.12.2022, one of a resident of Vasant Vihar informed the residents and the office bearers of Respondent No. 18/ VVWA [on VVWA A BLOCK SOLUTIONS (official WhatsApp Group if Respondent No. 18/ VVWA)] that the tree trimming contractor is pruning the trees as per his own whims and fancies and without any logic. Copy of the WhatsApp message dated 22.12.2022 is annexed herewith as **Annexure-24**. The same have not been denied by Respondent Nos. 12 to 18.

XXIV) On 23.12.2022 and 24.12.2022, Respondent No. 18/ VVWA issued communication (through Respondent Nos. 12 to 17) to residents of Vasant Vihar [on VV Divas and VVWA A BLOCK SOLUTIONS (official WhatsApp Group if Respondent No. 18/ VVWA)] stating that *"...Pruning is being carried out by VVWA in the larger interest of the residents..."*. Further, various WhatsApp messages were circulated by Respondent No. 12/ Mrs. Nidhi Agarwal (mobile number 9999372629) and Respondent No. 14/ Mrs. Parul Gaur

(mobile number 9810507726) stating that *"Pruning was being dine by mcd only. We were facilitating with sky lift as we have big trees"*. Even in the said WhatsApp chat it was clearly stated by one of the employees that excessive pruning has taken place. Copy of the communication dated 23.12.2022 (through Respondent Nos. 12 to 17) along with WhatsApp messages dated 23.12.2022 and 24.12.2022 is annexed herewith as **Annexure-25 Colly**. The same have not been denied by Respondent Nos. 12 to 18.

XXV) That on 02.01.2023, a day before the next hearing, Respondent No. 4/ Dy Director MCD, filed a short affidavit (wrong stated as affidavit on behalf of Respondent No. 2/ Commissioner MCD) and Respondent No. 18/ VVWA filed its reply. It is pertinent to mention that the said affidavit and reply was completely contradictory to each other and also to the record which had already been discussed herein above. Respondent No. 4/ Dy Director MCD in their short affidavit did not touch upon any of the responses that they were directed to be submitted by the Hon'ble NGT. They merely reiterated the Guidelines and falsely stated that they have been supervising the pruning activities in Vasant Vihar. It must be pertinent to note that Respondent No. 4/ Dy Director MCD in their short affidavit deliberately did not disclose whether any permission for pruning of trees had been given or not. Copy of the short affidavit filed by Respondent No. 4/ Dy

Director MCD dated 02.01.2023 is annexed herewith as **Annexure–26** and copy of reply of Respondent No. 18/ VVWA is annexed herewith as **Annexure-27**.

XXVI) That during the hearing dated 03.01.2023 before the Hon'ble NGT, the Petitioners urged the Hon'ble NGT to look into some fresh pictures that were being taken on the morning of the very day of the hearing. The pictures clearly evidenced excessive and lopsided pruning being undertaken in Vasant Vihar. However, the Hon'ble NGT directed the Petitioners to file the same before the Registrar of the Hon'ble NGT. Vide the said Order, the Hon'ble NGT also gave MCD a free hand to ask the Petitioners, residents of Vasant Vihar and Respondent No. 18/VVWA to provide man-power and also financial assistance to support the MCD in carrying out pruning of trees in Vasant Vihar. Copy of the Order dated 03.01.2023 is annexed herewith as **Annexure-28**.

XXVII) On 16.01.2023, Respondent No. 3/DCF filed reply to the Original Application wherein Respondent No. 3/DCF clearly admitted that reckless pruning of trees is an offence under Section 8 of the DPTA Act. Even in the said reply, it was admitted by Respondent No. 3/DCF that excessive pruning has taken place in Vasant Vihar. However, the submission of Respondent No. 3/DCF in their reply pertaining to rest

of pruning being under the allegedly permissible "15.7 girth size of branches" were without undertaking scientific or mechanical examination thereof – instead Respondent No. 3/DCF chose to make broad submissions (and approved pruning to be within alleged permissible limits) with respect to the girth size of branches pruned which were 40 feet in height by merely looking at them from ground-level. Copy of the reply dated 13.01.2023 filed on 16.01.2023 is annexed herewith as **Annexure-29**. The Hon'ble NGT did not seek clarification from Respondent No. 3/DCF as to why examination was undertaken merely from ground level; but instead the reply was mechanically taken on record.

XXVIII) On 18.01.2023, Petitioners herein filed rejoinders to the reply/short affidavit of Respondent No. 4/ Dy Director MCD and Respondent No. 18/ VVWA. On the said date, Respondent No. 6/ Dy Director DDA also filed its short status report to the said Original Application wherein Respondent No. 6/ Dy Director DDA mala fide and falsely stated that "no illegal cutting/ felling/ pruning of trees took place in Vasant Vihar. This made the Petitioners file an application to form a joint/ expert committee to carry out inspection and submit its report before the Hon'ble NGT, which is still pending. Copy of the Rejoinder to the short affidavit of Respondent No. 4/ Dy Director MCD is annexed herewith as **Annexure-30**. Rejoinder to the reply of

Respondent No. 18/ VVWA is annexed herewith as **Annexure-31** and short status report of Respondent No. 6/ Dy Director DDA is annexed herewith as **Annexure-32**. Copy of the application seeking formation of a joint committee is annexed herewith as **Annexure-33**.

XXIX) It is pertinent to bring to the knowledge of this Hon'ble Court that Respondent No. 18/ VVWA also recommenced pruning of trees in Vasant Vihar on 16.01.2023, on its own and through a private contractor and in absence of any officer from the MCD – and in complete derogation of Hon'ble NGT's Order dated 21.12.2022 and 03.01.2023. Petitioners, also enquired about the pruning of trees from the persons who were pruning trees (Mr. Chanderpal and Mr. Subhash) and were informed that the pruning is being undertaken under instructions from Respondent No. 18 / Respondent No. 13, they are only a contractor and MCD will collect the green waste on its own. Petitioners also made detailed inquiry about presence of any of the officers/ officials of the MCD; but none were present. The driver/ Mr. Subhash of the "skylift" first stated that he is an employee of PWD and later stated it to be MCD and upon further probing stated that he is a private contractor (and stated that he is not aware about the employer). Petitioners also tried to make an inquiry with the local Horticulture Nursery/ office of MCD (located next to 25 Palam Marg, Vasant Vihar) and the officials present at the office/ nursery of the

MCD Horticulture refused to give any information regarding recommencement of pruning of trees. It also appeared that the said officials of the MCD were not aware about re-commencement of pruning of trees by Respondent No. 18/ VVWA by engaging a private contractor. The photographs of the pruning being undertaken on 16.01.2023 are annexed as **Annexure-34**. It is further submitted that the said undertaking of pruning by Respondent No. 18/ VVWA (through its office bearers) by engaging private contractor is contrary to/ in breach/ violation of Hon'ble NGT's order dated 21.12.2022 and 03.01.2023 and establishes the scant regard for law and also directions of the Hon'ble NGT by Respondent No. 12 to Respondent No. 17 (office bearers/ managing committee members of Respondent No. 18/ VVWA). The same was brought to the notice of the Hon'ble NGT as part of the Petitioner's Application as well as during the course of oral submission during hearing before the Hon'ble NGT on 19.01.2023. However, the Hon'ble NGT did not deem it appropriate to seek explanation for Respondent No. 18/ VVWA's derogation of Hon'ble NGT's order with impunity – instead Hon'ble NGT being misled by Respondent No. 18/ VVWA who intentionally played fraud on the Hon'ble NGT; decided to cast aspersions on the Petitioners.

XXX) On 30.01.2023 and 31.01.2023, pruning was again conducted by Respondent No. 18/ VVWA (through the private contractors (using

the Sky-lift)) and not by land-owning agencies; neither in the presence of land-owning agencies and in complete defiance of the DPT Act. Against the same, Petitioners immediately wrote a complaint to PWD secretary, Respondent Nos. 1-5, Respondent No. 10/ SHO VV, etc. along with the photographs and in terms of direction of the Hon'ble NGT vide the said Impugned Order. However, till the date of filing of this Petition, no action has been taken by the land-owning agencies. Copy of the complaints dated 31.01.2023 and photographs dated 31.01.2023 are annexed herewith as **Annexure-35 Colly** and **Annexure-36** respectively. A copy of the complaint dated 07.02.2023 is annexed as Annexure - 37.

XXXI) It is important to note that a tree census was conducted in Vasant Vihar during 2015-16 which led to the trees being marked as most of the trees were fruit bearing trees which are extremely important for humans and the environment as a whole. It was, therefore, essential before cutting, feeling or pruning was being done, to take an informed decision as to whether such cutting, feeling or pruning would in any way damage the tree and to what extent the tree can be trimmed or pruned without causing such damage. But to the surprise of the Petitioners, all such factors were being blatantly ignored by Respondent No. 18/ VVWA. A copy of the 340 application filed by the Petitioners is annexed Annexure - 38

XXXII) Further, during the winters the level of air pollution in the city of New Delhi is seemingly high and the Air Quality Index (AQI) always ranges from 300-700 which can cause severe health issues and breathing problems to a majority of people especially the elderly people. In the first week of January 2023, parts of Delhi (Srinivaspuri) witnessed AQI levels of around 750 with RK Puram at AQI level of 500. Trees (leafy-green part thereof), on the other hand aid to remove the pollutants and the harmful gases from the atmosphere and reduce the effect of such pollutants from entering the human bodies and therefore providing us with clean air to breathe.

XXXIII) Also, unscientific pruning of trees leads to the poor appearance of the trees, that ultimately leaves a large wound that would need a long time to recover, and exposes the tree to infections (parasitic fungi) that decreases the tree's stability, resulting to fungal decay that can weaken the physical strength of the wood and may pose a danger to environment. Trees which are unscientifically pruned raise a major environmental concern.

GROUNDS

A. **BECAUSE** the Impugned Order contains an error of law apparent on the face of record and is in excess of jurisdiction as it *firstly,*

fails to appreciate that in terms of Section 8 of Delhi Preservation of Trees Act, 1994 (**"DPT Act"**) 'cutting/ felling' includes pruning/ pollarding, ; *Secondly,* in terms of DPT Act permission is to be mandatorily taken to carry out pruning on government land; and *thirdly*, only land-owning agencies viz. Municipal Corporation of Delhi (**"MCD"**), Delhi Development Authority (**"DDA"**), Public Works Department (**"PWD"**) can carry out pruning on its own land. In other words, no private person/ entity can undertake pruning of trees on the government land;

B. **BECAUSE** the Impugned Order is beyond jurisdiction as in effect it allows private parties/ persons/ entities to carry out pruning of trees on government land (i.e. the land owned by MCD, DDA and PWD);

C. **BECAUSE** the Impugned Order is in error of jurisdiction as it permits pruning of trees without any approval, permission or inspection and fails to appreciate and examine the applicable provisions under the DPT Act for cutting, felling and pruning of trees;

D. **BECAUSE** the Impugned Order is repugnant to substantive provisions of the DPT Act and its general purpose and therefore suffers from substantive and procedural *ultra vires* - as it allows

land-owning agencies (bound by established procedure), to NOT follow the manner prescribed under the DPT Act;

E. **BECAUSE** the Impugned Order allows the land-owning agencies to seek financial assistance and man-power for pruning of trees, on discretionary and arbitrary basis and in derogation of all applicable laws/ rules/ regulations governing the said land owning agencies, from private parties, residents, resident welfare association(s), without appreciating that the pruning of trees has to be undertaken by the land-owning agencies on their own (using their own resources), as the residents (including the Petitioners) pay heavy property taxes and other direct and indirect taxes to the landowning agencies, state and central government. If the same were to be allowed the land-owning agencies such as MCD, DDA and PWD shall seek financial assistance and man-power support from residents, individuals, resident welfare associations to perform all activities which they are mandated to undertake (as per their governing legislations);

F. **BECAUSE** the Impugned Order also ignores the roles and responsibilities of the civic/ land-owning agencies (MCD, PWD, DDA) which is in complete derogation of DPT Act for pruning of trees;

G. **BECAUSE** the Impugned Order was passed in excess of jurisdiction as the Hon'ble NGT has casted scurrilous aspersions (reflecting bias of Hon'ble NGT) on the bona fide of the Petitioners by merely relying on the unproved statement of counsel for Respondent No. 18/ VVWA. Hon'ble NGT did not take into consideration that the interim relief sought (as well as repeated oral submissions) by the Petitioners and explicitly prayed for the pruning to be undertaken by land-owning agencies/ MCD/ PWD/ DDA. Casting un-substantiated, unwarranted and undue aspersion not only amounts to breach of fundamental right to live a dignified life but it also renders the Impugned Order perverse as it transgresses the limits set by the parent statute viz. the National Green Tribunal Act, 2010 (**"NGT Act"**). The Petitioner directly (or through its counsel) while submitting that the pruning of trees on the government land can only be undertaken by the land-owning agencies could not have been forced to spell/ give name of another private party/ agency to undertake pruning of trees. Any suggestion towards the same (even under pressure) would have been contrary to law and the reliefs as sought by the Petitioners in the Original Application. Mere reassertion of the submissions in the Original Application, under *no* circumstance can amount to questioning bonafides and objectives of the Petitioners. Petitioners, vide, their

Application only wished to highlight the contradictory statements/ stand adopted by Respondent No. 13/ Mr. GS Bindra before the Hon'ble NGT, which have a potential of misleading the Hon'ble NGT, have an impact on the outcome of the Original Application and result in miscarriage of justice (leading to continued loss of green cover – by wrong statement of facts and interpretation of applicable laws);

H. **BECAUSE** the Hon'ble NGT ignored the intention of the legislation (for inspection and approval) is cardinal for insuring, scientific pruning, which in turn is critical for the health and long-life of trees;

I. **BECAUSE** the Hon'ble NGT ignored that if pruning of trees is done in an unscientific manner by a private agency/ contractor/ party, then harm if any is caused to the tree so pruned, would not be borne by the land-owning agencies;

J. **BECAUSE** the Hon'ble NGT by trivialising the issue of pruning of trees, ignored that the pressure on lungs and hearts of residents of Delhi, constantly exposed to toxic levels of pollution due to reduced green cover; ended up suffering multi-fold with the onset of covid infections, thereby leading to further deterioration in lung-heart conditions of all residents of Delhi;

K. **BECAUSE** the Hon'ble NGT ignored to take cognizance that unscientific, excessive, lop-sided pruning of trees ran the risk of loss of green cover and resultant environmental damage;

L. **BECAUSE** the Impugned Order is also in violation of principles of natural justice (**"PNJ"**) as it was passed without examining and taking into consideration the submissions, documents, reply of Respondent No. 18/ VVWA, rejoinder of Petitioners to the reply of Respondent No. 18/ VVWA thereby being in violation of the doctrine of fair hearing;

M. **BECAUSE** the Hon'ble NGT failed to take cognisance of violation for its previous orders (dated 21.12.2022, 03.01.2023 and the Impugned Order) by the Respondents, in so far as Respondent No. 18/ VVWA (under directions of Respondent Nos. 12 to 17/ Managing Committee members of Respondent No.18) continued to prune trees in Vasant Vihar on its own, whereas, as per the directions of the Hon'ble NGT the same was to be undertaken by land-owning agencies (MCD/ PWD/ DDA) and Respondent Nos. 2, 4, 5, 6, 7 and 8 did not object to the same. Respondent Nos. 2, 4, 5, 6, 7 and 8 have not placed any communication on record to establish that the said pruning of trees in Vasant Vihar by Respondent No. 18/ VVWA especially pursuant to the orders of

the Hon'ble NGT, was undertaken with their approval/ consent or after seeking assistance (man-power/ financial) from Respondent No.18/ VVWA;

N. **BECAUSE** the Hon'ble NGT fails to appreciate the environmental impact because of excessive and lop-sided pruning of trees in Vasant Vihar by Respondent No.18/ VVWA (to an extent that few trees have been left with only 20% leaves);

O. **BECAUSE** the Hon'ble NGT ignores the plea of Petitioners that apart from excessive and illegal pruning, several trees have been cut/ felled and the same was duly reported to Respondent Nos. 2/ Commissioner MCD and Respondent No. 11/ Commissioner DP and pursuant to which Respondent No. 10/ SHO VV commenced an investigation and in terms of Section 22 of the DPT Act the above mentioned Respondents were obligated to inform Respondent No. 3/ DCF about cutting/ felling of trees in Vasant Vihar;

P. **BECAUSE** the Hon'ble NGT fails to apply orders of the coordinate benches (of the NGT) with respect to pruning of trees – wherein, it has been held that cutting/ felling of trees includes pruning of trees;

Q. **BECAUSE** the Impugned Order fails to address an important issue that the land-owning agencies (MCD/ DDA/ PWD through Respondent Nos. 2, 4, 5, 6, 7 and 8) are trying to take advantage of their own wrong, as they *firstly* chose not to undertake pruning of trees in Vasant Vihar on their own; and *secondly* did not object to/ restrain/ stop Respondent No. 18/ VVWA (through a private contractor and skylift) from pruning of trees (around 7000 trees on their land); and *thirdly* wish to (purposefully/ wilfully) ignore/ turn blind eye to excessive/ lop-sided pruning of trees in Vasant Vihar (resulting into depletion of green cover in Vasant Vihar);

R. **BECAUSE** the Impugned Order fails to address an important issue that the land-owning agencies (MCD/ DDA/ PWD through Respondent Nos. 2, 4, 5, 6, 7 and 8) are trying to take advantage of their own wrong, as despite being informed about cutting/ felling of trees in Vasant Vihar, vide email dated 28.10.2022/ 30.10.2022 (less than 50 meters away from MCD's horticulture office/ nursery) NO action, enquiry, investigation was done by the land-owning agencies especially in terms of Section 22 of the DPT Act);

S. **BECAUSE** the Impugned Order was passed with non-application of mind as the Hon'ble NGT while passing the Impugned Order has not taken into consideration that in terms of Section 22 of the

DPT Act, it is the duty of every officer (including Police and Department of Horticulture – in the instant case Respondent Nos. 2, 4, 5, 6, 7, 8, 10 and 11) to inform Respondent No. 3/ DCF about any violation of section 8 of the DPT Act. Instead, the Impugned Order directs Petitioners to approach Respondent No. 3/ DCF and file a separate application/ complaint regarding illegal cutting, felling and pruning of trees; without acknowledging that the said issue has also been raised in the Original Application and is already in the knowledge of Respondent No.3/ DCF. Without prejudice to the said submission, Petitioners (in accordance with the directions of the Hon'ble NGT) have separately informed Respondent No.3/ DCF about the same;

T. **BECAUSE** the Impugned Order was passed with non-application of mind as the Hon'ble NGT while passing the Impugned Order has not taken into consideration the undisputed/ admitted facts by the Respondent No. 18/ VVWA and by Respondent Nos. 12 to 17 (even though argued by Petitioners) that Respondent No. 18/ VVWA (and Respondent Nos. 12 to 17 categorically admitting to pruning of trees after engaging a private contractor and skylift – with an estimated cost of Rs. 5 lakhs) has not denied that they were carrying out pruning of trees in Vasant Vihar through a private

contractor and which was (at least) continuing until 31.01.2023 (directly undertaken by the Respondent No. 18/ VVWA);

U. **BECAUSE** the Impugned Order reflects bias as on the one hand it does not take cognisance of Respondent No. 18's/ VVWA's wilful and intentional violation, breach, derogation of Hon'ble NGT's orders dated 21.12.2022, 03.01.2023 and 19.01.2023, by continuing to undertake pruning itself (employing private contractor and sky-lift) and not the land owning agencies (MCD/ DDA/ PWD); but on the other hand it makes strict observations against the Petitioners for not making complaint to Tree Officer/ Respondent No. 3/ DCF as per Hon'ble NGT's order dated 03.01.2023 (even though the Petitioners submitted that the complaint as made by them to Respondent Nos. 2, 10 and 11) is sufficient and no further complaint is required to be made and the land-owning agencies/ police are required to take action under Section 22 of the DPT Act);

V. **BECAUSE** the Impugned Order is passed in error of jurisdiction and reflects bias on the part of the Hon'ble NGT as the Hon'ble NGT has taken cognizance of pruning of trees undertaken in Vasant Vihar year/s ago (different cause of action), merely relying on the oral statement *(see: order dated 03.01.2023)* made by

Respondent No. 13/Mr. GS Bindra and subsequent to passing of the Impugned Order directed Respondent Nos. 1-8 and Respondent No. 18/ VVWA to file documents regarding the same. It is pertinent to submit that any wrong done in the past cannot be used to justify/ entitle anyone to continue/ repeat the same wrong/ illegal act;

W. **BECAUSE** the Impugned Order was passed by not complying with the mandatory provisions of law as the Hon'ble NGT failed to undertake/ direct a preliminary enquiry in accordance with Section 340 of the Code of Criminal Procedure, 1973 ("**Cr.P.C.**"), as Respondent No. 18/ VVWA statements (through Respondent No. 13/ Mr. GS Bindra) before the Hon'ble NGT were in contradiction to its reply affidavit (duly signed and affirmed by Respondent No. 13/ Mr. GS Bindra) and records (inter-alia communications (written messages) made by Respondent No. 12/ Mrs. Nidhi Agarwal using mobile number (+91) 9999372629and Respondent No. 14/ Mrs. Parul Gaur using mobile number (+91) 9810507726 and Respondent No. 13/ Mr. GS Bindra using mobile number (+91) 9811169751) as available before the Hon'ble NGT; (effectively allowing Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) to play fraud on court/ Hon'ble NGT only to mislead/ misguide and obtain favourable order/s;

X. **BECAUSE** the Hon'ble NGT by mechanically passing an unreasoned Impugned Order (though running in 27 pages) dismissed the Application of Petitioners under Section 340 of Cr.P.C**.** The Impugned Order is unreasoned as *firstly*, it gives no reason for dismissal apart from casting aspersion on the bona fide of the Petitioners by simply relying upon the oral statement of Respondent No. 18/ VVWA (*which was in derogation of the record reflecting Petitioner No. 1 as an environment-enthusiast since 2008*) and *secondly,* does not disclose as to how the judgments (relied upon by the Petitioners) are not applicable to the facts of the case (except holding that the facts are different);

Y. **BECAUSE** the Impugned Order is biased as it also wrongly records that Application was filed at 'very initial stage' and the said observation was used to cast aspersions on the motives of Petitioners. The said observations would dissuade Petitioners and other similarly placed citizens of India to raise any illegal act/conduct by any person/ body – having adverse impact on green cover/ environment before the Hon'ble NGT. As a matter of fact, none of the WhatsApp messages were denied by the Counsel for Respondent No.18/ VVWA (who also gave her appearance for

Respondent Nos. 12 to 17) before the Hon'ble NGT and/or in the counter/ reply affidavit.

Z. **BECAUSE** The Hon'ble NGT's Impugned Order transgresses the limits/ substantive provisions of the DPT Act and the general purpose of the DPT Act – thereby rendering it substantively ultra vires. The Impugned Order suffers from procedural ultra vires as it allows land-owning agencies (namely MCD, DDA and PWD), which are bound by the provisions of the DPT Act, and the procedure/ manner prescribed thereunder – to NOT follow the same. The Impugned Order by virtue of being substantively ultra vires and promoting procedural impropriety is amenable to be set aside.

AA. **BECAUSE** the Hon'ble NGT had till date neither made any enquiries with regard to the submission of the Petitioners that "*no permission*" was taken by the Respondent No. 18/ VVWA to carry out pruning in terms of the said Guidelines and pruning was done by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) without any permission. The Hon'ble NGT ought to have considered that Respondent No. 4/ Dy Director MCD and even Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) are trying to cover up their illegal and improper acts by stating that

no permission for pruning of trees (by any person/ resident welfare association), on government land, below 15.7 centimeters girth is required. Further, the Respondent No.3/ DCF has not stated that pruning of trees on government land can be undertaken, even if below 15.7 centimeters, by any private party/ person on its own (in the present case Respondent No. 18/ VVWA). In effect any person can prune trees anywhere in Delhi (including on government land) and action, if any (if and when it comes to the notice/knowledge of Respondent No. 3/DCF) for pruning of trees in excess of 15.7 centimeters will be taken after the pruning has been completed and the tree(s) has (have) been damaged and green cover destroyed. It fails to recognize the fact that such damage to green cover (including trees) cannot be compensated especially by imposing monetary penalties. Furthermore, Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) contradicts itself by repeatedly communicating (through WhatsApp messages on their own official communication WhatsApp group) that pruning of trees on "Margs" which fall under the jurisdiction of PWD/ Respondent No. 5 cannot be undertaken as Respondent No. 15/ Dy Director PWD has not granted the permission to prune trees and the same is awaited. However, Respondent No. 18/ VVWA, on its own, (on 31.01.2023) commences pruning of trees on margs/ lane A-9,

which come under the jurisdiction of Respondent No.5/ Dy Director PWD/ PWD. The Guidelines do not discriminate between landowning agencies (i.e. MCD, PWD, DDA) and apply in the same manner to all. Respondent No. 18's own communications (through Respondent No. 12/ Mrs. Nidhi Agarwal, Respondent No.13/ Mr. GS Bindra and Respondent No. 14/ Mrs. Parul Gaur – apart from other managing committee members) to the residents of Vasant Vihar and to MCD (Respondent Nos. 4, 7 and 8)/ PWD was that the approval is required/ approval has not been granted). If no approval was required for pruning of trees then why did Respondent No. 18/ VVWA seek approval for pruning from MCD and PWD; and subsequently upon concerns being raised by Petitioners why was pruning stopped/ halted on 24.11.2022.

BB. **BECAUSE** the Petitioners deem it pertinent to draw the attention and reiterate the steps to be followed in terms of the DPT Act and the Guidelines for pruning/felling of tree(s) is as follows:

p) Definition of **'tree'** under section 2(i) of the DPT Act: "Tree" means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than 5 centimeter in diameter at a height of 30

centimeter form the ground level and is not less than 1 meter in height form the ground level. Summarily, as per the DPT Act, a woody plant would qualify as "Tree" if it fulfils following:

(iii) trunk or body is not less than 5 centimeters in diameter (or 15.7 centimeters in circumference/ girth) at a height of 30 centimeters form the ground level; and

(iv) is not less than 1 meter in height form the ground level.

q) Further, section 8 of the DPT Act states the following:

> *"8. Restrictions on felling and removal of trees – Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer. …."*

It is pertinent to note two (2) important aspects of section 8 of the DPT Act:

(iii) *FIRSTLY,* Section 8 begins with a non-obstante clause and therefore overwrites jurisdiction onto itself in so far as the subject provision is concerned – including over "…in any custom or usage or contract and except as provided in this Act…" The import of the above

words is not to be taken lightly, but to be understood strictly, to mean that section 8 of the DPT Act is to take precedence and shall supersede all.

(iv) *SECONDLY*, as per Section 8 of the DPT Act, No person shall fell or remove or dispose of any tree, except with the previous permission of the Tree Officer.

r) There is no disagreement that in terms of Section 8 of the DPT Act 'cutting/ felling' includes 'pruning'. The reply filed by the Respondent No.3/ DCF dated 13.01.2023 (filed on 16.01.2023) before the Hon'ble NGT itself agrees with this position and the same is reflected under para 3 of their reply.

s) In Conclusion the intention of the legislation under the DPT Act was clear:

(iii) Tree = trunk above 30 centimeters from ground if measures 15.7 centimeters in girth by circumference (or 5 centimeters by diameter); and

(iv) NO TREE Can be felled/ pruned except with permission of Tree Officer as required under Section 8 of the DPT Act.

t) The procedure therefore, that is to be followed under the DPT Act read with Guidelines would be as under:

CLAUSE 9	**CLAUSES 10 & 11**
STEP 1 If the tree is **inside the house/premises** which needs to be felled or pruned, then the said individual/ general public/ society/ RWAs.	**STEP 1** If the tree is **standing on Government land/ roads/ parks/ government property** which needs to be felled or pruned.
STEP 2 Application under **Form B** along with photographs, number of trees, etc. in question has to be sent to DCF/Tree Officer.	**STEP 2** Letter (on a plain piece of paper) to be sent to the Deputy Director (Horticulture) of the land-owning agency.
N/A	**STEP 3** The Deputy Director (Horticulture) of the concerned land-owning agency shall forward it to the DCF by way of filling up the **Form B –** and in turn seek permission of DCF.
STEP 4 After receiving Form B (either from Individual land-owner OR the land-owning agency; the DCF shall proceed with the **inspection of the tree(s).**	
STEP 5 After inspection, the permission or otherwise is communicated by concerned DCF within 60 days.	

u) After combined reading of clauses 5 to 11 of the said Guidelines it is clear that clause 5 has no bearing on clauses 9 to 11 as clauses 9 to 11 clearly states that if the ***individual, RWA, etc. wants to get the trees pruned then they have to***

apply for permissions which will be granted after inspection by the tree officer. Even if for the sake of argument (without admitting) it is to be assumed that pruning of trees is completely/ wholly covered under Clause 5; then there is no purpose of having Clause 9 to 11 in the Guidelines (because clauses 9 to 11 will never get triggered/applied by any civic agency). Further, the civic agencies and concerned land owing agency apart from pruning to be done at regular intervals might not know as to in which area the pruning is to be done or in which area pruning was conducted by the land owing agency/ property owner and to what extent the trees were pruned unless the individual, RWA, etc. applies for permission. Thus, it is crystal clear that inspection followed by permission by concerned DCF is mandatory in terms of the said Guidelines to prune the trees.

v) The sum and substance of section 9(2) of the DPT Act conveys and in fact confirms the intention of the legislature to ensure that there will be prior inquiry and inspection for each request for cutting, felling, and pruning of tree(s) – which inspection and inquiry may or may not result in permission in full or part permission for cutting, felling, and pruning of trees. Admittedly, there was no inspection of the

trees that were pruned and hence, the said activity of pruning was unlawful. The said unlawful act has resulted in serious harm and injury to the environment as healthy trees have been cut/ excessively/ lop-sided pruned. Trees have to be pruned without causing any damage to it, as trees are indispensable ingredients of environment and play a significant role in keeping environment pollution free and safeguard all from irreparable environmental changes like global warming, caused due to imbalance in environment.

w) It is also pertinent for this Hon'ble Court to note that there is a distinct and clear difference between the two issues of: (a) regular, light and heavy pruning on one hand (as referred in Guidelines); and (b) excessive pruning on the other hand (which is reflective of environmental damage).

x) In terms of the definitions 'excessive pruning' is said to be undertaken when more than one-third of the canopy of a tree is chopped off. "Excessive pruning means the removal of more than one-third of the tree canopy or cutting back the limbs to a point that prevents the natural growth of the tree."

y) It is also important to note that even the photographs filed by the Petitioners (at pages 110-114 of the Original Application)

clearly show that the trees which were pruned are of girth way over than 15.7 centimeters. Apart from that, even after closely looking at the photographs filed by the Respondent No. 18/ VVWA itself (at page 18) it is clear that the tree pruned (which the Respondent No. 18/ VVWA claims to be less than 15.7 centimeters) is more than 15.7 centimeters. Even otherwise, it is again reiterated that 15.7 centimeters girth size of branches has no relevance to the facts of the present case as it is mandatory to take permission (as already explained above) for pruning any "tree"..

z) It is further submitted that the Hon'ble NGT (West Zone, Pune) in *Pradeep Indulkar v. Municipal Corporation for the city of Thane and others (Application No. 157 of 2016)* after observing that the term 'cutting/ felling' includes 'pruning', held that *"...if any person including an Officer of the Urban Local Authority, State Govt. or Central Govt. proposes to fell a tree, he shall apply in writing to the Tree Authority for permission in that behalf. An elaborate procedure to deal with such Application is prescribed by law in the manner aforesaid."*. The said judgment was also confirmed by the Hon'ble Supreme Court of India in Civil Appeal No. 8946/2017.

aa) Without prejudice to the above and without admitting, even if the submission of Respondent No. 4/ Dy. Dircetor MCD and Respondent No. 6/ Dy Director DDA is admitted that no permission for pruning of trees up to 15.7 centimeters girth is required then it can only be concluded that the said Guidelines are not in conformity with the DPT Act which is the parent act/legislation and are thus liable to be read down in view of section 8 of the DPT Act, which reads as follows:

> *"8. Restrictions on felling and removal of trees.- Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise,* ***except with the previous permission of the Tree Officer****..."*

bb) It is settled law that if the exercise of power is in the nature of subordinate legislation the exercise must conform to the provisions of the statute. All the conditions of the statute must be fulfilled. It is further well settled law that a notification/guideline cannot supersede the parent act. Further, be the above as it may and without prejudice to any other averment/ submission, the Guidelines have been issued without any authority, as DPT Act does not empower the

DCF/ Secretary Tree Authority to issue such guidelines. The Guidelines have been issued in pursuance to section 2(h) of the DPT Act and which does not provide for any mechanism to enable DCF/ Secretary Tree Authority to issue such guidelines. Furthermore, the Hon'ble NGT is not bound by the law, statute, rules, regulations and notifications issued under appropriate provisions of the applicable/ governing laws.

cc) Further, as per section 2 (h) of DPT Act, the term 'felling' is defined in an inclusive way to include 'pruning'/ 'pollarding' (see: *Pradeep Indulkar (supra)).*

dd) Apart from the above, even the 'Form B' (form to seek permission for pruning) attached with the said Guidelines, unambiguously mentions 'felling' and not 'pruning', which categorically establishes that the term 'cutting/ felling' includes 'pruning'. Thus, on the conjoint reading of DPT Act and said Guidelines, it is clear that the term 'cutting/ felling' includes 'pruning' and therefore for pruning of trees prior permission from the concerned horticulture department is mandatory.

CC. **BECAUSE** Respondent No. 3/DCF in its reply to the Original Application has clearly stated that *reckless pruning is an offence under Section 8 of the DPT Act*, which is a clear admission on the part of Respondent No. 3/ DCF that the term 'cutting/ felling' includes 'pruning'.

DD. **BECAUSE** the stand of Respondent No. 4/ Dy Director MCD, Respondent No. 6/ Dy Director DDA and Respondent No. 18/ VVWA with regard to *"no permissions required for pruning of trees up to 15.7 cms"* completely falls on its foot because only assuming and not admitting that even if the aforesaid stand is correct, then there was no occasion for Respondent No. 18/ VVWA to write a letter dated 21.11.2022 (seeking permission for pruning of trees after commencement of pruning) to Respondent No. 7/ Asst. Director MCD (who was not even authrised to grant any approval). This clearly shows the mala fide on the part of Respondent No. 4/ Dy. Director MCD and Respondent No. 18/ VVWA who are now trying to put cover up the illegal acts and action/ inaction. Further, Respondent No. 18/ VVWA (through Respondent Nos. 12 to 17) could not have stated that Respondent No. 8/ Dy Commissioner has granted approval for pruning of trees (when Respondent No. 8/ Dy Commissioner was not empowered to grant any such approval).

EE. **BECAUSE** it is expedient in the interest of justice that this Hon'ble Court may in light of the above give a finding on whether the said Guidelines are in in conformity with the DPT Act or not and direct the Hon'ble NGT to decide the Original Application on the basis of the same.

FF. **BECAUSE** the Impugned Order ignores the roles and responsibilities of the civic/ land-owning agencies (MCD, DDA, PWD) which is in complete derogation of DPT Act and is also in derogation of all applicable laws/ rules/ regulations governing the said land owning agencies as it allows the land-owning agencies (MCD, DDA, PWD) to seek financial assistance and man-power from the Petitioners, residents of Vasant Vihar and Respondent No. 18/ VVWA to support them in carrying out pruning of trees in Vasant Vihar especially when the Petitioners and residents of Vasant Vihar-Category A colony pay heavy (property) taxes and other direct and indirect taxes to the landowning agencies, state and central government. This is also contrary to the fact that MCD and PWD have been carrying out pruning of trees in other parts of Delhi on their own. If the same were to be allowed the land-owning agencies such as MCD, DDA and PWD shall seek financial assistance and man-power support from residents, individuals,

resident welfare associations to perform all activities which they are mandated to undertake (as per their governing legislations).

GG. **BECAUSE** the Impugned Order fails to address an important issue that few land-owning agencies (Respondent Nos. 2, 4 to 8) are trying to take advantage of their own wrong, as they firstly chose not to undertake pruning of trees in Vasant Vihar on their own; and secondly did not object to/ restrain/ stop Respondent No. 18/ VVWA (through a private contractor and skylift) from pruning of trees (around 7000 trees on its land); and thirdly wish to (purposefully/ wilfully) ignore/ turn blind eye to excessive/ lop-sided pruning of trees in Vasant Vihar (resulting into depletion of green cover in Vasant Vihar).

HH. **BECAUSE** the Impugned Order fails to address an important issue that the land-owning agencies are trying to take advantage of their own wrong, as despite being informed about cutting/ felling of trees in Vasant Vihar, vide email dated 28.10.2022/ 30.10.2022 (less than 50 meters away from MCD's horticulture office/ nursery) NO action, enquiry, investigation was done by the land-owning agencies especially in terms of Section 22 of the DPT Act).

II. **BECAUSE** the mala fide of Respondent No. 6/ Dy Director MCD is evident from the fact that Respondent No. 6/ Dy Director MCD

also filed its short status report to the said against the said Original Application wherein Respondent No. 6/ Dy Director MCD has annexed few photographs of a park in A Block Vasant Vihar to argue that "no illegal cutting/ felling/ pruning of trees" took place in Vasant Vihar. Upon comparing the said photographs with the photographs of March 2022 and September 2022 (already on record), it is crystal clear that trees were cut/ felled in the said park against which the said complaint dated 28.10.2022 was filed by the Petitioner No. 1.

JJ. **BECAUSE** even the reply dated 16.01.2023 (not part of the record before the Hon'ble NGT) to the RTI application filed by Petitioner No. 3/ Mr. Vivek Tandon with MCD (seeking information on pruning of trees in Vasant Vihar) clearly establishes that the land-owning agencies are trying to take advantage of their own wrong wherein in one answer they admit that "*no budget was spent for pruning in Vasant Vihar*". Contradicting to the same they say that "pruner and loper was used" and again contradicting to both they say that "no permission required below 15.7 cms girth". It is very glaring and raises important questions that (1) since no budget was spent, it means that MCD is not carrying out pruning; (2) if MCD is not carrying out pruning then why are they reply that "no permission required below 15.7 cms girth"? (3) how does MCD

know that pruning of only 15.7 cms girth is being done in Vasant Vihar? (4) if no budget is spent and MCD is not carrying out pruning then for what purpose is pruner and loper is used in Vasant Vihar?.

KK. **BECAUSE** the Hon'ble NGT failed to appreciate the intention of the legislation (for inspection and approval) is cardinal for insuring, scientific pruning of trees, which in turn is critical for the health and long-life of trees.

LL. **BECAUSE** the Hon'ble NGT ignored that if pruning of trees is done in an unscientific (excessive/ lop-sided) manner by a private agency/ party/ person, then harm if any is caused to the tree so pruned, would not be borne by the land-owning agencies.

MM. **BECAUSE** the Hon'ble NGT by trivialising the issue of pruning of trees, ignored that the pressure on lungs and hearts of residents of Delhi, constantly exposed to toxic levels of pollution due to reduced green cover; ended up suffering multi-fold with the onset of covid infections, thereby leading to further deterioration in lung-heart conditions of all residents of Delhi.

NN. **BECAUSE** the Hon'ble NGT ignored to take cognizance that unscientific, excessive, lop-sided pruning ran the risk of loss of green cover and resultant environmental damage.

OO. **BECAUSE** the Impugned Order was passed in excess of jurisdiction as the Hon'ble NGT has casted scurrilous aspersions (reflecting bias of Hon'ble NGT) on the bona fide of the Petitioners by merely relying on the unproved statement of counsel for Respondent No. 18/VVWA. Casting un-substantiated, unwarranted and undue aspersion not only amounts to breach of fundamental right to live a dignified life but it also renders the Impugned Order perverse as it transgresses the limits set by the parent statute. **The Hon'ble NGT did not take into consideration that the interim relief sought (as well as repeated oral submissions) by the Petitioners and explicitly prayed for the pruning to be undertaken by MCD/ land-owning agencies.**

PP. **BECAUSE** the Impugned Order and the Hon'ble NGT ignores the oral and written submissions with respect to the involvement of Petitioner No. 1 on issues relating to environment/ pollution in Delhi since 2016-2017.

QQ. **BECAUSE** in **para 6 page 35** of the rejoinder on behalf of Petitioners to the reply filed by Respondent No. 18/ VVWA, it was

specifically stated by the Petitioners that *"6…More importantly, Applicant 1 is known and publicly acknowledged medical professional raising concerns on the pollution in Delhi and its ill-effects on the health of Delhites (especially children) since 2016/2017…"*.

RR. **BECAUSE** the Hon'ble NGT further failed to appreciate that the Petitioner No. 1 while addressing the Hon'ble NGT on 19.01.2023, specifically informed that in his capacity as a medical practitioner he has found there to be impact on the lungs of Delhites and impairment to brains of young adolescents living in Delhi due to high levels of pollution in Delhi. The Hon'ble NGT not only ignored the submissions pertaining to critical importance of green cover in Delhi to prevent pollution; but infact chose to trivialise the Petitioners' efforts since 2016/2017 by casting aspersions and labelling them to be politically motivated.

SS. **BECAUSE** the findings of the Hon'ble NGT casting aspersions on the bona fide of the Petitioners are as under:

> *"18. ...Such prosecution can be sanctioned only when it is considered expedient in the interests of justice that the delinquent be punished and not merely to gratify feelings of personal revenge or vindictiveness or to serve the ends of a private party."*
>
> *"19…On the other hand the application appears to have been filed at very initial stage of the proceedings merely to*

gratify feelings of personal revenge and vindictiveness and to serve the ends of the applicants as private party."

"26. ...On being asked whether the applicants will assist in such scientific pruning of trees or suggest name of any agency which could be engaged by the MCD/ DDA/ PWD to carry-out such scientific pruning applicant no.1 - Prof. Dr. Sanjeev Bagai and learned Counsel for the applicants expressed inability which prima facie makes us to also consider, in the course of these proceedings, the bona fides of the applicants and their objectives in pursuing this environmental litigation for dispelling that the same is not one of the many facets of power contest/tussle between rival groups of the members of Respondent No.18 Association or residents of the locality."

xvi) The Hon'ble NGT failed to appreciate that Petitioner No.1 (including through his counsel) while submitting that the pruning of trees on the government land can only be undertaken by the land-owning agencies/ MCD/ PWD/ DDA could not have been forced to spell/ give name of another private party/ agency to undertake pruning of trees. Any suggestion towards the same (even under pressure) would have been contrary to law and the reliefs as sought by the Petitioners in the Original Application. Further, Hon'ble NGT failed to appreciate that the said landowning agencies have been undertaking pruning of trees on their own in other parts of Delhi and infact for almost 50 years undertook pruning of trees in Vasant Vihar, on their own – without asking/allowing/ directing Respondent No.18/ VVWA to prune trees. Mere reassertion of the submissions in the Original Application, under *no* circumstance can amount to questioning bonafides and objectives

of the Petitioners. Petitioners, vide, their Application only wished to highlight the contradictory statements/ stand adopted by Respondent No. 13/ Mr. GS Bindra before the Hon'ble NGT, which have a potential of misleading the Hon'ble NGT, have an impact on the outcome of the Original Application and result in miscarriage of justice (leading to continued loss of green cover – by wrong statement of facts and interpretation of applicable laws).

xvii) The Impugned Order is biased as it also wrongly records that Application was filed at 'very initial stage' and the said observation was used to cast aspersions on the motives of Petitioners. The said observations would dissuade Petitioners and other similarly placed citizens of India to raise any illegal act/conduct by any person/ body – having adverse impact on green cover/ environment before the Hon'ble NGT. As a matter of fact, none of the WhatsApp messages were denied by the Counsel for Respondent No.18/ VVWA (who also gave her appearance for Respondent Nos. 12 to 17) before the Hon'ble NGT and/or in the counter/ reply affidavit.

xviii) It is strongly submitted that the aforesaid findings of the Hon'ble NGT are liable to be set aside as the said findings reflect bias and render the Impugned Order in violation of doctrine of fair hearing.

xix) The aforesaid unreasonable findings of the Hon'ble NGT in the Impugned Order (despite the facts stated herein above), are liable to be set aside as they reflect a bias and impair the right to fair hearing.

xx) The aforesaid findings of the Hon'ble NGT targeting the Petitioners who had approached Hon'ble NGT to stop illegal acts done by Respondent No. 18/ VVWA at the behest of Respondent Nos. 12 to 17 against the environment, is likely to create a chilling effect in the minds of environmentally-conscious/ spirited citizens and instilling this fear would result in refraining them from blowing a whistle against the illegal acts of some in society around them; lest the Hon'ble NGT would cast aspersions on them – in effect besmirching their good name and denigrating their work/cause for protecting environment. Thus, the Impugned Order is liable to be set aside.

xxi) Further, because of the aforesaid scurrilous aspersions, various messages by Respondent No. 13/ Mr. GS Bindra and Respondent No. 14/ Mrs. Parul Gaur are being circulated in numerous WhatsApp groups (of residents of Vasant Vihar) saying that strictures have been passed by Hon'ble NGT against the Petitioners. On 29.01.2023, Respondent No. 13/ Mr. GS Bindra (mobile number 98111 69751) wrote on "*VV 'A' Block Resident Grp*" (one of the official WhatsApp

groups created by managing committee members of Respondent No. 18/ VVWA):

> *"... 1. A case of perjury and contempt was filed against President VVWA. It has been dismissed with the contempt it deserves'...*
> *2. Please see para 26, where strictures have been passed against Dr. Bagai and his associates. His antecedents and motives lie exposed...*
> *4. Pruning will continue"*

xxii) Respondent No. 14/ Mrs. Parul Gaur (mobile number 98105 07726) wrote on "*VVWA A Block Solutions*" (another official WhatsApp groups created by managing committee members of Respondent No. 18/ VVWA and Respondent Nos. 12 and 14 being admins):

> *"... 1. A case of perjury and contempt was filed against President VVWA. It has been dismissed with the contempt it deserves'...*
> *2. Please see para 26, where strictures have been passed against Dr. Bagai and his associates. His antecedents and motives lie exposed...*
> *4. Pruning will continue"*

xxiii) Because of the aforesaid unsubstantiated observations in the Impugned Order leading to such kind of WhatsApp messages has made the life of Petitioners very difficult.

xxiv) The Impugned Order reflects bias as on the one hand it does not take cognisance of Respondent No. 18/ VVWA's (through Respondent

Nos. 12 to 17) violation, breach, derogation of Hon'ble NGT's orders dated 21.12.2022, 03.01.2023 and 19.01.2023, by continuing to undertake pruning itself (employing private contractor and sky-lift)and not the land owning agencies; but on the other hand it makes strict observations against the Petitioners for not making complaint to Tree Officer/ Respondent No. 3/ DCF as per Hon'ble NGT's order dated 03.01.2023 (even though the Petitioners submitted that the complaint as made by them is sufficient and no further complaint is required to be made and the land-owning agencies are required to take action under Section 22 of the DPT Act).

xxv) the Impugned Order is passed in error of jurisdiction and reflects bias on the part of the Hon'ble NGT as the Hon'ble NGT has taken cognizance of pruning of trees undertaken in Vasant Vihar year/s ago (different cause of action), merely relying on the oral statement *(see: order dated 03.01.2023)* made by Respondent No. 13/Mr. GS Bindra and subsequent to passing of the Impugned Order directed Respondent Nos. 1-8 and Respondent No. 18/ VVWA to file documents regarding the same. It is pertinent to submit that any wrong done in the past cannot be used to justify/ entitle anyone to continue/ repeat the same wrong/ illegal act.

TT. **BECAUSE** without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry into whether the Respondent No. 18/ VVWA and its office bearers/ managing committee member (Respondent Nos. 12 to 17) were lying on oath (or not) in order to get a favourable order and to defeat the ends of justice.

UU. **BECAUSE** without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry into whether the pruning is/ was being undertaken in accordance with the DPT Act as the same is directly related to the false statement made on oath by Respondent No. 18/ VVWA.

VV. **BECAUSE** without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said l Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry by going through the replies filed by land-owning agencies to ascertain and come to prima-facie opinion

that whether in the interest of justice action/ reprimand/ prosecution against Respondent No. 18/ VVWA was imperative as not doing so would amount to perpetuating a fraud being committed on it.

WW. **BECAUSE** without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry by examining the statements of Respondent No. 18/ VVWA made before it to ascertain and come to prima-facie opinion that whether in the interest of justice action/ reprimand/ prosecution against Respondent No. 18/ VVWA was imperative as not doing so would amount to perpetuating a fraud being committed on it.

XX. **BECAUSE** without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry by examining the documents placed on record by Petitioners which included letters and WhatsApp messages issued by Respondent No. 18/ VVWA (through

Respondent Nos. 12 to 17) to residents of Vasant Vihar to ascertain and come to prima-facie opinion whether in the interest of justice action/ reprimand/ prosecution against Respondent No. 18/ VVWA was imperative as not doing so would amount to perpetuating a fraud being committed on it.

YY. **BECAUSE** without prejudice to rights and contentions of the Petitioners and without admitting, even if for the sake of argument, it is considered that the said Application was filed to seek any alleged revenge, even then it was the duty of the Hon'ble NGT to make a preliminary inquiry as Respondent No. 18/ VVWA statements before the Hon'ble NGT were in contradiction to its reply affidavit and records as available before the Hon'ble NGT; (effectively allowing Respondent No. 18/ VVWA (through Respondent Nos. 12 to Respondent No. 17) to play fraud on court/ Hon'ble NGT only to mislead/ misguide and obtain favourable order/s.

ZZ. **BECAUSE** the Hon'ble NGT failed to appreciate that 'fraud' unravels/ vitiates everything; and Petitioners had a legitimate expectation from the Hon'ble NGT to take notice, and examine how the reply by Respondent No. 18/ VVWA (supported by affidavit) presented facts different from those understatement of

Respondent No. 18/ VVWA before Hon'ble NGT, documents/ letters sent to residents, facts presented in affidavit of Respondent No. 5/ Dy. Director PWD – thereby, amounted to playing fraud on Hon'ble NGT and with impunity.

AAA. **BECAUSE** the Hon'ble NGT ought to have considered that by not making preliminary enquiry and straight away dismissing the said Application will only mean that all the statements made by the Respondent No. 18/ VVWA at the behest of Respondent Nos. 12 to 17 will be taken as gospel truth and will certainly have bearing on the outcome of the said Original Application.

BBB. **BECAUSE** the Hon'ble NGT ought to have considered that the Petitioners by approaching the Hon'ble NGT were not seeking any relief for themselves, but were only raising a substantial question of environmental damage and harm, which the Hon'ble NGT is duty bound to decide – and which the respondents are trying to avoid (and intentionally/ maliciously misleading and playing fraud on Hon'ble NGT) by bringing up extraneous issues wholly unrelated to the cause before the Hon'ble NGT.

CCC. **BECAUSE** the Petitioners approached Hon'ble NGT and filed the Original Application only after waiting for almost a month and failing to get any response (despite several letters/

communications) from landowning agencies/ Respondent Nos. 2, 4, 7, 8 and 18 (through Respondent Nos. 12 to 17).

DDD. **BECAUSE** the Hon'ble NGT **in para 25** has held that:

> *"25. We have specifically asked learned Counsel for the applicants that when we had specifically observed that in case of any unscientific pruning of the trees in violation of the guidelines, the applicants may avail the equally efficacious remedy of making complaints to the Deputy Conservator of Forest, West Forest Division (Tree Officer) who was also directed to take appropriate action in accordance with law in case of making of any such complaint to him, why complaint regarding illegal pruning with relevant evidence was not made to him but learned Counsel for the applicants could not give any plausible explanation for not making of any complaint to the Deputy Conservator of Forest, West Forest Division (Tree Officer)."*

EEE. **BECAUSE** it is pertinent to mention that the counsel for the Petitioners against the aforesaid question had submitted orally before the Hon'ble NGT and also in its rejoinder that in terms of Section 22 of the DPT Act it is the duty of every officer (including Police and Department of Horticulture) to inform Respondent No. 3/ DCF about any violation of section 8 of the DPT Act. Therefore, the Petitioners having already complained of the illegal acts of cutting and felling of trees, barely 50 meters away (across the road) from the MCD's Horticulture office, the Hon'ble NGT ought not have given the aforesaid findings. Without prejudice to the said submission, Petitioners (in accordance with the directions of the

Hon'ble NGT) have separately informed Respondent No.3/ DCF about the same. It is further submitted that the said direction was not required to be passed as all information regarding cutting/ felling of trees was made part of Original Application and the same was available with the Respondent No.3/ DCF and Respondent No.3/ DCF is obligated to take cognizance of the same. Respondent No. 3/ DCF failed to update the Hon'ble NGT that it had already issued notice to Respondent No. 17/ Mr. GS Bindra for cutting/ felling of 'one' tree in front of B-6/12 Vasant Vihar, which was also raised by the Petitioners in their Original Application.

FFF. **BECAUSE** the Impugned Order was passed against the PNJ as the Hon'ble NGT while passing the Impugned Order has not taken into consideration the basic facts **not** disputed by the Respondent No. 18/ VVWA (even though argued by Petitioners) that Respondent No. 18/ VVWA has not denied that they were carrying out pruning in Vasant Vihar through a private contractor and which was (at least) continuing until 31.01.2023 (directly undertaken by the Respondent No. 18/ VVWA).

GGG. BECAUSE there was another instance of cutting of (Ashok) tree (infront of B-6/12 Vasant Vihar) by the Respondent Nos. 12 to 18

was part of record before the Hon'ble NGT and as per the affidavits filed by Respondent No. 18/ VVWA and Respondent No. 4/ Dy Director MCD – if Respondent No. 4/ Dy. Director MCD was supervising the pruning of trees; then the cutting/ felling of Ashok Tree (in front of B-6/12 Vasant Vihar) was known to Respondent No. 4/ Dy Director MCD also. Therefore, in accordance with the provisions of the DPT Act, the Hon'ble NGT ought to have directed the Respondent No. 3/ DCF to examine the same, present a report to the Hon'ble NGT for taking appropriate action against the Respondents responsible for the said act. Directing, Petitioners (who have approached the Hon'ble NGT – after not getting any response from the authorities concerned) to approach the Respondent No. 3/DCF and file a fresh complaint for cutting of trees is putting additional burden on the Petitioners. Moreover, for any violation of the DPT Act, once the same comes to the knowledge of the Respondent No. 3/DCF, there is an obligation to take suo-moto cognizance of the same and no separate complaint is required to be filed. Considering the fact that the Respondent No. 3/DCF is already a respondent in the present Original Application, the Respondent No. 3/DCF ought to have acted on the complaint automatically (and not warranting filing of any separate complaint). Respondent No. 3/ DCF failed to update the Hon'ble

NGT that it had already issued notice to Respondent No. 17/ Mr. GS Bindra for cutting/ felling of 'one' tree in front of B-6/12 Vasant Vihar, which was also raised by the Petitioners in their Original Application.

HHH. **BECAUSE** the Hon'ble NGT failed to take cognisance of violation for its previous orders (dated 21.12.2022, 03.01.2023 and the Impugned Order) by the Respondents, in so far as Respondent No. 18/ VVWA (under directions of Respondent Nos. 12 to 17/ Managing Committee members of Respondent No.18) continued to prune trees in Vasant Vihar on its own, whereas, as per the directions of the Hon'ble NGT the same was to be undertaken by land-owning agencies (MCD/ PWD/ DDA) and Respondent Nos. 2, 4, 5, 6, 7 and 8 did not object to the same. Respondent Nos. 2, 4, 5, 6, 7 and 8 have not placed any communication on record to establish that the said pruning of trees in Vasant Vihar by Respondent No. 18/ VVWA especially pursuant to the orders of the Hon'ble NGT, was undertaken with their approval/ consent or after seeking assistance (man-power/ financial) from Respondent No.18/ VVWA.

III. **BECAUSE** the Hon'ble NGT fails to appreciate the environmental impact because of excessive and lop-sided pruning of trees, in some cases, 80% leaves have been shaved-off.

JJJ. **BECAUSE** the Hon'ble NGT ignores the plea of Petitioners (even though argued) that apart from excessive and illegal pruning, several trees have been cut/ felled and the same has been duly reported to Respondent Nos. 2, 10 and 11.

KKK. **BECAUSE** the Hon'ble NGT fails to apply orders of the coordinate benches (of the NGT) (even though argued and cited) with respect to pruning of trees – wherein, it has been held that cutting/ felling of trees includes pruning of trees.

LLL. **BECAUSE** the Impugned Order is completely cryptic (even though long), unreasoned and is liable to be set aside. It is important to note that apart from **paras 18 and 19** of the Impugned Order, there is not even a whisper of **reasoning** on why the said Application is liable to be dismissed.

MMM. **BECAUSE** it is again reiterated that even in the said **paras 18 and 19**, the Hon'ble NGT has targeted and questioned the bona fides of the Petitioners to dismiss the said Application.

NNN. **BECAUSE** the Impugned Order was passed by overlooking/ not appreciating/ without dealing with the judgment of the coordinate bench viz. *Pradeep Indulkar (supra)* which was also relied upon by the Petitioners wherein it was specifically held that the term 'cutting/ felling' includes 'pruning'. The said judgment was also confirmed by the Hon'ble Supreme Court of India in Civil Appeal No. 8946/2017.

OOO. **BECAUSE** it is a settled principle of law that the interpretative function of the court is to discover the true legislative intent. It is trite that in considering whether there is ambiguity, the court must look at the statute as a whole and consider the appropriateness of the meaning in a particular context avoiding absurdity and inconsistencies or unreasonableness which may render the statute unconstitutional [see: *Nathi Devi vs Radha Devi Gupta*, (2005) 2 SCC 271].

PPP. **BECAUSE** it is further well settled that the court's jurisdiction to interpret a statute can be invoked when the same is ambiguous. It is also necessary to determine that there exists a presumption that the legislature has not used any superfluous words. It is well settled that the real intention of the legislation must be gathered from the

language used [see: *Nasiruddin* v. *Sita Ram Agarwal* [(2003) 2 SCC 577].

QQQ. **BECAUSE** it is a settled principle of law that a false and a misleading statement deliberately and wilfully made by a party to the proceedings on oath to obtain a favourable order, amounts to prejudice or interference with the due course of judicial proceedings and same amount to committing perjury as well as criminal contempt. Every party is under a legal obligation to make truthful statement before the court, for the reason that causing obstruction in the due course of justice "undermines and obstructs the very flow of the unsoiled stream of justice, which has to be kept clear and pure, and no one can be permitted to take liberties with it by soiling its purity".

RRR. **BECAUSE** the Impugned Order was passed against the settled principles of Section 340 read with Section 195(1)(b) of CR.P.C. as from the bare reading of the Impugned Order, it is evident that no preliminary inquiry was held to record a finding to the effect that it is expedient in the interests of justice that inquiry should be made into any of the offences referred to in Section 195(i)(b) Cr.P.C.

SSS. **BECAUSE** there are no findings to the effect that whether any false statement made on oath were **deliberately** and **wilfully** made by Respondent No. 13/ Mr. GS Bindra as authorised signatory of Respondent No. 18/ VVWA to pollute and obstruct the stream of justice.

TTT. **BECAUSE** the Hon'ble NGT while dismissing the said Application has laid huge emphasis (in paras 18, 19 and 26 of the Impugned Order) on the point that the said Application has been filed to gratify feelings of personal revenge or vindictiveness. Based on the said findings, the said Application was dismissed which is against the well settled principles of Section 340 of the Cr.P.C. and cannot be sustained in the eyes of law.

UUU. **BECAUSE** the Hon'ble NGT fails to deal and/ or give any findings and/ or make any enquiries on the false statements made on oath by Respondent No. 18/ VVWA (through Respondent No. 13/ Mr. GS Bindra) which has been demonstrated in the table above.

VVV. **BECAUSE** the Hon'ble NGT's Impugned Order only takes into account the above WhatsApp messages – thereby ignoring (a) the statement of Respondent No. 13/ Mr. GS Bindra made before

Hon'ble NGT; (b) documents/ letters/ minutes sent by Respondent No. 18/ VVWA (through Respondent Nos. 12 to 14) to residents of Vasant Vihar, which were part of the record/ pleadings; (c) pictures of excessive and lop-sided pruning which were part of the record/ pleadings; (d) and the affidavit of Respondent No. 5/ Dy Director PWD – all of which are part of the above table/ documents before the Hon'ble NGT, yet ignored.

WWW. **BECAUSE** the Hon'ble NGT's Impugned Order ignoring all the other material, places reliance only on above mentioned WhatsApp messages and holds the following - in **para 19**:

> *"19. In the present case the averments made in the reply filed on behalf of Respondent No.18 are stated to be false with reference to the averments made in whats app messages but who sent the whats app messages by which device by which mobile number and to whom and on which mobile number is not mentioned in the application. The genuineness of the messages and truth of the averments made in the whats app messages is not yet established before this Tribunal. Therefore, the averments made in the reply cannot be prima facie said to be false on the basis of the averments made in the whats app messages…"*

XXX. **BECAUSE** having dismissed the Petitioner's application under Section 340 of Cr.P.C without giving any credence to Respondent No. 13/ Mr. GS Bindra's statement before open court; when the

Hon'ble NGT placed reliance on the same statement of Respondent No. 13/ Mr. GS Bindra to issue directions – then the Hon'ble NGT's Impugned Order suffered from arbitrariness and unreasonableness; thereby making it liable to be set aside.

YYY. **BECAUSE** the aforesaid findings of the Hon'ble NGT are completely against the settled propositions of Section 340 Cr.P.C. because it is well settled that while deciding an application under Section 340 Cr.P.C. only preliminary inquiry is to be held to come to a prima facie conclusion and courts cannot go into the evidentiary value of documents and/ or question the genuineness of documents which is the subject matter of trial.

ZZZ. **BECAUSE** the Hon'ble NGT ought to have considered that neither Respondent No. 18/ VVWA nor Respondent No. 13/ Mr. GS Bindra (who was present during all hearings before the Hon'ble NGT and Respondent Nos. 12, 14 to 17 – who were represented through the same counsel) denied in its reply dated 02.01.2023 to the Original Application that its office bearers have sent the WhatsApp messages on behalf of Respondent No. 18/ VVWA. Additionally, Hon'ble NGT did not consider that the counsel representing Respondent No. 18/ VVWA did not deny the WhatsApp messages placed on record.

AAAA. the aforesaid findings of the Hon'ble NGT with regard to *"...who sent the whats app messages by which device by which mobile number and to whom and on which mobile number is not mentioned in the application..."* is completely against the record as the Petitioners have annexed screen shots (which clearly shows the person sending, to who it was sent, date and time, from which mobile it was sent, etc.) of all the messages along with the said Application. Furthermore, the Hon'ble NGT, failed to appreciate that it had directed the Respondent Nos. 13 and 14 to join the hearing through a virtual, after a call was made to them on the same mobile numbers as visible in the WhatsApp Messages. This clearly shows that the Hon'ble NGT did not examine the annexures of the said Application and/ or said reply of Respondent No. 18/ VVWA to the Original Application, and/ or documents relied with the Original Application, which evidences that Impugned Order was passed with complete non-application of mind and bias.

BBBB. **BECAUSE** it is also interesting to mention that at one place the Hon'ble NGT is questioning the genuineness of the WhatsApp messages relied by the Petitioners whereas at other place the Hon'ble NGT is dismissing the said Application merely on the statement of the counsels for the Respondent No. 18/ VVWA

(recorded in para 11 of the Impugned Order) viz. *"11…applicants have filed application under Section 340 of the Cr.P.C. out of personal vendetta to wreck vengeance…"*.

CCCC. **BECAUSE** even the findings of the Hon'ble NGT in **para 19** of the Impugned Order viz. *"…<u>On the other hand the application appears to have been filed at very initial stage of the proceedings</u> merely to gratify feelings of personal revenge…"* is completely perverse because if the Hon'ble NGT were inclined to give these findings for dismissing the said Application, then it ought not have decided the said Application and ought to have kept it pending.

DDDD. **BECAUSE** the Hon'ble NGT failed to appreciate that Respondent No. 18/ VVWA was continuously and deliberately making false statements, orally and in-writing before the Hon'ble NGT (misleading Hon'ble NGT, playing fraud thereon – and violating directions of Hon'ble NGT with impunity) on issues with respect to:

(a) whether permission is required for pruning under the DPT Act;

(b) who did Respondent No. 18/ VVWA approach for seeking permission for pruning;

(c) Respondent No. 18/ VVWA to name all land-owning agencies having jurisdiction within Vasant Vihar;

(d) who informed Respondent No. 18/ VVWA that permission was required or not required;

(e) did any land-owning agency NOT grant permission/ refuse grant of permission for pruning to Respondent No. 18/ VVWA, and why;

(f) can different land-owning agencies apply and interpret the same DPT Act differently, why and how;

(g) whether pruning being undertaken in Vasant Vihar since 21.11.2022 (atleast until 31.01.2023) has been carried out by Respondent No. 18/VVWA or pruning undertaken by land-owning agency like MCD;

(h) whether MCD/ land-owning agency can wash hands and ask resident welfare associations to pay/ fund/ use private contractors and hire machinery form private contractors;

(i) whether Respondent No. 2/ Commissioner MCD engaged private personnel/ contractor for undertaking pruning in Vasant Vihar;

(j) whether excessive or lop-sided was undertaken by Respondent No. 18/ VVWA and did Respondent No. 18/VVWA receive complaints about the same;

(k) whether despite orders of Hon'ble NGT dated 03.01.2023 and 19.01.2023, Respondent No. 18/ VVWA has violated the Hon'ble NGT's orders and independently/ wilfully carried out pruning which was directed to be undertaken by land-owning agencies.

EEEE. **BECAUSE** it is important to mention that the Hon'ble NGT while dismissing the said Application though cites judgments **(in para 20)** relied upon by the Petitioners, however, apart from holding that *"20…However, the facts of the present above quoted case are evidently different from the facts of the present case and the observations in the above quoted cases, which are relied upon by the learned counsel for the applicants, are not applicable to the facts of present case and are not of any help to the applicants.",* it fails to return a finding as to how the said judgments are not applicable on the facts of the present case. The Hon'ble NGT was duty bound to return a finding apart from merely stating *"...the facts of the present above quoted case are evidently different from the facts of the present case…".*

FFFF. **BECAUSE** the Hon'ble NGT relied on various judgments in order to dismiss the said Application, however, from the bare perusal of the said judgments it is evident that the said judgments relied by

the Hon'ble NGT are in fact different from the facts of the case of the Petitioner.

GGGG. **BECAUSE** it is important to mention that the division bench of this Hon'ble Court is already seized of a case highlighting a huge concern that the forest cover in Delhi is reducing drastically and that injustice is being done to the nature. **[**See: Court on Its Own Motion (Air Pollution In Delhi) v. Union Of India & Ors.]

6. That the Petitioners crave leave of this Hon'ble Court to add, alter or amend any of the above grounds if necessary and if so advised at a later date.

7. That the present Writ Petition is filed within limitation and applicable Court fee on the present Writ Petition has been paid.

PRAYER

In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased pass the following orders:

A. Set aside the order dated 19.01.2023 passed by the Hon'ble National Green Tribunal, Principal Bench in Original Application No. 911 of 2022;

B. Decide the issue that whether pruning of trees on government land can be undertaken by any person (i.e. private individual) other than the land owning agencies; and whether guidelines bearing no. F.no.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 (especially clause 5 of the same) are in conformity with the Delhi Preservation of Trees Act, 1994;

C. Issue a writ of mandamus directing the concerned land-owning agencies/ civic agencies (viz. Municipal Corporation of Delhi, Delhi Development Authority and Public Works Department, etc.) to carry out pruning on their own (without taking/ seeking any man-power/ financial aid from the residents of Vasant Vihar);

D. Expunge the observations of the Hon'ble National Green Tribunal, Principal Bench 'casting aspersions' on the bonafide of the Petitioners in paras 18, 19 and 26 of the order dated 19.01.2023; AND

E. Direct the Hon'ble National Green Tribunal, Principal Bench to pass a reasoned order after hearing the application under Section 340 of the CR.P.C. a fresh by taking into consideration the complete record; AND

Pass such other further order(s) as this Hon'ble Court may deem fit and necessary in the interest of justice.

PETITIONER NO. 1

PETITIONER NO. 2

PETITIONER NO. 3

ANU MONGA
ADVOCATE FOR THE PETITIONERS
ANANTLAW
SOLICITORS & ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI- 110049
MOBILE NO. +91- 9811264474
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New Delhi
/01/2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. …RESPONDENTS

AFFIDAVIT

I, Prof. Dr. Sanjeev Bagai aged about 57 year, S/o Late Mr. M.K. Bagai, having its residence at 43 Poorvi Marg, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying writ petition are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying writ petition may kindly be read as part of the present affidavit.

DEPONENT

VERIFICATION

Verified at New Delhi on this 16 day of FEB 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrcmi.

DEPONENT

I identify the deponent who has signed in my pres

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Notary Public. Delh i 6 FEB 7073

IN THE HIGH COURT OF DELHI, AT NEW DELHI
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Rajit Kumar S/o Lt. Sh. B.D. Kumar aged about 70 year, having its residence at A-10/7, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 2 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying petition are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying petition may kindly be read as part of the present affidavit.

Rajit Kumar

DEPONENT

NOTARY R.K. SINGH Advocate Regn.No.22282 Commission Expire on 24-10-2027 Area-Delhi GOVT. OF INDIA

VERIFICATION

Verified at New Delhi on this 16 FEB day of 2023, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

Rajit Kumar

DEPONENT

I identify the deponent who has signed in my presence.

CERTIFIED THAT THE DEPONENT Shri/Smt./Kr. ... has been identified by ... on ... that the contents ... have been read out & explained to him/her & he/she has understood the same & has/has not known ...

16 FEB 2023

Notary Public, Delhi

16 FEB 2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Vivek Tandon S/o Lt. Sh. O.C. Tandon aged about 59 year, having its residence at E-9/9, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 3 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying writ petition are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying writ petition may kindly be read as part of the present affidavit.

DEPONENT

VERIFICATION

Verified at New Delhi on this 16 FEB 2023 day of 2023, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

NOTARY R.V. SINGH Advocate Regd. No. 2252 Commission Expire on 24-10-2027 Area-Delhi GOVT. OF INDIA

16 FEB 2023

Notary Public, Delhi

16 FEB 2023

Item No. 9 (Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 911/2022
I. A. No. 14/2023 and I. A. No. 16/2023

Prof. Dr. Sanjeev Bagai & Ors. ...Applicants

Versus

Department of Environment, GNCTD & Ors. ...Respondents

Date of hearing: 19.01.2023

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.

Applicants: Ms. Anu Monga, Mr. Shobhit Sharma and Mr. Shubham Khanna, Advocates with Prof. Dr. Sanjeev Bagai and Mr. Rajit Kumar, Applicants in person.

Respondents: Ms. Jyoti Mendiratta, Advocate for Respondents No. 1, 3 and 5, with Mr. Navneet Kumar Srivastava, DCF (West) and Mr. Nitesh Sharma, S.P.A. (Legal)- Department of Forest and Wildlife.

Ms. Puja Kalra Advocate for Respondents No. 2, 4, 7 & 8.

Ms. Kritika Gupta, Advocates for Respondent No. 6-DDA with Mr. Vikas Singh, Assistant Director, Horticulture, Division-IV and Mr. Parhlad Ahirwar, Section Officer (Horticulture), DDA.

Ms. Ekta Mehta and Ms. Akansha Agarwal, Advocates for respondents no. 18-Vasant Vihar Residents Welfare Association with Mr. Gurpreet Singh Bindra, President of Vasant Vihar Residents Welfare Association.
Notice to Respondents No. 9, 10 and 11 not issued so far.

Application under Section 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. Prof. Dr. Sanjeev Bagai and others have filed the present application under Section 14 and 15 of the National Green Tribunal Act, 2010, seeking issuance of directions to respondents no. 1 to 6 to take appropriate remedial and penal action against respondent no. 12 to 17 for illegal act of cutting, felling and pruning of trees in Vasant Vihar with consequential reliefs as mentioned in the prayer.

2. The applicants have submitted that some trees were cut/felled in Vasant Vihar on 30.09.2022 without any permission and a complaint dated 28.10.2022 was lodged in this regard by applicant no. 1 with various authorities. On 18.11.2022, the applicants received a Whatsapp Communication from respondent no. 14 stating that there are around 7000 trees in Vasant Vihar pruning of which was long due and the pruning would start from 21.11.2022. It was further stated that Municipal Corporation of Delhi (MCD) does not have the means to carry out pruning and had conveyed its inability to carry out pruning of trees in Vasant Vihar. The applicants raised objections to the same and also sought information from the MCD under the Right to Information Act, 2005 but did not receive any response. The contractor engaged by respondents no. 12 to 17 started pruning of trees in Vasant Vihar w.e.f. 20.11.2022 without obtaining requisite permission under the Delhi Preservation of Trees Act, 1994 and the Guidelines dated 01.10.2019 for pruning of trees. The applicants made complaints to the concerned authorities but no action has been taken on the same.

3. In the course of hearing, notices were ordered to be issued to Respondents No. 1 to 8 and 18.

4. Replies have been filed by Respondent No. 2-MCD vide email dated 02.01.2023, respondent No. 18-Vasant Vihar Residents Welfare Association vide email dated 02.01.2023 and respondent no. 3 vide email dated 13.01.2023. Short Status report has been filed by respondent no. 6 vide email dated 17.01.2023. Rejoinders to the replies of respondents no. 4 and 18 have been filed by the applicant vide emails dated 18.01.2023.

5. The applicants have filed Interim Application No.14/2023 seeking initiation of proceedings under Section 340 of the Code of Criminal Procedure, 1973 (for short the Cr.P.C.) against Respondent No. 18-Vasant Vihar Welfare Association for knowingly, willfully, deliberately and intentionally making false and incorrect statements before this Tribunal supported by affidavit on oath with a view to prejudice and interfere with the due course of judicial proceedings; to obstruct the administration of justice and to deceive this Hon'ble Tribunal.

6. The applicants have submitted in the application that respondent no.18 has, with clear oblique motive to mislead, approached this Tribunal with unclean hands and has knowingly, willfully and purposely made repeated incorrect and false statements in its reply dated 02.01.2023 to the Original Application. Claim made in resolution dated 28.12.2022 attached with the reply regarding the `office bearers' of respondent no.18 having authorised its President Mr. G.S. Bindra to sign and file said reply on its behalf is completely false as in terms of Clause 31 of the said Memorandum of Association only `managing committee' of respondent no. 18 has power to authorise any person to sue or be sued on behalf of respondent no. 18; and not its `office bearers' as is being claimed in the Reply.

7. The applicants have tabulated the false statements allegedly made in the reply filed on behalf of respondent no. 18 which tabular statement is reproduced as under:-

R18 issued contradictory statements/ letters/ applications with respect to pruning of trees being undertaken by R18 itself. However, R18 Reply mentions: 1) pruning is being undertaken by R18 under supervision of MCD; 2) pruning is being undertaken by MCD and PWD; and 3) pruning is being undertaken by MCD with support from R18	
R18 REPLY	**Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7**
Para I(7) page 4 of R18 Reply *"The pruning is being undertaken by the Municipal Corporation of Delhi in compliance of order dated 21.12.2022 of this Hon'ble Tribunal."* **Para II(2) page 5 of R18 Reply** *"The pruning had been done within the boundary of law and under the supervision and control of the appropriate authorities."* **Para III(2) page 5 of R18 Reply** *"It is stated that no pruning of more than 15.7 cm was undertaken by the answering Respondent"* **Para III(3) page 6 of R18 Reply** *"3 ...It is reiterated that pruning was done with the approval and under the control and supervision of the concerned authorities..."* **Para III(4) page 6 of R18 Reply "...** *pruning which was undertaken under the supervision and control*	**WhatsApp message dated 18.11.2022** **[Annexure A-3 Colly to Original Application]** *"... We had been following up the matter with MCD, but they do not have the means to carry out pruning at this scale. SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES"* *"...1. VVWA has engaged the services of a skylift on hire charges. Chandrapal who recently retires from MCD, has been engaged to carry out the pruning"...* *"5. The work shall be supervised by the block representatives and they may be contacted for any issue."* **WhatsApp message dated 21.11.2022** **[Annexure 2 herein]**

of the appropriate authorities..." **Para IV(2) page 9 of R18 Reply** *"It is again reiterated that the activity of pruning undertaken by the Respondent No.5 was as per law and under the active supervision and control of the concerned authorities and its officers."*	*"Dear Residents, Pruning is successfully started from F block today. Permission has been granted from govt. in writing. Horticulture team along with its seniors are there with sky lift"* **R18 Letter dated 01.12.2022 to R3/ DCF** **[Annexure R-1 of Reply to Original Application]** **...** *we are carrying out pruning of our trees in Vasant Vihar..."*
Para IV(3) page 10 of R18 Reply *"... it is reiterated that pruning was undertaken under the active supervision and control of the concerned authority and* *ancillary services were facilitated by the Respondent No. 18."* **Para V page 11 of R18 Reply** *"...pursuant to the order dated 21.12.2022 passed by this Hon'ble Tribunal, the Municipal Corporation Delhi has undertaken the work of pruning and there exists no involvement of the Respondent No. 18 in the same."*	**"...in no case would the pruning be greater than 15.5 cms be carried out"** **R18 Notice to residents dated 23.12.2022** **(Annexure 3 Colly herein) "...Pruning is being carried out by VVWA in the larger interest of the residents..."** **WhatsApp message dated 23.12.2022 of R18 MC member (after the first hearing before the Hon'ble NGT)** **[Annexure-4 Colly herein] "Pruning was being done by mcd only** **We were facilitating with sky lift as we have big trees"** **Short affidavit of R4** **PARA 7** **"That as per record of the department, the said regular pruning has been undertaken/ carried out w.ef 21/11/2022 till 20/12/2022 under the supervision of the said officers."**
II. R18 issued contradictory statements/ letters/ applications with respect to permission granted/ awaited for pruning of	

trees. However, R18 Reply mentions: 1. pruning is being undertaken with the approval; no approval required for pruning.	
R8 REPLY	**Communications by R18 to resident of Vasant Vihar and other government agencies including R3, R7**
Para I(2) page 2 of R18 Reply *"...For pruning upto 15 cms of grith, no permission is required."* **Para III(3) page 6 of R18 Reply** *"3...It is reiterated that pruning was done with the approval and under the control and supervision of the concerned authorities..."* **Para IV(2) page 9 of R18 Reply** *"...for regular pruning/ general trending up to 15.7 cm, no permission is required..."* **Para IV(2) page 9 of R18 Reply** *"...pruning is not in violation of any model of conduct and for pruning of up to 15.7 cms, no permission is also required to be taken ..."*	**Letter dated 21.11.2022, to R7/ Asst Director Horticulture, MCD** **[Annexure A-7 of Original Application]** **"...** *The matter has been discussed at various levels of MCD and there is no ambiguity on the issue that pruning needs to be carried out."* *"...we would request you to give us permission to carry this out."* **WhatsApp message dated 17.12.2022** **[Annexure-5 herein]** *"Anything on A 10 will be done We will not do vasant marg side till we have permission..."* **WhatsApp message dated 19.12.2022** **[Annexure-6 Colly herein]** *"As far as pruning for A9 is concerned, that comes under PWD scheme. Our office bearers are in the process of acquiring permissions from authorities."* *"Yes PWD we are in process of talking this permission"* **WhatsApp messages dated 20.12.2022** **[Annexure-7 herein]** *"A9 street comes under PWD so we have not received any*

	permissions for tree pruning A9 street. *Office is working on the permissions. Updates on the same will come next week."* **Another message** *"Yes. We are pursuing that"*
III. R18 issued contradictory statements/ letters/ applications with respect to hiring private contractor to carry out pruning. However, R18 Reply mentions private contractor was not undertaking pruning	
Para III(4) page 6 of R18 Reply *"4... it is denied that pruning was undertaken by private contractor. Respondent No. 18 had only provided the facility of the skylift for carrying out the work of pruning which was undertaken under the supervision and control of the appropriate authorities..."* 3' line at Page 7: *"...it is categorically denied that huge amount of money was being spent on private contractors for this purpose."* **Para III(6) page 8 of R18 Reply**	**WhatsApp message dated 18.11.2022** **Annexure-3 to Original Application** *"... We had been following up the matter with MCD, but they do not have the means to carry out pruning at this scale. SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES"* *"...1. VVWA has engaged the services of a skylift on hire charges. Chandrapal who recently retires from MCD, has been engaged to carry out the pruning"…*
"It is denied that any private agency was involved for any illegal or unlawful activity by the answering Respondent." **Para IV(3) page 10 of R18 Reply** *"It is denied that pruning was carried on by private contractors by the Respondent No.18 ..."* **Hon'ble NGT's Order dated 3.01.2022 Mr. GS Bindra admitted before this Hon'ble Tribunal that VVWA/ R18 paid**	*"8. The expenses on the whole exercise shall be met out of the money collected from the yearly Subscriptions"* **R18's minutes (annexed as Annexure-8 herein)** *"It is proposed to engage a Skylift for the necessary period of 2-3 months. Shri Chander Pal who was previously employed with MCD till he retired has been*

for pruning. This statement recorded in NGT's order is at variance with R18 Reply under affidavit before this Hon'ble Tribunal — *"Para 9... on earlier occasions also pruning was done on requests made by residents as per decision taken in the meetings of office bearers of the above association including applicant no.3 and expenses for the same were borne by the above said association"*	*engaged to carryout this pruning..."* **R18's Letter to R7 dated 21.11.2022** **[Annexure A-7 of the Original Application]** *"VVWA is in the process of arranging a Trolley to handle the green waste. We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis. The entire expense for the exercise will be borne by VVWA."*
IV. *R18 issued contradictory statements/ letters/ applications with respect to suspension of pruning owing to letters sent by the Applicants.* *However, R18 Reply mentions that the pruning was not suspended on 24.11.2022*	
R18 REPLY	***Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7***
Para III(4) page 7 of R18 Reply *"4...It is however denied that pruning was suspended on 24.11.2022 on the plea that few residents had raised concerns regarding prior approval of pruning of trees..."*	**WhatsApp messagedated 24.1** **[Annexure-9 herein]** *"...6. In view of this, we are constrained to temporarily suspend the pruning process till the matter is clarified."*

	WhatsApp message dated 25.11.2022 **Annexure A-9 of Original Application** *"Pruning of trees has just recommenced"*
V. ***R18 issued contradictory statements/ letters/ applications with respect to pruning undertaken from 21.11.2022 is less than 15.7 cms in girth size.*** *However, R18 Reply fails to mention that several trees were felled/ cut and the same was fully known to R13 i.e. the signatory of R18 Reply.*	
R18 REPLY	*Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7*
Para III(2) page 5 of R18 Reply **"***...no pruning of more than 15.7 Cms was undertaken by the answering Respondent..."*	**Letter dated 01.12.2022 sent to R3 and R7** **(Annexure R-1 of the Reply)** *"... in no case would the pruning be greater than 15.5 cms be carried out"* **WhatsApp messages dated 22.12.2022 from residents of vasant vihar — complaints on excessive and lopsided pruning** **[Annexure-10 Colly herein]** **"**A walk on A10/A1 I will tell you that *this tree trimming contractor Chanderpal is trimming as per his whims only and no rules or logic or with underhand dealings because some trees are barely trimmed and some were chopped 50% or more, he left trees in front of my house with almost no trimming but would not trim a branch or two hanging over the*

	plot and in next half hour in next house A11/22 he chopped the tree right upto 40' height from all over to more than 60% and almost denuded it." *"Yes driving down A10 Street I also noted some trees not pruned properly at all."* ***WhatsApp message dated 23.12.2022 — complaints on excessive and lopsided pruning [Annexure-4 Colly herein]*** *"Pruning is necessary. No denying that.* *But in many cases it has been excessive"* ***Reply to above message by R12/MC of R18*** *"I m sorry lop sided i also said But excessive no"*
VI. R18 issued contradictory statements/ letters/ applications with respect to handling/ shredding of the green waste. However, R18 Reply states that the green waste is being removed by MCD.	
R18 REPLY **Para IV(3) page 10 of R18 Reply** *"...It is also submitted that all the wood/ lops/ tops that are created by the pruning, are being* *removed by Municipal Corporation of Delhi in their vehicles to their nursery for onward use as they deem fit and as per the norms and rules ..."*	**Communications by R18 to residents of Vasant Vihar and other government agencies <u>including R3, R7</u> R18's minutes (annexed as Annexure-8 herein)** <u>*"It may be necessary for us to purchase a trolley for carriage of green waste. The necessary quotation and prices are available for approval.*</u> <u>*Shredder on hire — 4000/= per*</u> *LIAL* **R18's Letter to R7 dated 21.11.2022**

	[Annexure A-7 of the Original Application] *"VVWA is in the process of arranging a Trolley to handle the green waste. We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis.* *The entire expense for the exercise will be borne by VVWA."* **WhatsApp message dated** **19.12.2022** **[Annexure-6 Colly herein]** *"...As for its green waste, we are arranging a pick-up for today for the lanes, which have already been pruned"* **WhatsApp message dated 24.12.2022** **[Annexure-11 Colly herein]** *"... The whole exercise is being done with a MCD staff present and they are the ones clearing all green waste."* **Short affidavit of R4** **Para 7** *"That as per record of the department, the said regular pruning has been undertaken/ carried out w.el 21/11/2022 till 20/12/2022 under the supervision of the said officers."*

8. The applicants have further submitted that the fact that respondent No.18 is lying on oath is also substantiated from its own stand taken in para 2 page 6 of the Reply wherein firstly there is denial

by it regarding complaint dated 28.10.2022 made by Applicant No. 1 for illegal cutting of trees in Vasant Vihar at the behest of respondent No.18 but later there is assertion as to police complaint filed vide diary number 78775 with the Vasant Vihar Police Station being under investigation. If respondent No.18 was not aware about any police complaint dated 28.10.2022 then how come it came to know that there is an investigation which is being conducted by the Vasant Vihar Police Station. The unlawful conduct of respondent No.18 is also fortified from the fact that respondent No.18 is circulating false letter and misleading even the Residents of Vasant Vihar by false WhatsApp messages dated 23.12.2022 that "three residents of Vasant Vihar have approached the NGT to suspend pruning". Since no order of suspension of pruning was ever passed by this Tribunal, the said misleading statements knowingly made by respondent No.18 clearly show that respondent No.18 has scant respect towards the orders of this Tribunal. Respondent No.18 is a body who has no fear of law and has deliberately made false and contradictory statements on oath and respondent No. 18 is liable to be prosecuted and punished for committing perjury by intentionally giving false affidavit.

9. While submitting that this Tribunal has power to try and decide the present application in view of Section 195 (1)(b) of the Cr.P.C. and Rule 24 of the National Green Tribunal (Practice and Procedure) Rules, 2011, the applicants have prayed for conducting of a preliminary inquiry and passing direction to initiate proceedings for Perjury under Section 340 of the Cr.P.C. against office bearers/ managing committee of respondent no. 18 (involved in the act of perjury) for intentionally and deliberately making false and incorrect statements before this Tribunal.

10. Ms. Anu Monga, Mr. Shobhit Sharma and Mr. Shubham Khanna, learned Counsel for the applicants have argued that Section 340 of the Cr.P.C. mandates making of preliminary inquiry by the Court and filing of complaint if the Court is of the opinion that it is expedient in the interest of justice to do so. No notice of the application and opportunity of being heard is required to be given to respondent No.18 (the accused). Preliminary inquiry may be conducted and complaint may be ordered to be filed as against office bearers/managing committee of respondent no. 18. In support of their arguments, learned Counsel for the applicants have relied on the observations **in Judgments/orders passed in Criminal Appeal No. 402 of 2005 titled as Iqbal Singh Marwah and Ors Vs. Meenakshi Marwah and Ors. (MANU/SC/0197/2005) decided on 11.03.2005; CWP No. 3886/2000 titled as IRCON International Limited Vs. Union of India (UOI) and Ors. (MANU/DE/1127/2003) decided on 03.12.2023; Writ Petition (S.T) No 4899/2017 titled as Union of India and Ors. Vs. Haresh Virumal Milani, (Manu/MH/0804/2017) decided on 17.04.2017; O.A No. 125/2015 titled as Kashhinath Jairam Shetye and Ors Vs. Jaiprakash A. Shirsaikar and Ors. (MANU/GT/0040/2017) decided on 02.05.2017; and order dated passed on 24.08.2022 in O.A No. 21/2022 titled as M/s Geenland Waste Management Enterprise Vs. State of Jharkhand.**

11. On the other hand Ms. Ekta Mehta and Ms. Akansha Agarwal, learned Counsel for the respondent No.18 have argued that the applicants have filed application under Section 340 of the Cr.P.C. out of personal vendetta to wreck vengeance which is not maintainable and the same may be dismissed.

12. In order to consider the application under Section 340 of the Cr.P.C. for taking action against the respondent No. 18 for commission of offence of perjury. The relevant statutory provisions contained in sections 191, 192, 193, 199 and 200 of the Indian Penal Code, 1860 (for short the I.P.C.) may be noticed which read as under:-

> *" **191. Giving false evidence.**—Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.*
>
> *Explanation1.—A statement is within the meaning of this section, whether it is made verbally or otherwise.*
>
> *Explanation 2.—A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.*
>
> *192. Fabricating false evidence.—Whoever causes any circumstance to exist or 1 [makes any false entry in any book or record, or electronic record or makes any document or electronic record containing a false statement,] intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding is said "to fabricate false evidence".*
>
> ***193. Punishment for false evidence.**- Whoever intentionally gives false evidence in any of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;*

and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1. A trial before a Court-martial is a judicial proceeding.
Explanation 2. An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Explanation 3. An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, through that investigation may not take place before a Court of Justice.

***199. False statement made in declaration which is by law receivable as evidence.**- Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.*

***200 : Using as true such declaration knowing it to be false.**- Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.*

Explanation - A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of sections 199 and 200."

13. It may be observed here that the offences punishable under Section 193, 199 and 200 of the I.P.C. are shown in the schedule to the Cr.P.C. to be non-cognizable.

14. Section 195 (i) (b) of the Cr.P.C. bars the Court from taking cognizance of the offences punishable under Sections 193 to 196, 199,

200, 205 to 211 and 228 alleged to have been committed in or in relation to any proceedings in any Court except on complaint in writing of that Court or its authorised officer or higher Court to which such Court is sub-ordinate and the same reads as under:-

> " **195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.—**(1) No Court shall take cognizance—
>
> *X X X X*
>
> *(b) (i) of any offence punishable under any of the following sections of the Indian Penal Code (45 of 1860), namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or*
>
> *(ii) of any offence described in section 463, or punishable under section 471, section 475 or section 476, of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, or*
>
> *(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii),*
>
> *[except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate]."*

15. Section 195 (3) of the Cr.P.C. which defines the expression "Court" for purpose of Section 195 (1) (b) of the Cr. P.C. which reads as under:-

> *" (3) In clause (b) of sub-section (1), the term "Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central, Provincial or State Act if declared by that Act to be a Court for the purposes of this section. "*

16. Section 340 of the Cr.P.C., which prescribes the procedure as to how a complaint may be preferred under Section 195 of the Cr.P.C., reads as under:-

> *"**340. Procedure in cases mentioned in section 195**- (1) When, upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of Justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,*
>
> *(a) record a finding to that effect;*
> *(b) make a complaint thereof in writing;*
> *(c) send it to a Magistrate of the first class having jurisdiction;*
> *(d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is nonbailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and*
> *(e) bind over any person to appear and give evidence before such Magistrate.*
>
> *(2) The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has neither made a complaint under subsection (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-section (4) of section 195.*
>
> *(3) A complaint made under this section shall be signed, (a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint; [(b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorised in writing in this behalf.]*
>
> *(4) In this section, "Court" has the same meaning as in section 195."*

17. So far as initiation of proceedings for perjury is concerned the law is now well settled through a catena of the judgments of Hon'ble Supreme Court and may be summarized as under:-

> *"1. Giving of false evidence and filing false affidavits is an evil which must be effectively curbed with a strong hand but to start prosecution for perjury too readily and too frequently without due care and caution and on inconclusive and doubtful material defeats its very purpose. (See* ***Chajoo Ram v. Radhey Shyam and another, reported in AIR 1971 Supreme Court 1367.****)*
> *2. If the court is to notice every falsehood that is sworn to by parties in courts there would be very little time for courts for any serious work other than directing prosecution for perjury. Again, the edge of such weapon would become blunted by indiscriminate use. (See* ***Thomman v. IInd Additional Sessions Judge, Ernakulam and others, 1994 Cri. L.J. 48.)***
> *3. Mere acceptance or rejection of evidence by itself is not a sufficient yardstick to dub the one rejected as false. Falsity can be alleged when truth stands out glaringly and to the knowledge of the person who is making the false statement. (See* ***Chandrapal Singh and others v. Maharaj Singh and another, reported in 1982(2) RCR(Rent) 425 : AIR 1982 Supreme Court 1238.)***
> *4. Every incorrect or false statement does not make it incumbent on the Court to order prosecution. The Court has to exercise judicial discretion in the light of all the relevant circumstances when it determines the question of expediency. (See* ***M.S. Ahlawat v. State of Haryana and others : 2000 (1) SCC 278)****.*
> *5. The gravity of the false statement, the circumstances under which such statement is made, the object of making such statement and its tendency to impede and impair the normal flow of the course of justice are matters for consideration when the court decides on the propriety of instituting a complaint for perjury. (See* ***Thomman v. IInd Additional Sessions Judge, Ernakulam and others, 1994 Cri. L.J. 48.)***
> *6. Prosecution should be ordered when it is considered expedient in the interests of justice to punish delinquent and not merely because there is some inaccuracy in the statement which may be innocent or immaterial and there must be prima facie case of deliberate falsehood on a matter of substance and the Court should be satisfied that there is reasonable foundation for the charge. (See* ***Chajoo Ram v. Radhey***

> ***Shyam and another, reported in AIR 1971 Supreme Court 1367.)***
> *7. Prosecution for perjury should be sanctioned by courts only in those cases where the perjury appears to be deliberate and conscious and the conviction is reasonably probable. It is only in glaring cases of deliberate falsehood where conviction is highly likely, that the Court should direct prosecution. (See* ***Chajoo Ram v. Radhey Shyam and another, reported in AIR 1971 Supreme Court 1367 and Santokh Singh v. Izhar Hussain and another : AIR 1973 Supreme Court 2190.)***
> *8. The power given by Section 340 of the Cr.P.C. Should be used with utmost care and after due consideration. Such a prosecution for perjury should be taken only if it is expedient in the interest of justice. (See* ***K.T.M.S. Mohd. and another v. Union of India : AIR 1992 Supreme Court 1831.)***
> *9. The Court must order prosecution in the larger interest of the administration of justice and not to gratify feelings of personal revenge or vindictiveness or to serve the ends of a private party. (See* ***Santokh Singh v. Izhar Hussain and another : AIR 1973 Supreme Court 2190).”***

18. In view of the settled position of law referred to above, prosecution for perjury can be sanctioned even by this Tribunal in glaring cases of deliberate falsehood on a matter of substance where there is reasonable foundation for the charge and conviction is highly likely. Such prosecution can be sanctioned only when it is considered expedient in the interests of justice that the delinquent be punished and not merely to gratify feelings of personal revenge or vindictiveness or to serve the ends of a private party.

19. In the present case the averments made in the reply filed on behalf of respondent No.18 are stated to be false with reference to the averments made in whats app messages but who sent the whats app messages by which device by which mobile number and to whom and on which mobile number is not mentioned in the application. The genuineness of the messages and truth of the averments made in the whats app messages is

not yet established before this Tribunal. Therefore, the averments made in the reply cannot be prima facie said to be false on the basis of the averments made in the whats app messages. The claim in the resolution regarding authorization of Mr. G. S. Bindra President of respondent No. 18 by its Office Bearers for filing of reply on behalf of respondent No.18 cannot be prima facie said to be false due to there being no authorization by the Managing Committee which merely raises question of its legality. Similarly the conduct of respondent No.18 in informing three applicants to have approached this Tribunal can not be said to be unlawful even if there be some wrong communication regarding the nature of relief sought by them being suspension of pruning. Mere knowledge of pendency of investigation by the police on complaint made to it cannot be construed to impute complete knowledge of the contents of the complaint by the person complained against till copy of complaint is supplied. Therefore, such knowledge of pendency of investigation does not by itself prove denial of its contents, before supply of copy of the complaint, to be false. Whats App complaints regarding pruning being unscientific, lop sided or excessive, which are relied upon by the applicants merely constitute a counter claim/statement of facts and do not thereby establish the factum of the averments made in the reply filed by respondent no. 18 be false. The averments made by the applicants in the interim application do not, even in their entirety, make out it to be glaring case of deliberate falsehood on a matter of substance with a reasonable foundation for the charge and high likelihood of conviction and do not, in the totality of the facts and circumstances, make it expedient in the interests of justice that the delinquent be punished. On the other hand the application appears to have been filed at very initial stage of the proceedings merely to gratify feelings of personal revenge and

vindictiveness and to serve the ends of the applicants as private party. We are, therefore, of the considered view that it is not expedient in the interests of Justice that an inquiry be made into the offences referred to in Section 195 (1) (b) of the Cr.P.C. alleged to have been committed in/in relation to the proceedings in this Tribunal by filing the reply and affidavit by respondent no. 18.

20. We have gone through the Judgments/orders relied upon by learned counsel for the applicants. In **Iqbal Singh Marwah (Supra)** where after forgery, forged will was produced in the court of the District Judge subsequently and no offence as enumerated in section 195 (b) (ii) of the Cr.P.C. was committed in respect to the said will after it was produced and filed in the Court, it was held by Hon'ble Supreme Court that the bar created by Section 195 (1) (b) (ii) of the Cr.P.C. would not come into play and there is no embargo on the power of the court to take cognizance of the offence on the basis of the complaint filed by the respondents. In **IRCON International Limited (Supra)** where affidavit was filed under section 17-B of the Industrial Dispute Acts, 1947 by the employee that he was not gainfully employed and application under section 340 of the Cr.P.C. was filed by the Management against the employee for making false averments in the affidavit and passport and visa of the employee were produced to show that during the period in question the employee was gainfully employed abroad, it was held by Hon'ble Delhi High Court that the false statement fell within the ambit of sections 191, 192 and 193 of the I.P.C. and alleged perjury was deliberate and conscious and conviction was probable or likely and accordingly filing of complaint against the employee was ordered. In **Kashhinath Jairam Shetye (Supra)** where an order of demolition of illegal construction in the

property in question was passed by GCZMA and respondent no. 2 made statement before the Western Zone Bench of this Tribunal that he had complied with the direction of GCZMA requiring demolition of the structures, the Western Zone Bench of this Tribunal held that there were sufficient and reasonable grounds for setting the machinery of criminal law in motion for the offence of perjury committed by respondent no. 2 and accordingly granted sanction for prosecution of respondent no. 2 for offence punishable under section 193 of the I.P.C. In **Union of India and Ors. (Supra)** the question raised was as to whether civil court conducting inquiry under section 340 of the Cr.P.C. has power to call witness and could exercise the power under section 311 of the Cr.P.C. In that case it was held that the Civil Court conducting inquiry under section 340 of the Cr.P.C. has power to call witness and could exercise the power under section 311 of the Cr.P.C. In **M/s Geenland Waste Management Enterprise (Supra)** counter affidavit was filed by respondent no. 4-Jharkhand State Pollution Control Board (JSPCB) in which the environmental compensation computed was not disclosed. The Eastern Zonal Bench of this Tribunal held that the same amounted to withholding the information from the Tribunal and directed making of the appropriate entries in ACR of the Member Secretary, JSPCB. However, the facts of the present above quoted case are evidently different from the facts of the present case and the observations in the above quoted cases, which are relied upon by the learned counsel for the applicants, are not applicable to the facts of present case and are not of any help to the applicants.

21. It follows from the above discussion I.A No. 14/2023 filed under Section 340 read with Section 195 (1) (b) of the Cr.P.C is devoid of any merit and is, accordingly, dismissed.

22. As on the previous date, even today learned counsel for the applicants have submitted that pruning has been done and is being done by respondents no. 12 to 18 without requisite permission and in violation of statutory provisions/norms and such pruning may result in killing of about 7000 trees in Vasant Vihar, New Delhi and learned counsel for the respondents no. 12 to 18 have refuted the allegations and submitted that scientific pruning of trees being essential for their growth is being carried out by the concerned Civic Authorities in accordance with the guidelines issued in this regard.

23. This Tribunal had in its order dated 03.01.2023 made detailed observations regarding the submissions made before it which are reproduced as under:-

> *"Undisputedly, in the present case, Vasant Vihar Residents Welfare Association has approached the Civic Authorities for pruning of the trees in question in view of the request made by the residents of the locality. In the facts and circumstances of the case, we are of the considered view that the concerned Civic Authorities cannot be restrained from carrying out scientific pruning of the trees, which may be required for proper growth and health of the trees, in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994. In case of any unscientific pruning of the trees in violation of the guidelines, the applicants may avail the equally efficacious remedy of making complaints to the Deputy Conservator of Forest, West Forest Division (Tree Officer) who is directed to take appropriate action in accordance with law in case of making of any such complaint to him. However, in the peculiar facts and circumstances of the case, we do not find any impropriety in the Civic Authorities*

associating the Vasant Vihar Residents Welfare Association in carrying out scientific pruning of the trees. In fact, the environmental problems can be properly resolved with active participation of the members of the public/residents of the locality for protection and improvement of environment. The concerned instrumentalities of the State are required not only to create awareness amongst the members of public/residents of the locality but also to ensure their participation in plantation, protection, maintenance and management of trees by providing men-power/financial resources. In the facts and circumstance of the present case, it will be appropriate if the concerned Civic Authorities allow the office bearers of the Vasant Vihar Residents Welfare Association and residents of the locality including the applicants to participate, by voluntarily providing men-power/financial resources as the case may be, in carrying out scientific pruning of the trees in question as may be considered to be necessary in accordance with the guidelines under proper monitoring/supervision by the officials of the concerned Civic Authorities and Deputy Conservator of Forest, West Forest Division (Tree Officer) and the concerned Civic Authorities may for this purpose also constitute a Tree Management Committee (TMC) with concerned officials and office bearers of the Vasant Vihar Residents Welfare Association and residents of the locality including the applicants volunteering for plantation, protection, maintenance and management of the trees and other vegetation in the concerned area."

24. Vide order dated 03.01.2023, presence of the concerned Deputy Directors (Horticulture), MCD, DDA and PWD respectively and the Deputy Conservator of Forest, West Forest Division (Tree Officer) before this Tribunal was ordered. In compliance thereof Mr. Navneet Kumar Srivastava, Deputy Conservator of Forest, West Forest Division (Tree Officer), Mr. Nitesh Sharma, S.P.A. (Legal)-Department of Forest and Wildlife, Mr. Vikas Singh, Assistant Director, Horticulture, Division-IV and Mr. Parhlad Ahirwar, Section Officer (Horticulture), DDA have appeared before this Tribunal. However, The Deputy Directors (Horticulture), MCD and PWD have not appeared. Mr. Navneet Kumar Srivastava, Deputy Conservator of Forest, West Forest Division (Tree

Officer) has submitted that no complaint has been made by the applicants to him after passing of order dated 03.01.2023 regarding illegal pruning/butchering of trees as alleged by the applicants before this Tribunal.

25. We have specifically asked learned Counsel for the applicants that when we had specifically observed that in case of any unscientific pruning of the trees in violation of the guidelines, the applicants may avail the equally efficacious remedy of making complaints to the Deputy Conservator of Forest, West Forest Division (Tree Officer) who was also directed to take appropriate action in accordance with law in case of making of any such complaint to him, why complaint regarding illegal pruning with relevant evidence was not made to him but learned Counsel for the applicants could not give any plausible explanation for not making of any complaint to the Deputy Conservator of Forest, West Forest Division (Tree Officer).

26. Applicant No.1 - Prof. Dr. Sanjeev Bagai has appeared today in person and asserted that illegal pruning of trees standing on land owned by MCD/PWD is being done by respondents No. 12 to 18 without any authority/permission through private contractor unscientifically in violation of environmental norms. However, even Applicant No.1 - Prof. Dr. Sanjeev Bagai has not disputed the requirement of pruning of the trees but has reiterated that pruning of the trees has to be done scientifically. On being asked whether the applicants will assist in such scientific pruning of trees or suggest name of any agency which could be engaged by the MCD/PWD/DDA to carry out such scientific pruning applicant No.1 - Prof. Dr. Sanjeev Bagai and learned Counsel for the applicants expressed inability which prima facie makes us to also

consider, in the course of these proceedings, the bona fides of the applicants and their objectives in pursuing this environmental litigation for dispelling that the same is not one of the many facets of power contest/tussle between rival groups of the members of respondent No.18 Association or residents of the locality.

27. On the previous date Mr. Gurpreet Singh Bindra, President of Vasant Vihar Residents Welfare Association had submitted that on earlier occasions also pruning was done on the requests made by the residents as per decision taken in the meetings of office bearers of the above said association including applicant no. 3 and expenses for the same were borne by the above said association. The respondent No. 18 is directed to produce copies of the relevant record in this regard.

28. Replies to the application be filed by respondents No. 1,2,5,7 and 8 within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

29. Respondents no. 1 to 8 and 18 are also directed to file copies of all relevant documents regarding pruning of trees done in the past and being carried on now within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

30. List for further consideration on 10.03.2023.

31. The officers duly authorized by the concerned Deputy Directors (Horticulture), MCD, DDA and PWD and the Deputy Conservator of Forest, West Forest Division (Tree Officer) respectively shall remain present before this Tribunal with relevant record on that date.

32. In the meanwhile, further pruning of the trees, if considered necessary, be carried out by the concerned Civic Authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994.

33. However, it will be in the discretion of the concerned Civic Authorities, MCD/DDA to associate or not to associate office bearers of the Vasant Vihar Residents Welfare Association and/or other residents of the locality including the applicants volunteering for the purpose by providing the men-power/financial resources, as may be considered appropriate by the concerned Civic Authorities, MCD/DDA.

34. In case of any unscientific pruning of the trees in violation of the guidelines, the applicants may avail the equally efficacious remedy of making complaints to the Deputy Conservator of Forest, West Forest Division (Tree Officer) who is directed to take appropriate action in accordance with law in case of making of any such complaint to him.

35. A copy of this order be forwarded to the applicants and respondents no. 1 to 8 and 18 by email for information/requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 19, 2023
AG

DEPARTMENT OF FORESTS & WILDLIFE
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P. ESATTE, NEW DELHI-110002

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated : 01/10/19

GUIDELINES
FOR PRUNING OF TREES
UNDER DELHI PRESERVATION OF TREES ACT, 1994

1. The Delhi Preservation of Trees Act, 1994 was enacted to safeguard the forest area in and around NCT of Delhi and to provide for preservation of trees. The Department of Forests & Wildlife, GNCTD has regulatory control for implementation of DPTA 1994 which prohibits felling or pruning/ head backing of trees.
2. The Sec.2 (h) of DPTA, 1994 states that "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bulldozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner as factors causing the death of a tree. Thus it would be apparent that its implied meaning does not appear to carry any implicit connotation that pruning of trees which do not cause damage or death of a tree could be termed as a Tree Offence.
3. In the light of above, general guidelines for pruning of trees are prescribed for adherence by all concerned, so that the trees grown with great care and precision over a period of several years are not pruned recklessly leading to their untimely death (which is an offence under Section 8 of DPTA, 1994) or result in reduction of green cover of Delhi which is an essential strategy to combat pollution.
4. Pruning means cutting off or removing dead or living parts or branches of a tree to improve shape or growth. It is a horticultural and silvicultural practice involving selective removal of parts of a plant, such as branches, buds, or roots. Reasons to prune plants include deadwood removal, shaping by controlling or directing growth, improving or maintaining health, reducing risk from falling branches, preparing nursery specimens for transplanting, etc. However, the pruning cut should not be too large so as to damage the tree.

5. For the purpose of clarity and transparency to the meaning of light and heavy pruning, following would constitute as above:

Term	Branches of girth size	Permission required or not	Remarks
Regular Pruning/ General Tending	Upto 15.7 cm.	No	May be got done by Civic Agencies at regular intervals
Light Pruning	Greater than 15.7 cm but less than and equal to 40 cm.	Required	From concerned Tree Officer on submission of prescribed Form B and other documents as prescribed in DPTA, 1994.
Heavy Pruning	Greater than 40 cm	Required	

6. The forest department does not get the trees felled or pruned/ head backed directly but only accords permission for the same to the owner of land on which the concerned tree is standing after due inspection/ investigation.

7. The actual pruning of the concerned tree/ trees is got done by Deputy Director (Hort.) of the MCDs/ NDMC/DDA/ PWD/CPWD (whoever is the land owning agency) of the concerned area or by the property owner himself/ herself.

8. For obtaining permission for felling or pruning/ head backing of trees, guidelines are in place for information to all and ease of Public/ Govt. agencies towards achieving their desired objective which are available on the department website "www.forest.delhigovt.nic.in".

9. If **Individuals/ General Public/ Society /RWAs** is desirous that any tree inside his house/premises is posing problems to him or the public and needs to be felled or pruned/ head backed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per merit of the case.

10. If the tree/trees for which felling or pruning/ head backing is required is standing on **Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual** and is posing problem to him, he has to apply for felling or pruning/ head backing of such tree on a simple piece of paper to the Deputy Director (Horti.) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.

11. It should neither be applied directly to concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti), as per merit of the case.

12. If a tree is standing on **govt. land but leaning on private land/ building** and is considered dangerous and likely to cause damage to life and property, it should be informed immediately with photograph by the concerned aggrieved person. Permission is granted for its felling or pruning/ head backing within 48 hours of inspection, as per merit of the case. In case permission/ any intimation to the contrary is not received within this time, the person can go ahead and fell or prune/head back the dangerous/ leaning tree and intimate the concerned Tree Officer (DCF) within 24 hours of such felling or pruning/ head backing.

13. There are three (3) Deputy Conservator of Forests (DCFs) who are designated as Tree Officers to look after the cases of tree felling or pruning/ head backing and accord permissions for the same, after inspections, as per merit of the case. Their respective jurisdictions in Delhi are shown in table below.

S.N.	Name of the Division	Name of the Revenue Districts	Name of the Sub-division
1.	North Forest Division	North	Model Town, Narela & Alipur
		North West	Rohini, Kanjhawala & Sarawasti Vihar.
		West	Punjabi Bagh, Patel Nagar & Rajouri Garden.
		North East	Seelampur, Yamuna Vihar & Karawal Nagar.
		East	Gandhi Nagar, Preet Vihar & Mayur Vihar.
		Shahdara	Shahdara, Seemapuri & Vivek Vihar.
		Central	Civil lines
2.	West Forests Division	South West	Dwarka, Najafgarh & Kapashera
		New Delhi	Chankyapuri, Delhi Cantt. & Vasant Vihar
3.	South Forest Division	South	Saket, Hauz Khas, Mehrauli
		South East	Defence Colony, Kalkaji & Sarita Vihar
		Central	Kotwali & Karol Bagh.

14 Pruning/ pollarding/ burning/ lopping/ applying arboricides or damaging a tree in any other manner would be considered as tree offence when, as per ocular estimation of such damage, the Tree Officer, in all his wisdom, holds that such act is likely to lead to the death of the tree, in near future.

15 If a tree standing on any govt. land/ road side/ private land/ building is considered dangerous and likely to cause damage to life or property, or hindrance to traffic signals, it should be pruned immediately by the concerned Civic Agency and informed to concerned Tree Officer within 24 hours and for which no permission is required from Tree Officer.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated: 01/10/19

Copy to:

1. All DCFs for information
2. All DROs/ Forest Guards for information.
3. The Director (Hort) of all Civic Agencies viz. MCDs/ NDMC/ DDA/ PWD/ CPWD etc.
4. Notice Board
5. Programmer, Environment Department, GNCTD with a request to upload on the official web site of the Department.

Distribution:

1. Secretary to Hon'ble Minister (E&F), GNCTD for information.
2. PS to Principal Secretary (E&F), GNCTD for information.
3. PCCF/ HOD, GNCTD for information.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

FORM 'B'

(See sub-rule (1) of rule 4)

The Tree Officer,

.....

.....

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village ..... and District ..... I furnish below the following details in support of my application:-

i. Applicant's name and address (In block letters).

ii. Name and address of the owner of the property (if different from applicant).

iii. Title of the applicant i.e., whether owner/occupant of the property, etc.

iv. Name of the village and khasra number of property.

v. Total area of the property with description of the boundaries.

vi. Total number of trees (specieswise) whose trunk or body is not less than 5cm in diameter at a height of 30cms from the ground and whose height is not less than one metre from the ground.

vii. The exact area (in sq. metres) from which felling of trees for which permit is sought (description of the boundaries).

viii. Total number of trees to be felled.

ix. Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details specieswise are.

Species	No.	Girth

x. Purpose for which the felling of trees are intended.

xi. Intended use of felled trees (e.g.) for sale, for domestic use, etc.

xii. Intended use of land after felling of trees.

xiii. Number and species of trees intended to be planted after felling (give details of arrangement for raising, planting and protecting trees).

xiv. Name /s and address/es of the owners/occupants adjoining property/ies.

2. I am enclosing an affidavit and below mentioned papers in support of my application.

DECLARATION

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place: .....
Date: .....

Applicant's Signature

Attested copies of:-

i. Property/occupancy documents.
ii. Plan of the property showing the khasra number.
iii. Enumeration list (duly signed by the applicant).
iv. Boundary list (duly signed by the applicant).
v. Latest jamabandi of land record issued by the Tehsildar.
vi. "No Objection Certificate" from the concerned local body (e.g.) MCD/N.D.M.C.
vii. "No Objection Certificate" from adjoining property owners.

(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)

I, ... aged.....years, resident of ..... (locality) village ....., wife/son/daughter of ..... do hereby solemnly affirm and declare as under:-

1. That I am the legal owner/occupant of the private property known as ..... situated at ..... village ..... bearing khasra number..... of ..... boundaries of which are as follows:-

East:
West:
North:
South:

2. That I have applied to the Tree Officer ..... for permission to fell ..... trees form the aforesaid property. All the trees have been numbered with paint.
3. That there is no other owner/occupant of this property of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation, if any, that may arise at any time in future regarding the ownership/ occupancy of the said future regarding the ownership/occupancy of the said property or the forest produce from the said property.

Deponent

Verification

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that nothing material has been concealed or omitted there from.

Verified at ..... this the ..... day of..... 20 .....

Deponent

(Source: The Delhi Preservation of Trees Rules, 1996)

ANNEXURE - 3

Address – Street A10, Vasant Vihar Date - 25.12.2022



Address – Street A-10, Vasant Vihar Date – 25.12.2022



Address – Street A-11, Vasant Vihar Date – 25.12.2022



Address – Street A-6, Vasant Vihar Date – 03.01.2023



Address – Street A-6, Vasant Vihar Date – 03.01.2023



Address – Street A-10, Vasant Vihar Date – 25.12.2022



Address – Street A-11/2, Vasant Vihar Date – 25.12.2022



Address – Street A-6, Vasant Vihar Date – 03.01.2023



Address – Opposite A-5/5A Next to 25 Palam Marg, Vasant Vihar Date – 03.01.2023



Address – Street A10, Vasant Vihar Date – 03.01.2023



Address – Street A-10/9, Vasant Vihar Date – 03.01.2023



Address – Street, 25, Palam Marg, Vasant Vihar Date – 03.01.2023

[Same location where trees were felled/ cut on 30.09.2022]

Annexure A-4 of the OA



ANNEXURE - 4





221 212







PHOTOGRAPHS OF 25 PALAM MARG, VASANT VIHAR, NEW DELHI DATED MARCH 2022






Google


Google

PHOTOGRAPHS OF 25 PALAM MARG, VASANT VIHAR, NEW DELHI DATED 30.09.2022



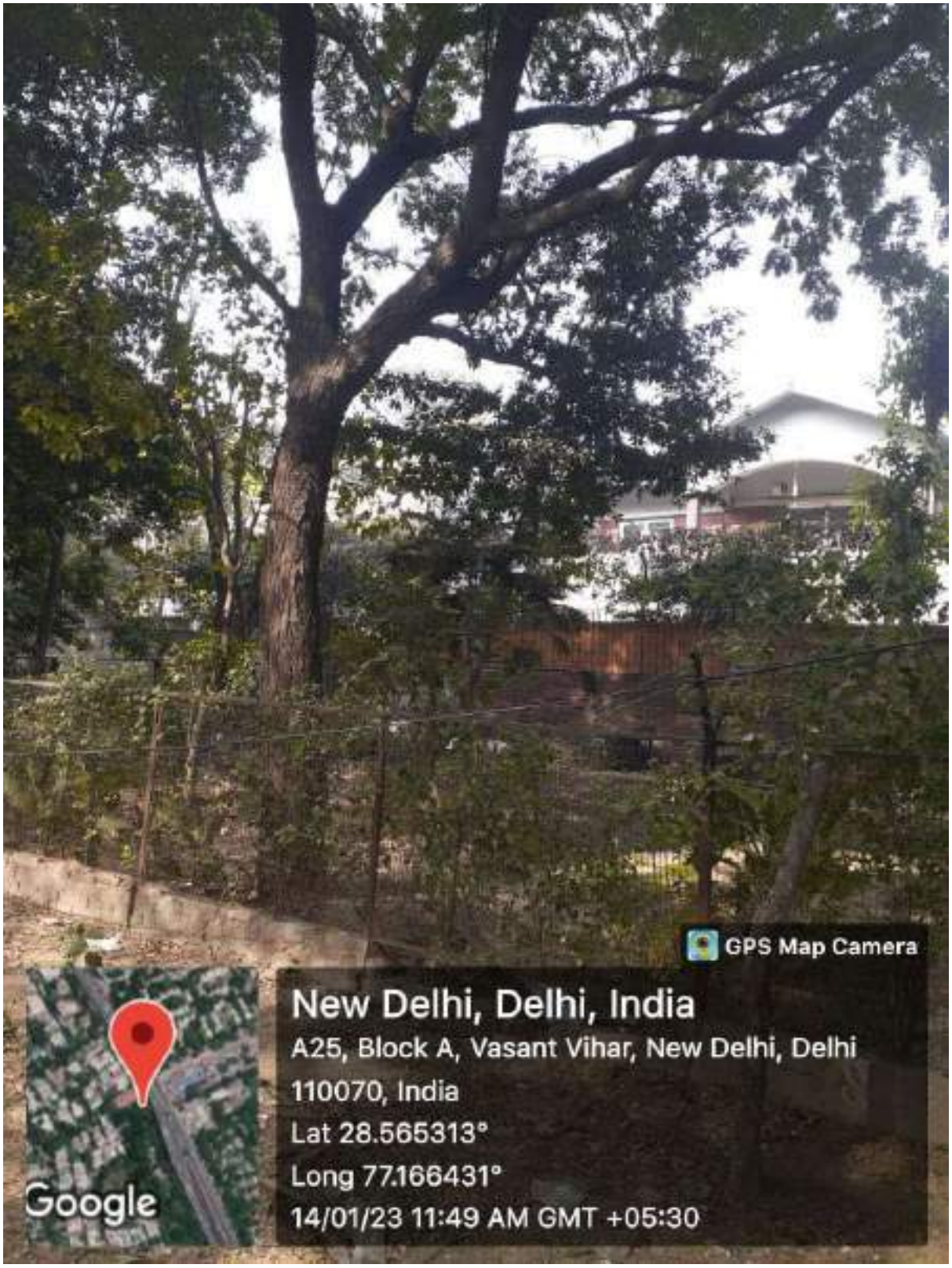




PHOTOGRAPH OF 25 PALAM MARG, VASANT VIHAR, NEW DELHI DATED 03.01.2023

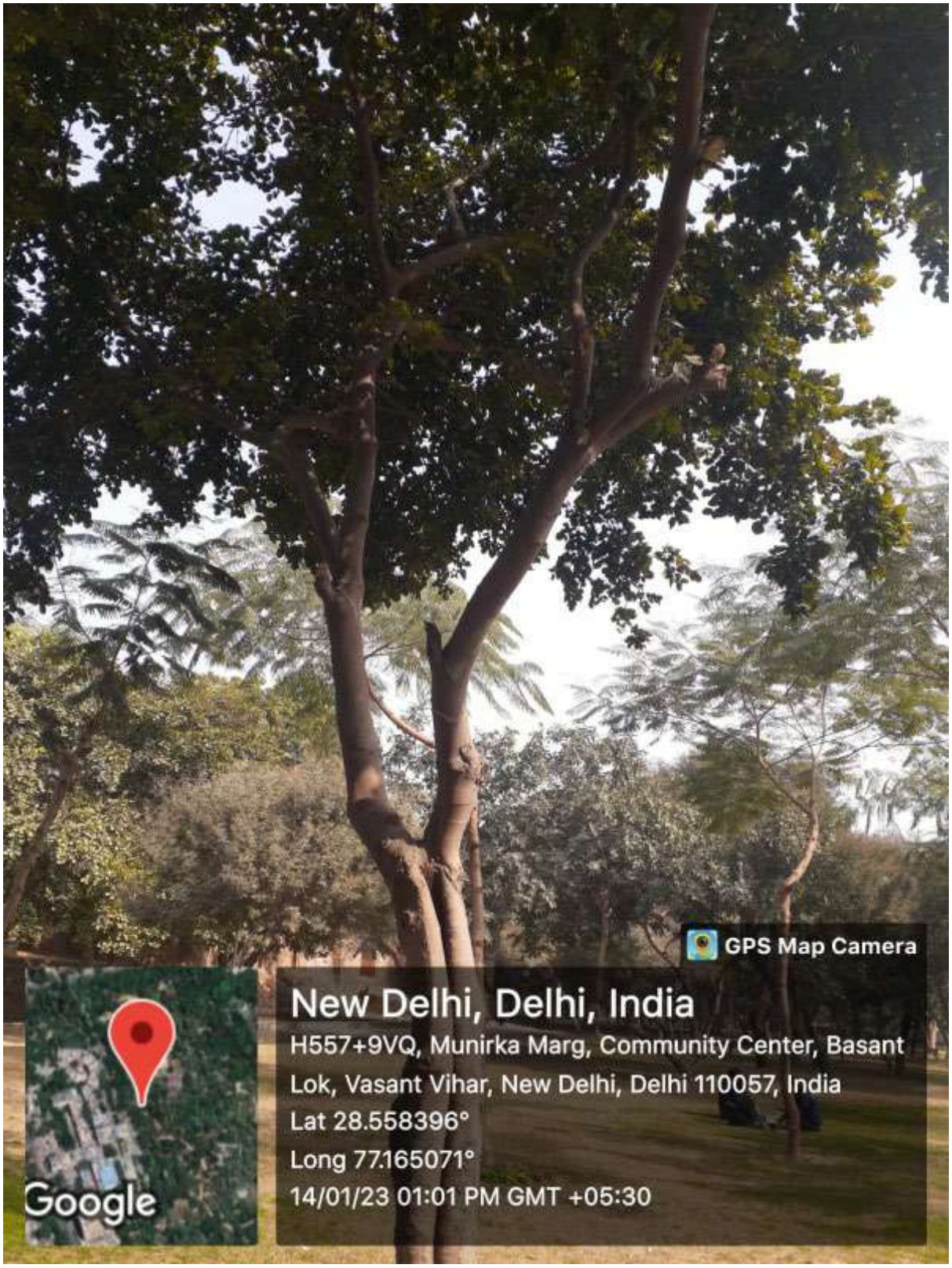



GPS Map Camera
New Delhi, Delhi, India
1, Basant Lok, Vasant Vihar, New Delhi, Delhi
110057, India
Lat 28.558217°
Long 77.165411°
14/01/23 01:04 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
A25, Block A, Vasant Vihar, New Delhi, Delhi
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Google


GPS Map Camera
New Delhi, Delhi, India
A25, Block A, Vasant Vihar, New Delhi, Delhi
110070, India
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Google


GPS Map Camera
New Delhi, Delhi, India
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14/01/23 12:58 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
H557+9VQ, Munirka Marg, Community Center, Basant Lok, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.558396°
Long 77.165071°
14/01/23 01:01 PM GMT +05:30
Google

MUNICIPAL CORPORATION OF DELHI
HORTICULTURE DEPARTMENT
SOUTH ZONE: GREEN PARK

No. ADH/SZ/RTI/DIS/HOR/2022-23/ 3193 **Dated** 16/01/**2023**

To

Sh. Vivek Tandon
A-5/6 Vasant Vihar
New Delhi - 110057

Sir/madam,

Please refer to your application, ID No. 432 dated 15.12.2022 addressed to the undersigned regarding supply of information.

2. The information asked by applicant is enclosed herewith.

As per section 19 of the Right to Information Act, 2005 you may file an appeal to the First Appellate Authority within 30 days of the issue of this order, whose particulars are given below -

Address of the
First Appellate Authority :-

Delhi Municipal Corporation
Dy. Commissioner (SZ) South Zone
Green Park, New Delhi-110016

Yours faithfully,

Assistant Director (Hort.)/PIO
South Zone, Green Park.

Copy To :- _____ for information please with enclosing photocopy of RTI for taking further necessary action please.

MUNICIPAL CORPORATION OF DELHI
HORTICULTURE DEPARTMENT
SOUTH ZONE, GREEN PARK

Reply of RTI ID No. 432 Dated 15.12.2022 Applicant Sh. Vivek Tandon

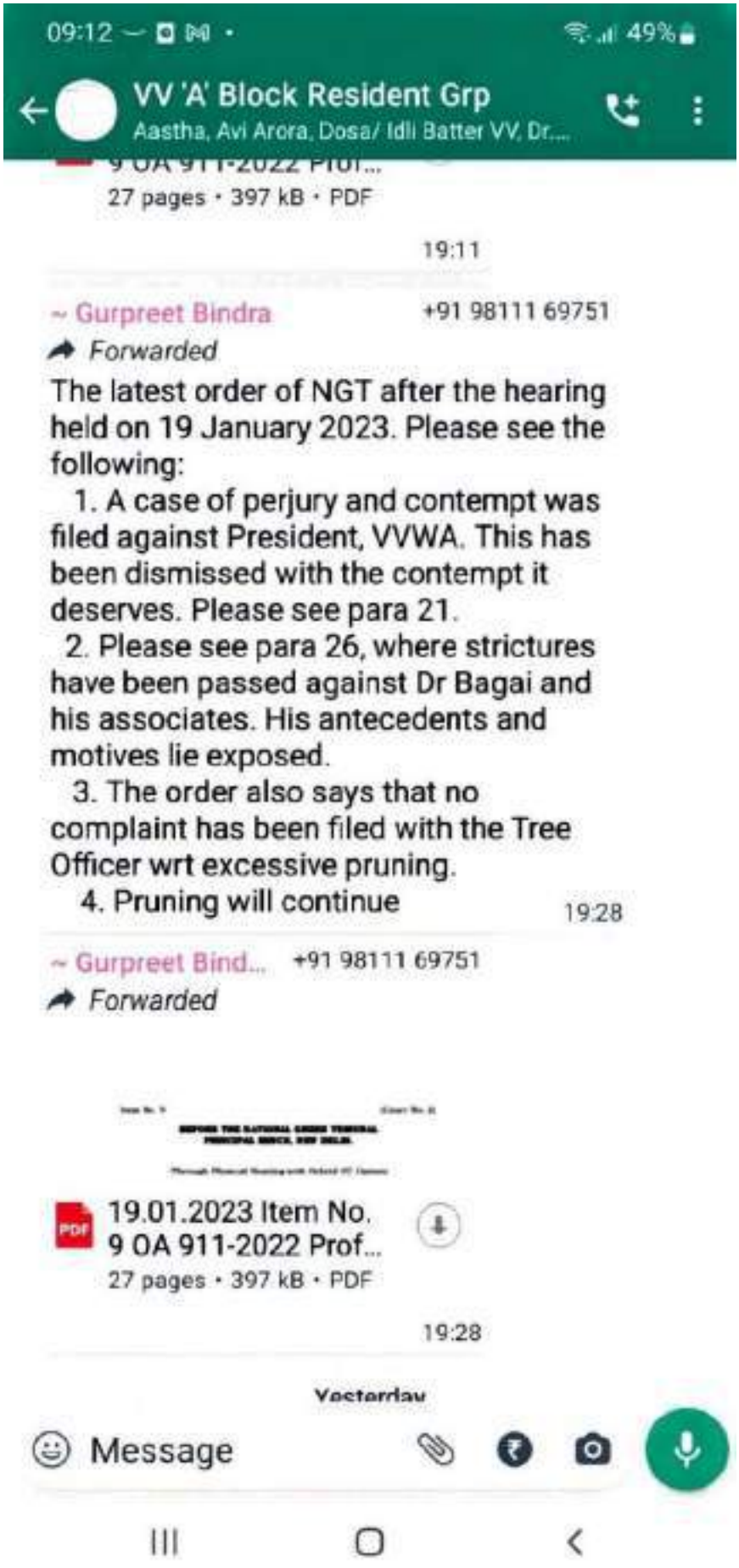
Sl.no.	Question	Reply
1	A certified copy of the permission granted by the Horticulture Department to Vasant Vihar Welfare Association to undertake the pruning of trees.	No permission is required for regular pruning/trimming of trees below 15.7 cm girth.
2	The equipments the Horticulture Department South Zone have for pruning of trees on MCD land in Vasant Vihar.	Pruner, Loper used for pruning of trees on MCD land in Vasant Vihar.
3	As per the records, the budget Horticulture Department South Zone has to undertake pruning in Vasant Vihar.	No budget spent by Horticulture Department South Zone MCD for regular pruning in Vasant Vihar.
4	The name and designation of authority which has undertaken the Pruning of trees in Anand Niketan, Shanti Niketan and West End.	Sh. Bhagwan Singh (Chaudhary) has undertaken the pruning of trees in Anand Niketan, Shanti Niketan and West End.
5	The total number of months for which the Vasant Vihar Welfare Association has not been reimbursed the payment under PPP scheme in Vasant Vihar.	Copy Enclosed

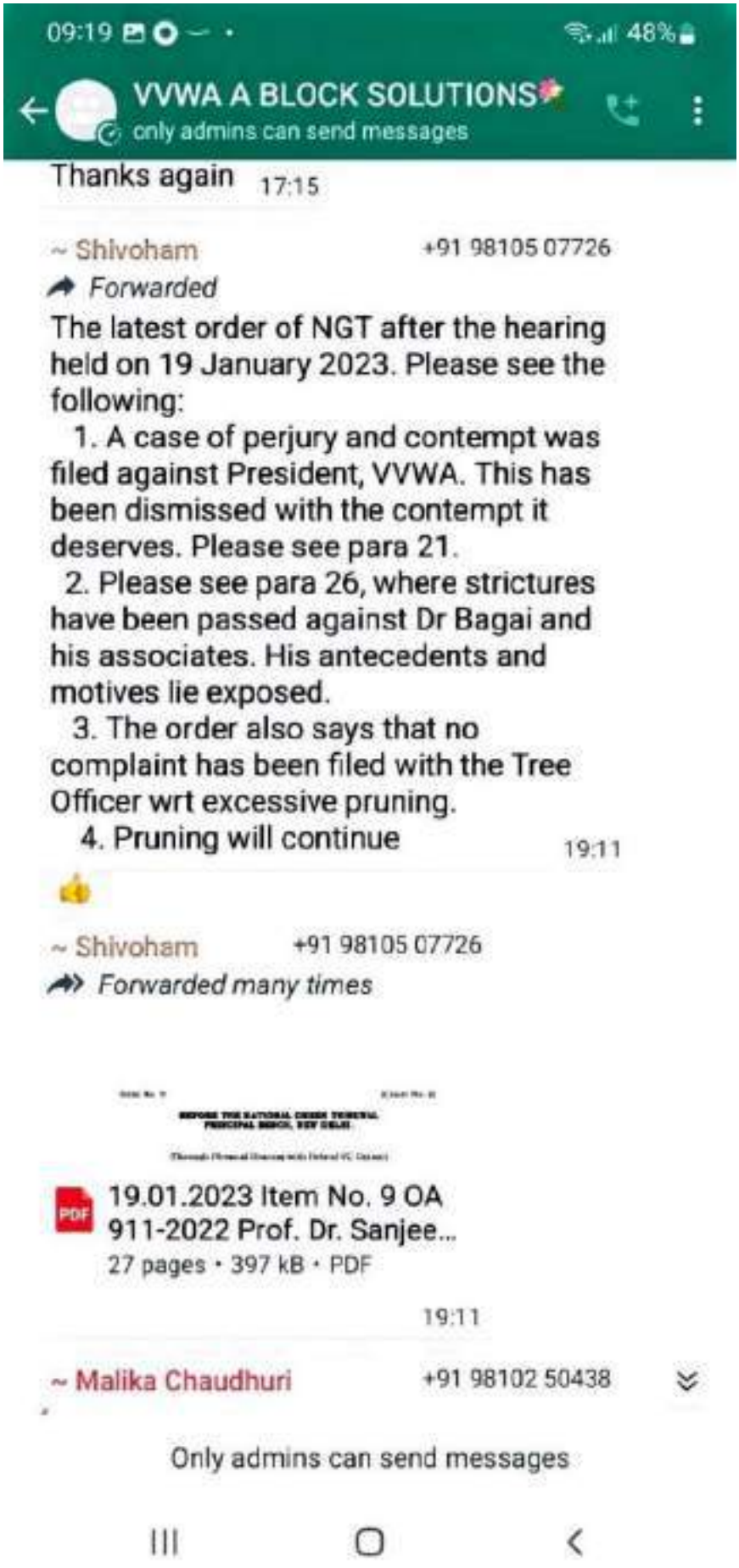
Asstt. Director (Hort.)/SZ

MUNICIPAL CORPORATION OF DELHI
HORTICULTURE DEPARTMENT
SOUTH ZONE : GREEN PARK

Subject : PPP Scheme payments details under Hort. Deptt. South Zone : MCD.

Sl. No.	Ward No.	Maintained by RWA/NGO	Total No. of Parks	Total Area in Acre	Paid Upto	Amount	Pending Quarters
1	64-S	Vasant Vihar D Block RWA	11	3.403	04.07.2021 to 03.01.2022 (2Q)	275644	1. 04.01.2022 to 03.04.2022 2. 04.04.2022 to 03.07.2022
2	64-S	Vasant vihar welfare Association (Regd.) B block	8	1.763	01.05.2020 to 31.07.2020	71402	1. 01.08.2020 to 31.10.2020 2. 01.11.2020 to 31.07.2021 (3Q) 3. 01.08.2021 to 31.01.2022 (2Q)
3	64-S	Vasant Vihar welfare Association (Regd.) A&E Block	9	3.542	22.01.2021 to 21.07.2021 (2Q)	286902	1. 22.07.2021 to 21.04.2022 (3Q)
4	64-S	Vasant Vihar welfare Association (Regd.), F-block	8	1.58	20.01.2021 to 19.07.2021 (2Q)	127980	1. 20.10.2021 to 19.04.2022 (2Q)


09:12
49%
VV 'A' Block Resident Grp
Aastha, Avi Arora, Dosa/ Idli Batter VV, Dr....
27 pages • 397 kB • PDF
19:11
~ Gurpreet Bindra
+91 98111 69751
Forwarded
The latest order of NGT after the hearing held on 19 January 2023. Please see the following:
1. A case of perjury and contempt was filed against President, VVWA. This has been dismissed with the contempt it deserves. Please see para 21.
2. Please see para 26, where strictures have been passed against Dr Bagai and his associates. His antecedents and motives lie exposed.
3. The order also says that no complaint has been filed with the Tree Officer wrt excessive pruning.
4. Pruning will continue
19:28
~ Gurpreet Bind...
+91 98111 69751
Forwarded
19.01.2023 Item No. 9 OA 911-2022 Prof...
27 pages • 397 kB • PDF
19:28
Yesterday
Message


09:19
48%
VVWA A BLOCK SOLUTIONS
only admins can send messages
Thanks again 17:15
~ Shivoham +91 98105 07726
Forwarded
The latest order of NGT after the hearing held on 19 January 2023. Please see the following:
1. A case of perjury and contempt was filed against President, VVWA. This has been dismissed with the contempt it deserves. Please see para 21.
2. Please see para 26, where strictures have been passed against Dr Bagai and his associates. His antecedents and motives lie exposed.
3. The order also says that no complaint has been filed with the Tree Officer wrt excessive pruning.
4. Pruning will continue 19:11
~ Shivoham +91 98105 07726
Forwarded many times
19.01.2023 Item No. 9 OA 911-2022 Prof. Dr. Sanjee...
27 pages • 397 kB • PDF
19:11
~ Malika Chaudhuri +91 98102 50438
Only admins can send messages

Re: Illegal cutting/ felling of trees (around 10-15) on public land next to 25 Palam Marg, Vasant Vihar, New Delhi on 30 September 2022

From: Sanjeev Bagai (sanjeevbagai@yahoo.com)

To: adrahul@yahoo.com

Cc: lggc.delhi@mic.in; cmdelhi@nic.in; msisodia.delhi@delhi.gov.in; special.officer@mcd.nic.in; commissioner@mcd.nic.in; mangal.singh@mcd.nic.in; cp.sanjayarora@delhipolice.gov.in; dcp.sw@delhipolice.gov.in; pccf-gnctd@delhi.gov.in; senv@nic.in

Date: Monday, October 31, 2022 at 07:31 AM GMT+5:30

Dear Sirs
The trail mail has distressing details of blatant violations of all government norms & the basic rights to protect trees.
The occupants of the said premises in complete knowledge & connivance with the vasant Vihar association & it's management committee is indulging in illegal & prohibited activities o felling.
Im a resident of this colony for over 32 years & feel hurt when citizens violate the guidelines of law & the courts.
We all must protect all greens & trees & infact plant more trees. But here these people are cutting trees & causing the environment great harm.
I request you to take strict action as required by law.
Regards.

Prof. Dr. Sanjeev Bagai.

Padma Shree Presidential Awardee.
Dr B. C. Roy Presidential Awardee.

Sr. Consultant Paediatrician and Neonatologist and Pead. Nephrologist.

MBBS(bom), DCH(bom), MD(paed),
MNAMS(paed), DNBE, MIPA(USA),
FSCH (Australia), FIMSA., PhD.hc.(USA).

Chairman Nephron clinics
Fellow of Prince of Wales Childrens Hospital & Prince Henry Hospitals, Sydney, Australia.
Doctorate in Paediatric Nephrology,National American University, Delaware, USA.
Gold medallist Bombay University.
Sir Dorab Tata Merit Scholar
Bombay University Merit Scholar.
DMA Vashisht Chikitsya Ratan Award of Excellence.
IMA distinguished Award of Excellence.
Life Time achievement Award IMA.
Life time Achievement Award NIER.
Oration Awards -DMA , IMA.
IMA excellence Award.
DMA distinguished services Award.
Times Award for Medical Achievement.
Global Top 100 Innovator Award.
IAP Research Award.
Human Care Mellinium Award.
Bharat Jyoti Award.
Vijay Shree Award
Sarla Vaishnav Research Award IAP 1995
Dr. P. N. Taneja Research Award IAP 2019
Medical Ratan Award DMA 2019
Distinguished Hall of Fame ABI
Global Leaders Award
International Leadership Award
Lifetime Achievement Award Global Health Summit
World Health Congress Innovation Award.
Visiting professor to universities of UTMC , USA & CHU SJ , Canada.

Contacts -
43 Poorvi Marg , Vasant Vihar.
New Delhi 57; India .
Clinic - 011 26142943 , 011 26142704.
Cell - 9810001902 , 7042908880.
Email - sanjeevbagai@yahoo.com
Baggysanjeev@gmail.com

On 29-Oct-2022, at 7:00 PM, Rahul Goel <adrahul@yahoo.com> wrote:

The Hon'ble Lieutenant Governor of Delhi
6, Raj Niwas Marg,
Civil Lines
New Delhi

The Hon'ble Chief Minister of Delhi

The Hon'ble Deputy Chief Minister of Delhi

Principal Chief Conservator of Forests
Department of Forests and Wildlife
Government of Delhi
Vikas Bhawan, 2nd Floor, A Block,
IP Estate, New Delhi, Delhi 110002

The Commissioner of Police/ DCP South West

Delhi Police
Police Headquarters
Jaising Road
New Delhi 110001

The Commissioner
Municipal Corporation of Delhi
SP Mukherjee Civic Center
JLN Marg
Delhi

Subject: Illegal cutting/ felling of trees (around 10-15) on public land next to 25 Palam Marg, Vasant Vihar o 30 September 2022

Respected Sirs,

1. As you are aware, Vasant Vihar is among the most prominent colonies of Delhi. As residents of Vasant Vihar, we take g pride in stating that several prominent academicians, economists, lawyers, doctors, industrialists, politicians, retired off from the Indian Armed Forces and bureaucrats have chosen Vasant Vihar to be their home. We actively work towards pla trees and taking care of the trees in our colony. In 2015-16, we also conducted a detailed census of trees in Vasant Viha as to initiate action for replacement/ protection of ageing/ dying trees.

2. Today, I write to you with deep pain and anguish that several trees (aged more than 20 years) were cut in the eve (around 6 pm) of 30 September 2022 – without any valid reason or sanction/ permission. The trees were on the public parcel, adjacent to 25 Palam Marg, Vasant Vihar (New Delhi) and next to the MCD's Horticulture Department's local office. rather alarming that between 10-15 trees were cut and even after more than two weeks no action has been initiated ag the perpetrators. The said parcel belongs to MCD; however appears to be under illegal control of some residents of Va Vihar (and is fully barricaded from all sides - and having a private entrance). Few images are attached for your r reference.

3. It appears that the managing committees of (Vasant Vihar) Central Government Cooperative House Building Society Vasant Vihar Welfare Association were aware of the same and yet they chose not to highlight the said illegal action – v under the applicable laws is prohibited.

4. It is also believed that the said trees were cut under instructions of occupants/ owners of 25, Palam M Vasant Vihar and in connivance with (full knowledge and consent of) the Managing Committee of the Va Vihar Welfare Association.

5. We understand that illegal felling/ cutting trees is a criminal offence under several legislations including the Prevention of Trees Act (1994), Indian Forest Act (1927), Indian Penal Code (1860). In several cases the Hon'ble Apex C Hon'ble High Court of Delhi and Hon'ble National Green Tribunal have directed the relevant authorities including the police to take immediate action under all applicable provisions of the law and have come down heavily on acts of il cutting of trees.

6. We are already grappling with the issue of air-pollution and such illegal acts cannot be left unpunished – irrespective stature / influence of the persons responsible. We are answerable to our children/ grand-children and future generations.

7. You are therefore most humbly requested to initiate an investigation/ enquiry into the same by lodgi formal complaint/ first information report; especially while taking complete control over the said public parcel.

Thanking you,
With best regards,

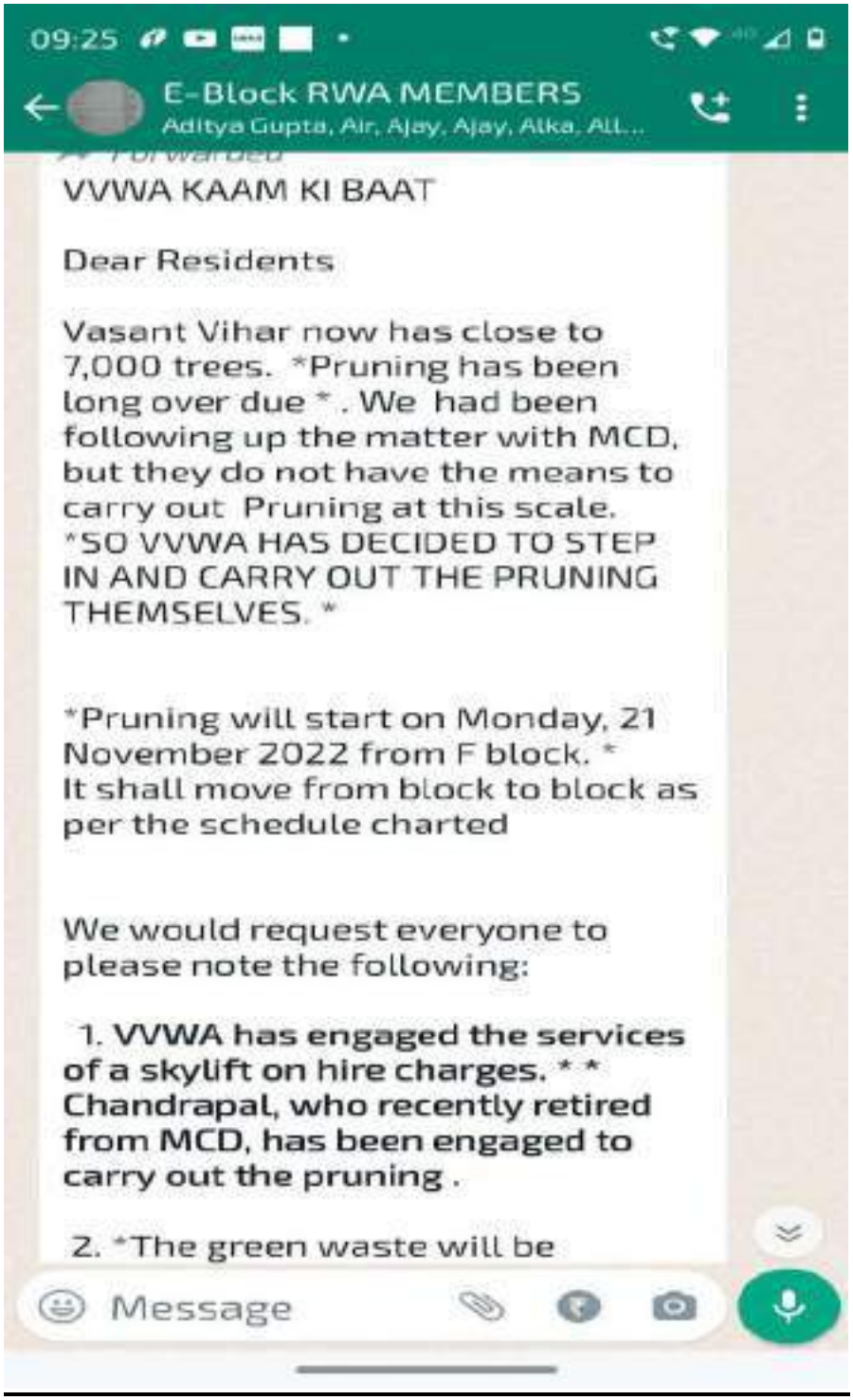
Rahul Goel
E-mail: adrahul@yahoo.com
Mobile: 9899027144
R/o A-6/18, GF, Vasant Vihar, New Delhi 110057

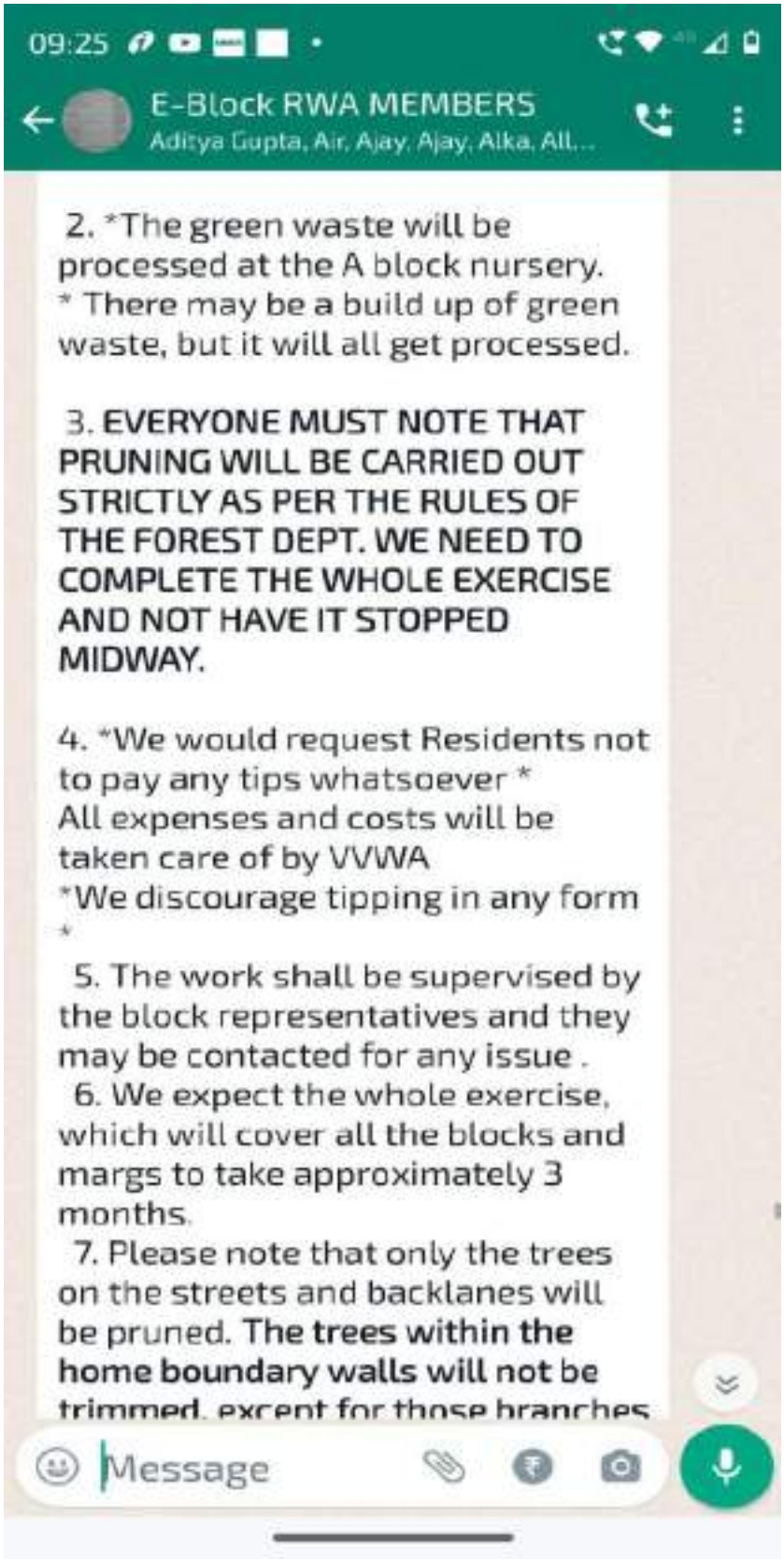






ANNEXURE - 9


09:25
E-Block RWA MEMBERS
Aditya Gupta, Air, Ajay, Ajay, Alka, ALL...
VVWA KAAM KI BAAT
Dear Residents
Vasant Vihar now has close to 7,000 trees. *Pruning has been long over due * . We had been following up the matter with MCD, but they do not have the means to carry out Pruning at this scale.
*SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES. *
*Pruning will start on Monday, 21 November 2022 from F block. *
It shall move from block to block as per the schedule charted
We would request everyone to please note the following:
1. VVWA has engaged the services of a skylift on hire charges. * * Chandrapal, who recently retired from MCD, has been engaged to carry out the pruning .
2. *The green waste will be
Message


09:25
E-Block RWA MEMBERS
Aditya Gupta, Air, Ajay, Ajay, Alka, All...
2. *The green waste will be processed at the A block nursery.
* There may be a build up of green waste, but it will all get processed.
3. EVERYONE MUST NOTE THAT PRUNING WILL BE CARRIED OUT STRICTLY AS PER THE RULES OF THE FOREST DEPT. WE NEED TO COMPLETE THE WHOLE EXERCISE AND NOT HAVE IT STOPPED MIDWAY.
4. *We would request Residents not to pay any tips whatsoever *
All expenses and costs will be taken care of by VVWA
*We discourage tipping in any form *
5. The work shall be supervised by the block representatives and they may be contacted for any issue .
6. We expect the whole exercise, which will cover all the blocks and margs to take approximately 3 months.
7. Please note that only the trees on the streets and backlanes will be pruned. The trees within the home boundary walls will not be trimmed, except for those branches
Message


09:25
E-Block RWA MEMBERS
Aditya Gupta, Air, Ajay, Ajay, Alka, All...
MIDWAY.
4. *We would request Residents not to pay any tips whatsoever *
All expenses and costs will be taken care of by VVWA
*We discourage tipping in any form *
5. The work shall be supervised by the block representatives and they may be contacted for any issue .
6. We expect the whole exercise, which will cover all the blocks and margs to take approximately 3 months.
7. Please note that only the trees on the streets and backlanes will be pruned. The trees within the home boundary walls will not be trimmed, except for those branches which cover street lights.
8. The expenses on the whole exercise shall be met out of the money collected from the yearly Subscriptions
We Continue to Serve!
Team VVWA
Parul Gaur
Director Operations &
Spokesperson
18:36
Message

VASANT VIHAR WELFARE ASSOCIATION

NEW DELHI

PRUNING OF TREES

Vasant Vihar has approximately 7000 trees. We receive complaints from residents requiring pruning everyday. The matter was taken up with MCD and it is obvious that they lack the resources to carryout these prunings continuously and completely. In order to serve our residents, it is necessary for VVWA to intervene and carryout pruning ourselves, like we had done in 2021.

It is proposed to engage a Skylift for the necessary period of 2-3 months. Shri Chander Pal who was previously employed with MCD till he retired, has been engged to carryout this pruning. Last time also, he had carried out the pruning. We are coordinating efforts with MCD for removal and processing of green waste. The approximate expenses are given below. It may be necessary for us to purchase a Trolley for carriage of green waste. The necessary quotation and prices are available for approval.

1.	Hire of Skylift - 3 months @ Rs.1,10,000/- p.m.		Rs.3,30,000
2.	Salary of Shri Chanderpal – 3 months @ Rs.20,000/-		Rs. 60,000
3.	Miscellaneous expenses, consumables, cartage of Green Waste etc.	LS	Rs.1,00,000
			Rs.4,90,000
		Say	Rs.5,00,000

Shredder on hire.
Wood- Pu day

It is requested that approval be given for an expense of Rs.5,00,000/- (Rupees Five Lakhs only) for pruning and additionally for purchase of Trolley, if required.

16 Nos
50 Feet

Parul Gaur

PARUL GAUR
Director (Operations)

C-1
B-1
E-1
A-3

20.11.2022

The Managing Committee
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Mr. GS Bindra
The President,
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Mr. Sarvesh Dutt
The Treasurer
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Subject: Pruning and cutting of Trees in Vasant Vihar - 2022

1. I refer to the recent WhatsApp communication circulated by the Joint Secretary Ms. Parul Gaur regarding pruning of trees in Vasant Vihar, proposed to be undertaken by Vasant Vihar Welfare Association (Association).

2. The WhatsApp communication clearly mentions that the due to non-availability of resources and staff at Municipal Corporation of Delhi, the Association has decided to proceed with cutting and pruning of trees – at its own cost and expense. I have been made to believe that you have sanctioned a budget of Rs. 5 lacs for the same. Also, like previous years, the person/ contractor so appointed for the job is without any tendering process – rather a person who is believed to be close to certain Managing Committee members.

3. The money proposed to be spent on the cutting of trees and pruning is not from your personal fund. The money belongs to members of the Association and is public money. You have created a unique situation where all the activities – which are to be performed by the government/ municipal authorities – are now being undertaken and performed by you at our expense.

4. It is also a matter of concern that for such activity – if was perceived urgent – no tenders were floated and a (known) person has been appointed by the Managing Committee. It is well understood that these situations give rise to apprehension of diversion of funds, kick-backs and corruption by the sitting office bearers and the other members of the Managing Committee.

5. Further, it also exposes your incompetence, lack of skills and/ or lack of will to get the work executed by the designated authorities – to whom we have been paying huge taxes/ monies. It is a case of double penalty on us – wherein we pay taxes for certain services and then you coerce/ force residents to make payments to you.

6. Furthermore, it is still unclear whether you propose to seek compensation from the MCD for the said activity.

7. As a joint secretary of the Association for several years, it was our duty to get the MCD to cut/ prune the trees – as per regulations/ laws – so that none of our residents are exposed to any subsequent penal action. More importantly, all our residents had legitimate expectation from us to get the things executed and not start executing the work at their cost and expense.

8. It cannot be a wise argument to take that the authorities are not working therefore, we shall provide the service and utilize the funds collected by way of subscription. With this argument – We believe, you assume the role and mandate to provide all amenities and services – which the government and. or MCD is required to provide. Associations in a society like Vasant Vihar are required to get the work executed by the authorities/ MCD and not undertake such activities.

9. We are also concerned about the fact whether the pruning/ cutting of trees that you propose undertake (throughout Vasant Vihar) has been approved by the MCD. As you are already aware several trees were cut in Vasant Vihar and the concerned authorities/ Delhi Police is already investigating the same. It is also being rumored that you have approached few MCD officials to get the cutting/ pruning of trees from the funds available with Association. Concerns have also been raised by several other residents of Vasant Vihar.

10. We would request you to answer the following questions:

    a. What efforts were made by the Association to get MCD for cutting/ pruning of trees? Please provide copies of all communications sent to the MCD.
    b. What was the process and criteria adopted by you for selecting the vendor for cutting/ pruning of trees? Please provide all details including the name, details of the vendor.

c. What is the budget allocated for the same and monies to be paid to the vendors? Please provide a copy of the quotation and/ or proforma invoice.
d. Who shall be responsible and liable for any illegal cutting/ pruning of trees? Whether the Managing Committee of the Association will take liability for damage to the trees and/ or any subsequent action/ prosecution by Government authorities OR the vendor shall provide an indemnity/ undertaking to all the residents? None of us would like to bear the brunt of actions undertaken by you. We do not want this exercise to be undertaken to cover-up previous illegal cutting of trees.
e. Whether you have plans to recover the payments from MCD?
f. Whether you have plans to approach MCD for reduction in municipal taxes – for non-delivery of services – which are now being undertaken by the Association at a mass scale – in Vasant Vihar?

11. We would appreciate, if you would provide all the details/ information, within 12 hours (as all the data would be readily available) at least prior to making any payments to such vendor(s) and commencing pruning/ cutting of trees. You are requested to maintain status-quo/ stay on cutting/ pruning of trees. In the interest of transparency, the information/ details/ data should be provided over all registered email addresses and circulated over all WhatsApp groups (being used by the Association).

12. Considering the severity of the situation (raising apprehension of illegal cutting/ pruning of trees and possibility of diversion of funds), I am constrained to copy this email to the (i) Hon'ble Lieutenant Governor of Delhi; (ii) Central Vigilance Commission; (iii) Commissioner MCD; and (iv) Commissioner of Police – Delhi Police.

Rajit Kumar RAJIT KUMAR A 10/7, Vasant Vih
Sanjeev Bajaj : 43, Pkt, V. Vihar.
VIVEK TANDON A 5/6 Vasant Vih

1. Hon'ble Lieutenant Governor of Delhi
2. Commissioner, Central Vigilance Commissioner
3. Commissioner, MCD
4. Commisioner , Delhi Police
5. Dy. Director Horticulture, South Zone MCD

RTI Online

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Your RTI Request filed successfully.

Please note down the following details for further references.

Registration Number	**SDLMC/R/2022/61783**
Name	**Rahul Goel**
Date of Filing	**21-11-2022**
RTI Fee Received	**₹ 10**
Online Reference Number	**03258186578**
Transaction Status	**SUCCESS**
Request filed with	**South Delhi Municipal Corporation**
Contact Details of Nodal Officer	
Telephone Number	**01243725222**
Email-ID	dcbq-sdmc@mcd.nic.in

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823 253 244

Online RTI Request Form Details

Public Authority Details :-

* Public Authority	South Delhi Municipal Corporation

Personal Details of RTI Applicant:-

Registration Number	SDLMC/R/2022/61783
Date of Filing	21/11/2022
* Name	Rahul Goel
Gender	Male
* Address	B-82, Lower Ground Floor, , Gulmohar Park
Pincode	110049
Country	India
State	Delhi
Status	Urban
[redacted]e	Literate
	Above Graduate
Phone Number	Details not provided
Mobile Number	+91-9899027144
Email-ID	adrahul[at]yahoo[dot]com

Request Details :-

Citizenship	Indian
* Is the Applicant Below Poverty Line ?	No

((Description of Information sought (upto 500 characters))

Description of Information Sought

Dear Sir,

Under Section 6(1) of the RTI Act, 2005, I seek certain information. The details regarding the information, are as follows:

[redacted]

1. Please provide details of permission, if any granted to the Vasant Vihar Welfare Association for pruning of trees in the year 2018, 2019, 2020, 2021 and 2022.

2. Please provide details/documents of application, if any filed by the Vasant Vihar Welfare Association for pruning of trees in the year 2018, 2019, 2020, 2021 and 2022.

3. Please provide details/documents, if any action has been initiated by the Deputy Director, Horticulture or any other concerned authority under the Preservation of Trees Act, 1994 for illegal pruning of trees in Delhi, NCT between the period of 2018-2022.

If the above requested/sought information is not available at your office, kindly forward my application to the concerned public authority, as per Section 6(3) of the RTI Act, 2005.

The requisite RTI application fee of Rs.10/- is remitted.

* Concerned PIO	Md. Razi Alam Khan, AC, South Zone
Supporting document *((only pdf upto 1 MB))*	Supporting document not provided

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English

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Online RTI Status History Form

Note : Field marked with * are Mandatory

Data to be entered only in English

Registration Number	**SDLMC/R/2022/61783**
Name	**Rahul Goel**
Date of Filing	**22/11/2022**
Status	**REQUEST FORWARDED TO PIO** as on 22/11/2022
Details of PIO :- Telephone Number:- 7027832320, Email id:- asstteommaz@gmail.com	
Note :- You are advised to contact the above mentioned officer for further details.	
Nodal Officer Details	
Telephone Number	**01123224224**
Enter Email Id	**dcbq-edmc@nic.in**

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21.11.2022

The Dy. Director Horticulture
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

Sh. Gyanesh Bharti IAS
The Commissioner
Municipal Corporation of Delhi
DR. S.P.M. Civic Centre, Minto Road
New Delhi – 100002

Subject: Municipal Corporation of Delhi
Re.: Pruning and cutting of Trees in Vasant Vihar - 2022

Dear Sir,

1. We are residents of Vasant Vihar – Categoray 'A' locality in Delhi. Being a Category 'A' locality, our residents pay higher stamp duty and taxes to the Government including Municipal Corporation of Delhi (MCD). Also, our residents are among the highest tax payers in India.

2. After living in Vasant Vihar, we are now witnessing several unique problems/ situations – many of which are required to be dealt by MCD. We are writing to draw your attention to one of the recent communications that we have received from our residents welfare association – Vasant Vihar Welfare Association; wherein they have stated that MCD lacks means to prune around 7000 trees in Vasant Vihar. It has been conveyed that MCD will not be able to undertake pruning of trees in winters. This for the 3 consecutive years running – that our Vasant Vihar Welfare Association has conveyed inability/ incompetence of

MCD to undertake this work. The extract of the message sent by Vasant Vihar Welfare Association is given below:



3. As you may be aware, pruning of trees has to be done in a scientific manner – so that no long-term harm is caused to trees. The constitutional courts/ tribunals have passed several orders to this effect. Any improper pruning of trees may also lead to prosecution under the applicable laws.

4. We find it extremely difficult to believe that a municipal body like - MCD has conveyed its inability to undertake pruning of trees in Vasant Vihar. It is also understood that few retired and serving employees of MCD shall undertake pruning of trees – in their personal and private capacity; and a sum of around Rs. 500,000 (Rupees Five Lakhs) will be paid for the said work. The money shall be spent by the Vasant Vihar Welfare Association – which has been collected from members/ residents like us. If retired/ serving employees of MCD can undertake the said activity (on payment) then why not MCD?

5. We are also concerned with the issue that in an event the pruning of trees takes place without proper care; then who shall be responsible for any subsequent penal action. Would MCD take the responsibility towards the same? Also, if we are required to make payments for all such services – which is the duty of the MCD, will be get any rebates in payment of taxes in the next financial year or would MCD refund the costs towards such pruning/ cutting of trees?

6. You are requested to look into this at priority and instruct your official to do the needful. The pruning of trees is likely to commence today. We look forward to your prompt action and intervention.

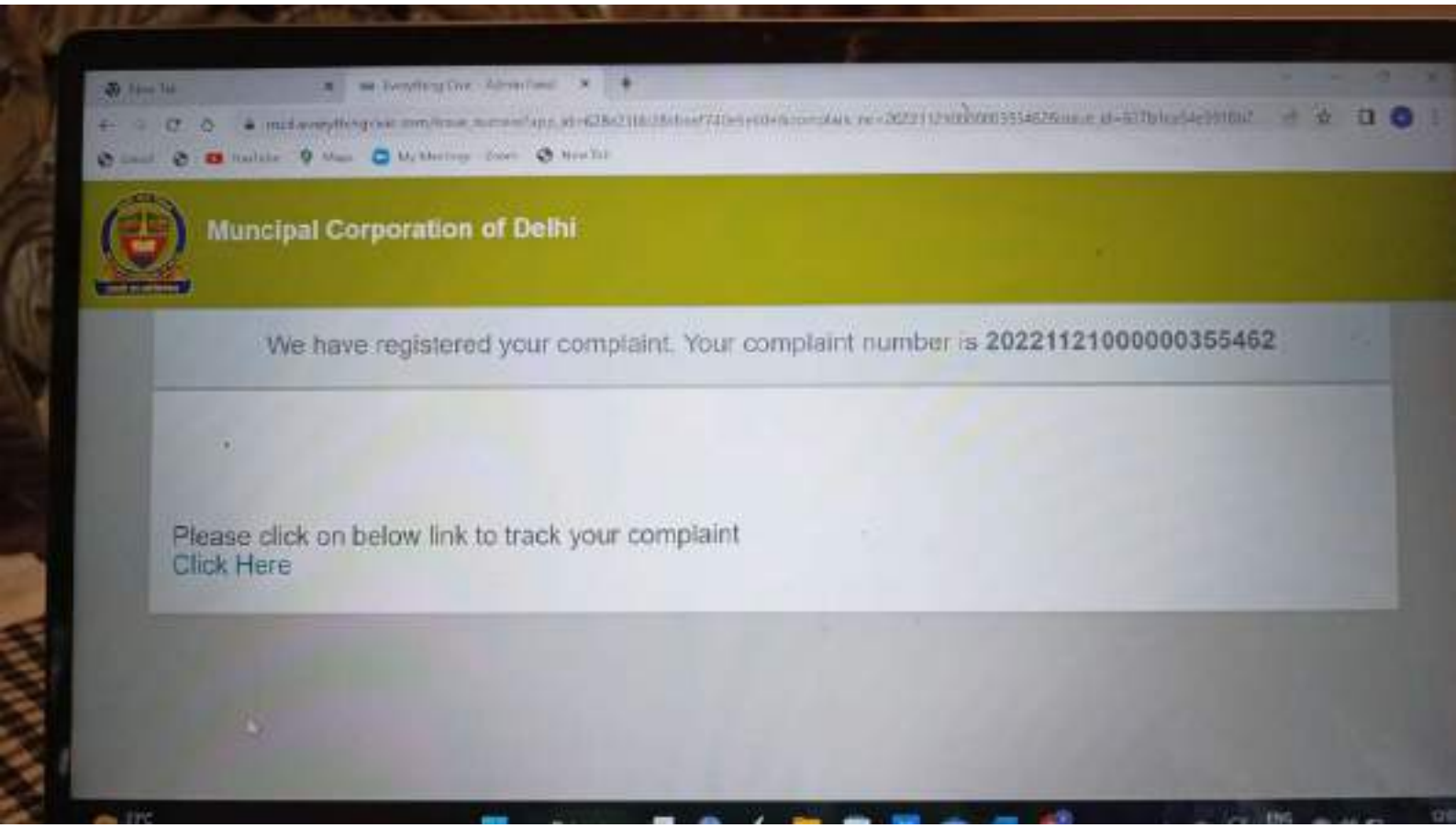
Life Members of the Association

Vivek Tandon Raj Kumar Prof. Dr. Sanjeev Bagai (President)

Copy to:

Hon'ble Sh. Narendra Modi The Prime Minister of India Prime Minister Office, South Block, New Delhi 110011	Hon'ble Shri Vinai Kumar Saxena Lieutenant Governor of Delhi 6, Raj Niwas Marg, Ludlow Castle, Civil Lines, Delhi 110054	The Managing Committee Vasant Vihar Welfare Association Kalyan Kendra 9, Paschimi Marg New Delhi 110057

828 258 249


Muncipal Corporation of Delhi
We have registered your complaint. Your complaint number is 20221121000000355462
Please click on below link to track your complaint
Click Here

ANNEXURE - 14 Annexure 'D'

VASANT VIHAR WELFARE ASSOCIATION (Regd.)
Kalyan Kendra, 9 Paschimi Marg, Vasant Vihar, New Delhi 110 057
Tel. 2614 1809, 2614 8645, Email : helpvvwa@gmail.com

The Assistant Director (Horticulture),
Municipal Corporation of Delhi,
Green Park,
New Delhi 110 016

Dear Sir,

Greetings from Vasant Vihar Welfare Association (VVWA).

Vasant Vihar has close to 7000 trees. Everyday, we receive several requests from residents wanting their trees pruned. Everytime, it rains, a few trees fall down because of their heavy top and the trunks that cannot sustain the load. It is absolutely essential that trees are pruned every year, so that, we do not lose trees and also keep them alive and healthy. In view of this, it is essential to carry out pruning of all the trees. VVWA has always believed in working closely with MCD in a spirit of total cooperation, so that essential work is carried out. VVWA has decided to carry out this pruning. The matter has been discussed at various levels of MCD and there is no ambuguity on the issue that pruning needs to be carried out. More particularly we wish to request as as below :-

1. The pruning will be carried out strictly as per the rules of the forest department.

2. VVWA will engage a Skylift on hire which will remain for the entire programme of pruning.

3. VVWA is in the process of arranging a Trolley to handle the green waste . We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis.

4. The entire expenses for the exercise will be borne by VVWA.

In view of the above given the urgency of situation, we would request you to give us permission to carry this out.

Thanking you,

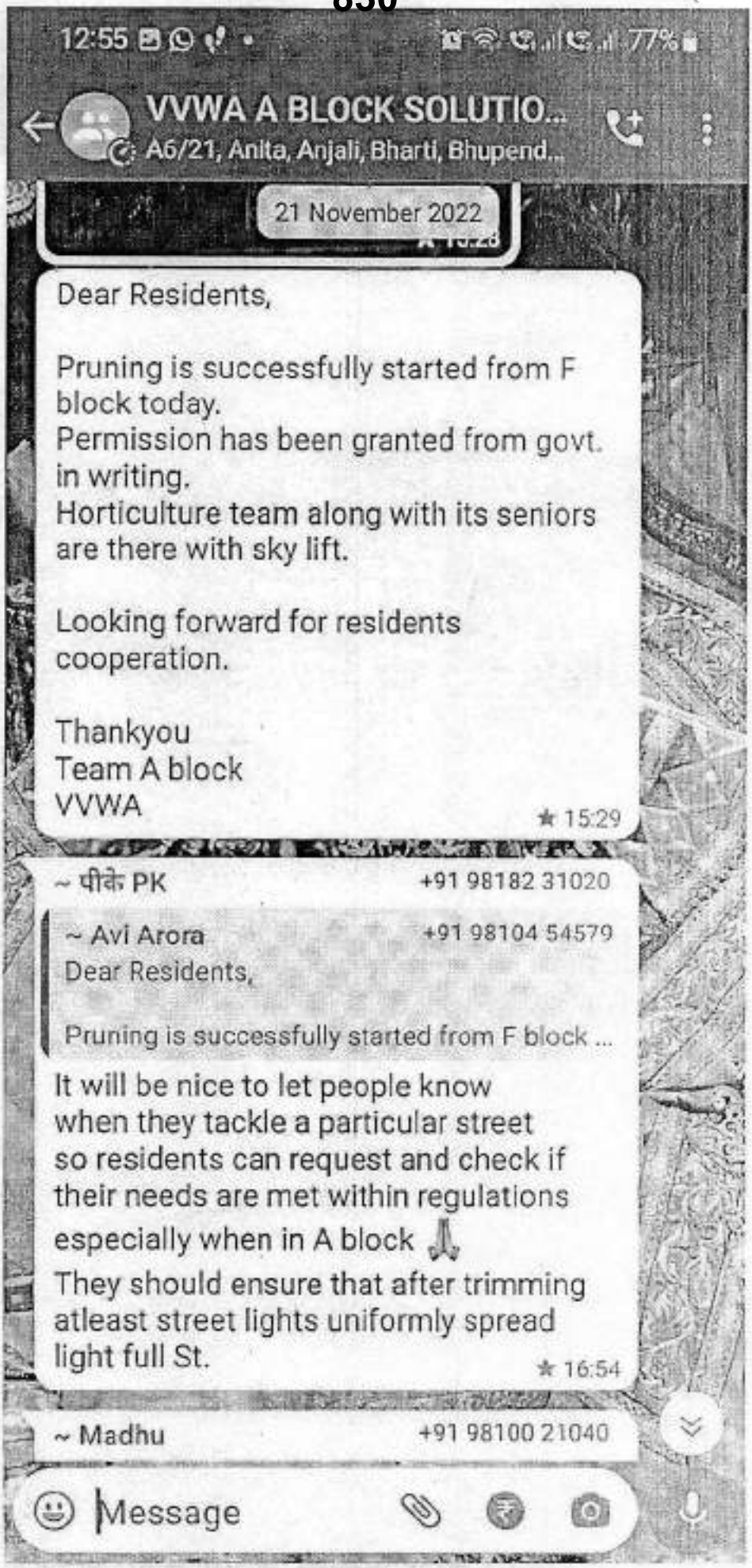
Yours sincerely,

(GURPREET SINGH BINDRA)
President

ASSTT. DIR. (H.T.)
21/11/12

(PARUL GAUR)
Director (Operations)

21/11/22


12:55
77%
VVWA A BLOCK SOLUTIO...
A6/21, Anita, Anjali, Bharti, Bhupend...
21 November 2022
Dear Residents,
Pruning is successfully started from F block today.
Permission has been granted from govt. in writing.
Horticulture team along with its seniors are there with sky lift.
Looking forward for residents cooperation.
Thankyou
Team A block
VVWA
15:29
~ पीके PK
+91 98182 31020
~ Avi Arora
+91 98104 54579
Dear Residents,
Pruning is successfully started from F block ...
It will be nice to let people know when they tackle a particular street so residents can request and check if their needs are met within regulations especially when in A block
They should ensure that after trimming atleast street lights uniformly spread light full St.
16:54
~ Madhu
+91 98100 21040
Message

24/11/22

12:51 77%

VVWA A BLOCK SOLUTIO...
A6/21, Anita, Anjali, Bharti, Bhupend...

~ Shivoham 24 November 2022

NOTE ON PRUNING

We are given to understand that a few disgruntled residents have approached the MCD, State Election Commission and have complained that the pruning being carried out in Vasant Vihar is against the Model Code of Conduct.

In this connection we need to clarify :

1. There is no violation of the "Model code of Conduct" since there are standing orders that the pruning being carried out is permitted under the law.

2. *The work was commenced after the Managing Committee acting as per the Articles of Association approved the proposal to carry out the pruning. *

3. Your MC has at all times striven to push the development of our community and colony forward and address the requirements of the residents.

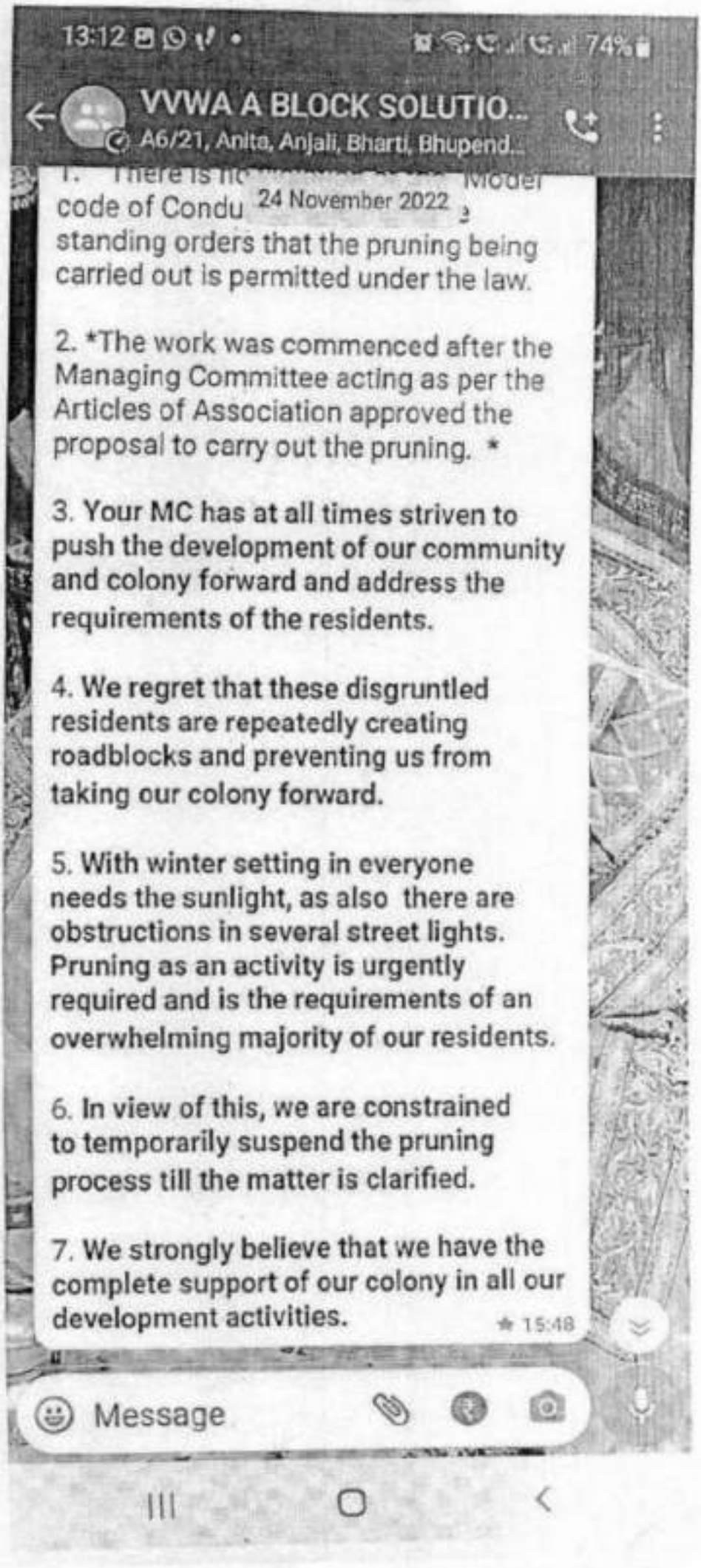
4. We regret that these disgruntled residents are repeatedly creating roadblocks and preventing us from taking our colony forward.

5. With winter setting in everyone needs the sunlight, as also there are obstructions in several street lights.

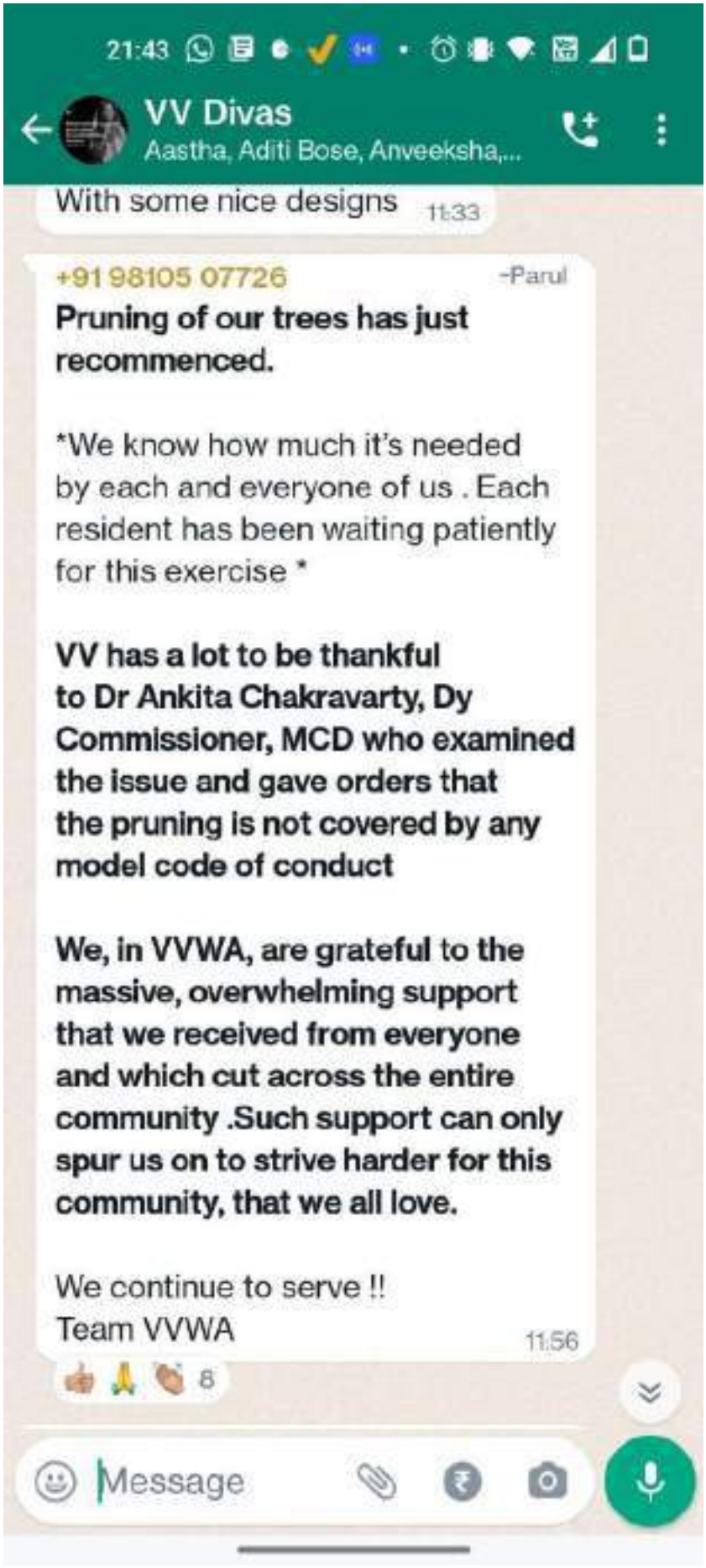
Message

①

262 253
42-
24/11/22



(2)


21:43
VV Divas
Aastha, Aditi Bose, Anveeksha,...
With some nice designs 11:33
+91 98105 07726 -Parul
Pruning of our trees has just recommenced.
*We know how much it's needed by each and everyone of us . Each resident has been waiting patiently for this exercise *
VV has a lot to be thankful to Dr Ankita Chakravarty, Dy Commissioner, MCD who examined the issue and gave orders that the pruning is not covered by any model code of conduct
We, in VVWA, are grateful to the massive, overwhelming support that we received from everyone and which cut across the entire community .Such support can only spur us on to strive harder for this community, that we all love.
We continue to serve !!
Team VVWA
11:56
8
Message

28.11.2022

Sh. Gyanesh Bharti IAS
The Commissioner
Municipal Corporation of Delhi
DR. S.P.M. Civic Centre, Minto Road
New Delhi – 100002

Dr. Ankita Chakravarty
The Dy. Commissioner
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

The Dy. Director Horticulture
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

Subject: Municipal Corporation of Delhi
Re.: Follow-up on approval of Pruning of Trees in Vasant Vihar

Respected Sir/ Ma'am,

1. **We write in continuation of our letter dated 20.11.2022 and 21.11.2022.** The complaint was also posted online and sent through email/ post. However, we have still not received any response with respect to the same.

2. You are requested to read the present letter along with our previous letters.

3. As a background, around 18.11.2022 the Managing Committee of Vasant Vihar Welfare Association sent a communication to residents of Vasant Vihar

that they have engaged a private contractor for pruning of trees and the pruning of trees shall commence from 21.11.2022. The said communication is reproduced below and is referred to as "**VVWA Communication 1**":



VVWA Communication 1

4. You may note that the VVWA Communication 1 categorically states that MCD has shown its inability to prune trees in Vasant Vihar.

5. Further, the said VVWA Communication 1 does not mention whether any approval from Deputy Director Horticulture (MCD) has been granted (prior to sending the said VVWA Communication 1).

6. ON 21.11.2022, around 10 am the privately engaged contractor commences pruning of trees.

7. Before proceeding further, you are reminded of the Guidelines for Pruning of Trees dated 01/10/2019. In terms of the Guidelines for Pruning of Trees, it is clearly mentioned that pruning of trees shall be undertaken by the land owning agency (in the present case MCD) and in certain circumstances, if any RWA proposes to undertake the said activity – it shall be required to file an application on plain paper along with photographs of trees to be pruned and your good offices shall grant the approval (if deemed fit) within 60 days of filing of the application. The said guidelines are enclosed with this letter as **Annexure "A"** (for your ready reference) and the relevant text is reproduced below:

> 9. If **Individuals/ General Public/ Society /RWAs** is desirous that any tree inside his house/premises is posing problems to him or the public and needs to be felled or pruned/ head backed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per merit of the case.
>
> 10. If the tree/trees for which felling or pruning/ head backing is required is standing on **Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual** and is posing problem to him, he has to apply for felling or pruning/ head backing of such tree on a simple piece of paper to the Deputy Director (Horti.) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.
>
> 11. It should neither be applied directly to concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti), as per merit of the case.

8. Subsequent to commencement of pruning of trees by private contractor (on 21.11.2022) in Vasant Vihar; several residents of Vasant Vihar (around 10.30

AM) raised their concerns with respect to the approval granted by the Deputy Director Horticulture (MCD). We also wrote a detailed letter to the Managing Committee of the Vasant Vihar Welfare Association, seeking details of the approvals and the said letter was duly copied to your offices. The same is attached with this letter as **Annexure "B"** for your ready reference. It is reiterated that we have not yet received any response on the said letter from anyone.

9. Considering that no approval was shared, when sought by a few (in the course of pruning trees by VVWA engaged contractor), a complaint was also sent by us to MCD (addressed to the Deputy Director Horticulture and the Commissioner) regarding pruning of trees and the same was also uploaded online at MCD Portal. The same are enclosed as **Annexure "C"**. It is reiterated that we have not yet received any response on the said letter from anyone.

10. Interesting, post noon on 21.11.2022, the Managing Committee of the Vasant Vihar Welfare Association filed a letter with your offices, seeking permission to prune trees. The said letter is enclosed herewith as **Annexure "D"**.

11. To our utter shock – at around 2.30 pm on 21.11.2022, the Managing Committee of the Vasant Vihar Welfare Association sends a communication to residents of Vasant Vihar stating that your offices have provided instant approval (verbal) for pruning of trees in Vasant Vihar. The said communication is reproduced below and is referred to as "**VVWA Communication 2**":

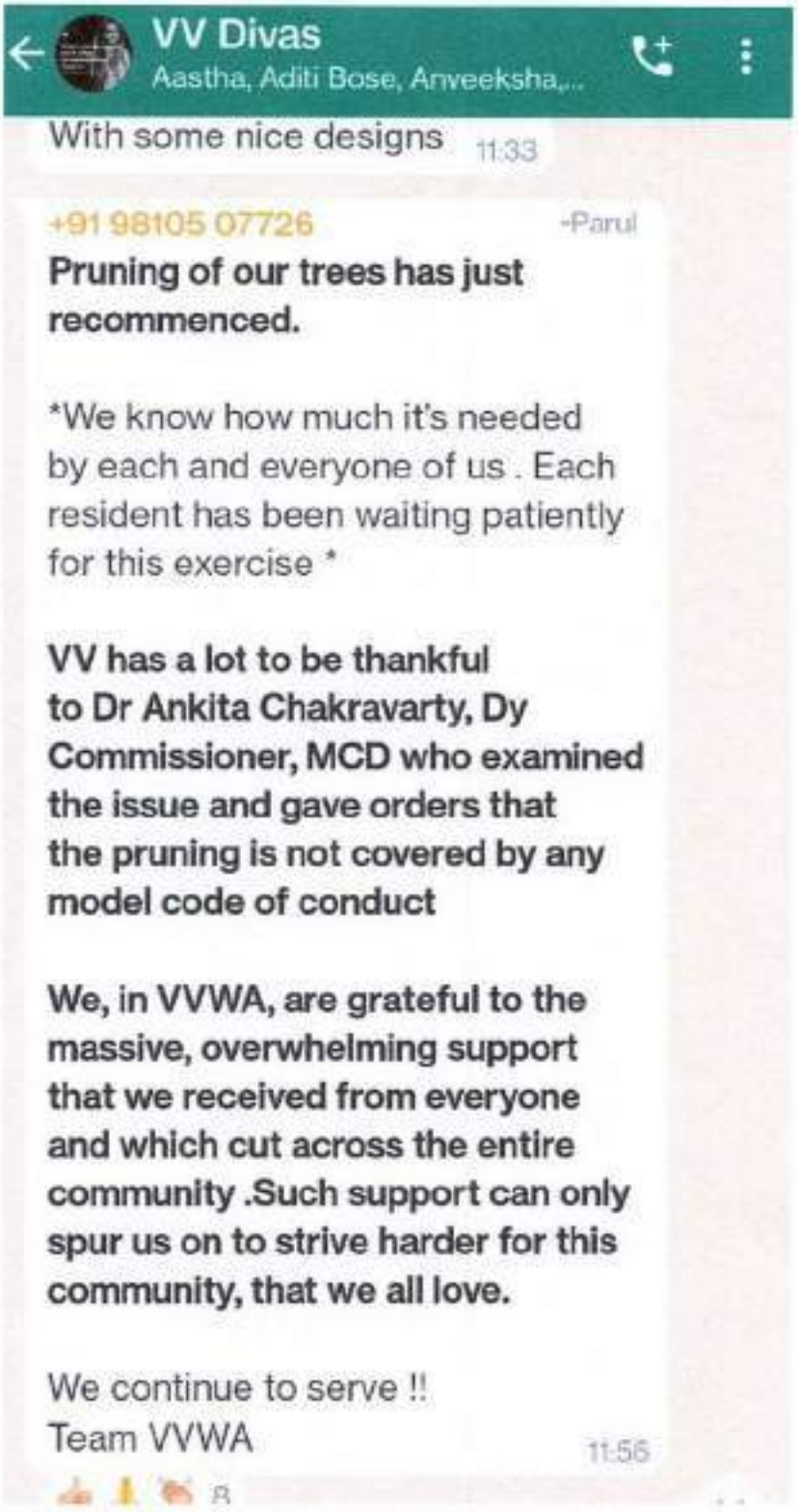
> *"Dear Residents,*
>
> *Pruning is successfully started from F block today.*
> *Permission has been granted from govt. in writing.*
> *Horticulture team along with its seniors are there with sky lift.*
>
> *Looking forward for residents cooperation."*

12. While, we appreciate the prompt action taken by your offices on the application filed by the Managing Committee of the Vasant Vihar Welfare Association; however, it appears to be out of place and beyond anyone's jurisdiction to grant verbal approval – without examining the facts, knowing background for seeking

jurisdiction to grant verbal approval – without examining the facts, knowing background for seeking approval and/ or conducting inspection of trees at Vasant Vihar. The instant verbal approval granted by your offices appears to be in violation of the guidelines for pruning of trees as well as several decisions of the HOn'ble National Green Tribunal. This is even more important because certain roads/ areas in Vasant Vihar fall within the exclusive domain of Public Wortks Department (PWD) and not MCD.

13. The pruning of trees again commences around 2.30 pm on 21.11.2022; however, the same suddenly gets suspended on 24.11.2022 – stating that few residents have raised concerns regarding approval for pruning of trees. It is rather strange, that when an approval (verbal) has been granted – what was the need for the Managing Committee of Vasant Vihar Welfare Association to suspend pruning of trees. This raises several concerns/ doubts in our minds regarding the approval process and compliance with applicable laws – by your offices as well as by the Managing Committee of Vasant Vihar Welfare Association.

14. On 25.11.2022, we were informed that certain members of the Managing Committee of the Vasant Vihar Welfare Association met with Dr. Ankita Chakravarty at her offices (around 10.30 am) and again obtained an approval for pruning of trees. It is not yet clear, whether the approval granted on 25.11.2022 was again verbal or in writing? The message posted by the Managing Committee of Vasant Vihar Welfare Association on 25.11.2022 is extracted below:



15. The above message conveys that the pruning of trees has been allowed because it does not violate the model code of conduct.

16. Considering no approval for pruning is visible on https://treeremoval.delhigovt.nic.in/fellandprun.aspx; you are urgently requested to appreciate and understand the following facts/ issues:

a. The pruning of trees was commenced (around 10 am on 21.11.2022) without seeking any approval from the Deputy Director Horticulture.

b. The Managing Committee of Vasant Vihar Welfare Association filed a letter with your offices (in forenoon on 21.11.2022) seeking approval for pruning of trees on 21.11.2022 after the pruning of trees had begun and the residents raised objection to pruning of trees in an illegal manner and without appropriate approval. The said letter is annexed as Annexure D.

c. To best of our understanding, your offices instantly granted verbal approval to the Managing Committee of the Vasant Vihar Welfare Association on 21.11.2022.

d. Thereafter, on another request of the Managing Committee of the Vasant Vihar Welfare Association – Dr. Ankita Chakravarty grants an approval stating that the pruning of trees does not violate model code of conduct. Our letters dated 20.11.2022 and 21.11.2022 (annexed as Annexures "B" and "C"), do not refer to 'model code of conduct'. Therefore, it is apparent that our letters were neither examined nor taken into consideration by your offices, while granting the approval (which possibly was granted in haste and without any application of mind).

e. It is also submitted that the parameters as set out in the Guidelines for Pruning of Trees were not met by your offices.

f. It also appears that MCD has accepted/ admitted its incapability to prune trees in Vasant Vihar; when such activity falls directly in its domain.

g. It is evident that MCD, instead of performing pruning of trees on its own has promoted/ suggested/ advocated engagement of private contractors – which are then operated through retired and existing employees of MCD. You may appreciate that each such activities costs upwards of Rs. 5 lacs for locality like Vasant Vihar.

17. You may also be aware that certain trees were cut/ felled in Vasant Vihar few weeks back – without any approval and with tacit understanding between the Managing Committee members of the Vasant Vihar Welfare Association. A complaint with respect to the same has already been sent to various authorities departments (on 28.10.2022) including the Commissioner MCD, Commissioner Delhi Police. A copy of the said complaint along with few photographs are enclosed as **Annexure "E"**, for your ready reference. We understand that the said matter is already under investigation by Delhi Police.

18. The members of the Managing Committee of Vasant Vihar Welfare Association who are responsible for tree cutting/ pruning (without following the due process in law) include:

a. Ms. Nidhi Agarwal (A Block Representative)
b. Ms. Parul Gaur (Joint Secretary/ Director Operations/ Spokesperson)
c. Mr. Gurpreet Singh Bindra (President)
d. Mr. Keshav Garg (Vice President)
e. Ms. Mridula Murgai (Secretary/ Director Admin)
f. Mr. Sarvesh Dutt (Treasurer/ Director Finance)

19. It is pertinent to answer the following questions:

a. Whether the pruning of trees can be undertaken by resident welfare associations without seeking any written approval from the MCD?
b. Whether MCD can grant verbal approval on any application filed for pruning of trees?
c. Whether MCD can act in defiance of circular/ guidelines for tree pruning and also in breach of various directions of superior courts/ tribunals?

d. Whether MCD conducted any survey prior to grant of approval (verbal) to Vasant Vihar Welfare Association for pruning of trees?
e. Whether it is fine for MCD to suggest/ advocate hiring of private contractors for pruning of trees (at the cost of residents) – as mentioned by Vasant Vihar Welfare Association?
f. Who shall be responsible for any improper/ excessive pruning of trees?

20. You are requested to kindly examine and answer the above questions and provide us copies of all the approvals granted by your offices to Vasant Vihar Welfare Association and the decision taken by the you/ MCD on our letters dated 20.11.2022 and 21.11.2022 – preferably within 24 hours of receipt of this letter.

With warm regards,

Vivek Tandon
A-5/6 Vasant Vihar,
New Delhi 110057

Rajit Kumar
A-10/7, Vasant Vihar,
New Delhi 110057

Prof. Dr. Sanjeev Bagai
(Padam Shree and Dr. BC Roy Presidential Awardee)
43, Poorvi Marg, Vasant Vihar,
New Delhi 110057

Copy to (for appropriate direction/ action):

Hon'ble Sh. Narendra Modi
The Prime Minister of India
Prime Minister Office,
South Block,
New Delhi 110011

Hon'ble Shri Vinai Kumar Saxena
Lieutenant Governor of Delhi
6, Raj Niwas Marg,
Ludlow Castle, Civil Lines,
Delhi 110054

DEPARTMENT OF FORESTS & WILDLIFE
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P. ESATTE, NEW DELHI-110002

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated : 01/10/19

GUIDELINES
FOR PRUNING OF TREES
UNDER DELHI PRESERVATION OF TREES ACT, 1994

1. The Delhi Preservation of Trees Act, 1994 was enacted to safeguard the forest area in and around NCT of Delhi and to provide for preservation of trees. The Department of Forests & Wildlife, GNCTD has regulatory control for implementation of DPTA 1994 which prohibits felling or pruning/ head backing of trees.
2. The Sec.2 (h) of DPTA, 1994 states that "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bulldozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner as factors causing the death of a tree. Thus it would be apparent that its implied meaning does not appear to carry any implicit connotation that pruning of trees which do not cause damage or death of a tree could be termed as a Tree Offence.
3. In the light of above, general guidelines for pruning of trees are prescribed for adherence by all concerned, so that the trees grown with great care and precision over a period of several years are not pruned recklessly leading to their untimely death (which is an offence under Section 8 of DPTA, 1994) or result in reduction of green cover of Delhi which is an essential strategy to combat pollution.
4. Pruning means cutting off or removing dead or living parts or branches of a tree to improve shape or growth. It is a horticultural and silvicultural practice involving selective removal of parts of a plant, such as branches, buds, or roots. Reasons to prune plants include deadwood removal, shaping by controlling or directing growth, improving or maintaining health, reducing risk from falling branches, preparing nursery specimens for transplanting, etc. However, the pruning cut should not be too large so as to damage the tree.

5. For the purpose of clarity and transparency to the meaning of light and heavy pruning, following would constitute as above:

Term	Branches of girth size	Permission required or not	Remarks
Regular Pruning/ General Tending	Upto 15.7 cm.	No	May be got done by Civic Agencies at regular intervals
Light Pruning	Greater than 15.7 cm but less than and equal to 40 cm.	Required	From concerned Tree Officer on submission of prescribed Form B and other documents as prescribed in DPTA, 1994.
Heavy Pruning	Greater than 40 cm	Required	

6. The forest department does not get the trees felled or pruned/ head backed directly but only accords permission for the same to the owner of land on which the concerned tree is standing after due inspection/ investigation.

7. The actual pruning of the concerned tree/ trees is got done by Deputy Director (Hort.) of the MCDs/ NDMC/DDA/ PWD/CPWD (whoever is the land owning agency) of the concerned area or by the property owner himself/ herself.

8. For obtaining permission for felling or pruning/ head backing of trees, guidelines are in place for information to all and ease of Public/ Govt. agencies towards achieving their desired objective which are available on the department website "www.forest.delhigovt.nic.in".

9. If **Individuals/ General Public/ Society /RWAs** is desirous that any tree inside his house/premises is posing problems to him or the public and needs to be felled or pruned/ head backed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per merit of the case.

10. If the tree/trees for which felling or pruning/ head backing is required is standing on **Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual** and is posing problem to him, he has to apply for felling or pruning/ head backing of such tree on a simple piece of paper to the Deputy Director (Horti.) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.

11. It should neither be applied directly to concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti), as per merit of the case.

12. If a tree is standing on **govt. land but leaning on private land/ building** and is considered dangerous and likely to cause damage to life and property, it should be informed immediately with photograph by the concerned aggrieved person. Permission is granted for its felling or pruning/ head backing within 48 hours of inspection, as per merit of the case. In case permission/ any intimation to the contrary is not received within this time, the person can go ahead and fell or prune/head back the dangerous/ leaning tree and intimate the concerned Tree Officer (DCF) within 24 hours of such felling or pruning/ head backing.

13. There are three (3) Deputy Conservator of Forests (DCFs) who are designated as Tree Officers to look after the cases of tree felling or pruning/ head backing and accord permissions for the same, after inspections, as per merit of the case. Their respective jurisdictions in Delhi are shown in table below.

S.N.	Name of the Division	Name of the Revenue Districts	Name of the Sub-division
1.	North Forest Division	North	Model Town, Narela & Alipur
		North West	Rohini, Kanjhawala & Sarawasti Vihar.
		West	Punjabi Bagh, Patel Nagar & Rajouri Garden.
		North East	Seelampur, Yamuna Vihar & Karawal Nagar.
		East	Gandhi Nagar, Preet Vihar & Mayur Vihar.
		Shahdara	Shahdara, Seemapuri & Vivek Vihar.
		Central	Civil lines
2.	West Forests Division	South West	Dwarka, Najafgarh & Kapashera
		New Delhi	Chankyapuri, Delhi Cantt. & Vasant Vihar
3.	South Forest Division	South	Saket, Hauz Khas, Mehrauli
		South East	Defence Colony, Kalkaji & Sarita Vihar
		Central	Kotwali & Karol Bagh.

14 Pruning/ pollarding/ burning/ lopping/ applying arboricides or damaging a tree in any other manner would be considered as tree offence when, as per ocular estimation of such damage, the Tree Officer, in all his wisdom, holds that such act is likely to lead to the death of the tree, in near future.

15 If a tree standing on any govt. land/ road side/ private land/ building is considered dangerous and likely to cause damage to life or property, or hindrance to traffic signals, it should be pruned immediately by the concerned Civic Agency and informed to concerned Tree Officer within 24 hours and for which no permission is required from Tree Officer.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated: 01/10/19

Copy to:

1. All DCFs for information
2. All DROs/ Forest Guards for information.
3. The Director (Hort) of all Civic Agencies viz. MCDs/ NDMC/ DDA/ PWD/ CPWD etc.
4. Notice Board
5. Programmer, Environment Department, GNCTD with a request to upload on the official web site of the Department.

Distribution:

1. Secretary to Hon'ble Minister (E&F), GNCTD for information.
2. PS to Principal Secretary (E&F), GNCTD for information.
3. PCCF/ HOD, GNCTD for information.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

FORM 'B'

(See sub-rule (1) of rule 4)

The Tree Officer,

.....

.....

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village ..... and District ..... I furnish below the following details in support of my application:-

i. Applicant's name and address (In block letters).

ii. Name and address of the owner of the property (if different from applicant).

iii. Title of the applicant i.e., whether owner/occupant of the property, etc.

iv. Name of the village and khasra number of property.

v. Total area of the property with description of the boundaries.

vi. Total number of trees (specieswise) whose trunk or body is not less than 5cm in diameter at a height of 30cms from the ground and whose height is not less than one metre from the ground.

vii. The exact area (in sq. metres) from which felling of trees for which permit is sought (description of the boundaries).

viii. Total number of trees to be felled.

ix. Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details specieswise are.

Species	No.	Girth

x. Purpose for which the felling of trees are intended.

xi. Intended use of felled trees (e.g.) for sale, for domestic use, etc.

xii. Intended use of land after felling of trees.

xiii. Number and species of trees intended to be planted after felling (give details of arrangement for raising, planting and protecting trees).

xiv. Name /s and address/es of the owners/occupants adjoining property/ies.

2. I am enclosing an affidavit and below mentioned papers in support of my application.

DECLARATION

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place: .....
Date: .....

Applicant's Signature

Attested copies of:-

i. Property/occupancy documents.
ii. Plan of the property showing the khasra number.
iii. Enumeration list (duly signed by the applicant).
iv. Boundary list (duly signed by the applicant).
v. Latest jamabandi of land record issued by the Tehsildar.
vi. "No Objection Certificate" from the concerned local body (e.g.) MCD/N.D.M.C.
vii. "No Objection Certificate" from adjoining property owners.

(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)

I, ... aged.....years, resident of ..... (locality) village ....., wife/son/daughter of ..... do hereby solemnly affirm and declare as under:-

1. That I am the legal owner/occupant of the private property known as ..... situated at ..... village ..... bearing khasra number..... of ..... boundaries of which are as follows:-

East:
West:
North:
South:

2. That I have applied to the Tree Officer ..... for permission to fell ..... trees form the aforesaid property. All the trees have been numbered with paint.
3. That there is no other owner/occupant of this property of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation, if any, that may arise at any time in future regarding the ownership/ occupancy of the said future regarding the ownership/occupancy of the said property or the forest produce from the said property.

Deponent

Verification

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that nothing material has been concealed or omitted there from.

Verified at ..... this the ..... day of..... 20 .....

Deponent

(Source: The Delhi Preservation of Trees Rules, 1996)

20.11.2022

The Managing Committee
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Mr. GS Bindra
The President,
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Mr. Sarvesh Dutt
The Treasurer
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Subject: Pruning and cutting of Trees in Vasant Vihar - 2022

1. I refer to the recent WhatsApp communication circulated by the Joint Secretary Ms. Parul Gaur regarding pruning of trees in Vasant Vihar, proposed to be undertaken by Vasant Vihar Welfare Association (Association).

2. The WhatsApp communication clearly mentions that the due to non-availability of resources and staff at Municipal Corporation of Delhi, the Association has decided to proceed with cutting and pruning of trees – at its own cost and expense. I have been made to believe that you have sanctioned a budget of Rs. 5 lacs for the same. Also, like previous years, the person/ contractor so appointed for the job is without any tendering process – rather a person who is believed to be close to certain Managing Committee members.

3. The money proposed to be spent on the cutting of trees and pruning is not from your personal fund. The money belongs to members of the Association and is public money. You have created a unique situation where all the activities – which are to be performed by the government/ municipal authorities – are now being undertaken and performed by you at our expense.

4. It is also a matter of concern that for such activity – if was perceived urgent – no tenders were floated and a (known) person has been appointed by the Managing Committee. It is well understood that these situations give rise to apprehension of diversion of funds, kick-backs and corruption by the sitting office bearers and the other members of the Managing Committee.

5. Further, it also exposes your incompetence, lack of skills and/ or lack of will to get the work executed by the designated authorities – to whom we have been paying huge taxes/ monies. It is a case of double penalty on us – wherein we pay taxes for certain services and then you coerce/ force residents to make payments to you.

6. Furthermore, it is still unclear whether you propose to seek compensation from the MCD for the said activity.

7. As a joint secretary of the Association for several years, it was our duty to get the MCD to cut/ prune the trees – as per regulations/ laws – so that none of our residents are exposed to any subsequent penal action. More importantly, all our residents had legitimate expectation from us to get the things executed and not start executing the work at their cost and expense.

8. It cannot be a wise argument to take that the authorities are not working therefore, we shall provide the service and utilize the funds collected by way of subscription. With this argument – We believe, you assume the role and mandate to provide all amenities and services – which the government and. or MCD is required to provide. Associations in a society like Vasant Vihar are required to get the work executed by the authorities/ MCD and not undertake such activities.

9. We are also concerned about the fact whether the pruning/ cutting of trees that you propose undertake (throughout Vasant Vihar) has been approved by the MCD. As you are already aware several trees were cut in Vasant Vihar and the concerned authorities/ Delhi Police is already investigating the same. It is also being rumored that you have approached few MCD officials to get the cutting/ pruning of trees from the funds available with Association. Concerns have also been raised by several other residents of Vasant Vihar.

10. We would request you to answer the following questions:

    a. What efforts were made by the Association to get MCD for cutting/ pruning of trees? Please provide copies of all communications sent to the MCD.
    b. What was the process and criteria adopted by you for selecting the vendor for cutting/ pruning of trees? Please provide all details including the name, details of the vendor.

c. What is the budget allocated for the same and monies to be paid to the vendors? Please provide a copy of the quotation and/ or proforma invoice.
d. Who shall be responsible and liable for any illegal cutting/ pruning of trees? Whether the Managing Committee of the Association will take liability for damage to the trees and/ or any subsequent action/ prosecution by Government authorities OR the vendor shall provide an indemnity/ undertaking to all the residents? None of us would like to bear the brunt of actions undertaken by you. We do not want this exercise to be undertaken to cover-up previous illegal cutting of trees.
e. Whether you have plans to recover the payments from MCD?
f. Whether you have plans to approach MCD for reduction in municipal taxes – for non-delivery of services – which are now being undertaken by the Association at a mass scale – in Vasant Vihar?

11. We would appreciate, if you would provide all the details/ information, within 12 hours (as all the data would be readily available) at least prior to making any payments to such vendor(s) and commencing pruning/ cutting of trees. You are requested to maintain status-quo/ stay on cutting/ pruning of trees. In the interest of transparency, the information/ details/ data should be provided over all registered email addresses and circulated over all WhatsApp groups (being used by the Association).

12. Considering the severity of the situation (raising apprehension of illegal cutting/ pruning of trees and possibility of diversion of funds), I am constrained to copy this email to the (i) Hon'ble Lieutenant Governor of Delhi; (ii) Central Vigilance Commission; (iii) Commissioner MCD; and (iv) Commissioner of Police – Delhi Police.

Rajit Kumar RAJIT KUMAR A 10/7, Vasant Vih

Sanjeev Bajaj : 43, Pkt, V. Vihar.

Vivek Tandon VIVEK TANDON A 5/6 Vasant Vih

1. Hon'ble Lieutenant Governor of Delhi
2. Commissioner, Central Vigilance Commissioner
3. Commissioner, MCD
4. Commisioner , Delhi Police
5. Dy. Director Horticulture, South Zone MCD

21.11.2022

The Dy. Director Horticulture
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

Sh. Gyanesh Bharti IAS
The Commissioner
Municipal Corporation of Delhi
DR. S.P.M. Civic Centre, Minto Road
New Delhi – 100002

Subject: Municipal Corporation of Delhi
Re.: Pruning and cutting of Trees in Vasant Vihar - 2022

Dear Sir,

1. We are residents of Vasant Vihar – Categoray 'A' locality in Delhi. Being a Category 'A' locality, our residents pay higher stamp duty and taxes to the Government including Municipal Corporation of Delhi (MCD). Also, our residents are among the highest tax payers in India.

2. After living in Vasant Vihar, we are now witnessing several unique problems/ situations – many of which are required to be dealt by MCD. We are writing to draw your attention to one of the recent communications that we have received from our residents welfare association – Vasant Vihar Welfare Association; wherein they have stated that MCD lacks means to prune around 7000 trees in Vasant Vihar. It has been conveyed that MCD will not be able to undertake pruning of trees in winters. This for the 3 consecutive years running – that our Vasant Vihar Welfare Association has conveyed inability/ incompetence of

MCD to undertake this work. The extract of the message sent by Vasant Vihar Welfare Association is given below:



3. As you may be aware, pruning of trees has to be done in a scientific manner – so that no long-term harm is caused to trees. The constitutional courts/ tribunals have passed several orders to this effect. Any improper pruning of trees may also lead to prosecution under the applicable laws.

4. We find it extremely difficult to believe that a municipal body like - MCD has conveyed its inability to undertake pruning of trees in Vasant Vihar. It is also understood that few retired and serving employees of MCD shall undertake pruning of trees – in their personal and private capacity; and a sum of around Rs. 500,000 (Rupees Five Lakhs) will be paid for the said work. The money shall be spent by the Vasant Vihar Welfare Association – which has been collected from members/ residents like us. If retired/ serving employees of MCD can undertake the said activity (on payment) then why not MCD?

5. We are also concerned with the issue that in an event the pruning of trees takes place without proper care; then who shall be responsible for any subsequent penal action. Would MCD take the responsibility towards the same? Also, if we are required to make payments for all such services – which is the duty of the MCD, will be get any rebates in payment of taxes in the next financial year or would MCD refund the costs towards such pruning/ cutting of trees?

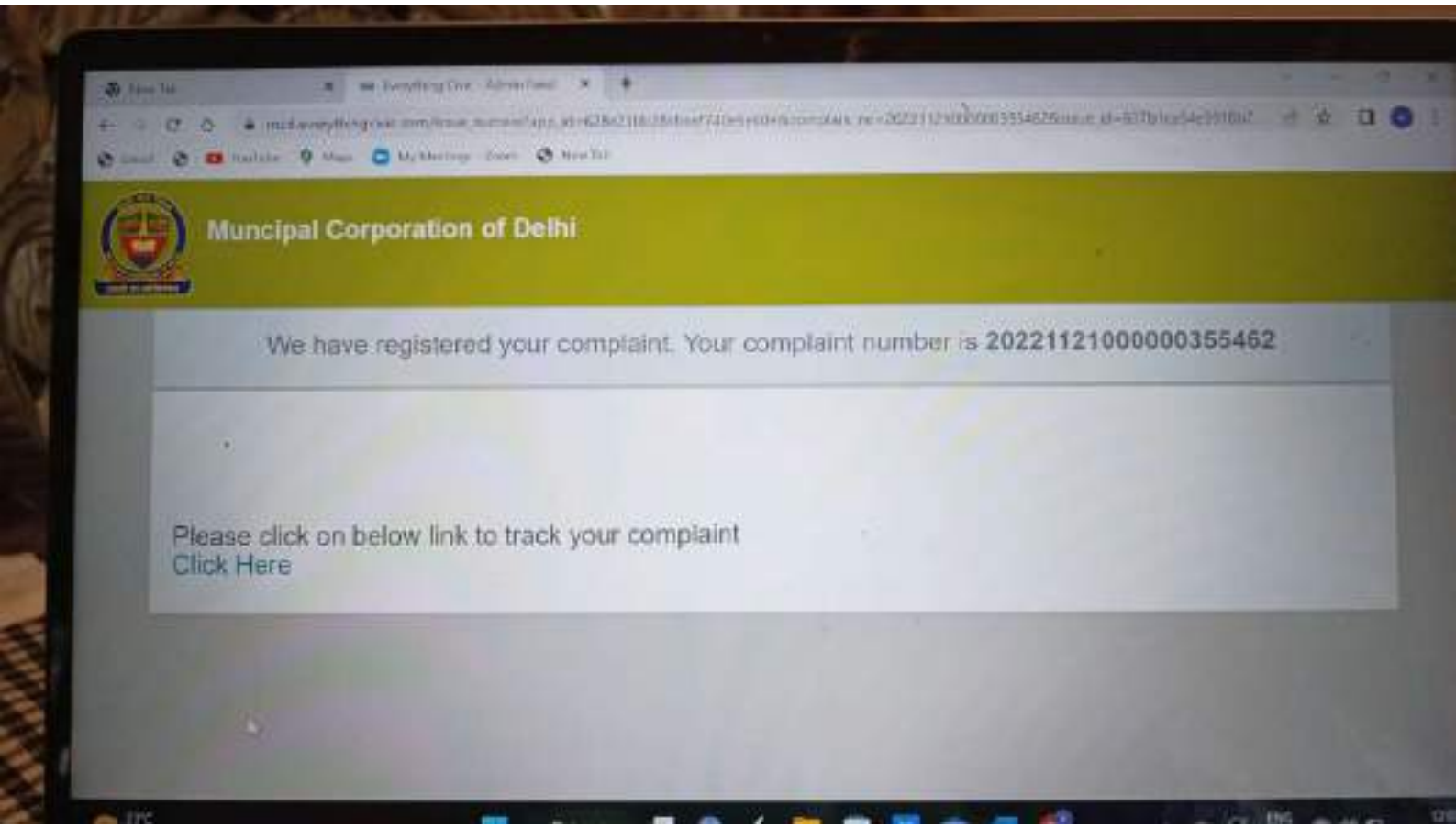
6. You are requested to look into this at priority and instruct your official to do the needful. The pruning of trees is likely to commence today. We look forward to your prompt action and intervention.

Life Members of the Association

Vivek Tandon Raj Kumar Prof. Dr. Sanjeev Bagai (President)

Copy to:

Hon'ble Sh. Narendra Modi The Prime Minister of India Prime Minister Office, South Block, New Delhi 110011	Hon'ble Shri Vinai Kumar Saxena Lieutenant Governor of Delhi 6, Raj Niwas Marg, Ludlow Castle, Civil Lines, Delhi 110054	The Managing Committee Vasant Vihar Welfare Association Kalyan Kendra 9, Paschimi Marg New Delhi 110057


Muncipal Corporation of Delhi
We have registered your complaint. Your complaint number is 20221121000000355462
Please click on below link to track your complaint
Click Here

Annexure 'D'

VASANT VIHAR WELFARE ASSOCIATION (Regd.)
Calvin Kendra, 9 Paschimi Marg, Vasant Vihar, New Delhi 110 057
Tel: 2614 7400, 2614 8645, Email : bdbhasin@gmail.com

The Assistant Director (Horticulture),
Municipal Corporation of Delhi,
Green Park,
New Delhi 110 016

Dear Sir,

Greetings from Vasant Vihar Welfare Association (VVWA).

Vasant Vihar has close to 7000 trees. Everyday, we receive several requests from residents wanting their trees pruned. Everytime, it rains, a few trees fall down because of their heavy top and the trunks that cannot sustain the load. It is absolutely essential that trees are pruned every year, so that, we do not lose trees and also keep them alive and healthy. In view of this, it is essential to carry out pruning of all the trees. VVWA has always believed in working closely with MCD in a spirit of total cooperation, so that essential work is carried out. VVWA has decided to carry out this pruning. The matter has been discussed at various levels of MCD and there is no ambuguity on the issue that pruning needs to be carried out. More particularly we wish to request as as below :-

1. The pruning will be carried out strictly as per the rules of the forest department.

2. VVWA will engage a Skylift on hire which will remain for the entire programme of pruning.

3. VVWA is in the process of arranging a Trolley to handle the green waste . We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis.

4. The entire expenses for the exercise will be borne by VVWA.

In view of the above given the urgency of situation, we would request you to give us permission to carry this out.

Thanking you,

Yours sincerely,

(GURPREET SINGH BINDRA)
President

ASSTT. DIR. (HORTI.)
Received
21/11/12

(PARUL GAUR)
Director (Operations)

Re: Illegal cutting/ felling of trees (around 10-15) on public land next to 25 Palam Marg, Vasant Vihar, New Delhi on 30 September 2022

From: Sanjeev Bagai (sanjeevbagai@yahoo.com)

To: adrahul@yahoo.com

Cc: lggc.delhi@mic.in; cmdelhi@nic.in; msisodia.delhi@delhi.gov.in; special.officer@mcd.nic.in; commissioner@mcd.nic.in; mangal.singh@mcd.nic.in; cp.sanjayarora@delhipolice.gov.in; dcp.sw@delhipolice.gov.in; pccf-gnctd@delhi.gov.in; senv@nic.in

Date: Monday, October 31, 2022 at 07:31 AM GMT+5:30

Dear Sirs
The trail mail has distressing details of blatant violations of all government norms & the basic rights to protect trees.
The occupants of the said premises in complete knowledge & connivance with the vasant Vihar association & it's management committee is indulging in illegal & prohibited activities o felling.
Im a resident of this colony for over 32 years & feel hurt when citizens violate the guidelines of law & the courts.
We all must protect all greens & trees & infact plant more trees. But here these people are cutting trees & causing the environment great harm.
I request you to take strict action as required by law.
Regards.

Prof. Dr. Sanjeev Bagai.

Padma Shree Presidential Awardee.
Dr B. C. Roy Presidential Awardee.

Sr. Consultant Paediatrician and Neonatologist and Pead. Nephrologist.

MBBS(bom), DCH(bom), MD(paed),
MNAMS(paed), DNBE, MIPA(USA),
FSCH (Australia), FIMSA., PhD.hc.(USA).

Chairman Nephron clinics
Fellow of Prince of Wales Childrens Hospital & Prince Henry Hospitals, Sydney, Australia.
Doctorate in Paediatric Nephrology,National American University, Delaware, USA.
Gold medallist Bombay University.
Sir Dorab Tata Merit Scholar
Bombay University Merit Scholar.
DMA Vashisht Chikitsya Ratan Award of Excellence.
IMA distinguished Award of Excellence.
Life Time achievement Award IMA.
Life time Achievement Award NIER.
Oration Awards -DMA , IMA.
IMA excellence Award.
DMA distinguished services Award.
Times Award for Medical Achievement.
Global Top 100 Innovator Award.
IAP Research Award.
Human Care Mellinium Award.
Bharat Jyoti Award.
Vijay Shree Award
Sarla Vaishnav Research Award IAP 1995
Dr. P. N. Taneja Research Award IAP 2019
Medical Ratan Award DMA 2019
Distinguished Hall of Fame ABI
Global Leaders Award
International Leadership Award
Lifetime Achievement Award Global Health Summit
World Health Congress Innovation Award.
Visiting professor to universities of UTMC , USA & CHU SJ , Canada.

Contacts -
43 Poorvi Marg , Vasant Vihar.
New Delhi 57; India .
Clinic - 011 26142943 , 011 26142704.
Cell - 9810001902 , 7042908880.
Email - sanjeevbagai@yahoo.com
Baggysanjeev@gmail.com

On 29-Oct-2022, at 7:00 PM, Rahul Goel <adrahul@yahoo.com> wrote:

The Hon'ble Lieutenant Governor of Delhi
6, Raj Niwas Marg,
Civil Lines
New Delhi

The Hon'ble Chief Minister of Delhi

The Hon'ble Deputy Chief Minister of Delhi

Principal Chief Conservator of Forests
Department of Forests and Wildlife
Government of Delhi
Vikas Bhawan, 2nd Floor, A Block,
IP Estate, New Delhi, Delhi 110002

The Commissioner of Police/ DCP South West

Delhi Police
Police Headquarters
Jaising Road
New Delhi 110001

The Commissioner
Municipal Corporation of Delhi
SP Mukherjee Civic Center
JLN Marg
Delhi

Subject: Illegal cutting/ felling of trees (around 10-15) on public land next to 25 Palam Marg, Vasant Vihar o 30 September 2022

Respected Sirs,

1. As you are aware, Vasant Vihar is among the most prominent colonies of Delhi. As residents of Vasant Vihar, we take g pride in stating that several prominent academicians, economists, lawyers, doctors, industrialists, politicians, retired off from the Indian Armed Forces and bureaucrats have chosen Vasant Vihar to be their home. We actively work towards pla trees and taking care of the trees in our colony. In 2015-16, we also conducted a detailed census of trees in Vasant Viha as to initiate action for replacement/ protection of ageing/ dying trees.

2. Today, I write to you with deep pain and anguish that several trees (aged more than 20 years) were cut in the eve (around 6 pm) of 30 September 2022 – without any valid reason or sanction/ permission. The trees were on the public parcel, adjacent to 25 Palam Marg, Vasant Vihar (New Delhi) and next to the MCD's Horticulture Department's local office. rather alarming that between 10-15 trees were cut and even after more than two weeks no action has been initiated ag the perpetrators. The said parcel belongs to MCD; however appears to be under illegal control of some residents of Va Vihar (and is fully barricaded from all sides - and having a private entrance). Few images are attached for your r reference.

3. It appears that the managing committees of (Vasant Vihar) Central Government Cooperative House Building Society Vasant Vihar Welfare Association were aware of the same and yet they chose not to highlight the said illegal action – v under the applicable laws is prohibited.

4. It is also believed that the said trees were cut under instructions of occupants/ owners of 25, Palam M Vasant Vihar and in connivance with (full knowledge and consent of) the Managing Committee of the Va Vihar Welfare Association.

5. We understand that illegal felling/ cutting trees is a criminal offence under several legislations including the Prevention of Trees Act (1994), Indian Forest Act (1927), Indian Penal Code (1860). In several cases the Hon'ble Apex C Hon'ble High Court of Delhi and Hon'ble National Green Tribunal have directed the relevant authorities including the police to take immediate action under all applicable provisions of the law and have come down heavily on acts of il cutting of trees.

6. We are already grappling with the issue of air-pollution and such illegal acts cannot be left unpunished – irrespective stature / influence of the persons responsible. We are answerable to our children/ grand-children and future generations.

7. You are therefore most humbly requested to initiate an investigation/ enquiry into the same by lodgi formal complaint/ first information report; especially while taking complete control over the said public parcel.

Thanking you,
With best regards,

Rahul Goel
E-mail: adrahul@yahoo.com
Mobile: 9899027144
R/o A-6/18, GF, Vasant Vihar, New Delhi 110057







VASANT VIHAR WELFARE ASSOCIATION (Regd.)

Kalyan Kendra, 9 Paschimi Marg, Vasant Vihar, New Delhi 110 057
Tel: 2614 7409, 2614 8645, Email : hellovvwa@gmail.com

Ref:VVWA/05/2022 1st Dec. 2022

The Dy. Conservator of Forest,
Department of Forest & Wildlife,
West Forest Division,
Mandir Lane,
New Delhi 110 060

Dear Sir,

Sub: Pruning of Trees in Vasant Vihar.

As you are aware that, currently, we are carrying out pruning of our trees in Vasant Vihar. The trees are being pruned as per orders contained in Department of Forest & Wildlife order No.8(193)/CF/TA/07.18.19/8473-80 dated 1st October 2019.The work is under constant and active supervision of the Horticulture staff of Municipal Corporation of Delhi (MCD). The rules are being strictly adhered to.

We write to assure that all the relevant rules will be strictly followed, and in no case would the pruning be greater than 15.5 cms be carried out. This norm is being strictly followed and will be adhered to all times.

Thanking you,

Yours sincerely,

(GURPREET SINGH BINDRA)
PRESIDENT

(PARUL GAUR)
DIRECTOR (OPERATIONS)

cc: The Assistant Director (Horticulture),
Municipal Corporation of Delhi,
Green Park,
New Delhi 110 016

cc: Mr. Narender Tyagi,
Horticulture Inspector,
Municipal Corpn. Of Delhi,
A-1, Street, Vasant Vihar,
New Delhi 110 057

(TRUE COPY)

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

(Under Section 14 and 15 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. _____ OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. … APPLICANTS

Versus

DEPARTMENT OF ENVIRONMENT, GNCTD & ORS. …RESPONDENTS

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BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

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MEMO OF PARTIES

1. PROF. DR. SANJEEV BAGAI
   43, POORVI MARG, VASANT VIHAR
   NEW DELHI – 110057 …APPLICANT NO. 1

2. RAJIT KUMAR,
   A-10/7, VASANT VIHAR,
   NEW DELHI -110057 …APPLICANT NO. 2

3. VIVEK TANDON
   E-9/9, VASANT VIHAR,
   NEW DELHI - 110057 …APPLICANT NO. 3

VERSUS

1. DEPARTMENT OF ENVIRONMENT,
   GOVT. OF NCT OF DELHI,
   THROUGH ITS PRINCIPAL SECRETARY,
   (ENVIRONMENT & FOREST),
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THROUGH ITS SECRETARY,
KALYAN KENDRA, 9, PASCHIMI MARG,
VASANT VIHAR,
NEW DELHI-110057 …RESPONDENT NO. 18

Filed by



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SYNOPSIS

1. That the present Application is being filed under Section 14 and 15 of the National Green Tribunal Act, 2010 (**'NGT Act'**) seeking direction from this Hon'ble Tribunal to take action against the Respondents for allowing and/ or engaging into cutting, felling and pruning of trees in violation of Section 8 of the Delhi Preservation of Trees Act, 1994 ('**DPT Act'**) read with Section 2(h) of the DPT Act; including guidelines issued by the Respondent No. 1 bearing no. F.no.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 for pruning of trees (**'Guidelines'**) under DPT Act. Further, take remedial action; direct the Respondent Nos. 12-17 (for purposefully engaging into cutting, felling, and pruning of trees – while acting as managing committee members of Respondent No.18) to pay environment compensation from their personal income along with other reliefs for illegally cutting, felling, and pruning of trees; causing environment pollution.

2. There have been numerous decisions and judgments and orders of Hon'ble NGT, across its different benches and a unified position and interpretation rendered to term "felling" has been that the term "felling" includes 'pruning'. In view of the above mentioned guidelines, it is

therefore a clear fact it is mandatory/ obligatory to take prior permission for pruning from the concerned Deputy Conservator of Forest of the division under whose jurisdiction the relevant land is situated and/ or from the Deputy Director, Department of Horticulture of the land owing agency.

3. It is submitted that on 30.09.2022, certain trees (exact number is not known to the Applicants) were cut/felled in Vasant Vihar, without any prior approval and with (direct/ indirect) understanding/ consent of Respondent Nos. 12-17 and less than 50 meters away from the offices of Horticulture Inspector, MCD. A complaint was sent by the Applicant No. 1 stating that the trees have been cut/ felled without prior permission of the concerned department.

4. The Applicant received a communication that pruning in Vasant Vihar has begun and that MCD does not have the means to carry out the pruning and thus MCD has conveyed its inability to undertake pruning of trees in Vasant Vihar and the same will be done by private contractors.

5. Further, the Applicant sent a letter showing concerns with respect to liability if pruning is done without permission, etc. Applicant No. 3 (on

21.11.2022) also filed an application under the Right to Information Act, 2005 with Municipal Corporation of Delhi (MCD) seeking the information with respect to permissions granted to Respondent No. 18 but he did not received any response for the same.

6. Consequently, the Applicants raised certain queries that whether the Respondent Nos. 2 and 4 will take the responsibility if any penal action is taken and further requested to immediately take action against illegal pruning. Further, the Applicants got to know that certain office bearers of Respondent No. 18 met with Respondent No. 8 at her office and pruning of trees has been recommended her and that the pruning of trees can be conducted and is not covered by 'model code of conduct'. All the efforts of the Applicants to stop the illegal pruning have thus gone in vain as the illegal acts of pruning has still been continuing in Vasant Vihar and thus it is just and necessary that this Hon'ble Tribunal may intervene and punish the guilty for causing environmental pollution. Therefore the Applicants have preferred to file the present Application.

LIST OF DATES

DATE	EVENT
01.10.2019	Guidelines issues by Respondent No. 1 for pruning of trees
30.09.2022	Certain trees were cut/felled in Vasant Vihar, without any prior approval of the concerned authorities.
28.10.2022	Complaint lodged by Applicant No. 1 with various authorities, including the Respondent No. 2 and Respondent No. 11 stating that the trees have been cut/ felled without prior permission of the concerned department.
18.11.2022	Applicants received a communication from Respondent No. 14 stating that pruning in Vasant Vihar will begin from 21.11.2022
20.11.2022	Applicants wrote a letter to respondent No. 12 to 17 seeking details of approvals (from relevant authorities) with respect to cutting and/ or pruning of trees
21.11.2022	Applicant No. 3 filed an RTI seeking information with respect to permissions granted to Respondent No. 18 for pruning of trees from 2018 to 2022 in Vasant Vihar

21.11.2022	Privately engaged contractors started pruning of trees in Vasant Vihar without requisite permission
21.11.2022	Applicants filed a complaint raising certain queries that whether the Respondent Nos. 2 and 4 will take the responsibility if any penal action is taken
24.11.2022	Pruning suddenly stopped in Vasant Vihar
25.11.2022	WhatsApp message showing that Respondent No. 8 had examined the issue and gave orders that pruning is not covered by any '*model code of conduct*'
28.11.2022	Applicants again wrote a letter to Respondent Nos. 2, 4 and 8 informing them about the factual scenario; seeking information with regard to any approval given by them to Respondent No. 18 for pruning of trees
12.12.2022	Hence the present Application

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

(Under Section 14 and 15 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. _____ OF 2022

IN THE MATTER OF:

1. PROF. DR. SANJEEV BAGAI
   43, POORVI MARG, VASANT VIHAR
   NEW DELHI – 110057

2. RAJIT KUMAR,
   A-10/7, VASANT VIHAR,
   NEW DELHI -110057

3. VIVEK TANDON
   E-9/9, VASANT VIHAR,
   NEW DELHI - 110057 …APPLICANTS

VERSUS

1. DEPARTMENT OF ENVIRONMENT,
   GOVT. OF NCT OF DELHI,
   THROUGH ITS PRINCIPAL SECRETARY,
   (ENVIRONMENT & FOREST),
   6TH LEVEL, C-WING, IP ESTATE,
   DELHI SECRETARIAT, DELHI - 110002 …RESPONDENT NO. 1

2. COMMISSIONER,
   MUNICIPAL CORPORATION OF DELHI,
   DR. S.P.M. CIVIC CENTRE, MINTO ROAD,
   NEW DELHI – 110002 …RESPONDENT NO. 2

3. DEPUTY CONSERVATOR OF FOREST,
WEST FORESTS DIVISION (TREE OFFICER)
GOVT. OF NCT OF DELHI,
MANDIR ROAD,
CENTRAL RIDGE RESERVE FOREST
NEW DELHI – 110092 …RESPONDENT NO. 3

4. DEPUTY DIRECTOR,
DEPARTMENT OF HORTICULTURE,
MUNICIPAL CORPORATION OF DELHI,
6, SRI AUROBINDO MARG,
BLOCK A, GREEN PARK EXTENSION,
GREEN PARK, NEW DELHI-110016 …RESPONDENT NO. 4

5. DEPUTY DIRECTOR,
DEPARTMENT OF HORTICULTURE,
PUBLIC WORKS DEPARTMENT,
GOVT. OF NCT OF DELHI,
R. R. LINE OLD BUILDING RING ROAD
NEW DELHI – 110010 …RESPONDENT NO. 5

6. DEPUTY DIRECTOR,
DEPARTMENT OF HORTICULTURE,
DELHI DEVELOPMENT AUTHORITY,
G6MJ+R56, J POCKET, PHASE II,
SHEIKH SARAI, NEW DELHI-110017 …RESPONDENT NO. 6

7. ASSISTANT DIRECTOR,
DEPARTMENT OF HORTICULTURE,
MUNICIPAL CORPORATION OF DELHI,
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BLOCK A, GREEN PARK EXTENSION,
GREEN PARK, NEW DELHI-110016 …RESPONDENT NO. 7

8. DEPUTY COMMISSIONER,
MUNICIPAL CORPORATION OF DELHI,
SOUTH ZONE, K.D. COLONY, SECTOR – 9,
R.K. PURAM, NEW DELHI–110022 …RESPONDENT NO. 8

9. DELHI POLLUTION CONTROL COMMITTEE
THROUGH ITS MEMBER SECRETARY,
6th FLOOR, C WING, DELHI SECRETARIAT,
I P ESTATE, DELHI-110002 …RESPONDENT NO. 9

10. STATION HOUSE OFFICER,
VASANT VIHAR POLICE STATION,
NELSON MANDELA MARG,
VASANT VIHAR,
NEW DELHI – 110045 …RESPONDENT NO. 10

11. COMMISSIONER OF POLICE,
OFFICE OF THE COMMISSIONER OF POLICE,
JAI SINGH ROAD,
NEW DELHI-110001 …RESPONDENT NO. 11

12. NIDHI AGARWAL, A-BLOCK REPRESENTATIVE,
VASANT VIHAR WELFARE ASSOCIATION,
A-11/19, VASANT VIHAR,
NEW DELHI-110057 …RESPONDENT NO. 12

13. GURPREET SINGH BINDRA, PRESIDENT,
VASANT VIHAR WELFARE ASSOCIATION,
2, PALAM MARG,
VASANT VIHAR,
NEW DELHI-110057 …RESPONDENT NO. 13

14. PARUL GAUR, JOINT SECRETARY
VASANT VIHAR WELFARE ASSOCIATION,
A-1/7, VASANT VIHAR,

NEW DELHI-110057 …RESPONDENT NO. 14

15. KESHAV GARG, VICE PRESIDENT,
VASANT VIHAR WELFARE ASSOCIATION,
D-1/55, VASANT VIHAR,
NEW DELHI-110057 …RESPONDENT NO. 15

16. MRIDULA MURGAI,
SECTRETARY/ DIRECTOR ADMIN,
VASANT VIHAR WELFARE ASSOCIATION,
C-6/6, FIRST FLOOR, VASANT VIHAR,
NEW DELHI-110057 …RESPONDENT NO. 16

17. SARVESH DUTT,
TREASURER/ DIRECTOR FINANCE
VASANT VIHAR WELFARE ASSOCIATION,
B-7/1B, VASANT VIHAR,
NEW DELHI-110057 …RESPONDENT NO. 17

18. VASANT VIHAR WELFARE ASSOCIATION
THROUGH ITS SECRETARY,
KALYAN KENDRA, 9, PASCHIMI MARG,
VASANT VIHAR,
NEW DELHI-110057 …RESPONDENT NO. 18

MOST RESPECTFULLY SHOWETH:

The humble Applicants named above respectfully submits as under:

1. That the addresses of the counsel for the Applicants is given below for the service of any notices of this application (**'Application'**) and the addresses of the Applicants and the Respondents are given above for the service of notices of this Application.

2. That the present Application is being filed under Section 14 and 15 of the National Green Tribunal Act, 2010 (**'NGT Act'**) seeking direction from this Hon'ble Tribunal to take action against the Respondents for allowing and/ or engaging into cutting, felling and pruning of trees in violation of Section 8 of the Delhi Preservation of Trees Act, 1994 ('**DPT Act'**) read with Section 2(h) of the DPT Act; including guidelines issued by the Respondent No. 1 bearing no. F.no.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 for pruning of trees (**'Guidelines'**) under DPT Act. Further, take remedial action; direct the Respondent Nos. 12-17 (for purposefully engaging into cutting, felling, and pruning of trees – while acting as managing committee members of Respondent No.18) to pay environment compensation from their personal income along with other reliefs for illegally cutting, felling, and pruning of trees; causing environment pollution, etc. Copy of the Guidelines dated 01.10.2019 is annexed herewith as **Annexure-1**.

3. That as per the DPT Act, the term "felling" is defined in an inclusive way to include "*...cutting…in any other manner*." Further, Section 8 of the DPT Act, unambiguously states "*...no person shall fell or remove or dispose of any tree or forest produce in any land, whether*

in his ownership or occupancy or otherwise, ***except with the previous permission of the tree officer***.".

4. That as per decisions and judgments/ orders of Hon'ble NGT, across its different benches, the unified position and interpretation rendered to term "felling" has been that the term "felling" includes 'pruning'. In the case titled as ***Pradeep Indulkar v. Municipal Corporation for the city of Thane and others***; Hon'ble NGT (Western Zone), Bench, Pune (bearing Application No. 157 of 2016) held that "13…*term "trimming or punning" is nowhere defined in the said Act, but going by the Dictionary meaning 'trimming/ pruning' involves 'cutting' as can be seen from the relevant text from the Oxford Dictionary…* 14… *On summarising this definition, one can easily perceive that any act of damaging a tree amounts to felling of a tree. If trimming/ pruning of a tree is done without taking a decision as to what wanted or unwanted parts of a tree are and what would be good or bad for proper growth and/ or survival of the tree, it will do harm/ danger than good to the tree…".*

5. That, as per the said Guidelines, it is mandatory/ obligatory to take prior permission for pruning from the concerned Deputy Conservator of Forest of the division under whose jurisdiction the relevant land is

situated and/ or from the Deputy Director, Department of Horticulture of the land owing agency. Relevant portion of the said Guidelines are extracted hereinbelow for ready reference:

> *"...*
>
> 9. *If Individuals/ General Public/ Society/ RWAs is desirous that any tree inside his house/ premise is posing problems to him or the public and needs to be felled or pruned/ back headed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per the merit of the case.*
>
> 10. *If the tree/ trees for which felling or pruning/ beck heading is required is standing on Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual and is posing problem to him, he has to apply for felling or pruning/ back heading of such tree on a simple piece of paper to the Deputy Director (Horti) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.*
>
> 11. *It should neither be applied directly to the concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti) as per the merit of the case."*

6. In light of the above position in law (that is, DPT Act, Guidelines as well as orders of the Hon'ble NGT), it is clear and unambiguous that it shall be the duty of every *individual/ general public/ society/*

resident welfare association to apply to the relevant authority in requisite and prescribed manner. Consequently, an act/deed by any private person/ association etc. of cutting, felling and pruning of trees, without having due authorisation/ permission/ approval (in writing), shall be in violation of applicable laws/ guidelines; thereby attracting penal action and/ or arrest without warrant of individuals in violation, as deemed appropriate by relevant agencies monitoring execution/ implementation thereof.

7. Further, as per Section 9(2) of the DPT Act, once the request for cutting, felling and pruning of trees is received by the concerned authority, the concerned tree officer may, **after inspecting the tree(s)** and holding an enquiry as (s)he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing, refuse permission for pruning of trees. The sum and substance of section 9(2) of the DPT Act conveys the intention of the legislature to ensure that there will be prior enquiry and inspection for each request for cutting, felling, and pruning of tree(s) – which inspection and enquiry may or may not result in permission in full or part permission for cutting, felling, and pruning of trees.

8. It is mandatory in terms of the DPT Act and the said Guidelines that the pruning shall be carried out under the supervision of the competent official of the concerned horticulture department as the pruning should not result in death of a tree. It is also an admitted position that wood/ lops/ tops arising out of the cutting, felling, and pruning cannot be removed by any private individual/ RWA and the land owning agencies shall ensure that wood/ lops/ tops arising out of the said cutting, felling, and pruning would find its way to the Municipal Corporation of Delhi (**'MCD'**) crematoria for the public interest or as per the policy of the land owning agency.

9. It is also settled law that an *informed decision* from the concerned authority is required before pruning of trees, in order to contemplate the extent to which a concerned tree can be pruned without causing any damage to it as trees are essential ingredients of environment and play a key/pivotal role in keeping environment pollution free and protected from irreparable environmental changes like global warming, caused due to imbalance in environment. Keeping this in mind, the legislature has enacted the DPT Act. While cutting the trees, it is an obligation to take into consideration important aspects such as

flowering of trees, age of trees, and time of nesting of birds in order to keep delicate balance of nature undisturbed.

10. It is submitted that proper and scientific pruning of trees will help avoid falling of trees during monsoons and storms. It has been widely reported that due to improper pruning of trees, over 100 trees fell during monsoon season in Delhi NCR region.

11. In view of the aforesaid, it is important to bring to the knowledge of this Hon'ble Tribunal, the illegal/ unathorised acts of the Respondent Nos. 12-17; Respondent Nos. 7 and 8 for travelling beyond their jurisdiction and thereby allowing the Respondent Nos. 12-17 to continue with the illegal/ unauthorised action of (allowing/ consenting to) cutting, felling and pruning of trees in Vasant Vihar..

FACTS IN BRIEF:

I. The Applicants are the residents of Vasant Vihar category – 'A' locality.

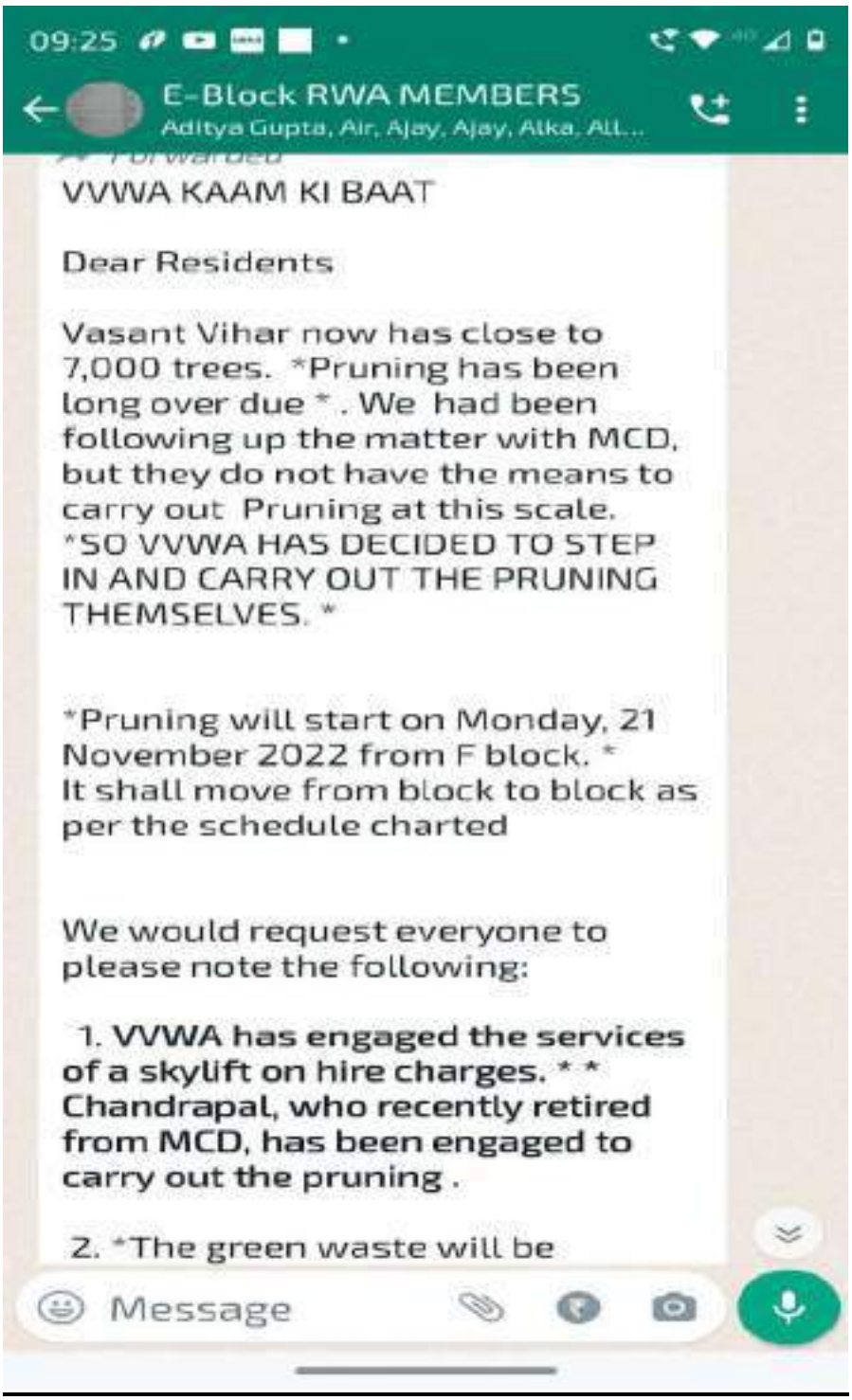
II. The Respondent Nos. 1-8 are the Department of Environment, GNCTD, its officials, tree officer, etc. Respondent No. 9 is the regulatory body in respect of NCT of Delhi for implementation of

various environmental/ pollution control laws enacted by the Parliament. Respondent No. 10 is the Station House Officer of Vasant Vihar Police Station under whose jurisdiction the illegal act of cutting, felling, and pruning is being committed. Respondent No. 11 is the Commissioner of Delhi Police. Respondent Nos. 12-17 are the officials/ managing committee members of Respondent No. 18 (resident welfare association of Vasant Vihar) and are responsible and involved in the illegal act of cutting, felling and pruning of trees – without obtaining requisite approvals (despite being asked to do so repeatedly by the residents of Vasant Vihar).

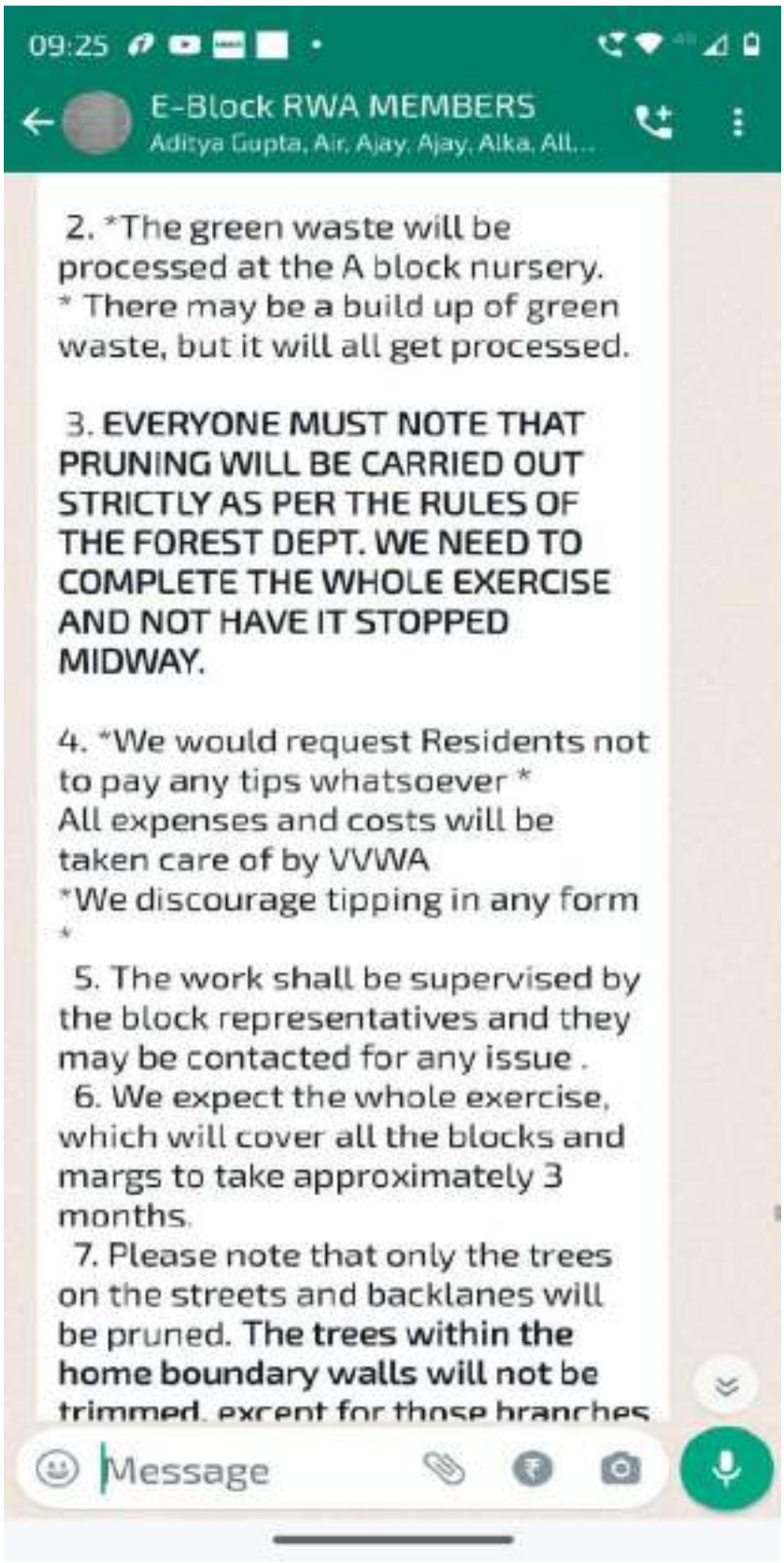
III. On 30.09.2022, certain trees (exact number is not known to the Applicants) were cut/felled in Vasant Vihar, without any prior approval and with (direct/ indirect) understanding/ consent of Respondent Nos. 12-17 and less than 50 meters away from the offices of Horticulture Inspector, MCD. A complaint dated 28.10.2022 was also lodged by Applicant No. 1 with various authorities/ departments, including the Respondent No. 2 and Respondent No. 11 stating that the trees have been cut/ felled without prior permission of the concerned department. It is understood that Respondent No. 11 has

instructed Respondent No. 10 to investigate the same. Copy of the complaint dated 28.10.2022 is annexed herewith as **Annexure-2**.

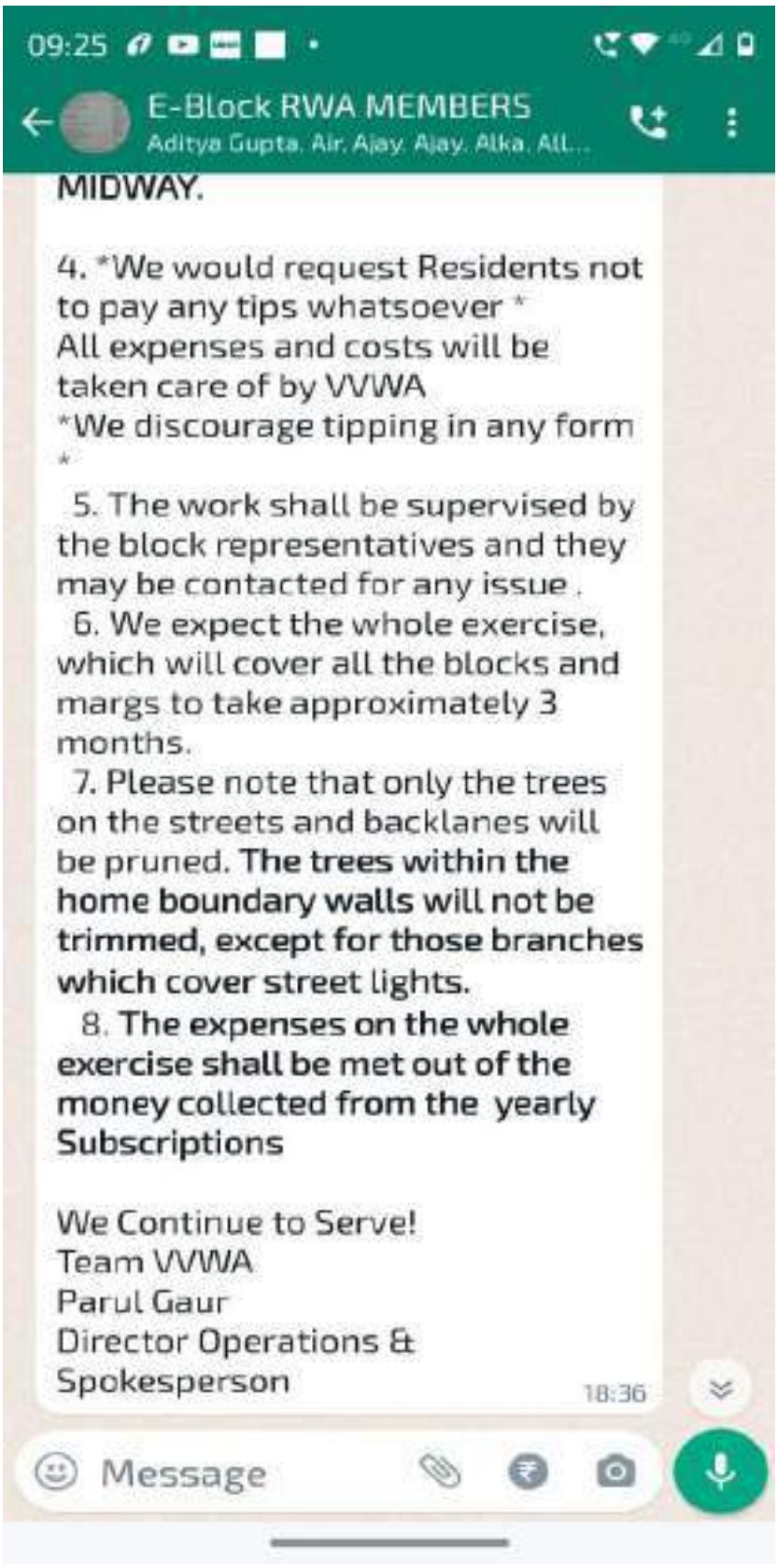
IV. On 18.11.2022 the Applicants received a communication from Respondent No. 14, wherein it was stated that there are around 7000 trees in Vasant Vihar and since the pruning was long due, the pruning will start from 21.11.2022 and will move from block to block of Vasant Vihar. It was further stated that MCD does not have the means to carry out the pruning and thus MCD has conveyed its inability to undertake pruning of trees in Vasant Vihar. Screenshots of the said communication dated 18.11.2022 is extracted herein below for ready reference:



WhatsApp Communication dated 18.11.2022



WhatsApp Communication dated 18.11.2022



WhatsApp Communication dated 18.11.2022

Copy of the WhatsApp communication dated 18.11.2022 is annexed herewith as **Annexure – 3**.

V. Immediately upon receiving the said communication, the Applicants, vide letter dated 20.11.2022, sought details of approvals (from relevant authorities) with respect to cutting and/ or pruning of trees from Respondent No. 12 to 17. Further, vide Applicants' letter dated 20.11.2022, the concerns were shown with respect to liability if pruning is done without permission, etc.; as it is an admitted position that pruning of trees has to be done after seeking appropriate approvals and by the land owning agency and in a scientific manner. It was also pointed out that several trees have been cut/ felled without appropriate approvals (on 30.09.2022). Copy of the letter dated 20.11.2022 is annexed herewith as **Annexure-4**.

VI. It is pertinent to mention that the aforesaid questions (apart from various others) were put to Respondent No. 18 and Respondent No. 12 to 17 in a bona fide manner (being the resident/s of Vasant Vihar) only to make sure that there is no non-compliance on the part of Respondent No. 12 to 17 under the DPT Act and/ or Environment Protection Act, 1986. Further, pruning of trees on public land, without

approval by a private contractor, may also expose residents in-front of whose house the tree is pruned to an unwanted/ unknown prosecution for breach of applicable laws. This is in addition to environmental damage and damage to trees (in general) – which any resident/ common man may not be able to understand/ ascertain.

VII. Having not received any answer to the queries raised by the Applicants vide letter dated 20.11.2022 and knowing that Respondent No. 12 to 17 would commence the pruning of trees, Applicant No. 3 (on 21.11.2022) filed an application under the Right to Information Act, 2005 with Municipal Corporation of Delhi (MCD) seeking the information with respect to permissions granted to Respondent No. 18 for pruning of trees from 2018 to 2022, etc. However, no response to the said RTI has been received till the filing of the present Application. Copy of the RTI application is annexed herewith as **Annexure-5**.

VIII. Thereafter, on 21.11.2022, at around 10:00 AM, the privately engaged contractor arrived and started pruning the trees in Vasant Vihar. Subsequent to the commencement of pruning of trees, several residents (including the Applicants) at around 10:30 AM raised their

concern with respect to approval taken from the concerned department for carrying out pruning.

IX. Since the Respondent Nos. 12-17 failed to show any prior approval, the Applicants were forced to report the matter with the Respondent Nos. 2 and 4 vide letter/ complaint dated 21.11.2022 bearing no. 20221121000000355462, wherein the Applicants raised certain queries that whether the Respondent Nos. 2 and 4 will take the responsibility if any penal action is taken and further requested to immediately take action against illegal pruning. Copy of the letter/ complaint dated 21.11.2022 is annexed herewith as **Annexure-6**.

X. However, post noon on 21.11.2022, it came to the knowledge of the Applicants that the Respondent No. 13 and 14 wrote a letter (after the commencement of pruning) to the Assistant Director (Horticulture), MCD/ Respondent No. 7 seeking permission to prune the trees. It is relevant to note that as per the said Guidelines, the Assistant Director, MCD has no authority to give permission for pruning of trees. It is important to bring to the notice of this Hon'ble Tribunal that permissions have to be given in a specified manner/ format/ proforma which consists of all the relevant terms and conditions. However, in the present case the said letter dated 21.11.2022 (seeking permission

from Respondent No. 7) was itself stamped by Respondent No. 7, which the Respondent Nos. 12-17 claimed to be permission from the relevant authority/ land owning agency. Copy of the letter dated 21.11.2022 seeking permission is annexed herewith as **Annexure-7**.

XI. Further, the said belated request was made by the Respondent No. 18 at the behest of Respondent Nos. 13 and 14 only as an afterthought to cover up their illegal acts which they have committed by pruning the trees without permission. It is also an admitted position that even in the said letter, it was deliberately not mentioned by the Respondent Nos. 13 and 14 that the pruning has already been started in Vasant Vihar.

XII. It is important to note that within few hours of the application seeking permission for pruning, to the utter shock of the Applicants, another WhatsApp communication is received by the residents of Vasant Vihar from Respondent Nos. 12 to 17 stating that "*...permission has been granted from govt. in writing...*". The pruning again commenced around 2.30 PM on 21.11.2022. However, it is pertinent to mention that still no official written permission from designated/ concerned officer was shown to anyone. Screenshot of the WhatsApp message

dated 21.11.2022 is annexed herewith as **Annexure-8** and the relevant extracts are reproduced herein below for ready reference:

> *"Dear Residents,*
>
> *Pruning is successfully started from F block today.*
> *Permission has been granted from govt. in writing.*
> *Horticulture team along with its seniors are there with sky lift"*

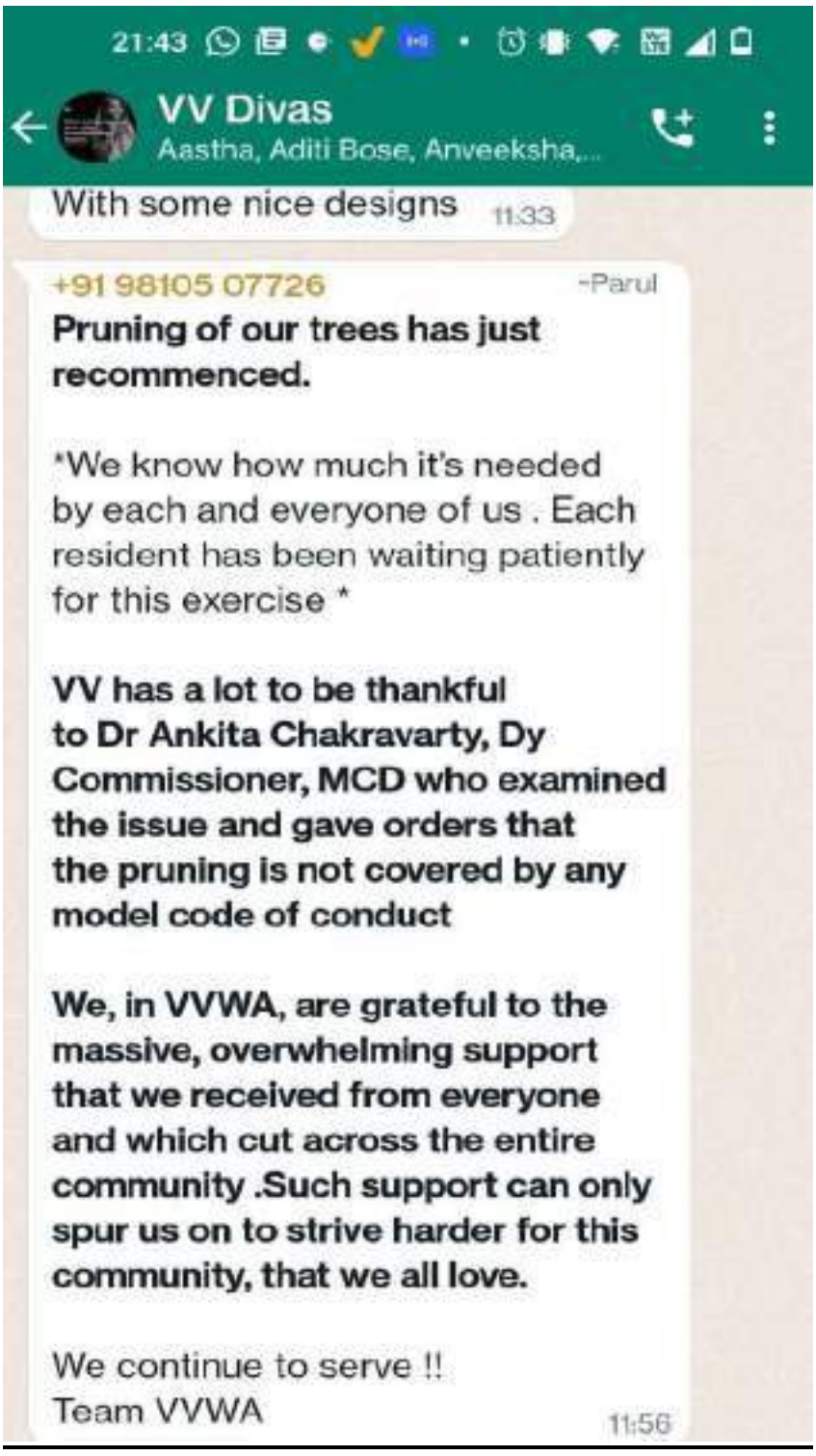
XIII. The residents of Vasant Vihar, including the Applicants have been unable to understand that why any permission for pruning, more particularly a document available in public domain was needlessly withheld from the residents of Vasant Vihar, creating legitimate concerns, anxiety and fear for non-compliance in the minds of Applicants. More importantly, what prompted the Respondent No. 7 to grant verbal/ oral approval to proceed with the pruning of trees.

XIV. The pruning was carried out illegally and in complete defiance of the DPT Act and Environment Protection Act, 1986 is fortified from the fact that after re-commencing the pruning at around 2:30 PM on 21.11.2022, the same was suddenly suspended on 24.11.2022 at the instance of Respondent Nos. 12-17 on the plea that few residents have raised concerns regarding prior approval for pruning of trees. It is rather strange that if as per Respondent Nos. 12 to 17, the approval

for pruning was given on 21.11.2022; then what was the need to suspend the pruning again on 24.111.2022. Thus, it is writ large that the pruning was being done without any prior written permission of the relevant authority, because had it been received, there was no occasion to stop the pruning of trees especially when huge amount of money (of the residents of Vasant Vihar) is being spent on the private contractor.

XV. On 25.11.2022, Respondent No. 14, through a WhatsApp message communicated that certain office bearers of Respondent No. 18 met with Respondent No. 8 at her office and pruning of trees has been recommended her and that the pruning of trees can be conducted and is not covered by 'model code of conduct'. No copy was provided/ supplied/ showed to any resident of Vasant Vihar. In the said communication it was also highlighted that the Respondent No. 8 had examined the issue and gave orders that pruning is not covered by any '*model code of conduct*'. Such a statement on the part of Respondent No. 8 (if actually stated by her) was in teeth of the DPT Act; said Guidelines; and the settled position of law. Screen shot of the WhatsApp message dated 25.11.2022 are annexed herewith as

Annexure-9 and the same is also reproduced herein for ready reference:



WhatsApp Communication dated 25.11.2022

XVI. Having left with no other option and since no response was received and no action was taken by the Respondent Nos. 2 and 4 to the Applicant's letter dated 21.11.2022, the Applicants were again forced to write a letter dated 28.11.2022 to Respondent Nos. 2, 4 and 8, informing them about the factual scenario; seeking information with regard to any approval given by them to Respondent No. 18 for pruning of trees and further, requesting to examine and take action in regard thereto. However, no reply was received by the Applicants to the said letter dated 28.11.2022 till the filing of the present Application. Copy of the letter dated 28.11.2022 is annexed herewith as **Annexure-10**.

XVII. It is also important to bring to the notice of this Hon'ble Tribunal that even on the website of the Delhi Govt. viz. https://treeremoval.delhigovt.nic.in/fellandprun.aspx (as on 05.12.2022) there is no specific approval mentioned and the last approval given by the appropriate department for pruning of trees in Vasant Vihar is of 22.11.2022, which is annexed here with as **Annexure-11**.

XVIII. It is noteworthy to mention that Vasant Vihar has around 7000 trees out of which around 276 trees are fruit nearing trees. It is also a settled

position in law that the fruit nearing trees cannot be pruned as a matter of routine.

XIX. The above mentioned trees are essential ingredients of the environment and play a vital role in keeping the environment pollution free and protected from irreparable environmental changes like global warming, caused due to imbalance in environment. It was, therefore, essential before cutting, feeling or pruning was being done, to take an informed decision as to whether such cutting, feeling or pruning would in any way damage the tree and to what extent the tree can be trimmed or pruned without causing such damage, but to the surprise of the Applicants, all such factors were being ignored.

XX. It is pertinent to mention that the office bearers/ managing committee members (Respondent Nos. 12-17) of Respondent No. 18 in their haste to cut/ prune trees; continued to make brash irresponsible comments and shallow assurances to the residents of Vasant Vihar and members of Respondent No. 18 (without any documentary proof of permission, etc.) that their actions of calling private agencies to undertake cutting, felling, and pruning of trees is either with requisite permission/ does not need any permission/ MCD does not have wherewithal to undertake cutting/ pruning themselves (as the position

kept changing shifting/ oscillating). This Hon'ble Tribunal is appraised of the fact that the Respondent Nos. 12 to 17 are creating an atmosphere of hatred, passing derogatory comments against the Applicants and other residents, who have tried to question the legality of cutting, felling and pruning of trees and also sought details of approvals and environmental impact. Protection of people (including their honour and prestige) who work towards protection of environment is an inherent past of protection and conservation of trees and environment. Applicant No. 3, while being part of the managing committee of Respondent No. 18 in 2016 had undertaken 1st tree census in Vasant Vihar with active involvement of children/ residents of Vasant Vihar and now people who worked towards environment protection in 2016 and conducting the tree census are being called names by Respondent Nos. 12 to 17 (including through their friends/ supporters/ followers) and it is being spread that they are acting against the interests of Vasant Vihar. If Respondent Nos. 12 to 17 are not stopped from undertaking recklessly, improper and unauthorised pruning of trees, the impact on almost 7000 trees will be irreversible and it may take years for the damage to be undone and no one would know how many trees would fall with each storm/ monsoons and none of the Respondents will take responsibility towards the same.

XXI. It is pertinent to mention that an illegal act of pruning is still continuing in Vasant Vihar and thus it is just and necessary that this Hon'ble Tribunal may intervene and punish the guilty for causing environmental pollution. Photographs evidencing that pruning is continuing in Vasant Vihar are annexed herewith as **Annexure-12**.

GROUNDS

The instant Application is being filed on the following grounds amongst other which the Applicants may take up at the time of hearing:

A. **BECAUSE** the instant Application is being preferred under Section 14 and 15 of the NGT Act raising substantial questions relating to Environment and inaction by the Respondent Nos. 1-9 which has led to actions against the public interest;

B. **BECAUSE** as per the DPT Act, the term "felling" is defined in an inclusive way to include "*...cutting...in any other manner*." Further, Section 8 of the DPT Act, unambiguously states "*...no person shall fell or remove or dispose of any tree or forest produce in any land,*

whether in his ownership or occupancy or otherwise, ***except with the previous permission of the tree officer***.";

C. **BECAUSE** as per decisions and judgments/ orders of Hon'ble NGT, across its different benches, the unified position and interpretation rendered to term "felling" has been that the term "felling" includes 'pruning'. In the case titled as ***Pradeep Indulkar v. Municipal Corporation for the city of Thane and others***; Hon'ble NGT (Western Zone), Bench, Pune (bearing Application No. 157 of 2016) held that "13…*term "trimming or punning" is nowhere defined in the said Act, but going by the Dictionary meaning 'trimming/ pruning' involves 'cutting' as can be seen from the relevant text from the Oxford Dictionary…* 14… *On summarising this definition, one can easily perceive that any act of damaging a tree amounts to felling of a tree. If trimming/ pruning of a tree is done without taking a decision as to what wanted or unwanted parts of a tree are and what would be good or bad for proper growth and/ or survival of the tree, it will do harm/ danger than good to the tree…"*;

D. **BECAUSE** as per the said Guidelines, it is mandatory to take prior permission for pruning from the concerned Deputy Conservator of Forest of the division under whose jurisdiction the relevant land is

situated and/ or from the Deputy Director, Department of Horticulture of the land owing agency. Relevant portion of the said Guidelines are extracted hereinbelow for ready reference:

"...

12. If Individuals/ General Public/ Society/ RWAs is desirous that any tree inside his house/ premise is posing problems to him or the public and needs to be felled or pruned/ back headed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per the merit of the case.

13. If the tree/ trees for which felling or pruning/ beck heading is required is standing on Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual and is posing problem to him, he has to apply for felling or pruning/ back heading of such tree on a simple piece of paper to the Deputy Director (Horti) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.

14. It should neither be applied directly to the concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti) as per the merit of the case."

E. **BECAUSE** in light of the above position in law (that is, DPT Act, Guidelines as well as orders of the Hon'ble NGT), it is clear and unambiguous that it shall be the duty of every *individual/ general public/ society/ resident welfare association* to apply to the relevant authority/ civic agency in requisite and prescribed manner. Consequently, an act/ deed of cutting, felling and pruning of Trees, without appropriate written approval, by any private person/ association etc. shall be in violation of applicable laws;

F. **BECAUSE** as per Section 9(2) of the DPT Act, once the request for cutting and/ or felling and/or pruning of tree is received by the concerned authority, the concerned tree officer may, after inspecting the tree and holding an enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing, refuse permission for pruning of trees. The sum and substance of section 9(2) of the DPT Act conveys the intention of the legislature to ensure that there will be prior enquiry and inspection for each request for cutting, felling, and pruning of tree(s) – which inspection and enquiry may or may not result in permission in full or part permission for cutting, felling, and pruning of trees;

G. **BECAUSE** it is mandatory in terms of the DPT Act and the said Guidelines that the cutting, felling, and pruning shall be carried out under the supervision of the competent official of the concerned horticulture department as the pruning should not result in death of a tree. It is also an admitted position that wood/ lops/ tops arising out of the cutting, felling, and pruning cannot be removed by any private individual/ resident welfare association and the land owning agencies shall ensure that wood/ lops/ tops arising out of the said cutting, felling, and pruning would find its way to the MCD crematoria for the public interest or as per the policy of the land owning agency;

H. **BECAUSE** it is also settled law that an informed decision from the concerned authority is required before pruning of trees, in order to contemplate the extent to which a concerned tree can be pruned without causing any damage to it as trees are essential ingredients of environment and play a key/pivotal role in keeping environment pollution free and protected from irreparable environmental changes like global warming, caused due to imbalance in environment. Keeping this in mind, the legislature has enacted the DPT Act. While cutting the trees, it is an obligation to take into consideration important aspects such as flowering of trees, age of trees, and time of

nesting of birds in order to keep delicate balance of nature undisturbed;

I. **BECAUSE** pruning of trees is being carried out by private contractor at the behest of Respondent Nos. 12-17 in complete defiance of the said Guidelines and in teeth of the DPT Act and the same is still continuing;

J. **BECAUSE** on 21.11.2022, the privately engaged contractor, as engaged by Respondent No. 18 at the behest of Respondent Nos. 12-17, arrived at Vasant Vihar and started pruning the trees without taking prior permission from the concerned authorities;

K. **BECAUSE** there has been gross negligence on the part of the Respondent Nos. 1-9 by overlooking the illegal pruning of trees which cannot be allowed;

L. **BECAUSE** the Respondent Nos. 1-9 failed to take necessary action even when letters (dated 21.11.2022 and 28.11.2022) were specifically written by Applicants and the illegal act of pruning of trees was brought to their notice;

M. **BECAUSE** the Respondent No. 7 ought not to have given permission (assuming any permission was granted) for carrying out cutting, felling, and pruning of trees without following the due procedure as laid down by the said DPT Act and the said Guidelines;

N. **BECAUSE** Respondent No. 8 ought not to have stated/ ordered (if actually stated/ ordered) that pruning is not covered by any model code of conduct;

O. **BECAUSE** the Respondent Nos. 1-9, being the regulator/ authority, ought to have taken necessary steps to stop Respondent No. 12-17 from causing damage to the environment;

P. **BECAUSE** the Respondent Nos. 1-9 ought to have visited the Vasant Vihar to check whether any illegal activity (pruning of trees without permission) is/ was being carried out or not and further action in this regard was required or not;

Q. **BECAUSE** trees are inalienable components of environment and contribute generously to the environment in order to maintain ambient air quality and provide shelter to living creatures. Therefore, pruning of trees without taking all the scientific measures in mind by the Respondent No. 18 at the behest of Respondent Nos. 12-17 has caused

an irreparable damage to the environment. Further, pruning without taking all scientific measures may lead to felling of a tree during monsoon which can be dangerous for both private person and public property;

R. **BECAUSE** the DPT Act has been enacted to make better provisions for trees, by regulating pruning of trees and providing for plantation of adequate number of trees and also enforcing the concerned authority to follow the measures as specified in the DPT Act;

S. **BECAUSE** the public streets vest with the concerned municipal corporation and thus, it is the duty of the said authorities to keep a check that no person can cause any damage to the environment for its personal gain;

T. **BECAUSE** the DPT Act clearly comprehends that no person shall be immune from consequences of causing environment pollution.

LIMITATION

That the present Application is being filed within the period of limitation as given under Section 14 of the National Green Tribunal Act, 2010. It is submitted that the Applicants had sent letters dated 28.10.2022;

21.11.2022 and 28.11.2022 raising the issue of violation of the DPT Act on 21.11.2022. Further, the illegal act of pruning started on 21.11.2022 and the same is still continuing without prior permission.

JURISDICTION

That this Hon'ble Tribunal has jurisdiction to try and decide the present Application.

PRAYER FOR INTERIM REILEF

In view of the aforesaid facts and circumstances it is most respectfully prayed that in the interim:

A. Direct the Respondent Nos. 1-6 and 9 to investigate and report on illegal act of cutting, felling, and pruning of trees being committed at the behest of Respondent Nos. 12-17 (managing committee members of Respondent No. 18) and for cutting/felling of trees on 30.09.2022 (and if any more on later dates); AND

B. Direct Respondent Nos. 2-6 and/ or the concerned authority/ land owing agency/ civic body to undertake the pruning activity in Vasant Vihar with immediate effect; AND

C. Direct Respondent Nos. 2-6 and/ or the concerned authority/ land owing agency/ civic body to undertake pruning of trees in Vasant Vihar, on their own, on immediate basis and direct Respondent Nos. 12 to 17 from undertaking any further pruning/ cutting of trees.

PRAYER

In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased pass the following orders:

A. Direct the Respondent Nos. 1-6 to take appropriate remedial and penal action against Respondent Nos. 12-17 for illegal act of cutting/ felling/ pruning of trees in Vasant Vihar in accordance with the applicable laws;

B. Direct the Respondent Nos. 1-6 to take appropriate remedial and penal action against Respondent Nos. 7-8 for giving permission to

cut/ fell/ prune the trees to Respondent Nos. 12-18 beyond jurisdiction;

C. Prohibit Respondent Nos. 12-17 from further cutting, felling, and pruning of trees in Vasant Vihar in future without any prior written approval of the concerned authority;

D. Direct the Respondent Nos. 10 and 11 to take action/ launch a probe with immediate effect against the Respondent Nos. 12-17 (being managing committee members of Respondent No. 18) involved in the illegal act of pruning of trees;

E. Impose environmental compensation on the Respondent Nos. 12-17 for violating the provision of DPT Act, the said Guidelines and causing environment damage;

F. Direct the Respondent Nos. 12-17 to pay the aforesaid environmental compensation (as prayed in prayer 'E') from their personal funds/ income and NOT from the account of Respondent No. 18; and

G. Pass such other further order(s) as this Hon'ble Court may deem fit to pass in the facts and circumstances of the case and in the interest of justice.

APPLICANT NO. 1

APPLICANT NO. 2

APPLICANT NO. 3

THROUGH

ANU MONGA
ANANTLAW
ADVOCATE FOR THE APPLICANT
SOLICITORS AND ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI- 110049
MOBILE: (+91) 9811264474
EMAIL: ANU.MONGA@ANANTLAW.COM

VERIFICATION

APPLICANT NO. 1

I, Prof. Dr. Sanjeev bagai, aged about 57 years S/o Late Mr. M.K. Bagai, R/o 43, Poorvi Marg, Vasant Vihar, New Delhi–110057 do hereby verify that the contents of paras I to XXI are true to my personal knowledge and paras A to T believed to be true on legal advice and that I have not suppressed any material fact.

APPLICANT NO. 2

I, Rajit Kumar, aged about 70 years, S/o Late B.D. Kumar, R/o A-10/7, Vasant Vihar, New Delhi–110057 do hereby verify that the contents of paras I to XXI are true to my personal knowledge and paras A to T believed to be true on legal advice and that I have not suppressed any material fact.

APPLICANT NO. 3

I, Vivek Tandon, aged about 59 years, S/o Lt. O.C. Tandon, R/o E-9/9, Vasant Vihar, New Delhi–110057 do hereby verify that the contents of paras I to XXI are true to my personal knowledge and paras A to T believed to be true on legal advice and that I have not suppressed any material fact.

DATE: 12.12.2022
PLACE New Delhi

APPLICANT NO. 1

APPLICANT NO. 2

APPLICANT NO 3

NOTARY R.V. SINGH Advocate Regn.No.2262 Commission Expire on 24-10-2027 New Delhi GOVT. OF INDIA

I identify the deponent/executant who has signed in my presence

Solemnly affirmed before me, who is over & explained to the deponent

Notary Public, DELHI

12 DEC 2022

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(Under Section 14 and 15 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. _____ OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS ...APPLICANTS

Versus

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI,
THROUGH ITS PRINCIPAL SECRETARY,
(ENVIRONMENT & FOREST) & ORS ...RESPONDENTS

AFFIDAVIT

I, Prof. Dr. Sanjeev Bagai, S/o Late. Mr. M.K. Bagai, having its residence at 43, Poorvi Marg, Vasant Vihar, New Delhi- 110057 do solemnly state and affirm as under:

1. That I am a citizen of the country and the Applicant in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

NOTARY R.V. SINGH Advocate Regn.No.22/82 Commission Expires on 24-10-2027 Avak-Delhi GOVT. OF INDIA

DEPONENT

VERIFICATION

Verified at New Delhi on this __ day of 12 DEC 2022 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

I identify the deponent/executant who has signed in my presence

NOTARY P.V. SINGH Advocate Regd. No. 2282 Delhi Bar Council Chamber No. 2 Patiala House Courts COURT OF INDIA

Solemnly affirmed before me. read over & explained to the deponent.

Notary Public, DELHI

12 DEC 2022

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(Under Section 14 and 15 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. _____ OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS ...APPLICANTS

Versus

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI,
THROUGH ITS PRINCIPAL SECRETARY,
(ENVIRONMENT & FOREST) & ORS ...RESPONDENTS

AFFIDAVIT

I, Rajit Kumar, aged about 70 years, S/o Late B.D. Kumar, R/o A-10/7, Vasant Vihar, New Delhi–110057do solemnly state and affirm as under:

1. That I am a citizen of the country and the Applicant No. 2 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

Rajit Kumar
DEPONENT

NOTARY R.V. SINGH Advocate Regn.No.2362 Commission Expire on 24-10-2027 Area-Delhi GOVT. OF INDIA

VERIFICATION

Verified at New Delhi on this 12 DEC 2022 day of _____, 2022 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

Rajit Kumar
DEPONENT

I identify the deponent(s) who has signed in my presence

NOTARY
R.V. SINGH
Advocate
Regn. No. 23892
Commission
Expire on
25 JAN 2027
Tis House
GOVT. OF INDIA

Solemnly affirmed before me, read over & explained to the deponent

Notary Public, DELHI

12 DEC 2022

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(Under Section 14 and 15 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. _____ OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS ...APPLICANTS

Versus

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI,
THROUGH ITS PRINCIPAL SECRETARY,
(ENVIRONMENT & FOREST) & ORS ...RESPONDENTS

AFFIDAVIT

I, Vivek Tandon, aged about 59 years, S/o Lt. O. C. Tandon R/o E-9/9, Vasant Vihar, New Delhi-110057 do solemnly state and affirm as under:

1. That I am a citizen of the country and the Applicant No. 3 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

DEPONENT

NOTARY R.N. SINGH Regd. No. 2262 Commission Expires on 24.10.2022 New Delhi GOVT. OF INDIA

VERIFICATION

Verified at New Delhi on this 12 DEC 2022 day of _____, 2022 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

I (identify the deponent) who has signed in my presence.

NOTARY R.V. SINGH Advocate Regn. No. 3.2282 Commission Expires on 24-10-2027 GOVT. OF INDIA

solemnly affirmed before me, read over & explained to the deponent.

Notary Public, DELHI

12 DEC 2022

BEFORE THE NATIONAL GREEN TRIBUNAL

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DEPARTMENT OF ENVIRONMENT, GNCTD & ORS. ...RESPONDENTS

CERTIFICATE IN TERMS OF SECTION 65-B OF THE INDIAN EVIDENCE ACT, 1872.

This is to certify that We, the Applicants in the instant application hereby identify that:

1. The screenshots of the WhatsApp chats of Groups, "E-BLOCK RWA MEMBERS" and "VV Divas" were taken by us from our mobile phone and thereafter downloaded by us on our computer on 08.11.2022; and
2. Screenshots of Whatsapp Messages, and screenshots of websites have been downloaded by us on our computer.



The said Whatsapp messages and website screenshots and have been printed by us from the printer being Model viz. HP Laserjet Pro M202dw.

The Computer/Phone/Printer used at the relevant time was used regularly to store or process information for the purposes of activities conducted by us regularly carried on over that period and on which we have complete control and supervision.

The said electronic record had been recorded/stored in the Computer and which is under our supervision and control.

This certificate is being issued by us in terms of Section 65-B of the Indian Evidence Act, 1872.

Certified by us,

Date: 12.12.2022

Applicant No. 1

Applicant No. 2

Applicant No. 3

I identify the deponent/executant who has signed in my presence

NOTARY GOVT. OF INDIA

Solemnly affirmed before me, read over & explained to the deponent.

Notary Public, DELHI

12 DEC 2022

BEFORE THE NATIONAL GREEN TRIBUNAL
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DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI,
THROUGH ITS PRINCIPAL SECRETARY,
(ENVIRONMENT & FOREST) & ORS. ...RESPONDENTS

VAKALATNAMA

ANANT LAW
Solicitors & Advocates
B-82, LGF, Gulmohar Park, New Delhi 110049
Email: anu.monga@anantlaw.com;
Mob.9811264474 (Anu Monga)
(Anu Monga) (Enrolment No. D/1456/2006)

KNOW ALL to whom these presents shall come that We, the Applicants in the present case do hereby appoint, **Ms. Anu Monga, Mr. Shobhit Sharma, Mr. Paritosh Dhawan and Mr. Shubham Khanna (Advocates)**, AnantLaw Solicitors & Advocates, B-82, LGF, Gulmohar Park, New Delhi 110049 Mobile: 9811264474 Email: anu.monga@anantlaw.com, shobhit.sharma@anantlaw.com (hereinafter called the Advocates) to be my Advocates in the above noted case and authorize him/them:-

1. To act, appear plead in the above noted case in before this Hon'ble Tribunal, at New Delhi in which the same may be tried or heard.
2. To sign, file verify and present petition, submissions, pleadings, reply to notices, replications, objections or petitions for executions, review, revision, restorations or other petition, replies, objections or affidavits or other documents as maybe deemed necessary or proper for the prosecution of the said case in all its stages.
3. To file and take back documents.
4. To do all other acts and things which may be necessary to be done for the progress and in the course of this case and hearing of the case.
5. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the attorney on my behalf.

And I/We the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.
And I/We undertake that I/We or my/our duly authorised agent would appear in this Hon'ble Tribunal, at New Delhi in all proceedings inter-alia hearings.
And that this Vakalatnama supersedes (any) previously filed Vakalatnama in this matter.
And I/We the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate would be entitled to the same. The fee settled is only for the above case in this Hon'ble Tribunal, at New Delhi.
IN WITNESS WHEREOF I/We do hereunto set my/our hand to those presents the contents of which have been understood by me/us this 12 day of December 2022.

Signature.....
Name ANU MONGA
Advocate
Enrolment No D/1456/2006

ANANT LAW

Signature:.....
Name:
Client
Signature identified by

Signature
Name.....
Advocate

D/2585/19

KAR/2652/2021.

BEFORE THE NATIONAL GREEN TRIBUNAL
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I N D E X

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	ANNEXURE A-2 Copy of complaint dated 28.10.2022 by Applicant No. 1 with various authorities/ departments, stating that the trees have been cut/ felled without prior permission of the concerned department.	60 - 64
	ANNEXURE A-3 Copy of communication from Respondent No. 14, stating that there are around 7000 trees in Vasant Vihar and pruning will commence.	65 - 67
	ANNEXURE A-4 Copy of letter dated 20.11.2022, seeking details of approvals (from relevant authorities) with respect to cutting and/ or pruning of trees from Respondent No. 12 to 17	68 - 70
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	Copy of RTI application filed by one of the Residents of Vasant Vihar with South Delhi Municipal Corporation (SDMC) seeking the information regarding permission granted to Respondent no. 18 for pruning.	
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	ANNEXURE A-7 Copy of letter dated 21.11.2022 sent by managing committee of Respondent no. 18 to Respondent No. 7 seeking permission to prune the trees.	78
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	ANNEXURE A-10 Copy of the letter dated 28.11.2022 sent by the Applicants to Respondents Nos. 2, 4 and 8 seeking information with regard to any approval given by them to Respondent No. 1.	82 - 108
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Filed by



ANU MONGA
ADVOCATE FOR THE APPLICANTS
ANANTLAW
SOLICITORS & ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI – 110049
MOBILE – 9811264474
EMAIL- anu.monga@anantlaw.com

DEPARTMENT OF FORESTS & WILDLIFE
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P. ESATTE, NEW DELHI-110002

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated : 01/10/19

GUIDELINES
FOR PRUNING OF TREES
UNDER DELHI PRESERVATION OF TREES ACT, 1994

1. The Delhi Preservation of Trees Act, 1994 was enacted to safeguard the forest area in and around NCT of Delhi and to provide for preservation of trees. The Department of Forests & Wildlife, GNCTD has regulatory control for implementation of DPTA 1994 which prohibits felling or pruning/ head backing of trees.
2. The Sec.2 (h) of DPTA, 1994 states that "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bulldozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner as factors causing the death of a tree. Thus it would be apparent that its implied meaning does not appear to carry any implicit connotation that pruning of trees which do not cause damage or death of a tree could be termed as a Tree Offence.
3. In the light of above, general guidelines for pruning of trees are prescribed for adherence by all concerned, so that the trees grown with great care and precision over a period of several years are not pruned recklessly leading to their untimely death (which is an offence under Section 8 of DPTA, 1994) or result in reduction of green cover of Delhi which is an essential strategy to combat pollution.
4. Pruning means cutting off or removing dead or living parts or branches of a tree to improve shape or growth. It is a horticultural and silvicultural practice involving selective removal of parts of a plant, such as branches, buds, or roots. Reasons to prune plants include deadwood removal, shaping by controlling or directing growth, improving or maintaining health, reducing risk from falling branches, preparing nursery specimens for transplanting, etc. However, the pruning cut should not be too large so as to damage the tree.

5. For the purpose of clarity and transparency to the meaning of light and heavy pruning, following would constitute as above:

Term	Branches of girth size	Permission required or not	Remarks
Regular Pruning/ General Tending	Upto 15.7 cm.	No	May be got done by Civic Agencies at regular intervals
Light Pruning	Greater than 15.7 cm but less than and equal to 40 cm.	Required	From concerned Tree Officer on submission of prescribed Form B and other documents as prescribed in DPTA, 1994.
Heavy Pruning	Greater than 40 cm	Required	

6. The forest department does not get the trees felled or pruned/ head backed directly but only accords permission for the same to the owner of land on which the concerned tree is standing after due inspection/ investigation.

7. The actual pruning of the concerned tree/ trees is got done by Deputy Director (Hort.) of the MCDs/ NDMC/DDA/ PWD/CPWD (whoever is the land owning agency) of the concerned area or by the property owner himself/ herself.

8. For obtaining permission for felling or pruning/ head backing of trees, guidelines are in place for information to all and ease of Public/ Govt. agencies towards achieving their desired objective which are available on the department website "www.forest.delhigovt.nic.in".

9. If **Individuals/ General Public/ Society /RWAs** is desirous that any tree inside his house/premises is posing problems to him or the public and needs to be felled or pruned/ head backed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per merit of the case.

10. If the tree/trees for which felling or pruning/ head backing is required is standing on **Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual** and is posing problem to him, he has to apply for felling or pruning/ head backing of such tree on a simple piece of paper to the Deputy Director (Horti.) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.

11. It should neither be applied directly to concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti), as per merit of the case.

12. If a tree is standing on **govt. land but leaning on private land/ building** and is considered dangerous and likely to cause damage to life and property, it should be informed immediately with photograph by the concerned aggrieved person. Permission is granted for its felling or pruning/ head backing within 48 hours of inspection, as per merit of the case. In case permission/ any intimation to the contrary is not received within this time, the person can go ahead and fell or prune/head back the dangerous/ leaning tree and intimate the concerned Tree Officer (DCF) within 24 hours of such felling or pruning/ head backing.

13. There are three (3) Deputy Conservator of Forests (DCFs) who are designated as Tree Officers to look after the cases of tree felling or pruning/ head backing and accord permissions for the same, after inspections, as per merit of the case. Their respective jurisdictions in Delhi are shown in table below.

S.N.	Name of the Division	Name of the Revenue Districts	Name of the Sub-division
1.	North Forest Division	North	Model Town, Narela & Alipur
		North West	Rohini, Kanjhawala & Sarawasti Vihar.
		West	Punjabi Bagh, Patel Nagar & Rajouri Garden.
		North East	Seelampur, Yamuna Vihar & Karawal Nagar.
		East	Gandhi Nagar, Preet Vihar & Mayur Vihar.
		Shahdara	Shahdara, Seemapuri & Vivek Vihar.
		Central	Civil lines
2.	West Forests Division	South West	Dwarka, Najafgarh & Kapashera
		New Delhi	Chankyapuri, Delhi Cantt. & Vasant Vihar
3.	South Forest Division	South	Saket, Hauz Khas, Mehrauli
		South East	Defence Colony, Kalkaji & Sarita Vihar
		Central	Kotwali & Karol Bagh.

14 Pruning/ pollarding/ burning/ lopping/ applying arboricides or damaging a tree in any other manner would be considered as tree offence when, as per ocular estimation of such damage, the Tree Officer, in all his wisdom, holds that such act is likely to lead to the death of the tree, in near future.

15 If a tree standing on any govt. land/ road side/ private land/ building is considered dangerous and likely to cause damage to life or property, or hindrance to traffic signals, it should be pruned immediately by the concerned Civic Agency and informed to concerned Tree Officer within 24 hours and for which no permission is required from Tree Officer.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated: 01/10/19

Copy to:

1. All DCFs for information
2. All DROs/ Forest Guards for information.
3. The Director (Hort) of all Civic Agencies viz. MCDs/ NDMC/ DDA/ PWD/ CPWD etc.
4. Notice Board
5. Programmer, Environment Department, GNCTD with a request to upload on the official web site of the Department.

Distribution:

1. Secretary to Hon'ble Minister (E&F), GNCTD for information.
2. PS to Principal Secretary (E&F), GNCTD for information.
3. PCCF/ HOD, GNCTD for information.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

FORM 'B'

(See sub-rule (1) of rule 4)

The Tree Officer,

.....

.....

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village ..... and District ..... I furnish below the following details in support of my application:-

i. Applicant's name and address (In block letters).

ii. Name and address of the owner of the property (if different from applicant).

iii. Title of the applicant i.e., whether owner/occupant of the property, etc.

iv. Name of the village and khasra number of property.

v. Total area of the property with description of the boundaries.

vi. Total number of trees (specieswise) whose trunk or body is not less than 5cm in diameter at a height of 30cms from the ground and whose height is not less than one metre from the ground.

vii. The exact area (in sq. metres) from which felling of trees for which permit is sought (description of the boundaries).

viii. Total number of trees to be felled.

ix. Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details specieswise are.

Species	No.	Girth

x. Purpose for which the felling of trees are intended.

xi. Intended use of felled trees (e.g.) for sale, for domestic use, etc.

xii. Intended use of land after felling of trees.

xiii. Number and species of trees intended to be planted after felling (give details of arrangement for raising, planting and protecting trees).

xiv. Name /s and address/es of the owners/occupants adjoining property/ies.

2. I am enclosing an affidavit and below mentioned papers in support of my application.

DECLARATION

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place: .....
Date: .....

Applicant's Signature

Attested copies of:-

i. Property/occupancy documents.
ii. Plan of the property showing the khasra number.
iii. Enumeration list (duly signed by the applicant).
iv. Boundary list (duly signed by the applicant).
v. Latest jamabandi of land record issued by the Tehsildar.
vi. "No Objection Certificate" from the concerned local body (e.g.) MCD/N.D.M.C.
vii. "No Objection Certificate" from adjoining property owners.

(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)

I, ... aged.....years, resident of ..... (locality) village ....., wife/son/daughter of ..... do hereby solemnly affirm and declare as under:-

1. That I am the legal owner/occupant of the private property known as ..... situated at ..... village ..... bearing khasra number..... of ..... boundaries of which are as follows:-

East:
West:
North:
South:

2. That I have applied to the Tree Officer ..... for permission to fell ..... trees form the aforesaid property. All the trees have been numbered with paint.
3. That there is no other owner/occupant of this property of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation, if any, that may arise at any time in future regarding the ownership/ occupancy of the said future regarding the ownership/occupancy of the said property or the forest produce from the said property.

Deponent

Verification

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that nothing material has been concealed or omitted there from.

Verified at ..... this the ..... day of..... 20 .....

Deponent

(Source: The Delhi Preservation of Trees Rules, 1996)

Re: Illegal cutting/ felling of trees (around 10-15) on public land next to 25 Palam Marg, Vasant Vihar, New Delhi on 30 September 2022

From: Sanjeev Bagai (sanjeevbagai@yahoo.com)

To: adrahul@yahoo.com

Cc: lggc.delhi@mic.in; cmdelhi@nic.in; msisodia.delhi@delhi.gov.in; special.officer@mcd.nic.in; commissioner@mcd.nic.in; mangal.singh@mcd.nic.in; cp.sanjayarora@delhipolice.gov.in; dcp.sw@delhipolice.gov.in; pccf-gnctd@delhi.gov.in; senv@nic.in

Date: Monday, October 31, 2022 at 07:31 AM GMT+5:30

Dear Sirs
The trail mail has distressing details of blatant violations of all government norms & the basic rights to protect trees.
The occupants of the said premises in complete knowledge & connivance with the vasant Vihar association & it's management committee is indulging in illegal & prohibited activities o felling.
Im a resident of this colony for over 32 years & feel hurt when citizens violate the guidelines of law & the courts.
We all must protect all greens & trees & infact plant more trees. But here these people are cutting trees & causing the environment great harm.
I request you to take strict action as required by law.
Regards.

Prof. Dr. Sanjeev Bagai.

Padma Shree Presidential Awardee.
Dr B. C. Roy Presidential Awardee.

Sr. Consultant Paediatrician and Neonatologist and Pead. Nephrologist.

MBBS(bom), DCH(bom), MD(paed),
MNAMS(paed), DNBE, MIPA(USA),
FSCH (Australia), FIMSA., PhD.hc.(USA).

Chairman Nephron clinics
Fellow of Prince of Wales Childrens Hospital & Prince Henry Hospitals, Sydney, Australia.
Doctorate in Paediatric Nephrology,National American University, Delaware, USA.
Gold medallist Bombay University.
Sir Dorab Tata Merit Scholar
Bombay University Merit Scholar.
DMA Vashisht Chikitsya Ratan Award of Excellence.
IMA distinguished Award of Excellence.
Life Time achievement Award IMA.
Life time Achievement Award NIER.
Oration Awards -DMA , IMA.
IMA excellence Award.
DMA distinguished services Award.
Times Award for Medical Achievement.
Global Top 100 Innovator Award.
IAP Research Award.
Human Care Mellinium Award.
Bharat Jyoti Award.
Vijay Shree Award
Sarla Vaishnav Research Award IAP 1995
Dr. P. N. Taneja Research Award IAP 2019
Medical Ratan Award DMA 2019
Distinguished Hall of Fame ABI
Global Leaders Award
International Leadership Award
Lifetime Achievement Award Global Health Summit
World Health Congress Innovation Award.
Visiting professor to universities of UTMC , USA & CHU SJ , Canada.

Contacts -
43 Poorvi Marg , Vasant Vihar.
New Delhi 57; India .
Clinic - 011 26142943 , 011 26142704.
Cell - 9810001902 , 7042908880.
Email - sanjeevbagai@yahoo.com
Baggysanjeev@gmail.com

On 29-Oct-2022, at 7:00 PM, Rahul Goel <adrahul@yahoo.com> wrote:

The Hon'ble Lieutenant Governor of Delhi
6, Raj Niwas Marg,
Civil Lines
New Delhi

The Hon'ble Chief Minister of Delhi

The Hon'ble Deputy Chief Minister of Delhi

Principal Chief Conservator of Forests
Department of Forests and Wildlife
Government of Delhi
Vikas Bhawan, 2nd Floor, A Block,
IP Estate, New Delhi, Delhi 110002

The Commissioner of Police/ DCP South West

Delhi Police
Police Headquarters
Jaising Road
New Delhi 110001

The Commissioner
Municipal Corporation of Delhi
SP Mukherjee Civic Center
JLN Marg
Delhi

Subject: Illegal cutting/ felling of trees (around 10-15) on public land next to 25 Palam Marg, Vasant Vihar d 30 September 2022

Respected Sirs,

1. As you are aware, Vasant Vihar is among the most prominent colonies of Delhi. As residents of Vasant Vihar, we take g pride in stating that several prominent academicians, economists, lawyers, doctors, industrialists, politicians, retired off from the Indian Armed Forces and bureaucrats have chosen Vasant Vihar to be their home. We actively work towards pla trees and taking care of the trees in our colony. In 2015-16, we also conducted a detailed census of trees in Vasant Viha as to initiate action for replacement/ protection of ageing/ dying trees.

2. Today, I write to you with deep pain and anguish that several trees (aged more than 20 years) were cut in the eve (around 6 pm) of 30 September 2022 – without any valid reason or sanction/ permission. The trees were on the public parcel, adjacent to 25 Palam Marg, Vasant Vihar (New Delhi) and next to the MCD's Horticulture Department's local office. rather alarming that between 10-15 trees were cut and even after more than two weeks no action has been initiated ag the perpetrators. The said parcel belongs to MCD; however appears to be under illegal control of some residents of Va Vihar (and is fully barricaded from all sides - and having a private entrance). Few images are attached for your r reference.

3. It appears that the managing committees of (Vasant Vihar) Central Government Cooperative House Building Society Vasant Vihar Welfare Association were aware of the same and yet they chose not to highlight the said illegal action – v under the applicable laws is prohibited.

4. It is also believed that the said trees were cut under instructions of occupants/ owners of 25, Palam M Vasant Vihar and in connivance with (full knowledge and consent of) the Managing Committee of the Va Vihar Welfare Association.

5. We understand that illegal felling/ cutting trees is a criminal offence under several legislations including the Prevention of Trees Act (1994), Indian Forest Act (1927), Indian Penal Code (1860). In several cases the Hon'ble Apex C Hon'ble High Court of Delhi and Hon'ble National Green Tribunal have directed the relevant authorities including the police to take immediate action under all applicable provisions of the law and have come down heavily on acts of il cutting of trees.

6. We are already grappling with the issue of air-pollution and such illegal acts cannot be left unpunished – irrespective stature / influence of the persons responsible. We are answerable to our children/ grand-children and future generations.

7. You are therefore most humbly requested to initiate an investigation/ enquiry into the same by lodgi formal complaint/ first information report; especially while taking complete control over the said public parcel.

Thanking you,
With best regards,

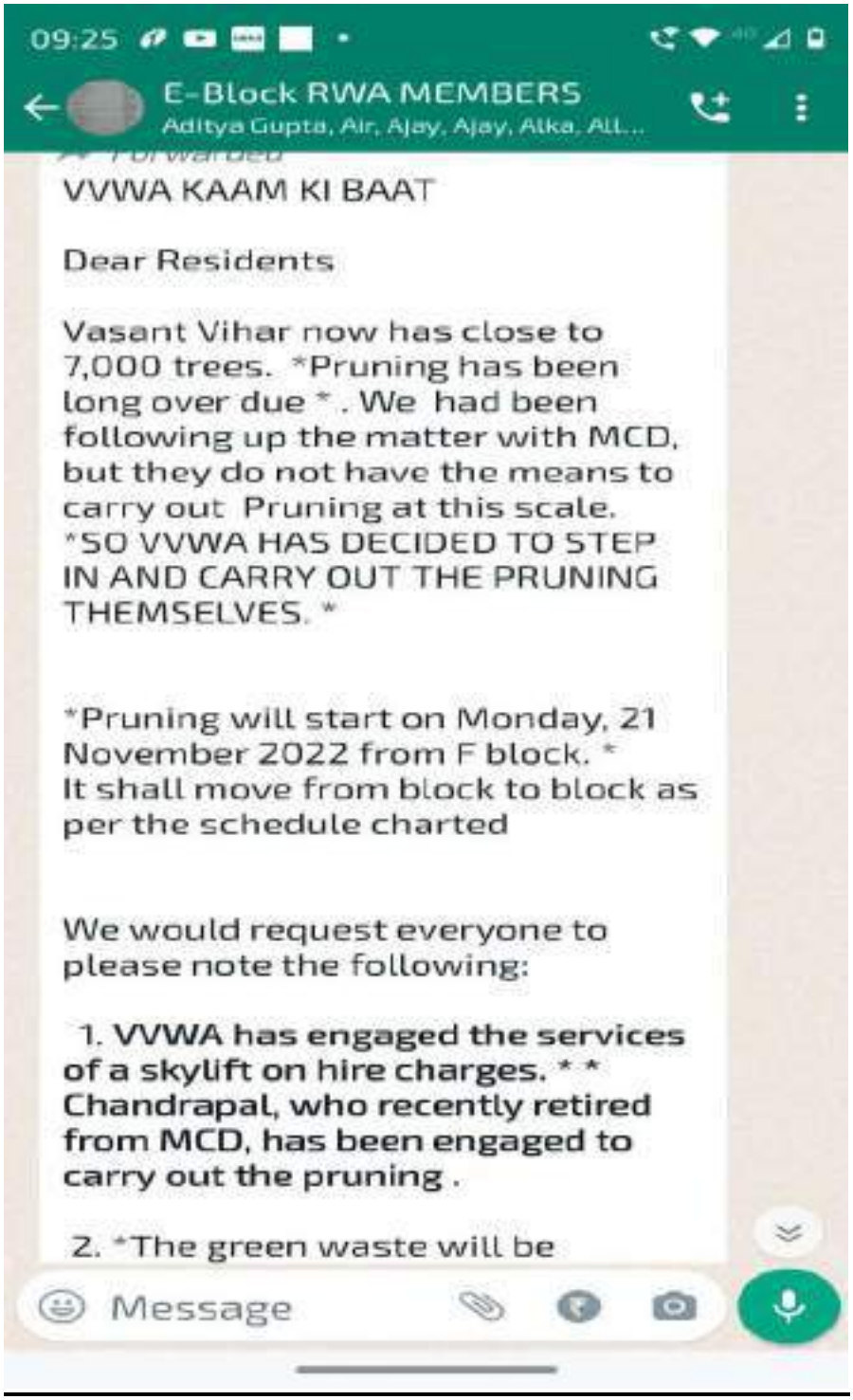
Rahul Goel
E-mail: adrahul@yahoo.com
Mobile: 9899027144
R/o A-6/18, GF, Vasant Vihar, New Delhi 110057

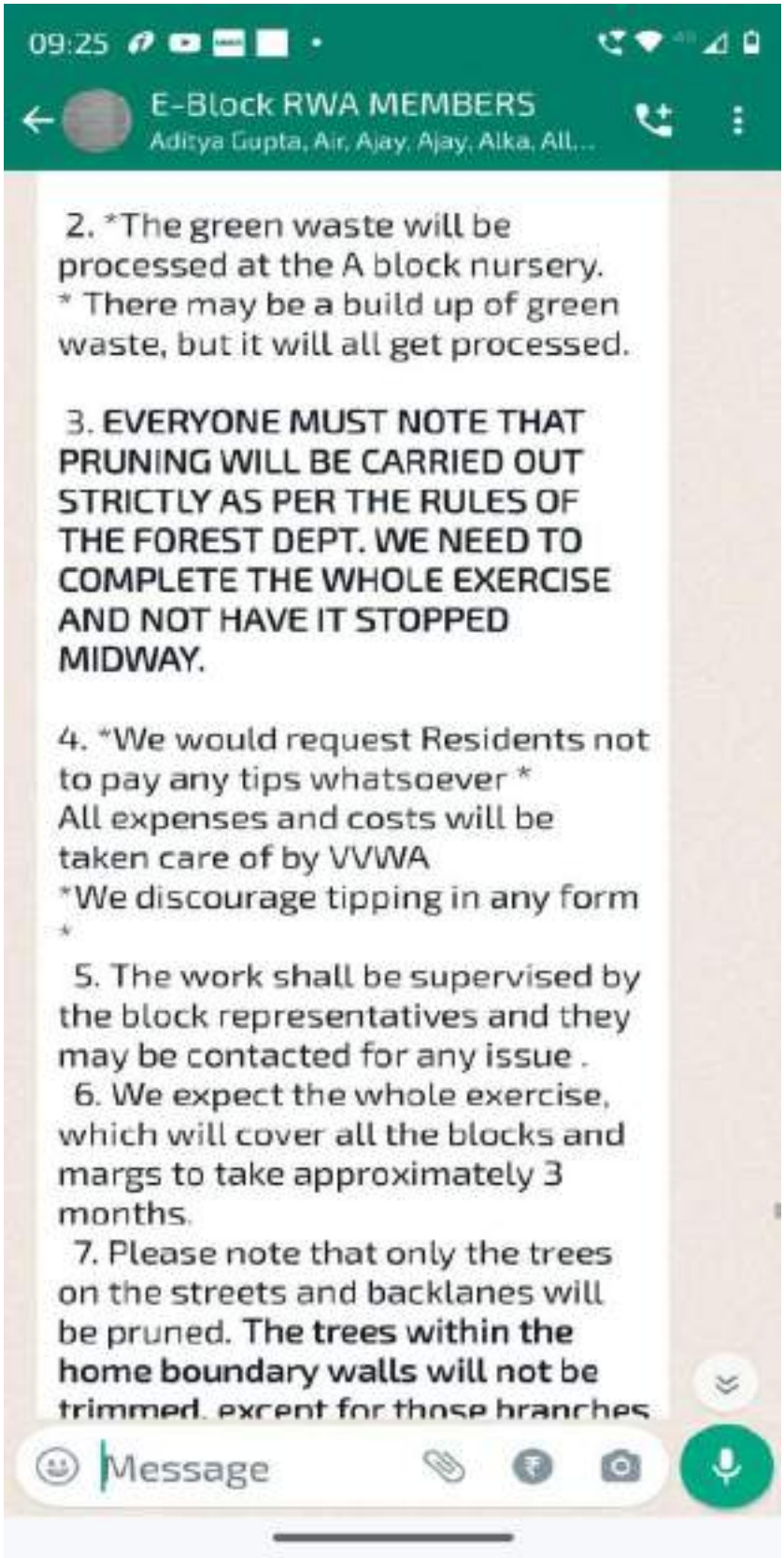






ANNEXURE A - 3


09:25
E-Block RWA MEMBERS
Aditya Gupta, Air, Ajay, Ajay, Alka, ALL...
VVWA KAAM KI BAAT
Dear Residents
Vasant Vihar now has close to 7,000 trees. *Pruning has been long over due * . We had been following up the matter with MCD, but they do not have the means to carry out Pruning at this scale. *SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES. *
*Pruning will start on Monday, 21 November 2022 from F block. * It shall move from block to block as per the schedule charted
We would request everyone to please note the following:
1. VVWA has engaged the services of a skylift on hire charges. * * Chandrapal, who recently retired from MCD, has been engaged to carry out the pruning .
2. *The green waste will be
Message


09:25
E-Block RWA MEMBERS
Aditya Gupta, Air, Ajay, Ajay, Alka, All...
2. *The green waste will be processed at the A block nursery.
* There may be a build up of green waste, but it will all get processed.
3. EVERYONE MUST NOTE THAT PRUNING WILL BE CARRIED OUT STRICTLY AS PER THE RULES OF THE FOREST DEPT. WE NEED TO COMPLETE THE WHOLE EXERCISE AND NOT HAVE IT STOPPED MIDWAY.
4. *We would request Residents not to pay any tips whatsoever *
All expenses and costs will be taken care of by VVWA
*We discourage tipping in any form *
5. The work shall be supervised by the block representatives and they may be contacted for any issue .
6. We expect the whole exercise, which will cover all the blocks and margs to take approximately 3 months.
7. Please note that only the trees on the streets and backlanes will be pruned. The trees within the home boundary walls will not be trimmed, except for those branches
Message


09:25
E-Block RWA MEMBERS
Aditya Gupta, Air, Ajay, Ajay, Alka, All...
MIDWAY.
4. *We would request Residents not to pay any tips whatsoever *
All expenses and costs will be taken care of by VVWA
*We discourage tipping in any form *
5. The work shall be supervised by the block representatives and they may be contacted for any issue .
6. We expect the whole exercise, which will cover all the blocks and margs to take approximately 3 months.
7. Please note that only the trees on the streets and backlanes will be pruned. The trees within the home boundary walls will not be trimmed, except for those branches which cover street lights.
8. The expenses on the whole exercise shall be met out of the money collected from the yearly Subscriptions
We Continue to Serve!
Team VVWA
Parul Gaur
Director Operations &
Spokesperson
18:36
Message

20.11.2022

The Managing Committee
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Mr. GS Bindra
The President,
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Mr. Sarvesh Dutt
The Treasurer
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Subject: Pruning and cutting of Trees in Vasant Vihar - 2022

1. I refer to the recent WhatsApp communication circulated by the Joint Secretary Ms. Parul Gaur regarding pruning of trees in Vasant Vihar, proposed to be undertaken by Vasant Vihar Welfare Association (Association).

2. The WhatsApp communication clearly mentions that the due to non-availability of resources and staff at Municipal Corporation of Delhi, the Association has decided to proceed with cutting and pruning of trees – at its own cost and expense. I have been made to believe that you have sanctioned a budget of Rs. 5 lacs for the same. Also, like previous years, the person/ contractor so appointed for the job is without any tendering process – rather a person who is believed to be close to certain Managing Committee members.

3. The money proposed to be spent on the cutting of trees and pruning is not from your personal fund. The money belongs to members of the Association and is public money. You have created a unique situation where all the activities – which are to be performed by the government/ municipal authorities – are now being undertaken and performed by you at our expense.

4. It is also a matter of concern that for such activity – if was perceived urgent – no tenders were floated and a (known) person has been appointed by the Managing Committee. It is well understood that these situations give rise to apprehension of diversion of funds, kick-backs and corruption by the sitting office bearers and the other members of the Managing Committee.

5. Further, it also exposes your incompetence, lack of skills and/ or lack of will to get the work executed by the designated authorities – to whom we have been paying huge taxes/ monies. It is a case of double penalty on us – wherein we pay taxes for certain services and then you coerce/ force residents to make payments to you.

6. Furthermore, it is still unclear whether you propose to seek compensation from the MCD for the said activity.

7. As a joint secretary of the Association for several years, it was our duty to get the MCD to cut/ prune the trees – as per regulations/ laws – so that none of our residents are exposed to any subsequent penal action. More importantly, all our residents had legitimate expectation from us to get the things executed and not start executing the work at their cost and expense.

8. It cannot be a wise argument to take that the authorities are not working therefore, we shall provide the service and utilize the funds collected by way of subscription. With this argument – We believe, you assume the role and mandate to provide all amenities and services – which the government and. or MCD is required to provide. Associations in a society like Vasant Vihar are required to get the work executed by the authorities/ MCD and not undertake such activities.

9. We are also concerned about the fact whether the pruning/ cutting of trees that you propose undertake (throughout Vasant Vihar) has been approved by the MCD. As you are already aware several trees were cut in Vasant Vihar and the concerned authorities/ Delhi Police is already investigating the same. It is also being rumored that you have approached few MCD officials to get the cutting/ pruning of trees from the funds available with Association. Concerns have also been raised by several other residents of Vasant Vihar.

10. We would request you to answer the following questions:

    a. What efforts were made by the Association to get MCD for cutting/ pruning of trees? Please provide copies of all communications sent to the MCD.
    b. What was the process and criteria adopted by you for selecting the vendor for cutting/ pruning of trees? Please provide all details including the name, details of the vendor.

c. What is the budget allocated for the same and monies to be paid to the vendors? Please provide a copy of the quotation and/ or proforma invoice.
d. Who shall be responsible and liable for any illegal cutting/ pruning of trees? Whether the Managing Committee of the Association will take liability for damage to the trees and/ or any subsequent action/ prosecution by Government authorities OR the vendor shall provide an indemnity/ undertaking to all the residents? None of us would like to bear the brunt of actions undertaken by you. We do not want this exercise to be undertaken to cover-up previous illegal cutting of trees.
e. Whether you have plans to recover the payments from MCD?
f. Whether you have plans to approach MCD for reduction in municipal taxes – for non-delivery of services – which are now being undertaken by the Association at a mass scale – in Vasant Vihar?

11. We would appreciate, if you would provide all the details/ information, within 12 hours (as all the data would be readily available) at least prior to making any payments to such vendor(s) and commencing pruning/ cutting of trees. You are requested to maintain status-quo/ stay on cutting/ pruning of trees. In the interest of transparency, the information/ details/ data should be provided over all registered email addresses and circulated over all WhatsApp groups (being used by the Association).

12. Considering the severity of the situation (raising apprehension of illegal cutting/ pruning of trees and possibility of diversion of funds), I am constrained to copy this email to the (i) Hon'ble Lieutenant Governor of Delhi; (ii) Central Vigilance Commission; (iii) Commissioner MCD; and (iv) Commissioner of Police – Delhi Police.

Rajiv Kumar RAJIT KUMAR A 10/7, Vasant Vih
Sanjeev Bajaj : 43, Pkt, V. Vihar.
VIVEK TANDON A 5/6 Vasant Vih

1. Hon'ble Lieutenant Governor of Delhi
2. Commissioner, Central Vigilance Commissioner
3. Commissioner, MCD
4. Commisioner , Delhi Police
5. Dy. Director Horticulture, South Zone MCD

ANNEXURE A - 5 370 361

RTI Online

An initiative by Govt. of NCT of Delhi

Your RTI Request filed successfully.

Please note down the following details for further references.

Registration Number	**SDLMC/R/2022/61783**
Name	**Rahul Goel**
Date of Filing	**21-11-2022**
RTI Fee Received	**₹ 10**
Online Reference Number	**232581811575**
Transaction Status	**SUCCESS**
Request filed with	**South Delhi Municipal Corporation**
Contact Details of Nodal Officer	
Telephone Number	01123225222
Email-ID	dchq-sdmc@nic.in

Save Print

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941 371 362

Online RTI Request Form Details

Public Authority Details :-

*Public Authority :	South Delhi Municipal Corporation

Personal Details of RTI Applicant:-

Registration Number	SDLMC/R/2022/61783
Date of Filing	21/11/2022
*Name	Rahul Goel
Gender	Male
*Address	B-82, Lower Ground Floor, , Gulmohar Park
Pincode	110049
Country	India
State	Delhi
Status	Urban
[redacted]	Literate
	Above Graduate
Phone Number	Details not provided
Mobile Number	+91-9899027144
Email-ID	adrahul[at]yahoo[dot]com

Request Details :-

Citizenship	Indian
* Is the Applicant Below Poverty Line ?	No

((Description of Information sought (upto 500 characters))

Description of Information Sought

Dear Sir,

Under Section 6(1) of the RTI Act, 2005, I seek certain information. The details regarding the information, are as follows:

[redacted]

1. Please provide details of permission, if any granted to the Vasant Vihar Welfare Association for pruning of trees in the year 2018, 2019, 2020, 2021 and 2022.

2. Please provide details/documents of application, if any filed by the Vasant Vihar Welfare Association for pruning of trees in the year 2018, 2019, 2020, 2021 and 2022.

3. Please provide details/documents, if any action has been initiated by the Deputy Director, Horticulture or any other concerned authority under the Preservation of Trees Act, 1994 for illegal pruning of trees in Delhi, NCT between the period of 2018-2022.

If the above requested/sought information is not available at your office, kindly forward my application to the concerned public authority, as per Section 6(3) of the RTI Act, 2005.

The requisite RTI application fee of Rs.10/- is remitted.

* Concerned PIO	Md. Razi Alam Khan, AC, South Zone
Supporting document *((only pdf upto 1 MB))*	Supporting document not provided

Print Close

English

RTI Online

An initiative by Govt. of NCT of Delhi

Home | Submit Request | Submit First Appeal | View Status | View History | RTI Previous Reply | FAQ | Contact Us | User Manual

Online RTI Status History Form

Note : Field marked with * are Mandatory

Data to be entered only in English

Registration Number	**SDLMC/R/2022/61783**
Name	**Rahul Goel**
Date of Filing	**22/11/2022**
Status	**REQUEST FORWARDED TO PIO** as on 22/11/2022
Details of PIO :- Telephone Number:- 7027832320, Email id:- asstteommaz@gmail.com	
Note :- You are advised to contact the above mentioned officer for further details.	
Nodal Officer Details	
Telephone Number	**01123843222**
Enter Email Id	**dcbq-edmc@nic.in**

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21.11.2022

The Dy. Director Horticulture
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

Sh. Gyanesh Bharti IAS
The Commissioner
Municipal Corporation of Delhi
DR. S.P.M. Civic Centre, Minto Road
New Delhi – 100002

Subject: Municipal Corporation of Delhi
Re.: Pruning and cutting of Trees in Vasant Vihar - 2022

Dear Sir,

1. We are residents of Vasant Vihar – Categoray 'A' locality in Delhi. Being a Category 'A' locality, our residents pay higher stamp duty and taxes to the Government including Municipal Corporation of Delhi (MCD). Also, our residents are among the highest tax payers in India.

2. After living in Vasant Vihar, we are now witnessing several unique problems/ situations – many of which are required to be dealt by MCD. We are writing to draw your attention to one of the recent communications that we have received from our residents welfare association – Vasant Vihar Welfare Association; wherein they have stated that MCD lacks means to prune around 7000 trees in Vasant Vihar. It has been conveyed that MCD will not be able to undertake pruning of trees in winters. This for the 3 consecutive years running – that our Vasant Vihar Welfare Association has conveyed inability/ incompetence of

MCD to undertake this work. The extract of the message sent by Vasant Vihar Welfare Association is given below:



3. As you may be aware, pruning of trees has to be done in a scientific manner – so that no long-term harm is caused to trees. The constitutional courts/ tribunals have passed several orders to this effect. Any improper pruning of trees may also lead to prosecution under the applicable laws.

4. We find it extremely difficult to believe that a municipal body like - MCD has conveyed its inability to undertake pruning of trees in Vasant Vihar. It is also understood that few retired and serving employees of MCD shall undertake pruning of trees – in their personal and private capacity; and a sum of around Rs. 500,000 (Rupees Five Lakhs) will be paid for the said work. The money shall be spent by the Vasant Vihar Welfare Association – which has been collected from members/ residents like us. If retired/ serving employees of MCD can undertake the said activity (on payment) then why not MCD?

5. We are also concerned with the issue that in an event the pruning of trees takes place without proper care; then who shall be responsible for any subsequent penal action. Would MCD take the responsibility towards the same? Also, if we are required to make payments for all such services – which is the duty of the MCD, will be get any rebates in payment of taxes in the next financial year or would MCD refund the costs towards such pruning/ cutting of trees?

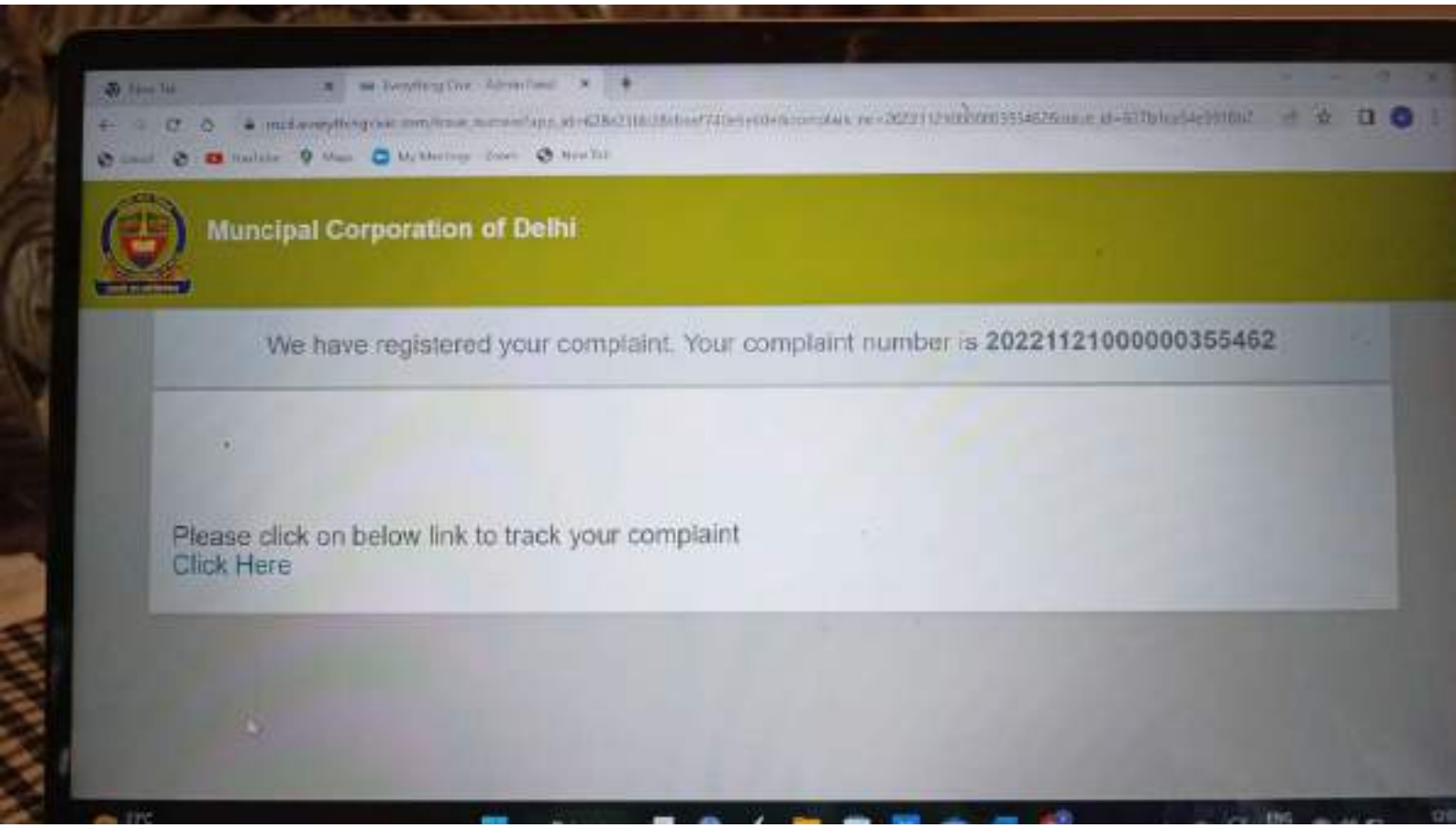
6. You are requested to look into this at priority and instruct your official to do the needful. The pruning of trees is likely to commence today. We look forward to your prompt action and intervention.

Life Members of the Association

Vivek Tandon Raj Kumar Prof. Dr. Sanjeev Bagai (President) & V.V.

Copy to:

Hon'ble Sh. Narendra Modi The Prime Minister of India Prime Minister Office, South Block, New Delhi 110011	Hon'ble Shri Vinai Kumar Saxena Lieutenant Governor of Delhi 6, Raj Niwas Marg, Ludlow Castle, Civil Lines, Delhi 110054	The Managing Committee Vasant Vihar Welfare Association Kalyan Kendra 9, Paschimi Marg New Delhi 110057


Muncipal Corporation of Delhi
We have registered your complaint. Your complaint number is 20221121000000355462
Please click on below link to track your complaint
Click Here

ANNEXURE A - 7

Annexure 'D'

VASANT VIHAR WELFARE ASSOCIATION (Regd.)
Kalyan Kendra, 9 Panchsheel Marg, Vasant Vihar, New Delhi 110 057
Tel: 2614 7400, 2614 8685, Email: ... @gmail.com

The Assistant Director (Horticulture),
Municipal Corporation of Delhi,
Green Park,
New Delhi 110 016

Dear Sir,

Greetings from Vasant Vihar Welfare Association (VVWA).

Vasant Vihar has close to 7000 trees. Everyday, we receive several requests from residents wanting their trees pruned. Everytime, it rains, a few trees fall down because of their heavy top and the trunks that cannot sustain the load. It is absolutely essential that trees are pruned every year, so that, we do not lose trees and also keep them alive and healthy. In view of this, it is essential to carry out pruning of all the trees. VVWA has always believed in working closely with MCD in a spirit of total cooperation, so that essential work is carried out. VVWA has decided to carry out this pruning. The matter has been discussed at various levels of MCD and there is no ambuguity on the issue that pruning needs to be carried out. More particularly we wish to request as as below :-

1. The pruning will be carried out strictly as per the rules of the forest department.
2. VVWA will engage a Skylift on hire which will remain for the entire programme of pruning.
3. VVWA is in the process of arranging a Trolley to handle the green waste . We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis.
4. The entire expenses for the exercise will be borne by VVWA.

In view of the above given the urgency of situation, we would request you to give us permission to carry this out.

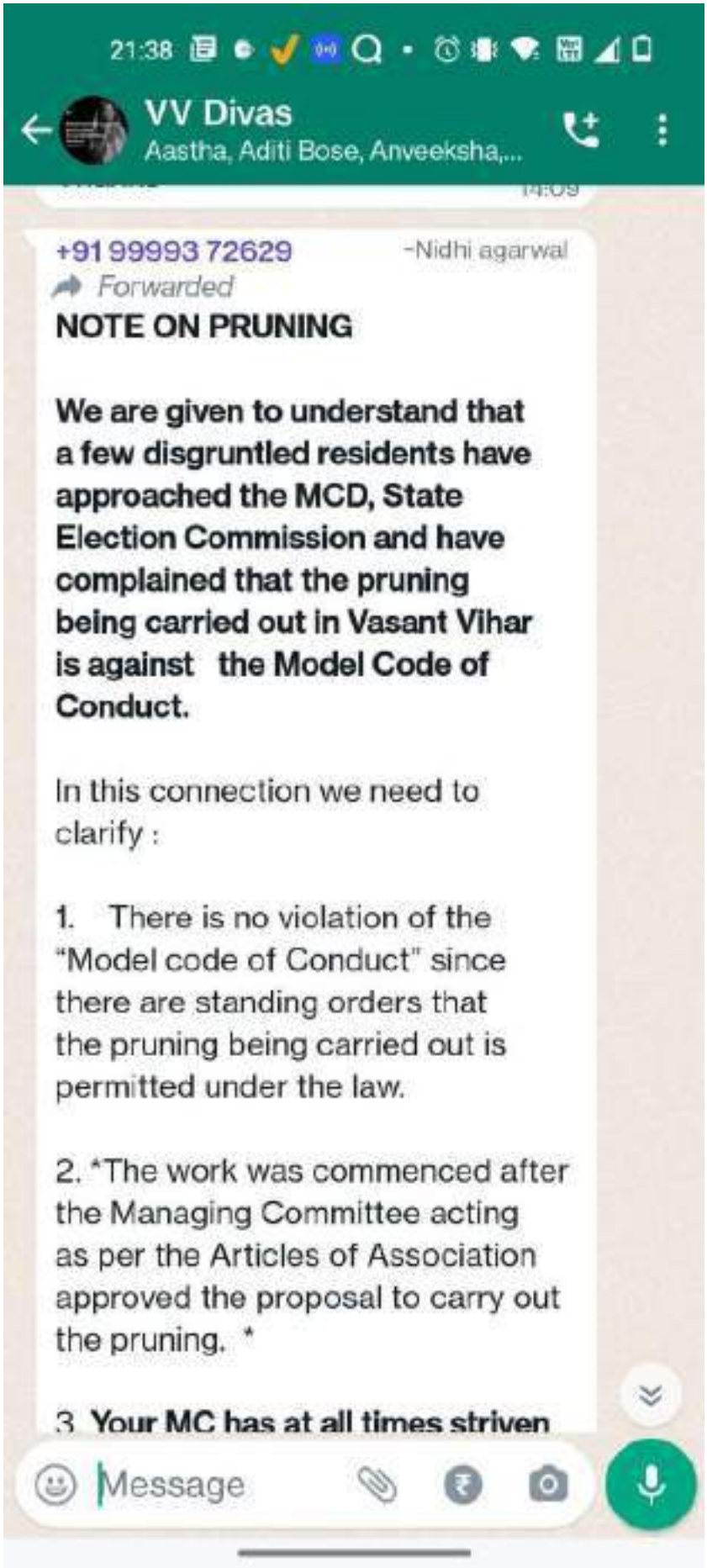
Thanking you,

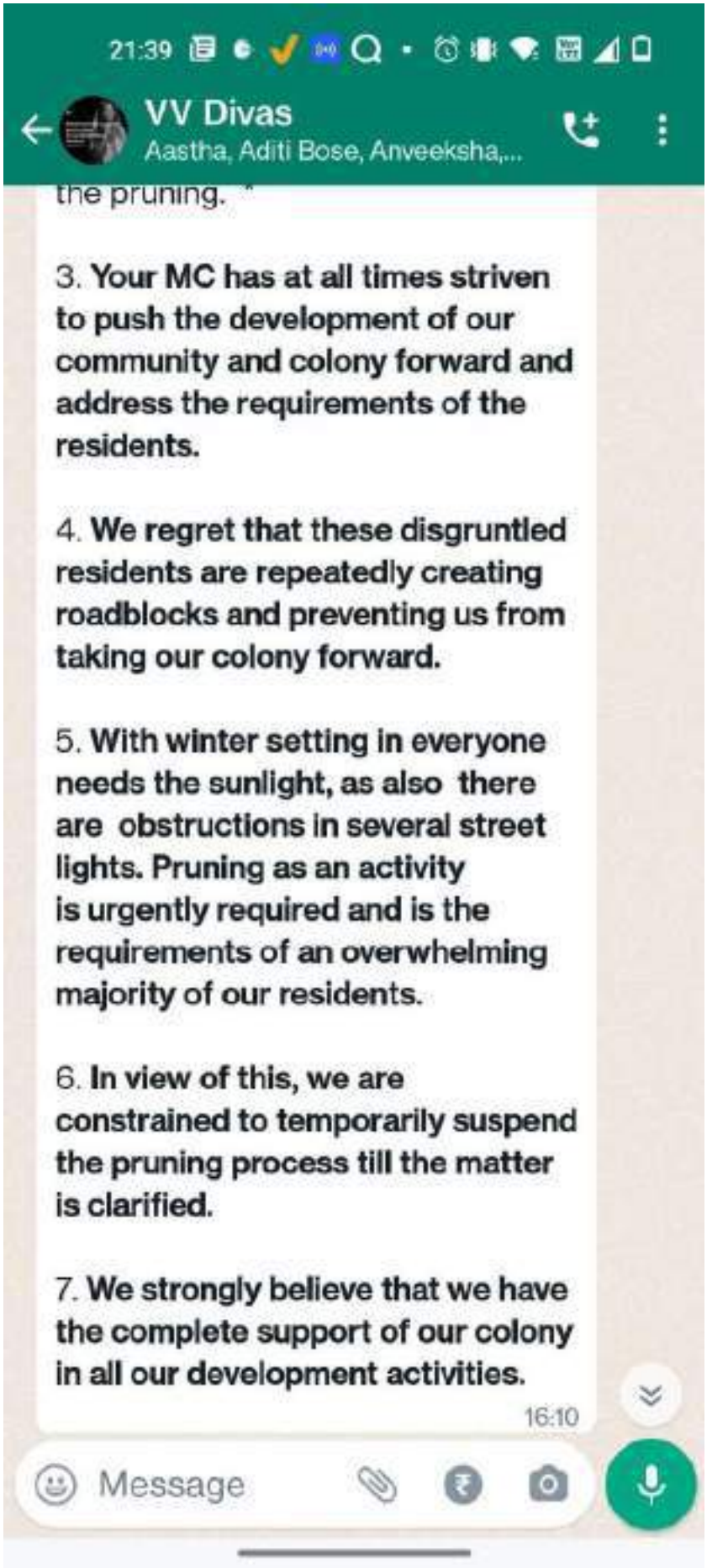
Yours sincerely,

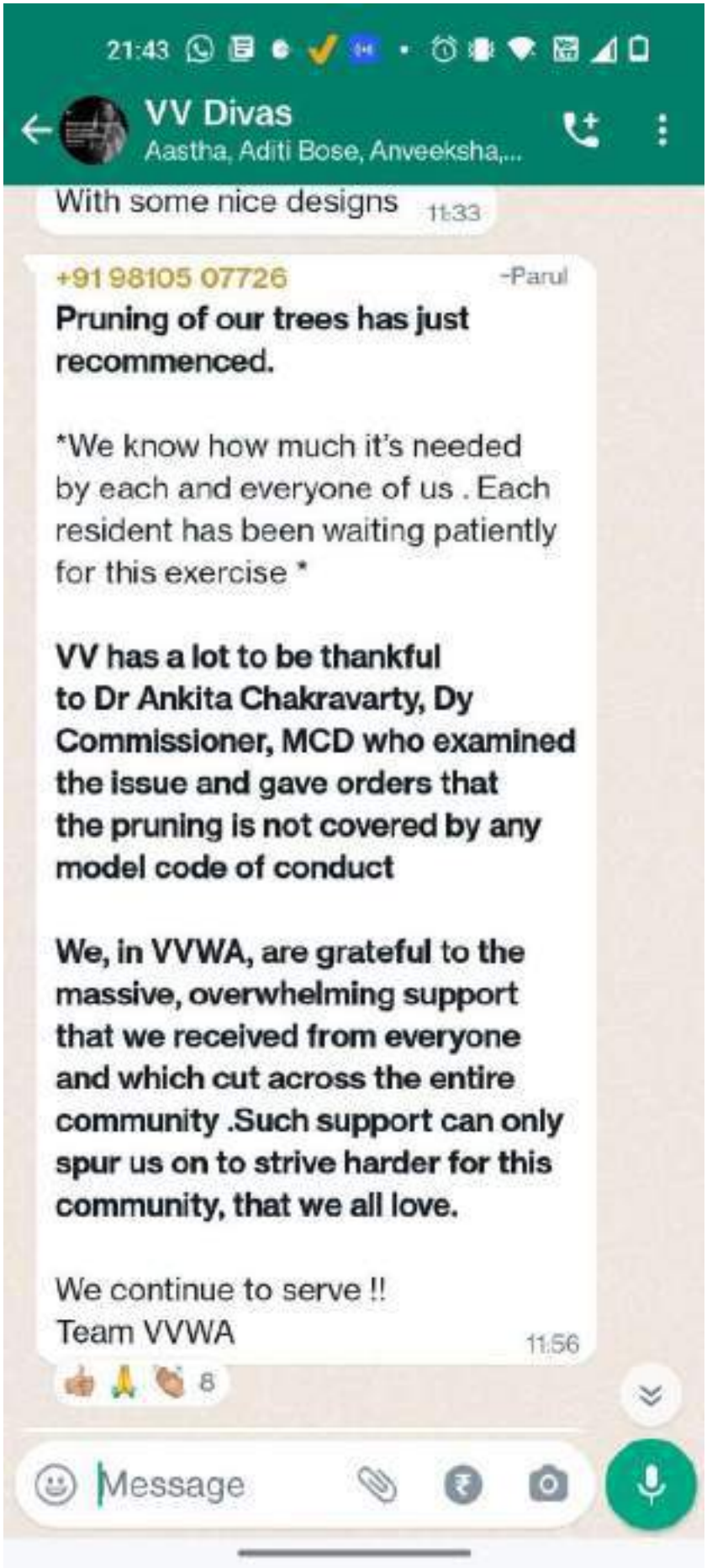
(GURPREET SINGH BINDRA)
President

Asstt. Dir. (Hort.) 21/11/12

(PARUL GAUR)
Director (Operations)


21:38
VV Divas
Aastha, Aditi Bose, Anveeksha,...
+91 99993 72629
-Nidhi agarwal
Forwarded
NOTE ON PRUNING
We are given to understand that a few disgruntled residents have approached the MCD, State Election Commission and have complained that the pruning being carried out in Vasant Vihar is against the Model Code of Conduct.
In this connection we need to clarify :
1. There is no violation of the "Model code of Conduct" since there are standing orders that the pruning being carried out is permitted under the law.
2. *The work was commenced after the Managing Committee acting as per the Articles of Association approved the proposal to carry out the pruning. *
3 Your MC has at all times striven
Message


21:39
VV Divas
Aastha, Aditi Bose, Anveeksha,...
the pruning. *
3. Your MC has at all times striven to push the development of our community and colony forward and address the requirements of the residents.
4. We regret that these disgruntled residents are repeatedly creating roadblocks and preventing us from taking our colony forward.
5. With winter setting in everyone needs the sunlight, as also there are obstructions in several street lights. Pruning as an activity is urgently required and is the requirements of an overwhelming majority of our residents.
6. In view of this, we are constrained to temporarily suspend the pruning process till the matter is clarified.
7. We strongly believe that we have the complete support of our colony in all our development activities.
16:10
Message


21:43
VV Divas
Aastha, Aditi Bose, Anveeksha,...
With some nice designs 11:33
+91 98105 07726 -Parul
Pruning of our trees has just recommenced.
*We know how much it's needed by each and everyone of us . Each resident has been waiting patiently for this exercise *
VV has a lot to be thankful to Dr Ankita Chakravarty, Dy Commissioner, MCD who examined the issue and gave orders that the pruning is not covered by any model code of conduct
We, in VVWA, are grateful to the massive, overwhelming support that we received from everyone and which cut across the entire community .Such support can only spur us on to strive harder for this community, that we all love.
We continue to serve !!
Team VVWA
11:56
8
Message

28.11.2022

Sh. Gyanesh Bharti IAS
The Commissioner
Municipal Corporation of Delhi
DR. S.P.M. Civic Centre, Minto Road
New Delhi – 100002

Dr. Ankita Chakravarty
The Dy. Commissioner
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

The Dy. Director Horticulture
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

Subject: Municipal Corporation of Delhi
Re.: Follow-up on approval of Pruning of Trees in Vasant Vihar

Respected Sir/ Ma'am,

1. **We write in continuation of our letter dated 20.11.2022 and 21.11.2022.** The complaint was also posted online and sent through email/ post. However, we have still not received any response with respect to the same.

2. You are requested to read the present letter along with our previous letters.

3. As a background, around 18.11.2022 the Managing Committee of Vasant Vihar Welfare Association sent a communication to residents of Vasant Vihar

that they have engaged a private contractor for pruning of trees and the pruning of trees shall commence from 21.11.2022. The said communication is reproduced below and is referred to as "**VVWA Communication 1**":



VVWA Communication 1

4. You may note that the VVWA Communication 1 categorically states that MCD has shown its inability to prune trees in Vasant Vihar.

5. Further, the said VVWA Communication 1 does not mention whether any approval from Deputy Director Horticulture (MCD) has been granted (prior to sending the said VVWA Communication 1).

6. ON 21.11.2022, around 10 am the privately engaged contractor commences pruning of trees.

7. Before proceeding further, you are reminded of the Guidelines for Pruning of Trees dated 01/10/2019. In terms of the Guidelines for Pruning of Trees, it is clearly mentioned that pruning of trees shall be undertaken by the land owning agency (in the present case MCD) and in certain circumstances, if any RWA proposes to undertake the said activity – it shall be required to file an application on plain paper along with photographs of trees to be pruned and your good offices shall grant the approval (if deemed fit) within 60 days of filing of the application. The said guidelines are enclosed with this letter as **Annexure "A"** (for your ready reference) and the relevant text is reproduced below:

9. If **Individuals/ General Public/ Society /RWAs** is desirous that any tree inside his house/premises is posing problems to him or the public and needs to be felled or pruned/ head backed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per merit of the case.

10. If the tree/trees for which felling or pruning/ head backing is required is standing on **Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual** and is posing problem to him, he has to apply for felling or pruning/ head backing of such tree on a simple piece of paper to the Deputy Director (Horti.) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.

11. It should neither be applied directly to concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti), as per merit of the case.

8. Subsequent to commencement of pruning of trees by private contractor (on 21.11.2022) in Vasant Vihar; several residents of Vasant Vihar (around 10.30

AM) raised their concerns with respect to the approval granted by the Deputy Director Horticulture (MCD). We also wrote a detailed letter to the Managing Committee of the Vasant Vihar Welfare Association, seeking details of the approvals and the said letter was duly copied to your offices. The same is attached with this letter as **Annexure "B"** for your ready reference. It is reiterated that we have not yet received any response on the said letter from anyone.

9. Considering that no approval was shared, when sought by a few (in the course of pruning trees by VVWA engaged contractor), a complaint was also sent by us to MCD (addressed to the Deputy Director Horticulture and the Commissioner) regarding pruning of trees and the same was also uploaded online at MCD Portal. The same are enclosed as **Annexure "C"**. It is reiterated that we have not yet received any response on the said letter from anyone.

10. Interesting, post noon on 21.11.2022, the Managing Committee of the Vasant Vihar Welfare Association filed a letter with your offices, seeking permission to prune trees. The said letter is enclosed herewith as **Annexure "D"**.

11. To our utter shock – at around 2.30 pm on 21.11.2022, the Managing Committee of the Vasant Vihar Welfare Association sends a communication to residents of Vasant Vihar stating that your offices have provided instant approval (verbal) for pruning of trees in Vasant Vihar. The said communication is reproduced below and is referred to as "**VVWA Communication 2**":

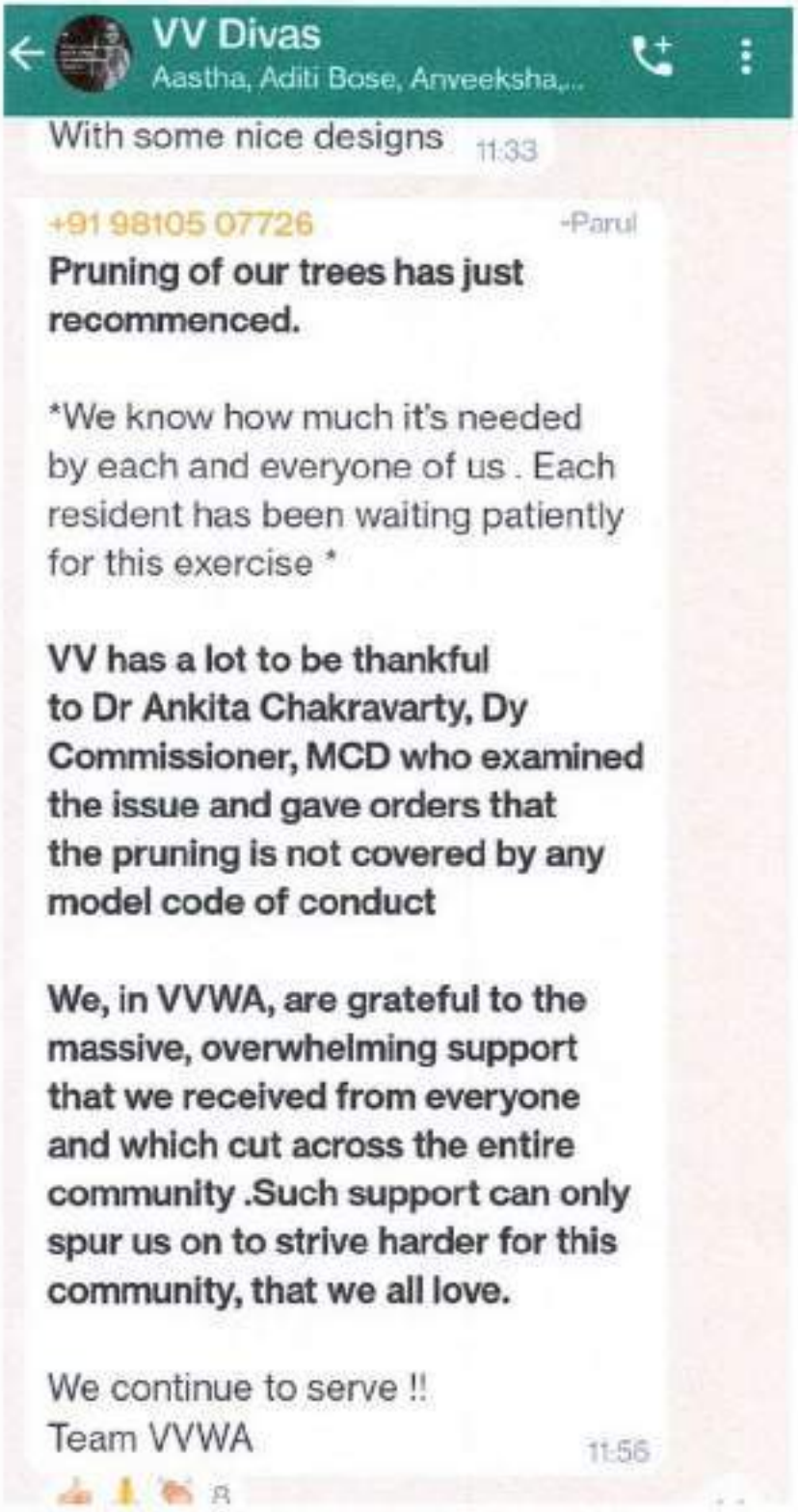
> *"Dear Residents,*
>
> *Pruning is successfully started from F block today.*
> *Permission has been granted from govt. in writing.*
> *Horticulture team along with its seniors are there with sky lift.*
>
> *Looking forward for residents cooperation."*

12. While, we appreciate the prompt action taken by your offices on the application filed by the Managing Committee of the Vasant Vihar Welfare Association; however, it appears to be out of place and beyond anyone's jurisdiction to grant verbal approval – without examining the facts, knowing background for seeking

jurisdiction to grant verbal approval – without examining the facts, knowing background for seeking approval and/ or conducting inspection of trees at Vasant Vihar. The instant verbal approval granted by your offices appears to be in violation of the guidelines for pruning of trees as well as several decisions of the HOn'ble National Green Tribunal. This is even more important because certain roads/ areas in Vasant Vihar fall within the exclusive domain of Public Wortks Department (PWD) and not MCD.

13. The pruning of trees again commences around 2.30 pm on 21.11.2022; however, the same suddenly gets suspended on 24.11.2022 – stating that few residents have raised concerns regarding approval for pruning of trees. It is rather strange, that when an approval (verbal) has been granted – what was the need for the Managing Committee of Vasant Vihar Welfare Association to suspend pruning of trees. This raises several concerns/ doubts in our minds regarding the approval process and compliance with applicable laws – by your offices as well as by the Managing Committee of Vasant Vihar Welfare Association.

14. On 25.11.2022, we were informed that certain members of the Managing Committee of the Vasant Vihar Welfare Association met with Dr. Ankita Chakravarty at her offices (around 10.30 am) and again obtained an approval for pruning of trees. It is not yet clear, whether the approval granted on 25.11.2022 was again verbal or in writing? The message posted by the Managing Committee of Vasant Vihar Welfare Association on 25.11.2022 is extracted below:



15. The above message conveys that the pruning of trees has been allowed because it does not violate the model code of conduct.

16. Considering no approval for pruning is visible on https://treeremoval.delhigovt.nic.in/fellandprun.aspx; you are urgently requested to appreciate and understand the following facts/ issues:

a. The pruning of trees was commenced (around 10 am on 21.11.2022) without seeking any approval from the Deputy Director Horticulture.

b. The Managing Committee of Vasant Vihar Welfare Association filed a letter with your offices (in forenoon on 21.11.2022) seeking approval for pruning of trees on 21.11.2022 after the pruning of trees had begun and the residents raised objection to pruning of trees in an illegal manner and without appropriate approval. The said letter is annexed as Annexure D.

c. To best of our understanding, your offices instantly granted verbal approval to the Managing Committee of the Vasant Vihar Welfare Association on 21.11.2022.

d. Thereafter, on another request of the Managing Committee of the Vasant Vihar Welfare Association – Dr. Ankita Chakravarty grants an approval stating that the pruning of trees does not violate model code of conduct. Our letters dated 20.11.2022 and 21.11.2022 (annexed as Annexures "B" and "C"), do not refer to 'model code of conduct'. Therefore, it is apparent that our letters were neither examined nor taken into consideration by your offices, while granting the approval (which possibly was granted in haste and without any application of mind).

e. It is also submitted that the parameters as set out in the Guidelines for Pruning of Trees were not met by your offices.

f. It also appears that MCD has accepted/ admitted its incapability to prune trees in Vasant Vihar; when such activity falls directly in its domain.

g. It is evident that MCD, instead of performing pruning of trees on its own has promoted/ suggested/ advocated engagement of private contractors – which are then operated through retired and existing employees of MCD. You may appreciate that each such activities costs upwards of Rs. 5 lacs for locality like Vasant Vihar.

17. You may also be aware that certain trees were cut/ felled in Vasant Vihar few weeks back – without any approval and with tacit understanding between the Managing Committee members of the Vasant Vihar Welfare Association. A complaint with respect to the same has already been sent to various authorities departments (on 28.10.2022) including the Commissioner MCD, Commissioner Delhi Police. A copy of the said complaint along with few photographs are enclosed as **Annexure "E"**, for your ready reference. We understand that the said matter is already under investigation by Delhi Police.

18. The members of the Managing Committee of Vasant Vihar Welfare Association who are responsible for tree cutting/ pruning (without following the due process in law) include:

a. Ms. Nidhi Agarwal (A Block Representative)
b. Ms. Parul Gaur (Joint Secretary/ Director Operations/ Spokesperson)
c. Mr. Gurpreet Singh Bindra (President)
d. Mr. Keshav Garg (Vice President)
e. Ms. Mridula Murgai (Secretary/ Director Admin)
f. Mr. Sarvesh Dutt (Treasurer/ Director Finance)

19. It is pertinent to answer the following questions:

a. Whether the pruning of trees can be undertaken by resident welfare associations without seeking any written approval from the MCD?
b. Whether MCD can grant verbal approval on any application filed for pruning of trees?
c. Whether MCD can act in defiance of circular/ guidelines for tree pruning and also in breach of various directions of superior courts/ tribunals?

d. Whether MCD conducted any survey prior to grant of approval (verbal) to Vasant Vihar Welfare Association for pruning of trees?

e. Whether it is fine for MCD to suggest/ advocate hiring of private contractors for pruning of trees (at the cost of residents) – as mentioned by Vasant Vihar Welfare Association?

f. Who shall be responsible for any improper/ excessive pruning of trees?

20. You are requested to kindly examine and answer the above questions and provide us copies of all the approvals granted by your offices to Vasant Vihar Welfare Association and the decision taken by the you/ MCD on our letters dated 20.11.2022 and 21.11.2022 – preferably within 24 hours of receipt of this letter.

With warm regards,

Vivek Tandon
A-5/6 Vasant Vihar,
New Delhi 110057

Rajit Kumar
A-10/7, Vasant Vihar,
New Delhi 110057

Prof. Dr. Sanjeev Bagai
(Padam Shree and Dr. BC Roy Presidential Awardee)
43, Poorvi Marg, Vasant Vihar,
New Delhi 110057

Copy to (for appropriate direction/ action):

Hon'ble Sh. Narendra Modi
The Prime Minister of India
Prime Minister Office,
South Block,
New Delhi 110011

Hon'ble Shri Vinai Kumar Saxena
Lieutenant Governor of Delhi
6, Raj Niwas Marg,
Ludlow Castle, Civil Lines,
Delhi 110054

DEPARTMENT OF FORESTS & WILDLIFE
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P. ESATTE, NEW DELHI-110002

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated : 01/10/19

GUIDELINES
FOR PRUNING OF TREES
UNDER DELHI PRESERVATION OF TREES ACT, 1994

1. The Delhi Preservation of Trees Act, 1994 was enacted to safeguard the forest area in and around NCT of Delhi and to provide for preservation of trees. The Department of Forests & Wildlife, GNCTD has regulatory control for implementation of DPTA 1994 which prohibits felling or pruning/ head backing of trees.
2. The Sec.2 (h) of DPTA, 1994 states that "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bulldozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner as factors causing the death of a tree. Thus it would be apparent that its implied meaning does not appear to carry any implicit connotation that pruning of trees which do not cause damage or death of a tree could be termed as a Tree Offence.
3. In the light of above, general guidelines for pruning of trees are prescribed for adherence by all concerned, so that the trees grown with great care and precision over a period of several years are not pruned recklessly leading to their untimely death (which is an offence under Section 8 of DPTA, 1994) or result in reduction of green cover of Delhi which is an essential strategy to combat pollution.
4. Pruning means cutting off or removing dead or living parts or branches of a tree to improve shape or growth. It is a horticultural and silvicultural practice involving selective removal of parts of a plant, such as branches, buds, or roots. Reasons to prune plants include deadwood removal, shaping by controlling or directing growth, improving or maintaining health, reducing risk from falling branches, preparing nursery specimens for transplanting, etc. However, the pruning cut should not be too large so as to damage the tree.

5. For the purpose of clarity and transparency to the meaning of light and heavy pruning, following would constitute as above:

Term	Branches of girth size	Permission required or not	Remarks
Regular Pruning/ General Tending	Upto 15.7 cm.	No	May be got done by Civic Agencies at regular intervals
Light Pruning	Greater than 15.7 cm but less than and equal to 40 cm.	Required	From concerned Tree Officer on submission of prescribed Form B and other documents as prescribed in DPTA, 1994.
Heavy Pruning	Greater than 40 cm	Required	

6. The forest department does not get the trees felled or pruned/ head backed directly but only accords permission for the same to the owner of land on which the concerned tree is standing after due inspection/ investigation.

7. The actual pruning of the concerned tree/ trees is got done by Deputy Director (Hort.) of the MCDs/ NDMC/DDA/ PWD/CPWD (whoever is the land owning agency) of the concerned area or by the property owner himself/ herself.

8. For obtaining permission for felling or pruning/ head backing of trees, guidelines are in place for information to all and ease of Public/ Govt. agencies towards achieving their desired objective which are available on the department website "www.forest.delhigovt.nic.in".

9. If **Individuals/ General Public/ Society /RWAs** is desirous that any tree inside his house/premises is posing problems to him or the public and needs to be felled or pruned/ head backed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per merit of the case.

10. If the tree/trees for which felling or pruning/ head backing is required is standing on **Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual** and is posing problem to him, he has to apply for felling or pruning/ head backing of such tree on a simple piece of paper to the Deputy Director (Horti.) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.

11. It should neither be applied directly to concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti), as per merit of the case.

12. If a tree is standing on **govt. land but leaning on private land/ building** and is considered dangerous and likely to cause damage to life and property, it should be informed immediately with photograph by the concerned aggrieved person. Permission is granted for its felling or pruning/ head backing within 48 hours of inspection, as per merit of the case. In case permission/ any intimation to the contrary is not received within this time, the person can go ahead and fell or prune/head back the dangerous/ leaning tree and intimate the concerned Tree Officer (DCF) within 24 hours of such felling or pruning/ head backing.

13. There are three (3) Deputy Conservator of Forests (DCFs) who are designated as Tree Officers to look after the cases of tree felling or pruning/ head backing and accord permissions for the same, after inspections, as per merit of the case. Their respective jurisdictions in Delhi are shown in table below.

S.N.	Name of the Division	Name of the Revenue Districts	Name of the Sub-division
1.	North Forest Division	North	Model Town, Narela & Alipur
		North West	Rohini, Kanjhawala & Sarawasti Vihar.
		West	Punjabi Bagh, Patel Nagar & Rajouri Garden.
		North East	Seelampur, Yamuna Vihar & Karawal Nagar.
		East	Gandhi Nagar, Preet Vihar & Mayur Vihar.
		Shahdara	Shahdara, Seemapuri & Vivek Vihar.
		Central	Civil lines
2.	West Forests Division	South West	Dwarka, Najafgarh & Kapashera
		New Delhi	Chankyapuri, Delhi Cantt. & Vasant Vihar
3.	South Forest Division	South	Saket, Hauz Khas, Mehrauli
		South East	Defence Colony, Kalkaji & Sarita Vihar
		Central	Kotwali & Karol Bagh.

14 Pruning/ pollarding/ burning/ lopping/ applying arboricides or damaging a tree in any other manner would be considered as tree offence when, as per ocular estimation of such damage, the Tree Officer, in all his wisdom, holds that such act is likely to lead to the death of the tree, in near future.

15 If a tree standing on any govt. land/ road side/ private land/ building is considered dangerous and likely to cause damage to life or property, or hindrance to traffic signals, it should be pruned immediately by the concerned Civic Agency and informed to concerned Tree Officer within 24 hours and for which no permission is required from Tree Officer.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated: 01/10/19

Copy to:

1. All DCFs for information
2. All DROs/ Forest Guards for information.
3. The Director (Hort) of all Civic Agencies viz. MCDs/ NDMC/ DDA/ PWD/ CPWD etc.
4. Notice Board
5. Programmer, Environment Department, GNCTD with a request to upload on the official web site of the Department.

Distribution:

1. Secretary to Hon'ble Minister (E&F), GNCTD for information.
2. PS to Principal Secretary (E&F), GNCTD for information.
3. PCCF/ HOD, GNCTD for information.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

FORM 'B'

(See sub-rule (1) of rule 4)

The Tree Officer,

.....

.....

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village ..... and District ..... I furnish below the following details in support of my application:-

i. Applicant's name and address (In block letters).

ii. Name and address of the owner of the property (if different from applicant).

iii. Title of the applicant i.e., whether owner/occupant of the property, etc.

iv. Name of the village and khasra number of property.

v. Total area of the property with description of the boundaries.

vi. Total number of trees (specieswise) whose trunk or body is not less than 5cm in diameter at a height of 30cms from the ground and whose height is not less than one metre from the ground.

vii. The exact area (in sq. metres) from which felling of trees for which permit is sought (description of the boundaries).

viii. Total number of trees to be felled.

ix. Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details specieswise are.

Species	No.	Girth

x. Purpose for which the felling of trees are intended.

xi. Intended use of felled trees (e.g.) for sale, for domestic use, etc.

xii. Intended use of land after felling of trees.

xiii. Number and species of trees intended to be planted after felling (give details of arrangement for raising, planting and protecting trees).

xiv. Name /s and address/es of the owners/occupants adjoining property/ies.

2. I am enclosing an affidavit and below mentioned papers in support of my application.

DECLARATION

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place: .....
Date: .....

Applicant's Signature

Attested copies of:-

i. Property/occupancy documents.
ii. Plan of the property showing the khasra number.
iii. Enumeration list (duly signed by the applicant).
iv. Boundary list (duly signed by the applicant).
v. Latest jamabandi of land record issued by the Tehsildar.
vi. "No Objection Certificate" from the concerned local body (e.g.) MCD/N.D.M.C.
vii. "No Objection Certificate" from adjoining property owners.

(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)

I, ... aged.....years, resident of ..... (locality) village ....., wife/son/daughter of ..... do hereby solemnly affirm and declare as under:-

1. That I am the legal owner/occupant of the private property known as ..... situated at ..... village ..... bearing khasra number..... of ..... boundaries of which are as follows:-

East:
West:
North:
South:

2. That I have applied to the Tree Officer ..... for permission to fell ..... trees form the aforesaid property. All the trees have been numbered with paint.
3. That there is no other owner/occupant of this property of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation, if any, that may arise at any time in future regarding the ownership/ occupancy of the said future regarding the ownership/occupancy of the said property or the forest produce from the said property.

Deponent

Verification

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that nothing material has been concealed or omitted there from.

Verified at ..... this the ..... day of..... 20 .....

Deponent

(Source: The Delhi Preservation of Trees Rules, 1996)

Annexure 'B'

20.11.2022

The Managing Committee
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Mr. GS Bindra
The President,
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Mr. Sarvesh Dutt
The Treasurer
Vasant Vihar Welfare Association
Kalyan Kendra
9, Paschimi Marg
New Delhi

Subject: Pruning and cutting of Trees in Vasant Vihar - 2022

1. I refer to the recent WhatsApp communication circulated by the Joint Secretary Ms. Parul Gaur regarding pruning of trees in Vasant Vihar, proposed to be undertaken by Vasant Vihar Welfare Association (Association).

2. The WhatsApp communication clearly mentions that the due to non-availability of resources and staff at Municipal Corporation of Delhi, the Association has decided to proceed with cutting and pruning of trees – at its own cost and expense. I have been made to believe that you have sanctioned a budget of Rs. 5 lacs for the same. Also, like previous years, the person/ contractor so appointed for the job is without any tendering process – rather a person who is believed to be close to certain Managing Committee members.

3. The money proposed to be spent on the cutting of trees and pruning is not from your personal fund. The money belongs to members of the Association and is public money. You have created a unique situation where all the activities – which are to be performed by the government/ municipal authorities – are now being undertaken and performed by you at our expense.

4. It is also a matter of concern that for such activity – if was perceived urgent – no tenders were floated and a (known) person has been appointed by the Managing Committee. It is well understood that these situations give rise to apprehension of diversion of funds, kick-backs and corruption by the sitting office bearers and the other members of the Managing Committee.

5. Further, it also exposes your incompetence, lack of skills and/ or lack of will to get the work executed by the designated authorities – to whom we have been paying huge taxes/ monies. It is a case of double penalty on us – wherein we pay taxes for certain services and then you coerce/ force residents to make payments to you.

6. Furthermore, it is still unclear whether you propose to seek compensation from the MCD for the said activity.

7. As a joint secretary of the Association for several years, it was our duty to get the MCD to cut/ prune the trees – as per regulations/ laws – so that none of our residents are exposed to any subsequent penal action. More importantly, all our residents had legitimate expectation from us to get the things executed and not start executing the work at their cost and expense.

8. It cannot be a wise argument to take that the authorities are not working therefore, we shall provide the service and utilize the funds collected by way of subscription. With this argument – We believe, you assume the role and mandate to provide all amenities and services – which the government and. or MCD is required to provide. Associations in a society like Vasant Vihar are required to get the work executed by the authorities/ MCD and not undertake such activities.

9. We are also concerned about the fact whether the pruning/ cutting of trees that you propose undertake (throughout Vasant Vihar) has been approved by the MCD. As you are already aware several trees were cut in Vasant Vihar and the concerned authorities/ Delhi Police is already investigating the same. It is also being rumored that you have approached few MCD officials to get the cutting/ pruning of trees from the funds available with Association. Concerns have also been raised by several other residents of Vasant Vihar.

10. We would request you to answer the following questions:

    a. What efforts were made by the Association to get MCD for cutting/ pruning of trees? Please provide copies of all communications sent to the MCD.
    b. What was the process and criteria adopted by you for selecting the vendor for cutting/ pruning of trees? Please provide all details including the name, details of the vendor.

c. What is the budget allocated for the same and monies to be paid to the vendors? Please provide a copy of the quotation and/ or proforma invoice.
d. Who shall be responsible and liable for any illegal cutting/ pruning of trees? Whether the Managing Committee of the Association will take liability for damage to the trees and/ or any subsequent action/ prosecution by Government authorities OR the vendor shall provide an indemnity/ undertaking to all the residents? None of us would like to bear the brunt of actions undertaken by you. We do not want this exercise to be undertaken to cover-up previous illegal cutting of trees.
e. Whether you have plans to recover the payments from MCD?
f. Whether you have plans to approach MCD for reduction in municipal taxes – for non-delivery of services – which are now being undertaken by the Association at a mass scale – in Vasant Vihar?

11. We would appreciate, if you would provide all the details/ information, within 12 hours (as all the data would be readily available) at least prior to making any payments to such vendor(s) and commencing pruning/ cutting of trees. You are requested to maintain status-quo/ stay on cutting/ pruning of trees. In the interest of transparency, the information/ details/ data should be provided over all registered email addresses and circulated over all WhatsApp groups (being used by the Association).

12. Considering the severity of the situation (raising apprehension of illegal cutting/ pruning of trees and possibility of diversion of funds), I am constrained to copy this email to the (i) Hon'ble Lieutenant Governor of Delhi; (ii) Central Vigilance Commission; (iii) Commissioner MCD; and (iv) Commissioner of Police – Delhi Police.

Rajiv Kumar RAJIT KUMAR A 10/7, Vasant Vih
Sanjeev Bajaj : 43, Pkt, V. Vihar.
VIVEK TANDON A 5/6 Vasant Vih

1. Hon'ble Lieutenant Governor of Delhi
2. Commissioner, Central Vigilance Commissioner
3. Commissioner, MCD
4. Commisioner , Delhi Police
5. Dy. Director Horticulture, South Zone MCD

Annexure 'C'

21.11.2022

The Dy. Director Horticulture
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

Sh. Gyanesh Bharti IAS
The Commissioner
Municipal Corporation of Delhi
DR. S.P.M. Civic Centre, Minto Road
New Delhi – 100002

Subject: Municipal Corporation of Delhi
Re.: Pruning and cutting of Trees in Vasant Vihar - 2022

Dear Sir,

1. We are residents of Vasant Vihar – Categoray 'A' locality in Delhi. Being a Category 'A' locality, our residents pay higher stamp duty and taxes to the Government including Municipal Corporation of Delhi (MCD). Also, our residents are among the highest tax payers in India.

2. After living in Vasant Vihar, we are now witnessing several unique problems/ situations – many of which are required to be dealt by MCD. We are writing to draw your attention to one of the recent communications that we have received from our residents welfare association – Vasant Vihar Welfare Association; wherein they have stated that MCD lacks means to prune around 7000 trees in Vasant Vihar. It has been conveyed that MCD will not be able to undertake pruning of trees in winters. This for the 3 consecutive years running – that our Vasant Vihar Welfare Association has conveyed inability/ incompetence of

MCD to undertake this work. The extract of the message sent by Vasant Vihar Welfare Association is given below:



3. As you may be aware, pruning of trees has to be done in a scientific manner – so that no long-term harm is caused to trees. The constitutional courts/ tribunals have passed several orders to this effect. Any improper pruning of trees may also lead to prosecution under the applicable laws.

4. We find it extremely difficult to believe that a municipal body like - MCD has conveyed its inability to undertake pruning of trees in Vasant Vihar. It is also understood that few retired and serving employees of MCD shall undertake pruning of trees – in their personal and private capacity; and a sum of around Rs. 500,000 (Rupees Five Lakhs) will be paid for the said work. The money shall be spent by the Vasant Vihar Welfare Association – which has been collected from members/ residents like us. If retired/ serving employees of MCD can undertake the said activity (on payment) then why not MCD?

5. We are also concerned with the issue that in an event the pruning of trees takes place without proper care; then who shall be responsible for any subsequent penal action. Would MCD take the responsibility towards the same? Also, if we are required to make payments for all such services – which is the duty of the MCD, will be get any rebates in payment of taxes in the next financial year or would MCD refund the costs towards such pruning/ cutting of trees?

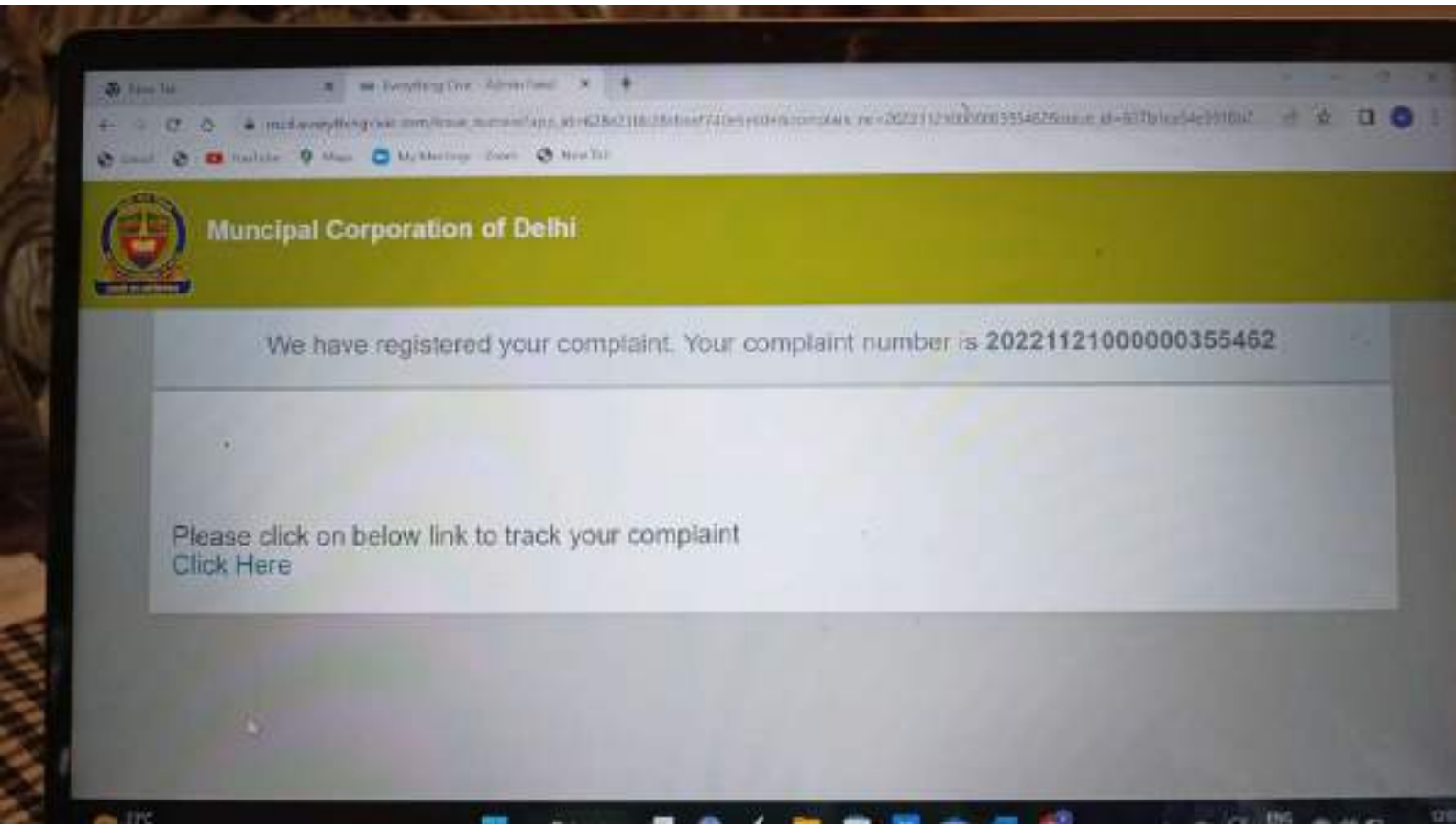
6. You are requested to look into this at priority and instruct your official to do the needful. The pruning of trees is likely to commence today. We look forward to your prompt action and intervention.

Life Members of the Association

Vivek Tandon Raj Kumar Prof. Dr. Sanjeev Bagai (President) & V.V.

Copy to:

Hon'ble Sh. Narendra Modi The Prime Minister of India Prime Minister Office, South Block, New Delhi 110011	Hon'ble Shri Vinai Kumar Saxena Lieutenant Governor of Delhi 6, Raj Niwas Marg, Ludlow Castle, Civil Lines, Delhi 110054	The Managing Committee Vasant Vihar Welfare Association Kalyan Kendra 9, Paschimi Marg New Delhi 110057


Muncipal Corporation of Delhi
We have registered your complaint. Your complaint number is 20221121000000355462
Please click on below link to track your complaint
Click Here

Annexure 'D'

VASANT VIHAR WELFARE ASSOCIATION (Regd.)
Calvin Kendra, 9 Poorvi Marg, Vasant Vihar, New Delhi 110 057
Tel: 2614 7400, 2614 8645, Email : hello@vvwamail.com

The Assistant Director (Horticulture),
Municipal Corporation of Delhi,
Green Park,
New Delhi 110 016

Dear Sir,

Greetings from Vasant Vihar Welfare Association (VVWA).

Vasant Vihar has close to 7000 trees. Everyday, we receive several requests from residents wanting their trees pruned. Everytime, it rains, a few trees fall down because of their heavy top and the trunks that cannot sustain the load. It is absolutely essential that trees are pruned every year, so that, we do not lose trees and also keep them alive and healthy. In view of this, it is essential to carry out pruning of all the trees. VVWA has always believed in working closely with MCD in a spirit of total cooperation, so that essential work is carried out. VVWA has decided to carry out this pruning. The matter has been discussed at various levels of MCD and there is no ambuguity on the issue that pruning needs to be carried out. More particularly we wish to request as as below :-

1. The pruning will be carried out strictly as per the rules of the forest department.

2. VVWA will engage a Skylift on hire which will remain for the entire programme of pruning.

3. VVWA is in the process of arranging a Trolley to handle the green waste . We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis.

4. The entire expenses for the exercise will be borne by VVWA.

In view of the above given the urgency of situation, we would request you to give us permission to carry this out.

Thanking you,

Yours sincerely,

(GURPREET SINGH BINDRA)
President

(PARUL GAUR)
Director (Operations)

Re: Illegal cutting/ felling of trees (around 10-15) on public land next to 25 Palam Marg, Vasant Vihar, New Delhi on 30 September 2022

From: Sanjeev Bagai (sanjeevbagai@yahoo.com)

To: adrahul@yahoo.com

Cc: lggc.delhi@mic.in; cmdelhi@nic.in; msisodia.delhi@delhi.gov.in; special.officer@mcd.nic.in; commissioner@mcd.nic.in; mangal.singh@mcd.nic.in; cp.sanjayarora@delhipolice.gov.in; dcp.sw@delhipolice.gov.in; pccf-gnctd@delhi.gov.in; senv@nic.in

Date: Monday, October 31, 2022 at 07:31 AM GMT+5:30

Dear Sirs
The trail mail has distressing details of blatant violations of all government norms & the basic rights to protect trees.
The occupants of the said premises in complete knowledge & connivance with the vasant Vihar association & it's management committee is indulging in illegal & prohibited activities o felling.
Im a resident of this colony for over 32 years & feel hurt when citizens violate the guidelines of law & the courts.
We all must protect all greens & trees & infact plant more trees. But here these people are cutting trees & causing the environment great harm.
I request you to take strict action as required by law.
Regards.

Prof. Dr. Sanjeev Bagai.

Padma Shree Presidential Awardee.
Dr B. C. Roy Presidential Awardee.

Sr. Consultant Paediatrician and Neonatologist and Pead. Nephrologist.

MBBS(bom), DCH(bom), MD(paed),
MNAMS(paed), DNBE, MIPA(USA),
FSCH (Australia), FIMSA., PhD.hc.(USA).

Chairman Nephron clinics
Fellow of Prince of Wales Childrens Hospital & Prince Henry Hospitals, Sydney, Australia.
Doctorate in Paediatric Nephrology,National American University, Delaware, USA.
Gold medallist Bombay University.
Sir Dorab Tata Merit Scholar
Bombay University Merit Scholar.
DMA Vashisht Chikitsya Ratan Award of Excellence.
IMA distinguished Award of Excellence.
Life Time achievement Award IMA.
Life time Achievement Award NIER.
Oration Awards -DMA , IMA.
IMA excellence Award.
DMA distinguished services Award.
Times Award for Medical Achievement.
Global Top 100 Innovator Award.
IAP Research Award.
Human Care Mellinium Award.
Bharat Jyoti Award.
Vijay Shree Award
Sarla Vaishnav Research Award IAP 1995
Dr. P. N. Taneja Research Award IAP 2019
Medical Ratan Award DMA 2019
Distinguished Hall of Fame ABI
Global Leaders Award
International Leadership Award
Lifetime Achievement Award Global Health Summit
World Health Congress Innovation Award.
Visiting professor to universities of UTMC , USA & CHU SJ , Canada.

Contacts -
43 Poorvi Marg , Vasant Vihar.
New Delhi 57; India .
Clinic - 011 26142943 , 011 26142704.
Cell - 9810001902 , 7042908880.
Email - sanjeevbagai@yahoo.com
Baggysanjeev@gmail.com

On 29-Oct-2022, at 7:00 PM, Rahul Goel <adrahul@yahoo.com> wrote:

The Hon'ble Lieutenant Governor of Delhi
6, Raj Niwas Marg,
Civil Lines
New Delhi

The Hon'ble Chief Minister of Delhi

The Hon'ble Deputy Chief Minister of Delhi

Principal Chief Conservator of Forests
Department of Forests and Wildlife
Government of Delhi
Vikas Bhawan, 2nd Floor, A Block,
IP Estate, New Delhi, Delhi 110002

The Commissioner of Police/ DCP South West

Delhi Police
Police Headquarters
Jaising Road
New Delhi 110001

The Commissioner
Municipal Corporation of Delhi
SP Mukherjee Civic Center
JLN Marg
Delhi

Subject: Illegal cutting/ felling of trees (around 10-15) on public land next to 25 Palam Marg, Vasant Vihar o 30 September 2022

Respected Sirs,

1. As you are aware, Vasant Vihar is among the most prominent colonies of Delhi. As residents of Vasant Vihar, we take g pride in stating that several prominent academicians, economists, lawyers, doctors, industrialists, politicians, retired off from the Indian Armed Forces and bureaucrats have chosen Vasant Vihar to be their home. We actively work towards pla trees and taking care of the trees in our colony. In 2015-16, we also conducted a detailed census of trees in Vasant Viha as to initiate action for replacement/ protection of ageing/ dying trees.

2. Today, I write to you with deep pain and anguish that several trees (aged more than 20 years) were cut in the eve (around 6 pm) of 30 September 2022 – without any valid reason or sanction/ permission. The trees were on the public parcel, adjacent to 25 Palam Marg, Vasant Vihar (New Delhi) and next to the MCD's Horticulture Department's local office. rather alarming that between 10-15 trees were cut and even after more than two weeks no action has been initiated ag the perpetrators. The said parcel belongs to MCD; however appears to be under illegal control of some residents of Va Vihar (and is fully barricaded from all sides - and having a private entrance). Few images are attached for your r reference.

3. It appears that the managing committees of (Vasant Vihar) Central Government Cooperative House Building Society Vasant Vihar Welfare Association were aware of the same and yet they chose not to highlight the said illegal action – v under the applicable laws is prohibited.

4. It is also believed that the said trees were cut under instructions of occupants/ owners of 25, Palam M Vasant Vihar and in connivance with (full knowledge and consent of) the Managing Committee of the Va Vihar Welfare Association.

5. We understand that illegal felling/ cutting trees is a criminal offence under several legislations including the Prevention of Trees Act (1994), Indian Forest Act (1927), Indian Penal Code (1860). In several cases the Hon'ble Apex C Hon'ble High Court of Delhi and Hon'ble National Green Tribunal have directed the relevant authorities including the police to take immediate action under all applicable provisions of the law and have come down heavily on acts of il cutting of trees.

6. We are already grappling with the issue of air-pollution and such illegal acts cannot be left unpunished – irrespective stature / influence of the persons responsible. We are answerable to our children/ grand-children and future generations.

7. You are therefore most humbly requested to initiate an investigation/ enquiry into the same by lodgi formal complaint/ first information report; especially while taking complete control over the said public parcel.

Thanking you,
With best regards,

Rahul Goel
E-mail: adrahul@yahoo.com
Mobile: 9899027144
R/o A-6/18, GF, Vasant Vihar, New Delhi 110057







GOVT. OF N.C.T. OF DELHI
OFFICE OF DY. CONSERVATOR OF FOREST (WEST)
MANDIR LANE, NEW DELHI-110060
(PHONE # 011-23361879, FAX# 011-23361876)

F. No.NOV.2022/WFD/Pruning /22-23/ 9119-22 Dated: 22-11-2022

Sub: Permission for pruning of trees.

With reference to your application your office letters vide **Online Id-9463** received from **Sh. P.K. Banerjee, Dy. Director, Horticulture Room no. 45,2nd Floor, South Zone, SDMC Green Park,** New Delhi for grant of permission for pruning of trees(s), it is to inform that permission is hereby granted as per details indicated below. Subject to satisfactions of the terms and conditions specified hereunder.

Description	Species of tree/s	Location of tree	Total No. of tree/s
Pruning of branches having girth upto 40 cms. Maximum of only 3-4 branches per tree.	Neem-01 nos.	Near H.No. D-449, Bhanwar Singh Camp, Vasant Vihar, New Delhi-110021	01 -nos.

*** The pruning shall be carried out under the supervision of competent official of the concerned horticulture department to ensure that no exploitative pruning occurs in violation of this order and provision of DPTA, 1994.**
***It has also been noticed during inspection that the root area around the trees has been cemented. It is therefore directed that an area of 6X6 fit around each tree has to be de-concretized immediately, keeping in view directions of the Hon'ble NGT in the matter of O.A. No. 82/2013, titled Aditya N. Prasad Vs Govt. of NCT of Delhi &Ors.**

Terms & Conditions

1. Permission to prune/pollard the tree/s is granted at the risk of the applicant and without prejudice to the claims of any other person/s who may be having any rights over the land of the tree/s.
2. Pruning/pollarding of tree/s shall be completed within 90 days. In the event that the pruning is not carried out within the said period, the permission shall be treated as lapsed and would require fresh request as per DPTA, 1994.
3. Material produced from pruned/pollarded tree/s shall not be removed or disposed without transport permission issued by Tree Officer.
4. **The applicant shall ensure that pruning/pollarding does not result in death of the tree. In case of death of any tree resulting from improper pruning/pollarding, Tree Officer shall cause ten times the number of dead trees to be planted in the area and recover the cost of such plantation and maintenance till the time of the establishment of the tree from the applicant in accordance with Law.**
5. He will also ensure the compliance of all other laws, rules, orders, and orders of the courts and master plan of Delhi, if any applicable in the case while executing this permission.
6. **The landowning agencies shall ensure that wood/lops/tops arising out the pruning should find its way only the MCD crematoria in Delhi in greater public interest or as per policy of agency as decided by the Secretary/HOD/Competent Authority.**
7. After the pruning is done photographs of pruned trees be submitted to Tree Officer's office.
8. **The applicant shall liaise with concerned land owing agencies and carryout the work with them consent only. Any litigation shall be the sole responsibility of the applicant as permission is being awarded keeping in view the possible safety hazard.**
9. **A report, post pruning to be submitted by CPWD/PWD/MCD & others along with signatures of RWA members/residents of the area indicating the status of the work carried out.**
10. **The applicant is directed to submit the photographs with geo-coordinates of Trees proposed to be prune before and after pruning within one month in this office.**

DY. CONSERVATOR OF FOREST/
TREE OFFICER (WEST)

To,

Sh. Sh. P.K. Banerjee, Dy. Director, Horticulture Room no. 45,2nd Floor, South Zone, SDMC Green Park, New Delhi.

shall be personally responsible in ensuring that no violation of provisions of DPTA, 1994 occurs.

Copy To:
1. the Conservator of Forest, 'A' Block 2nd floor, Vikas Bhawan, ITO, New Delhi for information.
2. Concerned DRO, Motibagh Range.
3. in – charge tree protection cell.

DY. CONSERVATOR OF FOREST/
TREE OFFICER (WEST)

ANNEXURE A- 12





981

411 402



112





17/12/22

22:35 42%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

Nidhi V.V.

Anything on A 10 will be done
We will not do vasant marg side till we have permission
As it is there r complaints from few residents so Mcd is very careful.
🙏
Pls understand 14:18

~ BARBARA MAHAJAN +91 93131 93094

These are on A10😋 14:19

Nidhi V.V.

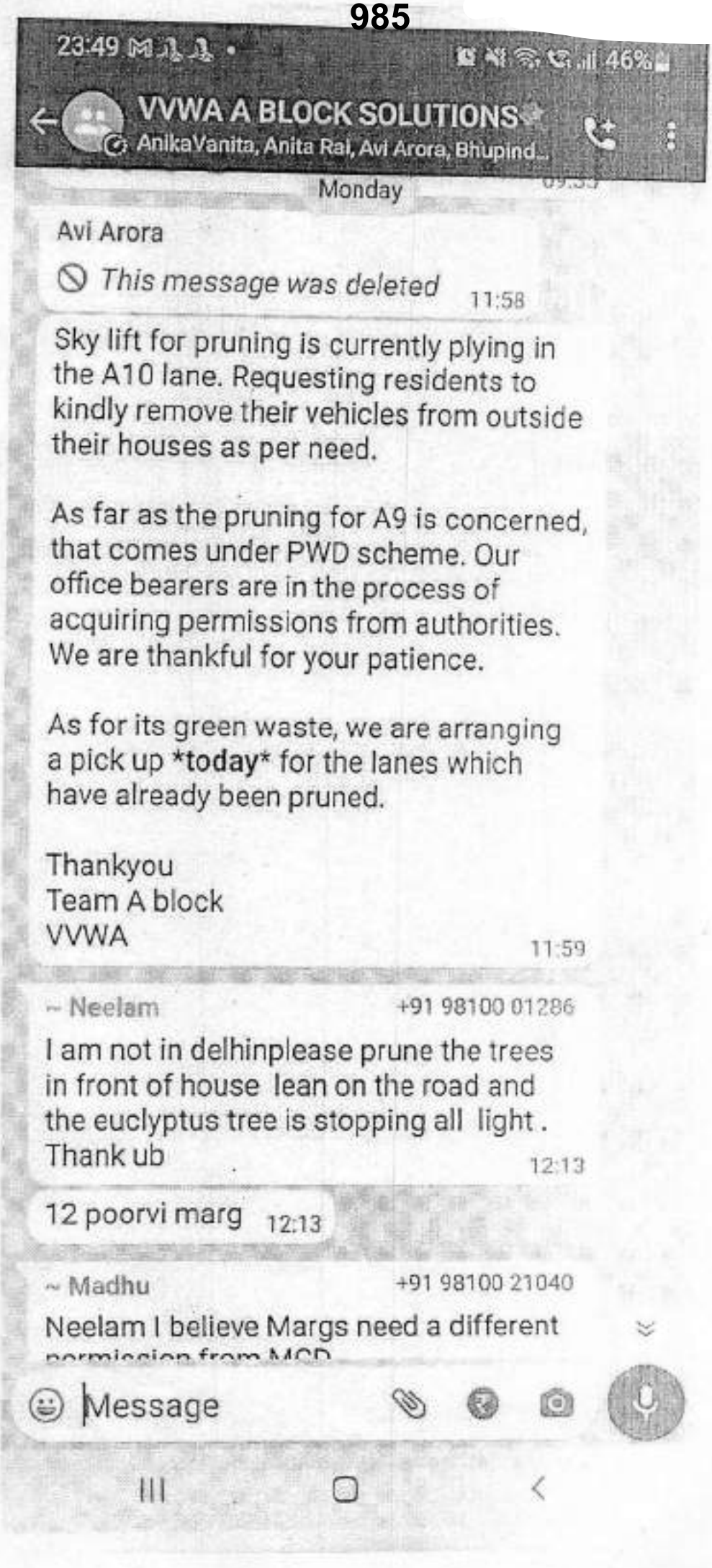
REQUEST RESIDENTS
PLEASE DO NOT CALL parul
Pls msg Avi n Me
We also have our works
We cannot take calls all the time 14:19

🙏 14:19

Some residents have been very rude and daunting on us
Pls note we also residents of vasant vihar not some govt officials
We have taken up this job as VOLUNTEERS only.
Holding public office doesn't give anyone right to shout or be rude.
🙏
We are hear to work together and for

Message

19|12|22



23:49 46%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

Monday

Avi Arora

This message was deleted 11:58

Sky lift for pruning is currently plying in the A10 lane. Requesting residents to kindly remove their vehicles from outside their houses as per need.

As far as the pruning for A9 is concerned, that comes under PWD scheme. Our office bearers are in the process of acquiring permissions from authorities. We are thankful for your patience.

As for its green waste, we are arranging a pick up ***today*** for the lanes which have already been pruned.

Thankyou
Team A block
VVWA 11:59

~ Neelam +91 98100 01286

I am not in delhinplease prune the trees in front of house lean on the road and the euclyptus tree is stopping all light . Thank ub 12:13

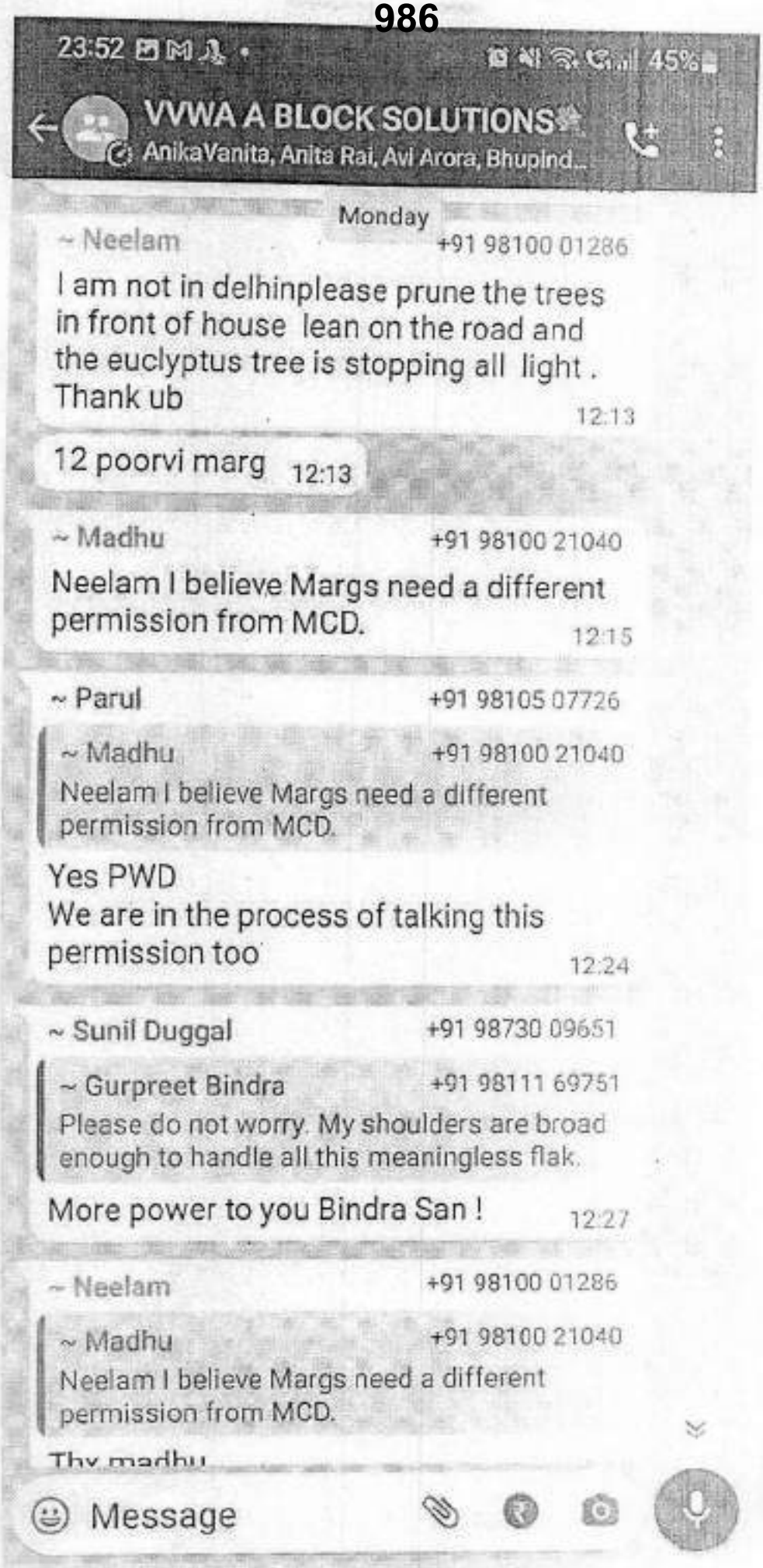
12 poorvi marg 12:13

~ Madhu +91 98100 21040

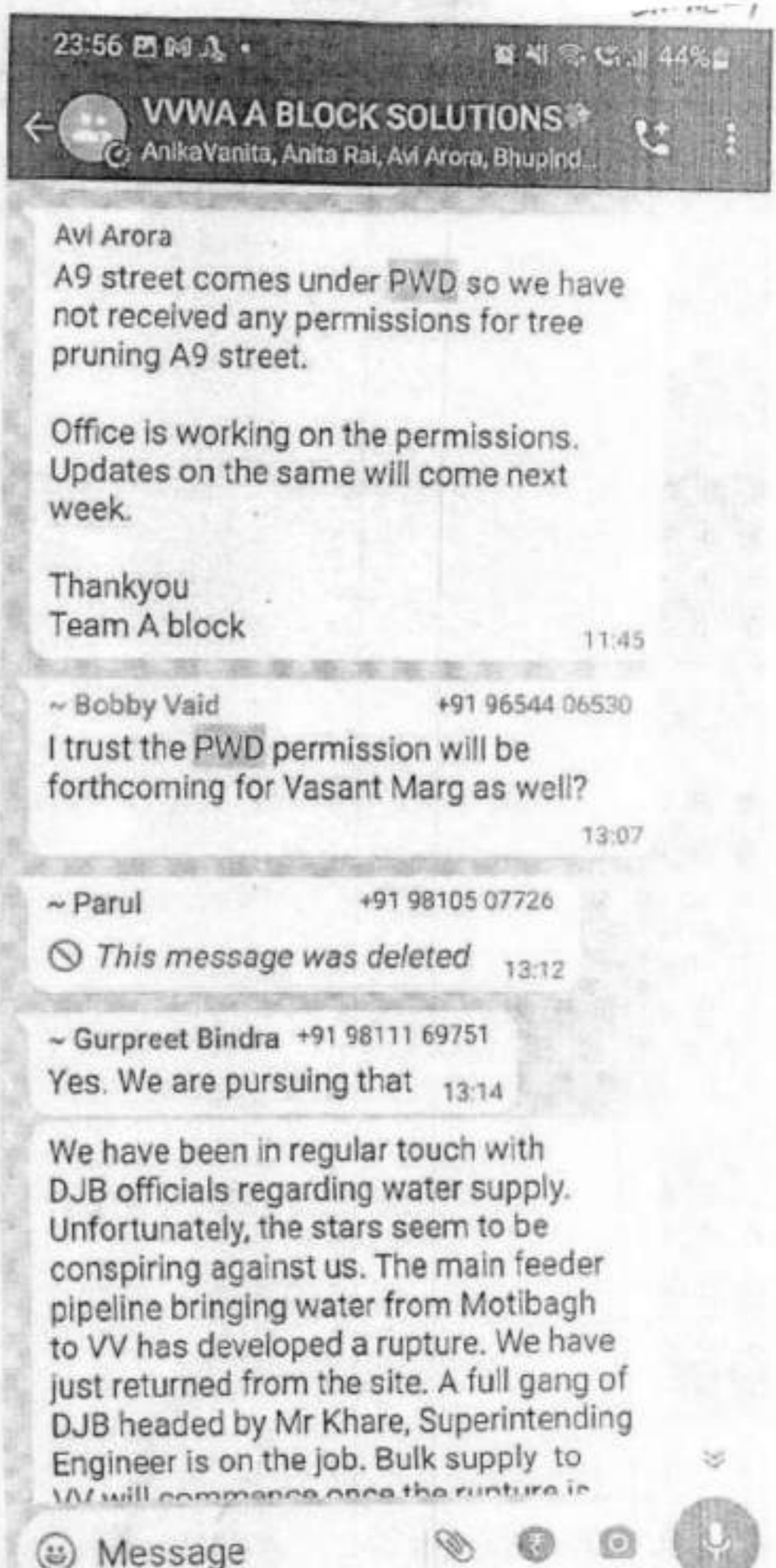
Neelam I believe Margs need a different

Message

19/12/22


23:52
45%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
Monday
~ Neelam +91 98100 01286
I am not in delhinplease prune the trees in front of house lean on the road and the euclyptus tree is stopping all light . Thank ub
12:13
12 poorvi marg 12:13
~ Madhu +91 98100 21040
Neelam I believe Margs need a different permission from MCD.
12:15
~ Parul +91 98105 07726
~ Madhu +91 98100 21040
Neelam I believe Margs need a different permission from MCD.
Yes PWD
We are in the process of talking this permission too
12:24
~ Sunil Duggal +91 98730 09651
~ Gurpreet Bindra +91 98111 69751
Please do not worry. My shoulders are broad enough to handle all this meaningless flak.
More power to you Bindra San !
12:27
~ Neelam +91 98100 01286
~ Madhu +91 98100 21040
Neelam I believe Margs need a different permission from MCD.
Thx madhu
Message

20/12/22


23:56
44%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
Avi Arora
A9 street comes under PWD so we have not received any permissions for tree pruning A9 street.
Office is working on the permissions. Updates on the same will come next week.
Thankyou
Team A block
11:45
~ Bobby Vaid +91 96544 06530
I trust the PWD permission will be forthcoming for Vasant Marg as well?
13:07
~ Parul +91 98105 07726
This message was deleted
13:12
~ Gurpreet Bindra +91 98111 69751
Yes. We are pursuing that
13:14
We have been in regular touch with DJB officials regarding water supply. Unfortunately, the stars seem to be conspiring against us. The main feeder pipeline bringing water from Motibagh to VV has developed a rupture. We have just returned from the site. A full gang of DJB headed by Mr Khare, Superintending Engineer is on the job. Bulk supply to
Message

Item No. 6 (Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 911/2022

Prof. Dr. Sanjeev Bagai & Ors. ...Applicants

Versus

Department of Environment, GNCTD & Ors. ...Respondents

Date of hearing: 20.12.2022

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.

Applicant: Mr. Anu Monga, Mr. Shobhit Sharma and Mr. Shubham Khanna, Advocates.

Application under Section 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. Prof. Dr. Sanjeev Bagai and others have filed the present application under Section 14 and 15 of the National Green Tribunal Act, 2010, seeking *inter alia* issuance of directions to respondents no. 1 to 6 to take appropriate remedial and penal action against respondent no. 12 to 17 for illegal act of cutting, felling and pruning of trees in Vasant Vihar.

2. The applicants have submitted that some trees were cut/felled in Vasant Vihar on 30.09.2022 without any permission and a complaint dated 28.10.2022 was lodged in this regard by applicant no. 1 with various authorities. On 18.11.2022, the applicants received a Whatsapp Communication from respondent no. 14 stating that there are around

7000 trees in Vasant Vihar pruning of which was long due and the pruning would start from 21.11.2022. It was further stated that Municipal Corporation of Delhi (MCD) does not have the means to carry out pruning and had conveyed its inability to carry out pruning of trees in Vasant Vihar. The applicants raised objections to the same and also sought information from the MCD under the Right to Information Act, 2005 but did not receive any response. The contractor engaged by respondents no. 12 to 17 started pruning of trees in Vasant Vihar w.e.f. 20.11.2022 without obtaining requisite permission under the Delhi Preservation of Trees Act, 1994 and the Guidelines dated 01.10.2019 for pruning of trees. The applicants made complaints to the concerned authorities but no action has been taken on the same.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. In view of the serious nature of the averments made in the application and the facts and circumstances of the case, we consider it appropriate to have the response, in the first instance, from the respondent no. 2-Commissioner, MCD, respondent no. 3-the Deputy Conservator of Forest, West Forests Division (Tree Officer) and respondent no. 18-the Vasant Vihar Welfare Association, through its Secretary. Let notices along with copies of the application and documents attached with the same be issued to respondents no. 2, 3 and 18 requiring them to appear and file reply/response and produce the relevant record on 21.12.2022.

5. List for further consideration on 21.12.2022.

6. The applicants are directed to take requisite steps for getting service of the notices effected on respondents no. 2, 3 and 18 for this purpose notices may be given *Dasti* to them.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 07, 2022
AVT

Item No. 1 (Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 911/2022

Prof. Dr. Sanjeev Bagai & Ors. ...Applicants

Versus

Department of Environment, GNCTD & Ors. ...Respondents

Date of hearing: 21.12.2022

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.

Applicant: Ms. Anu Monga, Mr. Shobhit Sharma and Mr. Shubham Khanna, Advocates.

Respondents: Ms. Puja Kalra, Mr. Virendra Singh and Surendra Singh, Advocates for respondent no. 2-MCD.
Ms. Neharika Modgil, Advocate for respondent no. 3-DCF (West) with Mr. Navneet Srivastav, DCF (West).
Mr. G.S. Bindra and Ms. Parul Gaur, office bearers of respondent no. 18-Vasant Vihar Residents Welfare Association.

Application under Section 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. Prof. Dr. Sanjeev Bagai and others have filed the present application under Section 14 and 15 of the National Green Tribunal Act, 2010, seeking *inter alia* issuance of directions to respondents no. 1 to 6 to take appropriate remedial and penal action against respondent no. 12 to 17 for illegal act of cutting, felling and pruning of trees in Vasant Vihar.

2. The applicants have submitted that some trees were cut/felled in Vasant Vihar on 30.09.2022 without any permission and a complaint dated 28.10.2022 was lodged in this regard by applicant no. 1 with various authorities. On 18.11.2022, the applicants received a Whatsapp Communication from respondent no. 14 stating that there are around 7000 trees in Vasant Vihar pruning of which was long due and the pruning would start from 21.11.2022. It was further stated that Municipal Corporation of Delhi (MCD) does not have the means to carry out pruning and had conveyed its inability to carry out pruning of trees in Vasant Vihar. The applicants raised objections to the same and also sought information from the MCD under the Right to Information Act, 2005 but did not receive any response. The contractor engaged by respondents no. 12 to 17 started pruning of trees in Vasant Vihar w.e.f. 20.11.2022 without obtaining requisite permission under the Delhi Preservation of Trees Act, 1994 and the Guidelines dated 01.10.2019 for pruning of trees. The applicants made complaints to the concerned authorities but no action has been taken on the same.

3. Vide order dated 20.12.2022, notices were ordered to be issued to respondents no. 2, 3 and 18 requiring them to appear and file reply/response and produce the relevant record on 21.12.2022. The applicants were directed to take steps to get the service of notice effected on them.

4. Ms. Puja Kalra, Mr. Virendra Singh and Surendra Singh, Advocates have appeared for MCD; Ms. Neharika Modgil, Advocate has appeared for DCF (West) with Mr. Navneet Srivastav, DCF (West) through VC and Mr. G.S. Bindra and Ms. Parul Gaur, office bearers of Vasant

Vihar Residents Welfare Association have appeared though VC and they seek time to file their reply/response.

5. Reply/response on behalf of respondents no. 2, 3 & 18 be filed **within one week** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

6. In view of the facts and circumstances of the case, we consider it appropriate to have the response of respondents no. 4 to 8 also. Accordingly, notices be issued to respondents no. 4 to 8 requiring them to file their reply/response **within one week** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

7. List for further consideration on 03.01.2023.

8. In the meanwhile further pruning of the trees, if considered necessary, be carried out by the concerned civic authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994. The Deputy Conservator of Forest, West Forest Division (Tree Officer); Deputy Director, Department of Horticulture, MCD and Deputy Director, Department of Horticulture, PWD are directed to ensure that such pruning takes place strictly in compliance with the statutory provisions and guidelines.

9. A copy of this order be sent to the Deputy Conservator of Forest, West Forest Division (Tree Officer); Deputy Director, Department of

Horticulture, MCD and Deputy Director, Department of Horticulture, PWD by email for ensuring requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 21, 2022
AVT



22.12.2022

~ पीके PK +91 98182 31020

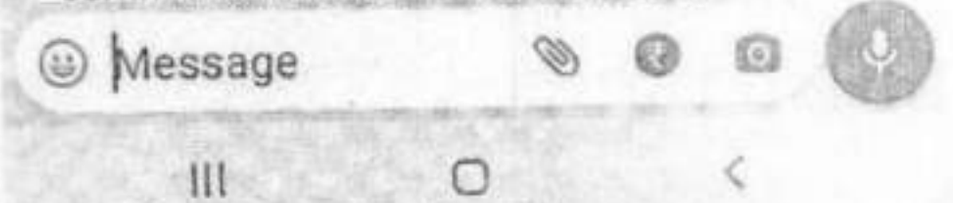
A walk on A10/A11 will tell you that this tree trimming contractor chanderpal is trimming as per his whims only and no rules or logic or with underhand dealings because some trees are barely trimmed and some were chopped 50% or more, he left trees in front of my house with almost no trimming but would not trim a branch or two hanging over the plot and in next half hour in next house A11/22 he chopped the tree right upto 40' height from all over to more than 60% and almost denuded it.

This exercise is futile if residents can't get trimmed; those branches of trees, troubling them especially when their association is bearing the expense.

I am sure many more residents have similar experience to share all across our block. 🙏

Although the association president was so reassuring & said he will relook and address all such remaining issues once persistent complaints and obstructions being created by some rogue and disgruntled elements is overcome.

Must add, atleast present association committee has been most energetic,



(2)



tree trimming contractor chanderpal is trimming as per his whims only and no rules or logic or with underhand dealings because some trees are barely trimmed and some were chopped 50% or more, he left trees in front of my house with almost no trimming but would not trim a branch or two hanging over the plot and in next half hour in next house A11/22 he chopped the tree right upto 40' height from all over to more than 60% and almost denuded it.

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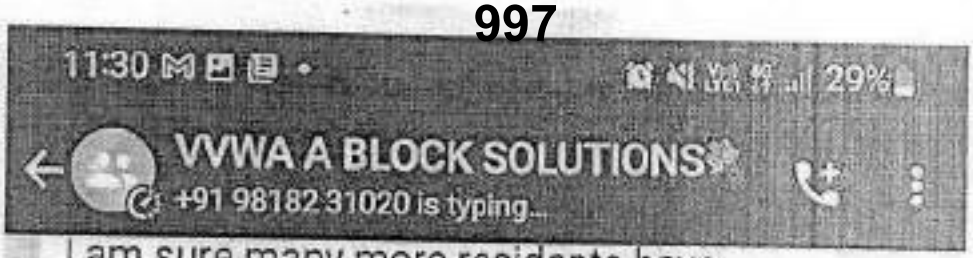
Although the association president was so reassuring & said he will relook and address all such remaining issues once persistent complaints and obstructions being created by some rogue and disgruntled elements is overcome.

Must add, atleast present association committee has been most energetic, proactive & productive over last couple of years. 🙏

11:03



3



I am sure many more residents have similar experience to share all across our block. 🙏

Although the association president ...
Read more

11:03

3 Unread Messages

Nidhi V.V.

Sir i am sorry to hear that ur not satisfied with what is being done .

As we now know-we cannot satisfy all
Despite me standing n getting the work done.

🙏

11:11

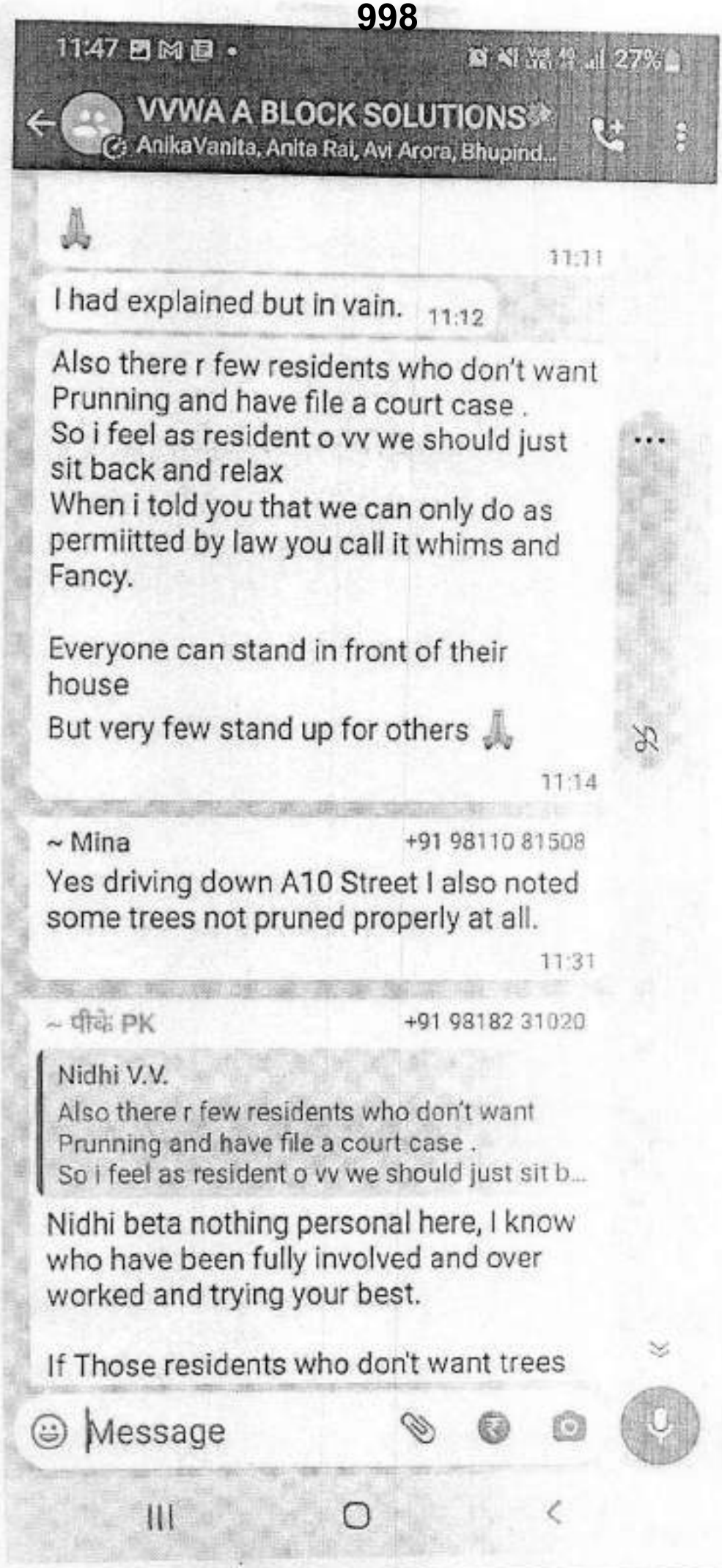
I had explained but in vain. 11:12

Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit back and relax
When i told you that we can only do as permiitted by law you call it whims and Fancy.

Everyone can stand in front of their house
But very few stand up for others 🙏

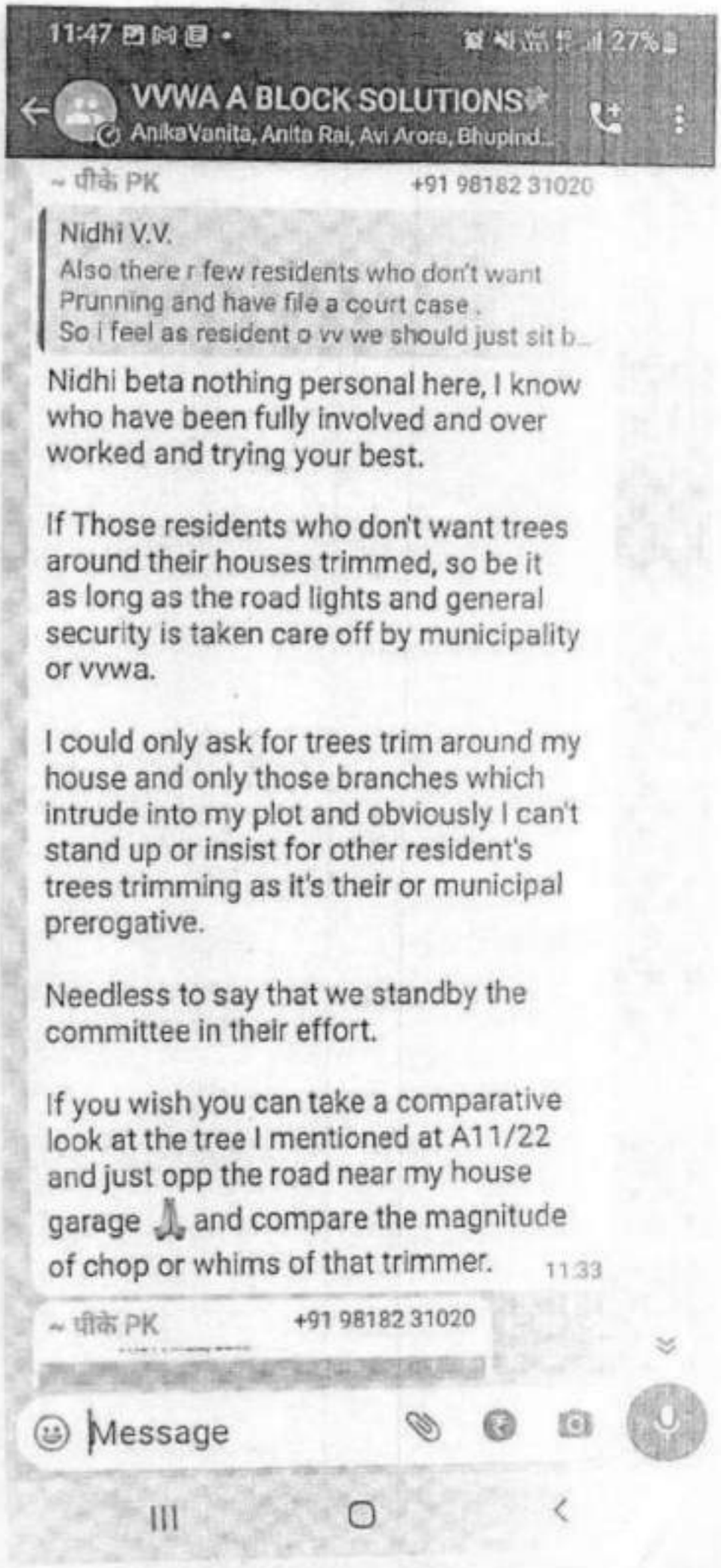
Message

(4)


11:47
27%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
11:11
I had explained but in vain. 11:12
Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit back and relax
When i told you that we can only do as permiitted by law you call it whims and Fancy.
Everyone can stand in front of their house
But very few stand up for others
11:14
~ Mina +91 98110 81508
Yes driving down A10 Street I also noted some trees not pruned properly at all.
11:31
~ +91 98182 31020
Nidhi V.V.
Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit b...
Nidhi beta nothing personal here, I know who have been fully involved and over worked and trying your best.
If Those residents who don't want trees
Message

999

429 420


11:47
27%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
~ पीके PK
+91 98182 31020
Nidhi V.V.
Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit b...
Nidhi beta nothing personal here, I know who have been fully involved and over worked and trying your best.
If Those residents who don't want trees around their houses trimmed, so be it as long as the road lights and general security is taken care off by municipality or vvwa.
I could only ask for trees trim around my house and only those branches which intrude into my plot and obviously I can't stand up or insist for other resident's trees trimming as it's their or municipal prerogative.
Needless to say that we standby the committee in their effort.
If you wish you can take a comparative look at the tree I mentioned at A11/22 and just opp the road near my house garage and compare the magnitude of chop or whims of that trimmer.
11:33
~ पीके PK
+91 98182 31020
Message

(6)

23/12/22

13:42 63%

VV Divas
Aastha, Devyani V.V, Diya Ma'am, DPS, Glo...

~ Anita Sinha +91 98117 60938

~ Anuradha Goyal +91 95608 85655
Hi Divas ! Just wanted to ask if anyone has eaten a meal at Krishi Cress farms and how was it ? Some friends coming in from out of ...

Yes it's a good experience 12:30

3 Unread Messages

~ Parul +91 98105 07726
We Wish to inform Everyone that we have had to suspend the Pruning because Three residents of Vasant Vihar have approached the NGT to suspend the pruning .
Before the NGT the same said residents had filed complaints with various authorities to stop Pruning .
Detail Note is attached. 13:30

~ Parul +91 98105 07726
Forwarded

Dear Residents,

We come to you today with a matter of deep

Adobe Scan 23 Dec 2022 (1).pdf
4 pages • 0.95 MB • PDF

13:30

~ Parul +91 98105 07726
Forwarded

Message

13:49 62%

VV Divas
only admins can send messages

~ Parul +91 98105 07726
Forwarded

Dear Residents,

We come to you today with a matter of deep

Adobe Scan 23 Dec 2022 (1).pdf
4 pages · 0.95 MB · PDF

13:45

~ Parul +91 98105 07726
Forwarded

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. ____ OF 2022

Adobe Scan 23 Dec 2022 (2).pdf
4 pages · 752 kB · PDF

13:45

Nidhi V.V.
Forwarded
Hi girls
Making the group for one way posts by admins so everyone may read above VVWA information. And it's not lost in promos and other msgs 13:46

Nidhi V.V. changed this group's settings to allow only admins to send messages to this group

Only admins can send messages

Dear Residents,

We come to you today with a matter of deep concern. This relates to a plaint filed in the National Green Tribunal (NGT) to derail and stall the PRUNING work that is going on.

Before we get into the details of the pruning matter, we wish to simply state at this point, that there is a group of people who are constantly making efforts to derail the work that VVWA is doing. We are today dealing with a plethora of cases that have been filed in various courts. We have had to answer several complaints filed with the Hon'ble Lt. Governor and the Police. These matters pertain to issues

which have already been settled in the various AGMs. Everyone is also aware of the hate messages that are regularly put out on WhatsApp groups. The complete details will be forwarded in due course. Residents have elected us to serve them, something we are striving to do at all times.

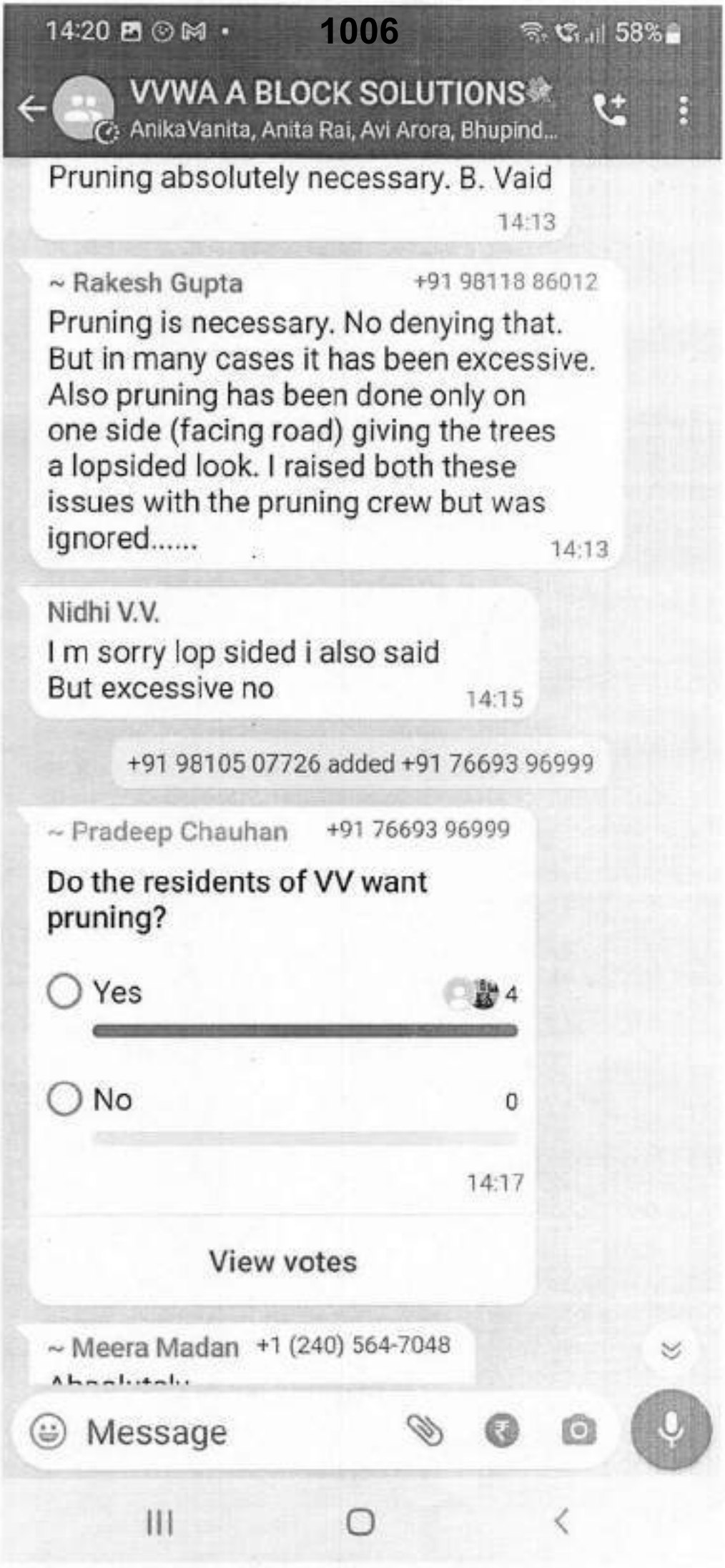
Coming to the question of pruning, we were shocked to learn that three individuals namely, Dr. Sanjeev Bagai, Mr. Rajat Kumar and Mr. Vivek Tandon have filed an application before the National Green Tribunal (NGT) stating that the pruning is being carried out in violation of law and to suspend it with immediate effect. During the hearing held on Wednesday, the

charge levied against VVWA is that instead of pruning trees, we were actually felling them. Everyone knows that this is not the case. Everyone knows that the provisions of the Forest Act and the guidelines thereof are being strictly followed and no compromise is being made in this respect.

When the pruning was started in F-Block, one individual did his best to stall the process, even going to the extent of filing a Police complaint and asking the Police to tow away the Skylift. Complaints have been filed with PMO and Hon'ble LG asking them to stop the work. It should be.appreciated that this has led to precious time being wasted and has led to

an unnecessary expense of VVWA funds, which could have been gainfully used for other developmental works.

Pruning is being carried out by VVWA in the larger interest of the residents. Pruning is an exercise which is essentially needed at this point to save our trees and also provide much needed winter sun. It would also be pertinent to mention that one of the Petitioners in the matter has had the tree in front of his house pruned. At this point, it is essential that all residents stand with VVWA and make their stand very clear that pruning is essentially required.


14:20
58%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
Pruning absolutely necessary. B. Vaid
14:13
~ Rakesh Gupta
+91 98118 86012
Pruning is necessary. No denying that. But in many cases it has been excessive. Also pruning has been done only on one side (facing road) giving the trees a lopsided look. I raised both these issues with the pruning crew but was ignored.....
14:13
Nidhi V.V.
I m sorry lop sided i also said
But excessive no
14:15
+91 98105 07726 added +91 76693 96999
~ Pradeep Chauhan
+91 76693 96999
Do the residents of VV want pruning?
Yes
4
No
0
14:17
View votes
~ Meera Madan
+1 (240) 564-7048
Message

16:38 47%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

issue. 15:50

~ Parul +91 98105 07726

> ~ Rakesh Gupta +91 98118 86012
> I have procured a copy of the NGT order dated 21 Dec and am posting it here. In all fairness the NGT has not suspended the pru...

We have also stated that we have stopped the pruning .
The pruning was being supervised anyhow 15:58

2 Unread Messages

Nidhi V.V.

> ~ Rakesh Gupta +91 98118 86012
> I have procured a copy of the NGT order dated 21 Dec and am posting it here. In all fairness the NGT has not suspended the pru...

Prunning was being dine by mcd only
We were facilitating with sky lift as we have big trees
Mcd Supervisor
Mcd staff
Mcd inly removing waste
Since trees are high we needed sky lift

Also we are doing as per guidelines on horticulture department 16:29

Mcd can only do two trees a day
So you can do the math 16:38

Message

24/12/22


14:46
14%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
~ Gurpreet Bindra +91 98111 69751
Good morning. Water supply to D and F blocks started at 5.30 am
06:06
~ Madhu Nagpal +91 97184 10930
~ Ashima +91 98100 66461
I am Ashima from A 15/15. My house is in total darkness due to the huge trees on the road. Have sent a letter to Wrlfare and the n...
Definitely need pruning
06:17
~ Gautam Soni +91 99999 77283
Hardly any water in A-10/4 for the last few days.The situation is getting precarious and needs attention.Kindly look into the matter. Thanks
08:43
Nidhi V.V.
~ Shanti Sarup Sachdeva +91 98100 70950
Human nature is such that when it is hot we want cold and when it is cold we want hot So it means Pruning must be done where it i...
Sir you must come down n see for your self
The prunner has been with horticulture for 20 more years.
We as reps have been over looking as these people are at it to fund faults
Anyone can come down n measure the size of branches that has been cut.
The horticulture mcd supervisor is there .
What else can we do
14:46
Message

24/12/22

15:24 8%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

done. 14:58

Yashna Bahl

It's a selfless job that all volunteers are doing. Instead of pulling them down we should be the ones cheering for them. They have to manage VASANT VIHAR, which is not a small colony. So please put your self in their shoes and think before you write any remarks. Let's all be mindful. 15:07

~ BARBARA MAHAJAN +91 93131 93094

> Yashna Bahl
> It's a selfless job that all volunteers are doing. Instead of pulling them down we should be the ones cheering for them. They have to m...

I agree! 15:08

Nidhi V.V.

> Yashna Bahl
> It's a selfless job that all volunteers are doing. Instead of pulling them down we should be the ones cheering for them. They have to m...

And where were they last time when the same exercise happened
And the best part is that there hoses were donw and they had no issues
Once we progressed further they started finding faults. 🙏
And even if they had issue they would ha e called the reps and discussed 15:24

Message

24/12/22

16:14 20%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

many trees are top heavy and can be dangerous to security of life and objects .
With an MC approval and MCD cooperation and assistance the exercise is being carried on.
No one is going cutting trees .
When in requests to forest dept trees are not allowed to be cut , who in their right mind will chop trees
The whole exercise is being done with a MCD staff present and they are the ones clearing all green waste .
Would they not be the first ones to complain and object .

Today if residents need a service or have an issue , as a welfare organization we try our best or cover it .
Thanks to most of members and residents who support us by their continued subscription we can .
Is there a harm... Read more 15:41

Nidhi V.V.
And the problem is if we write anything or take there names as many if you have requested
We are filed with CRIMINAL DEFAMATION SUIT
They r just trying to find faults
I m sure this msg will also be screen shot n sent to them 16:13

Message

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
PRINCIPAL BENCH , NEW DELHI

OA No. 911/2022

IN THE MATTER OF :

Prof. Dr. Sanjeev Bagai & Ors. .:.APPLICANT

VERSUS

Department of Environment, GNCTD,

...RESPONDENTS

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S.No.	Particulars	Pages
1.	Short Affidavit on behalf of Respondent/MCD.	
2.	Photographs showing the regular Pruning of the trees as **Annexure-A (Colly).**	
3.	Copy of 02 permissions and the photographs showing the Pruning as **Annexure-B (Colly).**	

Through

Ms. Puja Kalra
(Advocate)
Standing Counsel for MCD
Ch. No. 430/431
Delhi High Court
New Delhi.

**BEFORE THE NATIONAL GREEN TRIBUNAL,
NEW DELHI
PRINCIPAL BENCH, NEW DELHI**

OA No. 176/2022

IN THE MATTER OF :

PROF. DR. SANJEEV BAGAI & ORS.

...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT, GNCTD.

...RESPONDENTS

SHORT AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2 /MCD.

AFFIDAVIT OF PIJUSH KUMAR BENERJEE S/O SUNIL KUMAR BENERJEE AGED ABOUT 53 YEARS, DEPUTY DIRECTOR HORTICULTURE, SOUTH ZONE, MUNICIPAL CORPORATION OF DELHI, GREEN PARK NEW DELHI:-

I, the deponent above named, do hereby solemnly affirm as state as follows:

1. That I am presently posted as Deputy Director Horticulture, South Zone, MCD, Green Park, New Delhi and am conversant with the facts of the case based on the official records maintained by MCD am as such competent to depose thereto.
2. That the instant affidavit is being filed pursuant to order dated 21/12/2022 of this Hon'ble National Green Tribunal.
3. That at the outset the answering respondent craves leave of this Hon'ble Tribunal to file Short

P.K. Banerjee

Affidavit in response to the instant Original Application (OA) / Petition concerning the role of the answering respondent, with the liberty to filed detailed para wise reply / counter affidavit if need arises or Hon'ble Tribunal directs to do so.

4. That I have gone through the contents of the present Original Application / OA and denies each and every allegations and contentions made therein unless and until the same are admitted herein below specifically.

5. That considering the role of the Horticulture Department of answering respondent / MCD, it is submitted that for carrying out the Pruning of trees the necessary Guidelines has already been issues by department of Forests and Wild Life, Government of NCT of Delhi vide bearing No. F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01/10/2019. The copy of the said Guidelines is already annexed alongwith the instant OA / Petition as Annexure-A.

6. That in terms of the said Guidelines, clause -5, Regular Pruning / General Tending upto 15.7 cm can be got done by Civic Agencies at regular intervals for which no permission is required. Whereas for light Pruning greater than 15.7 cm but less than and equal to 40 cm and for heavy Pruning greater than 40 cm permission is required from concerned tree officer on submission of prescribed form-B and other documents as prescribed in DPTA,1994.

PKBanerjee

7. That in the colony known as "Vasant Vihar, New Delhi" the exercise for regular Pruning of the trees upto 15.7 cm has been undertaken / carried out in respect of the trees on the road / public land, falling / situated within the jurisdiction of MCD, on demand of the RWA concerned and the same has been got done under the supervision of Mali, Supervisor (Choudhary) and Section Officer of the area of Horticulture Department South Zone / MCD. It is pointed out that since the regular Pruning of the trees upto 15.7 cm has been carried out / undertaken, so for the same, in terms of the Guidelines as referred above, no permission is required.
8. That as per record of the department, the said regular Pruning has been undertaken / carried out w.e.f. 21/11/2022 till 20/12/2022 under the supervision of said officers. The photographs showing the regular Pruning of the trees as undertaken / carried out are annexed herewith as **Annexure-A (Colly).**
9. That further as per record, the answering respondent has also got done Pruning in respect of 02 trees, one falling / situated near H.No. D-449, Bhanwar Singh Camp, Vasant Vihar, New Delhi vide permission bearing F.No. NOV.2022/WFD/Pruning/22-23/9119-22 dated 22/11/2022 and another one falling / situated near House No. C-3/1, Vasant Vihar, New Delhi vide permission bearing F.No. NOV.2022/WFD/

P.K. Banerjee

Pruning/22-23/8792-95 dated 02/11/2022. The copy of the permissions as obtained and the photographs showing the Pruning of said trees are annexed herewith **Annexure-B (Colly).**

PK Banerjee
DEPONENT

VERIFICATION:

Verified at Delhi on this ____day of January-2023, that the contents of the above affidavit are true and correct to my knowledge derived from the official records maintained by the MCD and I believe the same to be true and correct.

PK Banerjee
DEPONENT

GOVT. OF N.C.T. OF DELHI
OFFICE OF DY. CONSERVATOR OF FOREST (WEST)
MANDIR LANE, NEW DELHI-110060
(PHONE # 011-23361879, FAX# 011-23361876)

F. No.NOV.2022/WFD/Pruning /22-23/ 9119–22 Dated: 22-11-2022

Sub: Permission for pruning of trees.

With reference to your application your office letters vide Online Id-9463 received from Sh. P.K. Banerjee, Dy. Director, Horticulture Room no. 45,2nd Floor, South Zone, SDMC Green Park, New Delhi for grant of permission for pruning of tree(s). It is to inform that permission is hereby granted as per details indicated below. Subject to satisfactions of the terms and conditions specified hereunder.

Description	Species of tree/s	Location of tree	Total No. of tree/s
Pruning of branches having girth upto 40 cms. Maximum of only 3-4 branches per tree.	Neem-01 nos.	Near H.No. D-449, Bhanwar Singh Camp, Vasant Vihar, New Delhi-110021	01 -nos.

* The pruning shall be carried out under the supervision of competent official of the concerned horticulture department to ensure that no exploitative pruning occurs in violation of this order and provision of DPTA, 1994.
*It has also been noticed during inspection that the root area around the trees has been cemented. It is therefore directed that an area of 6X6 ft around each tree has to be de-concretized immediately, keeping in view directions of the Hon'ble NGT in the matter of O.A. No. 82/2013, titled Aditya N. Prasad Vs Govt. of NCT of Delhi &Ors.

Terms & Conditions

1. Permission to prune/pollard the tree/s is granted at the risk of the applicant and without prejudice to the claims of any other person/s who may be having any rights over the land of the tree/s.
2. Pruning/pollarding of tree/s shall be completed within 90 days. In the event that the pruning is not carried out within the said period, the permission shall be treated as lapsed and would require fresh request as per DPTA, 1994.
3. Material produced from pruned/pollarded tree/s shall not be removed or disposed without transport permission issued by Tree Officer.
4. The applicant shall ensure that pruning/pollarding does not result in death of the tree. In case of death of any tree resulting from improper pruning/pollarding, Tree Officer shall cause ten times the number of dead trees to be planted in the area and recover the cost of such plantation and maintenance till the time of the establishment of the tree from the applicant in accordance with Law.
5. He will also ensure the compliance of all other laws, rules, orders, and orders of the courts and master plan of Delhi, if any applicable in the case while executing this permission.
6. The landowning agencies shall ensure that wood/logs/lops arising out the pruning should find its way only the MCD crematoria in Delhi in greater public interest or as per policy of agency as decided by the Secretary/HOD/Competent Authority.
7. After the pruning is done photographs of pruned trees be submitted to Tree Officer's office.
8. The applicant shall liaise with concerned land owing agencies and carryout the work with them consent only. Any litigation shall be the sole responsibility of the applicant as permission is being awarded keeping in view the possible safety hazard.
9. A report, post pruning to be submitted by CPWD/PWD/MCD & others along with signatures of RWA members/residents of the area indicating the status of the work carried out.
10. The applicant is directed to submit the photographs with geo-coordinates of Trees proposed to be prune before and after pruning within one month in this office.

DY. CONSERVATOR OF FOREST/
TREE OFFICER (WEST)

To,

Sh. Sh. P.K. Banerjee, Dy. Director, Horticulture Room no. 45,2nd Floor, South Zone, SDMC Green Park, New Delhi.

shall be personally responsible in ensuring that no violation of provisions of DPTA, 1994 occurs.

Copy To:
1. The Conservator of Forest, 'A' Block 2nd Floor, Vikas Bhawan, I.P. New Delhi for information.
2. Concerned DFO, Mallbagh Range.
3. In – charge tree protection cell.

DY. CONSERVATOR OF FOREST/
TREE OFFICER (WEST)

1016

GOVT. OF N.C.T. OF DELHI
OFFICE OF DY. CONSERVATOR OF FOREST (WEST)
MANDIR LANE, NEW DELHI-110060
(PHONE # 011-23361879, FAX# 011-23361876)

F. No.Nov.2022/WTO/Pruning /22-23/ 8792-95 Dated: 02-11-2022

Sub: Permission for pruning of trees.

With reference to your application your office letter vide Online Id-9108 received from Sh.P.K Banerjee, Dy. Director Horticulture Room No-45 2nd Floor Horticulture Department South Zone, SDMC, Green Park, New Delhi for grant of permition for pruning of trees(s). It is to inform that permission is hereby granted as per details indicated below. Subject to satisfactions of the terms and conditions specified hereunder.

Description	Species of tree/s	Location of tree	Total No. of tree/s
Pruning of branches having girth upto 40-45 cms. Maximum of only 3-4 branches per tree.	Bargad-01 nos.	Near House No-C-3/1, Vasant Vihar, New Delhi	01- nos.

* The pruning shall be carried out under the supervision of competent official of the concerned horticulture department to ensure that no exploitative pruning occurs in violation of this order and provision of DPTA, 1994.
*It has also been noticed during inspection that the root area around the trees has been cemented. It is therefore directed that an area of 6X6 ft around each tree has to be de-concretized immediately, keeping in view directions of the Hon'ble NGT in the matter of O.A. No. 82/2013, titled Aditya N. Prasad Vs Govt. of NCT of Delhi &Ors.

Terms & Conditions

1. Permission to prune/pollard the tree/s is granted at the risk of the applicant and without prejudice to the claims of any other person/s who may be having any rights over the land of the tree/s.
2. Pruning/pollarding of tree/s shall be completed within 90 days. In the event that the pruning is not carried out within the said period, the permision shall be treated as lapsed and would require fresh request as per DPTA, 1994.
3. Material produced from pruned/pollarded tree/s shall not be removed or disposed without transit permision issued by Tree Officer.
4. The applicant shall ensure that pruning/pollarding does not result in death of the tree. In case of death of any tree resulting from improper pruning/pollarding, Tree Officer shall cause ten times the number of dead trees to be planted in the area and recover the cost of such plantation and maintenance till the time of the establishment of the tree from the applicant in accordance with Law.
5. He will also ensure the compliance of all other laws, rules, orders, and orders of the courts and master plan of Delhi, if any applicable in the case while executing this permission.
6. The landowning agencies shall ensure that wood/logs/tops arising out the pruning should find its way only the MCD crematoria in Delhi in greater public interest or as per policy of agency as decided by the Secretary/HOD/Competent Authority.
7. After the pruning is done photographs of pruned trees be submitted to Tree Officer's office.
8. The applicant shall liaise with concerned land owing agencies and carryout the work with them consent only. Any litigation shall be the sole responsibility of the applicant as permission is being awarded keeping in view the possible safety hazard.
9. A report, post pruning to be submitted by CPWD/PWD/MCD & others along with signatures of RWA members/residents of the area indicating the status of the work carried out.
10. The applicant is directed to submit the photographs with geo-coordinates of Trees proposed to be prune before and after pruning within one month in this office.

DY. CONSERVATOR OF FOREST/
TREE OFFICER (WEST)

To,

Sh. P.K Banerjee, Dy. Director Horticulture Room No-45 2nd Floor Horticulture Department South Zone, SDMC, Green Park, New Delhi.
shall be personally responsible in ensuring that no violation of provisions of DPTA, 1994 occurs.

Copy To:

1. The Conservator of Forest, 'A' Block 2nd Floor, Vikas Bhawan, I.P. New Delhi for Information.
2. Concerned DRO, Moti Bagh Range.
3. In-charge Tree protection cell.

DY. CONSERVATOR OF FOREST/
TREE OFFICER (WEST)

1017

ANNEXURE - 27

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT, GNCTD & ORS. …RESPONDENTS

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New Delhi
Dated: 02/01/2023

Filed by-

(Ekta Mehta & Akanksha Agrawal)
Advocates for the Respondent No.18
Nizamuddin East Market
2nd and 3rd Floor, New Delhi-13
M. No. +91 9971443037
Email: ektadmehta@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

(Under Section 14 and 15 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,

GNCTD & ORS. ...RESPONDENTS

REPLY BY THE RESPONDENT NO. 18 TO THE APPLICATION UNDER SECTION 14 AND 15 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010.

I. PRELIMINARY OBJECTIONS

1. That the purported application made under section 14 & 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'the Act'), is beyond the scheme and purpose of the act as no *substantial question relating to environment* is set out in the application by the applicant, the reliefs sought are not in accordance with section 15 of the Act. The applicants have failed to specify any actual environment harm or damage in its application or through the evidence.

2. That the purported application is premised and based on pruning of the trees alleged to be undertaken by Respondent Nos. 12-18 without permission of the appropriate authorities/ concerned authorities in reference to the Guidelines dated 01.10.2019 under Delhi Preservation of Trees Act, 1995 (hereinafter referred to as 'the Guidelines') although the Guidelines, under clause 5 provide that for pruning upto 15.7 cms of grith, no permission is required.

3. That the purported application and accusations made therein against the Respondent No.18 is bereft of any cause, facts and evidence. No particular/ specific harm or damage is shown to have been caused to the environment. The Annexure 12 is the only evidence in the form of photographs which are neither date stamped, nor place marked and therefore does not comprise as evidence under the law. The certificate under section 65-B of the Indian Evidence Act, 1872 submitted by the applicant along with the application does not satisfy the conditions in relation to the information and computer in question and therefore are not admissible in the said proceedings as evidence. The applicants have failed to provide any information as to the number, location or category of trees which were alleged to have been pruned by the Respondent No.18 to cause death or damage to the tree or the environment. The application is bereft of any particulars.

4. That there is no cause of action against the Respondent No.18. The purported case of the applicant is, *inter alia*, pruning undertaken to be done without the permission of the concerned authorities and anticipation that there has been violation of law. No case has been made out for any actual damage caused to the environment or that any pruning of trees has led to the death or destruction of the tree. No case has been made that the pruning of trees was not required in the Vasant Vihar area, in fact the applicant has itself made an interim prayer (paragraph C) to '*direct Respondent Nos. 2-6 and/or the concerned authority/ land owning agency/ civic body to undertake pruning of trees in Vasant Vihar, on their own, on immediate basis...*'.

5. The prayer made by the applicant in the purported application is beyond the scope and scheme of section 15 of the National Green Tribunal Act, 2010 wherein the act provides:

> **15. Relief, compensation and restitution.—**
> (1) The Tribunal may, by an order, provide,—
> (a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);
> (b) for restitution of property damaged;
> (c) for restitution of the environment for such area or areas,
> as the Tribunal may think fit.

6. It is evident from the prayer and pleading of the applicants that there is no victims of pollution, and no environmental damage has been caused, therefore, no restitution of environment or property or area has been prayed for. Thus, the prayer made in the application is *malafide* and motivated, contradictory to the purpose of the act and not made in the interest of the environment or public.

7. It is submitted that neither was there any threat to the environment nor exists any. The pruning is being undertaken by the Municipal Corporation of Delhi in compliance of order dated 21.12.2022 of this Hon'ble Tribunal.

II. REPLY TO THE APPLICATION

1. The contents of paragraph 1 to 10 of the application under reply are matters of record and argument. The answering respondent craves leave to refer and rely upon the records for its true meaning and purport. It is however stated that case law relied by applicant titled as ***Pradeep Indulkar v. Municipal Corporation for the city of Thane and others***; Hon'ble NGT (Western Zone), Bench, Pune (bearing Application No. 157 of 2016) is not relevant to the facts of the present case arising out of different factual matrix. It is denied that any law or rule has been violated by the answering respondent.

2. The contents of paragraph 11 of the application under reply are denied. It is denied that any illegal/ unauthorized acts of cutting, felling or pruning of trees were carried on by the Respondent No. 18. Pruning had been done within the boundary of law and under the supervision and control of the appropriate authorities.

III. REPLY TO THE FACTS IN BRIEF

1. The contents of paragraphs I and II of the facts in brief in the application under reply are matter of record except that the Respondent Nos. 12-17 were responsible and involved in the illegal act of cutting, felling and pruning of trees without obtaining requisite approvals which is denied, and it is reiterated that pruning was carried out as per law and under the active supervision and control of the appropriate authorities.

2. The contents of paragraph III and IV of the facts in brief in the application under reply are denied. It is denied that tree(s) were cut/ fell in Vasant Vihar with any understanding/ consent of the Respondent Nos 12-18 with/ without the approval of the authorities. It is stated that no pruning of more than 15.7 cm was undertaken by the answering Respondent and a letter dated 01.12.2022, in this behalf, was sent to the Deputy Conservator of Forest by the Respondent No. 18. No reply/ objection to the said letter was received by the Respondent No.18. A copy of the aforesaid letter dated 01.12.2022 is annexed herewith as **Annexure R-1**.

The complaint dated 28.10.2022 is matter of record and is not in the knowledge of Respondent No. 18. It is categorically denied that Respondent No.18 was responsible for any felling of trees on 30.09.2022 or on 20.11.2022. To the knowledge of Respondent No. 18, the purported police complaint filed *vide* diary number 78775 with the Vasant Vihar Police Station is under investigation.

3. The contents of paragraph V of the facts in brief in the application under reply are matters of record and that information about pruning was duly given to the residents of the Vasant Vihar. It is denied that pruning was done without permission of the authorities. It is reiterated that pruning was done with the approval and under the control and supervision of the concerned authorities and in accordance with the extant laws and rules.

4. The contents of paragraph VI to XV of the facts in brief in the application under reply are self-serving, baseless and false. It its reiterated that the allegations made in these paragraphs are without any merit or evidence. The pruning was done *bona fine*, in the interest and welfare of the trees and the environment. It is denied that pruning was undertaken by private contractor. Respondent No.18 had only provided the facility of the skylift for carrying out the work of pruning which was undertaken under the supervision and control of the appropriate authorities in complete compliance of the Delhi Preservation of Trees Act, 1995, the Guidelines

and other relevant environmental laws. It is however denied that pruning was suspended on 24.11.2022 on the plea that few residents had raised concerns regarding prior approval of pruning of trees and it is categorically denied that huge amount of money was being spent on private contractors for this purpose. It is stated that the applicants have misconstrued the statement that 'pruning is not covered by any model code of conduct' while it conveyed that 'pruning was not in violation of any model code of conduct'.

5. The contents of paragraph XVI to XIX of the facts in brief in the application under reply are matters of record and the answering Respondent craves leave to refer to and rely upon the records for its true meaning and purport. It is however denied that the answering Respondent had ignored any aspect of care and protection of the environment and trees. The pruning was done to save the trees from felling and for their better growth. No trees were damaged in the pruning process.

6. The contents of paragraph XX to XXI of the facts in brief in the application under reply are self-serving, baseless and false. It its reiterated that the allegation made in these paragraphs are without any merit or evidence. It is denied that there was any haste to cut/ prune trees. It is denied that Respondent No. 18 made any irresponsible comments and shallow assurances to the residents of Vasant Vihar. In fact, every activity

was carried on in a very transparent manner under the care, control and supervision of the concerned authorities. It is denied that any private agency was involved for any illegal or unlawful activity by the answering Respondent. It is denied that any atmosphere of hatred or passing of any derogatory comment is/was created by the answering Respondent, the applicants are only victimizing themselves for self-serving interest. It is submitted that no case of environmental pollution has been made out by the applicants except unsubstantiated and bald allegations against specific members of the Respondent No.18. No victims of environment pollution has been highlighted, there is absolutely no particular/ specific harm or damage shown to have been caused to the environment. The applicants have failed to provide any information as to the number, location or category of trees which have been harmed by the Respondent No.18 so as to cause death or damage to the tree or the environment. It is submitted that no illegal act was carried on by the Respondent No.18.

IV. REPLY TO THE GROUNDS

1. The contents of paragraph A of the grounds in the application under reply are denied for being false and beyond the legal provisions. That the purported application made under section 14 & 15 of National Green Tribunal Act, 2010, is beyond the scheme and purpose of the act as *no substantial question relating to environment* is set out in the entire

application by the applicants and no action is shown to cause environment pollution or damage.

2. The contents of paragraph B to H of the grounds in the application under reply are matter of record and argument and the answering Respondent craves leave to refer to and rely upon the records and laws for its true meaning and purport. It is however stated that case law relied by applicant titled as ***Pradeep Indulkar v. Municipal Corporation for the city of Thane and others***; Hon'ble NGT (Western Zone), Bench, Pune (bearing Application No. 157 of 2016) is not relevant to the facts of the present case. It is brought to the attention of the Hon'ble Tribunal that in the Guidelines dated 01.10.2019, clause 5 provides that for regular pruning/ general trending up to 15.7 cm, no permission is required. It is again reiterated that the activity of pruning undertaken by the Respondent No.5 was as per law and under the active supervision and control of the concerned authorities and its officers. It is submitted that no pruning of more that 15.7 cm was undertaken by the answering Respondent and a letter dated 01.12.2022, in this behalf, was also sent to the Deputy Conservator of Forest by the Respondent No. 18.

3. The contents of paragraph I to P of the grounds in the application under reply are beyond the knowledge and concern of the answering Respondent therefore merit no reply. It is denied that pruning was carried

on by private contractors by the Respondent No.18, it is reiterated that pruning was undertaken under the active supervision and control of the concerned authorities and ancillary services were facilitated by the Respondent No.18. It is submitted that pruning is not in violation of any model code of conduct and for pruning of upto 15.7 cms, no permission is also required to be taken as per the Guidelines dated 01.10.2019. It is also submitted that all the wood/lops/tops that are created by the pruning, are being removed by Municipal Corporation of Delhi in their vehicles to their nursery for onward use as they deem fit and as per the norms and rules. A copy of the photographs showing the waste being picked up by Municipal Corporation of Delhi in their truck for onwards use is annexed herewith as **Annexure R-2 (colly).**

4. The contents of paragraph Q to T of the grounds in the application under reply are matter of record and argument and the answering Respondent craves leave to refer to and rely upon the records and laws for its true meaning and purport.

5. For the reasons stated in the preliminary objections, the application has no merit and the reliefs sought herein are not maintainable under the scheme of the Act. The application therefore merits to be dismissed.

V. REPLY TO INTERIM PRAYER

That the interim prayer made by the applicant herein is infructuous. Pursuant to the order dated 21.12.2022 passed by this Hon'ble Tribunal, the Municipal Corporation Delhi has undertaken the work of pruning and there exists no involvement of the Respondent No. 18 in the same.

VI. REPLY TO PRAYER

That the prayer made by the applicant is beyond the scheme of section 14 & 15 of the National Green Tribunal Act, 2010 is beyond the scheme and purpose of the act as no *substantial question relating to environment* is set out in the application by the applicant, the reliefs sought is not in accordance with section 15 of the Act.

In view of the aforesaid facts and circumstances, it is respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the application with costs in favor of the Respondents.

(Respondent No.18 through its
President Mr. Gurpreet Singh Bindra)

New Delhi
Dated: 02.01.2022

Represented by-

(Ekta Mehta & Akanksha Agrawal)
Advocate for the Respondent No.18
Nizamuddin East Market nd rd
2nd and 3rd Floor, New Delhi-13
Mob. No. +919971443037
Email: ektadmehta@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

(Under Section 14 and 15 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT, GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Gurpreet Singh Bindra, age about 74 years, S/o Late Mohinder Singh Bindra, resident of 2 Palam Marg, Vasant Vihar, New Delhi 110057, do hereby solemnly affirm and state as under-

1. That I am the President of Respondent No.18 association and am duly authorised and competent to file the accompanying reply. I am aware of the facts and circumstances of the matter to depose by way of this affidavit.
2. I say that the accompanying reply is drafted by my counsel under my instructions. I have read and understood the contents thereof, that are based on the records of the case believed to be correct.

THE SEAL OF OATH COMMISSIONER Sl. No. 130/2021 REKHA BHADAURIA DELHI HIGH COURT PERIOD 01-01-2021 to 31-12-2022 DELHI HIGH COURT, NEW DELHI

DEPONENT

VERIFICATION

So verified at New Delhi on this 12 day of 23 2022 that the contents of the aforesaid affidavit are true to my knowledge and nothing material is concealed therefrom.

Binder

DEPONENT

Signature Identified
AKANKSHA AGRAWAL

I Identify the deponent who has signed in my Presences.

THE SEAL OF OATH COMMISSIONER
Sl. No. 4372/21
REGD. BY SH. LAUKIK
DELHI HIGH COURT
PERIOD 01-01-2021
to 6 2023
DELHI HIGH COURT NEW DELHI

CERTIFIED THAT THE DEPONENT
Shri/Smt. Gurmeet Singh Age 59 y
S/o / W/o Late Sh. Mohinder Singh
R/o [illegible] at Delhi
Identified by Sh. [illegible] that he
Has signed in my presence and has been
2 JAN 2023
contents of the affidavit are true &
read & explained to him / her are true &
Correct to his / her knowledge

Oath Commissioner, Delhi/India

VASANT VIHAR WELFARE ASSOCIATION (Regd.)

Kalyan Kendra, 9 Paschimi Marg, Vasant Vihar, New Delhi 110 057
Tel: 2614 7409, 2614 8645, Email : hellovvwa@gmail.com

Ref:VVWA/05/2022 1st Dec. 2022

The Dy. Conservator of Forest,
Department of Forest & Wildlife,
West Forest Division,
Mandir Lane,
New Delhi 110 060

Dear Sir,

Sub: Pruning of Trees in Vasant Vihar.

As you are aware that, currently, we are carrying out pruning of our trees in Vasant Vihar. The trees are being pruned as per orders contained in Department of Forest & Wildlife order No.8(193)/CF/TA/07.18.19/8473-80 dated 1st October 2019.The work is under constant and active supervision of the Horticulture staff of Municipal Corporation of Delhi (MCD). The rules are being strictly adhered to.

We write to assure that all the relevant rules will be strictly followed, and in no case would the pruning be greater than 15.5 cms be carried out. This norm is being strictly followed and will be adhered to all times.

Thanking you,

Yours sincerely,

(GURPREET SINGH BINDRA)
PRESIDENT

(PARUL GAUR)
DIRECTOR (OPERATIONS)

cc: The Assistant Director (Horticulture),
Municipal Corporation of Delhi,
Green Park,
New Delhi 110 016

cc: Mr. Narender Tyagi,
Horticulture Inspector,
Municipal Corpn. Of Delhi,
A-1, Street, Vasant Vihar,
New Delhi 110 057

(TRUE COPY)

ANNEXURE R-2 (COLLY).



(TRUE COPY)



(TRUE COPY)



(TRUE COPY)



(TRUE COPY)

IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:-

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT, GNCTD & ORS. ...RESPONDENTS

VAKALATNAMA

KNOW ALL to whom these presents shall come that

I/We Gurpreet Singh, Birsha Residents of Vasant Vihar Welfare Assn. the above named..... do hereby appoint:--**Ms. Ekta Mehta & Ms. Akanksha Agrawal, Advocates** (herein after called the advocate/s) to be my/our Advocate in the above noted case authorize them:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents c
4. To withdraw or compromise the said case or submit to arbitration any d that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts other acts and things which may be necessary to be done for the progress the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorising him to and authority hereby conferred upon the Advocate whenever he may think sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm al Advocate or his substitute in the matter as my/our own acts, as if done by and proposes.
9. And I/We undertake that I/We or my/our duly authorised agent would a hearings and will inform the Advocate for appearance when the case is called
10. And I/We the undersigned do hereby agree not to hold the advoca responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of th shall receive and retain for himself.
12. And I/We the undersigned to hereby agree that in the event of the whc agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I//we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever.

ADVOCATES WELFARE FUND DELHI Rs.10 1702321

ADVOCATES WELFARE FUND DELHI Rs.10 1702329

ADVOCATES WELFARE FUND DELHI Rs.5 3668183

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 2nd January day of 2023

Accepted subject to the terms of the fees.

(Ekta Mehta)
D/1397A of 2009
+91 9971443037
ektadmehta@gmail.com

Vasant Vihar Welfare Association

President
Vasant Vihar Welfare Association

Client

Client

Akanksha Agrawal
D/1828/2019
9511257216

I Identified Signature

VASANT VIHAR WELFARE ASSOCIATION (Regd.)
Kalyan Kendra, 9 Paschimi Marg, Vasant Vihar, New Delhi 110 057
Tel: 2614 7409, 2614 8645, Email : hellovvwa@gmail.com

RESOLUTION PASSED AT THE MEETING OF THE OFFICE BEARERS OF 'VASANT VIHAR WELFARE ASSOCIATION' HELD ON WEDNESDAY, 28TH DECEMBER 2022 AT 12.00 NOON IN NEW DELHI.

Authorization for carrying out all acts, deeds etc that may be necessary to successfully defends the interest of Vasant Vihar Welfare Association in matter titled as "Mr. Sanjeev Bagai & Ors V/s. Dept. of Environment, GNCTD & Ors. in the Court NATIONAL GREEN TRIBUNAL at Patiala House Courts, New Delhi.

Resolved that in exercise of the power conferred upon the Office Bearers under Clause 31 of the Memorandum of Association, it so appoints Mr. Gurpreet Singh Bindra, President of the Vasant Vihar Welfare Association and authorizes him to :

i. Represent the Association, institute, commence, file, prosecute, defend all actions in relation to the captioned Petition and for this purpose sign, verify, declare, affirm, make, present, submit and file all necessary notices, Petitions, Rejoinders, Affidavits, Undertakings, Declarations, Appeals, Revisions, Applications, Statements, Papers and Documents in all proceedings and matters in connection with captioned Petition filed before the NATIONAL GREEN TRIBUNAL, at Patiala House Courts, New Delhi.

ii. Nominate, appoint, engage and remove Advocates, Solicitors, Counsel or other professional retainers; and to sign Vakalatnama or any other documents for such appointments as may be necessary for prosecuting or defending, the captioned Petition as stated above; and

iii. Do all such acts, things, deeds as may be necessary or proper to carry out the purposes mentioned hereinabove.

For Office Bearers

Vasant Vihar Welfare Association.

(GURPREET SINGH BINDRA)
President

(MRIDULA MURGAI)
Secretary

NEW DELHI
28.12.2022

ANNEXURE - 28

Item No. 6 (Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 911/2022

Prof. Dr. Sanjeev Bagai & Ors. …Applicants

Versus

Department of Environment, GNCTD & Ors. …Respondents

Date of hearing: 03.01.2023

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.

Applicant: Ms. Anu Monga, Mr. Shobhit Sharma and Mr. Shubham Khanna, Advocates.

Respondents: Ms. Jyoti Mendiratta, Advocate for Respondents No. 1, 3 and 5, GNCTD, DCF, Deputy Director (Horticulture) PWD (through VC) with Mr. Nitesh Sharma, S.P.A. (Legal)-Department of Forest and Wildlife.
Ms. Puja Kalra and Mr. Virendra Singh, Advocates with Mr. Surendra Singh, ADH for Respondents No. 2, 4, 7 & 8.
Ms. Latika Malhotra and Ms. Kritika Gupta, Advocates for Respondent No. 6-DDA with Mr. Vikas Singh, AD, Horticulture, Division-IV DDA.
Ms. Ekta Mehta and Ms. Akansha Agarwal, Advocates for respondents no. 12 to 18-Vasant Vihar Residents Welfare Association with Mr. Gurpreet Singh Bindra, President of Vasant Vihar Residents Welfare Association.
Notice to Respondents No. 9, 10 and 11 not issued so far.

Application under Section 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. Prof. Dr. Sanjeev Bagai and others have filed the present application under Section 14 and 15 of the National Green Tribunal Act, 2010, seeking issuance of directions to respondents no. 1 to 6 to take

appropriate remedial and penal action against respondent no. 12 to 17 for illegal act of cutting, felling and pruning of trees in Vasant Vihar with consequential reliefs as mentioned in the prayer.

2. In the course of hearing, notices were ordered to be issued to Respondents No. 1 to 8 and 18.

3. Replies on behalf of Respondent No. 2-MCD and Respondent No. 18-Vasant Vihar Residents Welfare Association have been filed vide emails dated 02.01.2023.

4. Learned Counsel for the Respondents No. 1, 3 and 5 and learned Counsel for Respondent No. 6 seek time to file replies/response on behalf of Respondents No. 1, 3 and 5 and Respondent No. 6, respectively.

5. Learned counsel for the applicants also seeks time to file photographs and copies of relevant documents to show pruning of trees by Respondents No. 12 to 18 in violation of the guidelines/environmental norms.

6. Reply/response on behalf of Respondents No. 1, 3 and 5 and Respondent No. 6 and photographs and copies of relevant documents on behalf of applicants be filed **within ten days** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

7. Learned counsel for the applicants has submitted that pruning has been done and is being done by respondents no. 12 to 18 without requisite permission and in violation of statutory provisions/norms and

such pruning may result in killing of about 7000 trees in Vasant Vihar, New Delhi.

8. Learned counsel for the Respondents No. 12 to 18 have refuted the allegations and submitted that scientific pruning of trees being essential for their growth is required to be carried out by the concerned Civic Authorities in accordance with the guidelines issued in this regard.

9. Mr. Gurpreet Singh Bindra, President of Vasant Vihar Residents Welfare Association has submitted that on earlier occasions also pruning was done on the requests made by the residents as per decision taken in the meetings of office bearers of the above said association including applicant no. 3 and expenses for the same were borne by the above said association.

10. In response thereto, even learned Counsel for the applicant has not disputed the requirement of scientific pruning of the trees but has reiterated that pruning of the trees has been and is being carried out in violation of the guidelines endangering the very life of the trees in question.

11. Undisputedly, in the present case, Vasant Vihar Residents Welfare Association has approached the Civic Authorities for pruning of the trees in question in view of the request made by the residents of the locality. In the facts and circumstances of the case, we are of the considered view that the concerned Civic Authorities cannot be restrained from carrying out scientific pruning of the trees, which may be required for proper growth and health of the trees, in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019

issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994. In case of any unscientific pruning of the trees in violation of the guidelines, the applicants may avail the equally efficacious remedy of making complaints to the Deputy Conservator of Forest, West Forest Division (Tree Officer) who is directed to take appropriate action in accordance with law in case of making of any such complaint to him. However, in the peculiar facts and circumstances of the case, we do not find any impropriety in the Civic Authorities associating the Vasant Vihar Residents Welfare Association in carrying out scientific pruning of the trees. In fact, the environmental problems can be properly resolved with active participation of the members of the public/residents of the locality for protection and improvement of environment. The concerned instrumentalities of the State are required not only to create awareness amongst the members of public/residents of the locality but also to ensure their participation in plantation, protection, maintenance and management of trees by providing men-power/financial resources. In the facts and circumstance of the present case, it will be appropriate if the concerned Civic Authorities allow the office bearers of the Vasant Vihar Residents Welfare Association and residents of the locality including the applicants to participate, by voluntarily providing men-power/financial resources as the case may be, in carrying out scientific pruning of the trees in question as may be considered to be necessary in accordance with the guidelines under proper monitoring/supervision by the officials of the concerned Civic Authorities and Deputy Conservator of Forest, West Forest Division (Tree Officer) and the concerned Civic Authorities may for this purpose also

constitute a Tree Management Committee (TMC) with concerned officials and office bearers of the Vasant Vihar Residents Welfare Association and residents of the locality including the applicants volunteering for plantation, protection, maintenance and management of the trees and other vegetation in the concerned area.

12. List for further consideration on 19.01.2023.

13. In the meanwhile, further pruning of the trees, if considered necessary, be carried out by the concerned Civic Authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994 by associating office bearers of the Vasant Vihar Residents Welfare Association and other residents of the locality including the applicants volunteering for the purpose by providing the men-power/financial resources.

14. In the facts and circumstances of the case, we also consider presence of the concerned Deputy Directors (Horticulture), MCD, DDA and PWD respectively and the Deputy Conservator of Forest, West Forest Division (Tree Officer) before this Tribunal on the date fixed to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and accordingly, they are directed to remain present before this Tribunal on the date fixed.

15. A copy of this order be sent to the concerned Deputy Directors (Horticulture), MCD, DDA and PWD respectively and the Deputy

Conservator of Forest, West Forest Division (Tree Officer) by email for ensuring requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 03, 2023
AVT

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

O.A. No. 911/2022

IN THE MATTER OF:

Prof. Dr. Sanjeev Bagai & Ors. ... Petitioner

Versus

Department of Environment, GNCTD & Ors. ... Respondents

REPLY/ RESPONSE ON BEHALF OF THE RESPONDENT NO. 03 I.E. DEPARTMENT OF FOREST AND WILDLIFE (WEST DIVISION), NEW DELHI

MOST RESPECTFULLY SHOWETH:

I, Navneet Kumar Srivastava, S/o S.M. Srivastava, aged about 33 years, posted as the Deputy Conservator of Forests, West Forest Division, Department of Forests and Wildlife, Government of NCT of Delhi, do hereby solemnly affirm and states as under:-

1. At the outset, it is most respectfully and humbly stated that the Department of Forests and Wildlife, Government of the National Capital Territory of Delhi has the utmost regard and respect for the Hon'ble Court and has in the past, as also the present instance done and will continue to do everything in its power to ensure compliance of the directions issued by this Hon'ble Court. The Deponent is aware about the facts

NOTARY G. P. SINGH South-West Delhi Regd. No. 04/02/2035 GOVT. OF INDIA

13 JAN 2023

and circumstances of the present case and is duly competent to file the present affidavit.

2. It is submitted that the answering respondent i.e, Deputy Conservator of Forest (West Forest Division) as a Tree Officer under DPTA,1994 is authorized to carry out the mandate of the Delhi Preservation of Trees Act, 1994. The Respondent, inter alia, as a Tree Officer is responsible to enquire, investigate and convict/ compound any offences/ any damage done to the trees under section 8, 18, 19, 20 and 21 of DPTA, 1994.

3. It is submitted that as per the guidelines for pruning of trees under DPTA 1994 dated 01.10.2019 reckless pruning of trees is a violation of Section 8 of the DPTA, 1994.

4. Further it is to submit the guidelines for pruning of trees under DPTA 1994 dated 01.10.2019 (annexed as **Annexure** –A) outlines circumstances in which permission under DPTA is required to carry out pruning and reproduced below:

NOTARY
G. P. SINGH
South-West Delhi
Regd. No. 4503
Exp. Date
04/02/2025
GOVT. OF INDIA

Term	Branches of girth size	Permission Required Yes/ No	Remarks
Regular pruning/ general tending	Upto 15.7 cm	No	Done by civic agencies at regular intervals
Light Pruning	Greater than 15.7 cm but less than and equal to 40 cm	Yes	From concerned Tree Officer on submission of prescribed From B and other documents on e-Forest Web Portal https://www.treeremoval.delhigovt.nic.in.
Heavy Pruning	Greater than 40 cm	Yes	

5. That on dated 15.11.2022, Sh. P.K. Banerjee, Dy. Director Horti., Municipal Corporation of Delhi filed a tree pruning application on the E-forest site regarding the heavy pruning 01 Nos. (Neem) tree situated near H.No. D-449, Bhanwar Singh Camp, Vasant Vihar, New Delhi. That on dated 22.11.2022, the Tree Officer/Deponent after the inspection of the site gave permission to pruning of branches heaving girth up to 40 centimetres, maximum of only 3-4 branches per tree.

6. After that on dated 22.11.2022, the answering respondent got a complaint on Whatsapp regarding the offence committed under DPTA 1994. After receiving the complaint the representative of the answering respondent conducted the inspection of the site on the same day

NOTARY G. D. SINGH GOVT. OF INDIA

(copy of the inspection report is annexed as **Annexure-B**) and found that the work of regular pruning of trees is going on of branches having the girth up to 15.7 centimetres for which the permission from the answering respondent is not required as per the guidelines for pruning of trees under DPTA 1994.

7. After that on dated 01.12.2022, the President and the Director (operations), Vasant Vihar Welfare Association issued a letter bearing Ref. No. VVWA/05/2022 dated 01.12.2022 to Dy. Conservator of Forests, Department of Forest and Wildlife, West Forest Division, New Delhi for pruning of trees in Vasant Vihar and they both assured that all the relevant rules will be strictly followed, and in no case would the pruning be greater than 15.7 centimetres be carried out and this norm is being strictly followed and will be adhered to at all times.
That the copy of letter bearing Ref. No. VVWA/05/2022 dated 01.12.2022 to Dy. Conservator of Forests, Department of Forest and Wildlife, West Forest Division, New Delhi is Annexed herewith as **Annexure C.**

8. After that on dated 02.01.2023, the answering respondent conducted the inspection in Block-A, Visant Vihar (copy of the inspection report dated 02.01.2023 in Annexed herewith as **Annexure-D)** and found that regular pruning of trees is going on of branches heaving the girth upto 15.71 centimetres for which the permission from the answering respondent is not required as per the guidelines for pruning of trees under DPTA 1994 but after that the

answering respondent conducted the inspection in Block-B, Vasant Vihar and found that a tree number 23 was found pruned and its seems that the girth of the pruned branch is more than the girth of 15.71 centimetres. After that the offence case is booked for cutting one branch of tree at Block-B, Vasant Vihar, New Delhi.

9. In view of the aforesaid circumstances, wherein no offence has been committed under DPTA, 1994 the Respondent accordingly prays before this Hon'ble Court to kindly dismiss the application of the applicant without any cost.

10. It is humbly submitted that the Department has the highest respect and regard for the orders of this Hon'ble Court. The present affidavit is being placed before this Hon'ble Court for its consideration and further directions, if any.

DEPONENT

Identified by deponent who has signed in my presence.

VERIFICATION: -

Verified at New Delhi on this 13 JAN 2023 day of January, 2023 that the contents of this affidavit are true and correct on the basis of the information derived from the records available with this Department and nothing has been concealed there from.

DEPONENT

NOTARY G. P. SINGH South West Delhi Regn. No. 10155 Expiry Date 04/07/2025 GOVT. OF INDIA

Entry No. Notary Public

ATTESTED

Notary Public, Delhi

Annexure A

DEPARTMENT OF FORESTS & WILDLIFE
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P. ESATTE, NEW DELHI-110002

F.No.8(193)/CF/TA/07-18/Part file/18-19/8493-80 Dated: 21/10/19

GUIDELINES
FOR PRUNING OF TREES
UNDER DELHI PRESERVATION OF TREES ACT, 1994

1. The Delhi Preservation of Trees Act, 1994 was enacted to safeguard the forest area in and around NCT of Delhi and to provide for preservation of trees. The Department of Forests & Wild-life, GNCTD has regulatory control for implementation of DPTA 1994 which prohibits felling or pruning/ head backing of trees.
2. The Sec.2 (h) of DPTA, 1994 states that "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bulldozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner as factors causing the death of a tree. Thus it would be apparent that its implied meaning does not appear to carry any implicit connotation that pruning of trees which do not cause damage or death of a tree could be termed as a Tree Offence.
3. In the light of above, general guidelines for pruning of trees are prescribed for adherence by all concerned, so that the trees grown with great care and precision over a period of several years are not pruned recklessly leading to their untimely death (which is an offence under Section 8 of DPTA, 1994) or result in reduction of green cover of Delhi which is an essential strategy to combat pollution.
4. Pruning means cutting off or removing dead or living parts or branches of a tree to improve shape or growth. It is a horticultural and silvicultural practice involving selective removal of parts of a plant, such as branches, buds, or roots. Reasons to prune plants include deadwood removal, shaping by controlling or directing growth, improving or maintaining health, reducing risk from falling branches, preparing nursery specimens for transplanting, etc. However, the pruning cut should not be too large so as to damage the tree.

5. For the purpose of clarity and transparency to the meaning of light and heavy pruning, following would constitute as above:

Term	Branches of girth size	Permission required or not	Remarks
Regular Pruning/ General Tending	Upto 15.7 cm.	No	May be got done by Civic Agencies at regular intervals
Light Pruning	Greater than 15.7 cm but less than and equal to 40 cm.	Required	From concerned Tree Officer on submission of prestribed Form B and other documents as prescribed in DPTA, 1994.
Heavy Pruning	Greater than 40 cm	Required	

6. The forest department does not fell the trees felled or pruned/ head backed directly but only accords permission for the same to the owner of land on which the concerned tree is standing after due inspection/ investigation.

7. The actual pruning of the concerned tree/ trees is got done by Deputy Director (Hort.) of the MCDs/ NDMC/DDA/ PWD/CPWD (whoever is the land owning agency) of the concerned area or by the property owner himself/ herself

8. For obtaining permission for felling or pruning/ head backing of trees, guidelines are in place for information to all and ease of Public/ Govt. agencies towards achieving their desired objective which are available on the department website "www.forest.delhigovt.nic.in".

9. If **Individuals/ General Public/ Society /RWAs** is desirous that any tree inside his house/premises is posing problems to him or the public and needs to be felled or pruned/ head backed, then he may apply for the same in 'Form 9' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per merit of the case.

10. If the tree/trees for which felling or pruning/ head backing is required is standing on **Govt. land/ roads/ Parks/ govt. property in front of the** house/ shop/ **private property of an individual** and is posing problem to him, he has to apply for felling or pruning/ head backing of such tree on a simple piece of paper to the Deputy Director (Hortl.) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.

11. It should neither be applied directly to concerned DCF nor Form 8 submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form 8 to the concerned Dy. Director (Horti), as per merit of the case.

12. If a tree is standing on **govt. land but leaning on private land/ building** and is considered dangerous and likely to cause damage to life and property, it should be informed immediately with photograph by the concerned aggrieved person. Permission is granted for its felling or pruning/ head backing within 48 hours of inspection, as per merit of the case. In case permission/ any intimation to the contrary is not received within this time, the person can go ahead and fell or prune/head back the dangerous/ leaning tree and intimate the concerned Tree Officer (DCF) within 24 hours of such felling or pruning/ head backing.

13. There are three (3) Deputy Conservator of Forests (DCFs) who are designated as Tree Officers to look after the cases of tree felling or pruning/ head backing and accord permissions for the same, after inspections, as per merit of the case. Their respective jurisdictions in Delhi are shown in table below.

S.N.	Name of the Division	Name of the Revenue Districts	Name of the Sub-division
1.	North Forest Division	North	Model Town, Narela & Alipur
		North West	Rohini, Kanjhawala & Saraswati Vihar.
		West	Punjabi Bagh, Patel Nagar & Rajouri Garden.
		North East	Seelampur, Yamuna Vihar & Karawal Nagar.
		East	Gandhi Nagar, Preet Vihar & Mayur Vihar
		Shahdara	Shahdara, Seemapuri & Vivek Vihar.
		Central	Civil lines
2.	West Forests Division	South West	Dwarka, Najafgarh & Kapashera
		New Delhi	Chankyapuri, Delhi Cantt. & Vasant Vihar
3.	South Forest Division	South	Saket, Hauz Khas, Mehrauli
		South East	Defence Colony, Kalkaji & Sarita Vihar
		Central	Kotwali & Karol Bagh.

14 Pruning/ pollarding/ burning/ topping/ applying arboricides or damaging a tree in any other manner would be considered as tree offence when, as per ocular estimation of such damage, the Tree Officer, in all his wisdom, holds that such act is likely to lead to the death of the tree, in near future.

15 If a tree standing on any govt. land/ road side/ private land/ building is considered dangerous and likely to cause damage to life or property, or hindrance to traffic signals, it should be pruned immediately by the concerned Civic Agency and informed to concerned Tree Officer within 24 hours and for which no permission is required from Tree Officer.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated 5/11/18

Copy to:

1. All DCFs for information
2. All DROs/ Forest Guards for information.
3. The Director (Hort) of all Civic Agencies viz. MCDs/ NDMC/ DDA/ PWD/ CPWD etc.
4. Notice Board
5. Programmer, Environment Department, GNCTD with a request to upload on the official web site of the Department.

Distribution:

1. Secretary to Hon'ble Minister (E&F), GNCTD for information.
2. PS to Principal Secretary (E&F), GNCTD for information.
3. PCCF/ HOD, GNCTD for information.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

FORM 'B'

(See sub-rule (1) of rule 4)

The Tree Officer,

.....

.....

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village ..... and District ..... I furnish below the following details in support of my application:-

i. Applicant's name and address (in block letters).

ii. Name and address of the owner of the property (if different from applicant).

iii. Title of the applicant i.e., whether owner/occupant of the property, etc.

iv. Name of the village and khasra number of property.

v. Total area of the property with description of the boundaries.

vi. Total number of trees (specieswise) whose trunk or body is not less than 5cm in diameter at a height of 30cms from the ground and whose height is not less than one metre from the ground.

vii. The exact area (in sq. metres) from which felling of trees for which permit is sought (description of the boundaries).

viii. Total number of trees to be felled.

ix. Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details specieswise are.

Species	No.	Girth

x. Purpose for which the felling of trees are intended.

xi. Intended use of felled trees (e.g.) for sale, for domestic use, etc.

xii Intended use of land after felling of trees.

xiii. Number and species of trees intended to be planted after felling (give details of arrangement for raising, planting and protecting trees).

xiv. Name /s and address/es of the owners/occupants adjoining property/ies.

2. I am enclosing an affidavit and below mentioned papers in support of my application.

DECLARATION

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place: .....
Date: ..... Applicant's Signature

Attested copies of:-

i. Property/occupancy documents.
ii. Plan of the property showing the khasra number.
iii. Enumeration list (duly signed by the applicant).
iv. Boundary list (duly signed by the applicant)
v. Latest jamabandi of land record issued by the Tehsildar.
vi. "No Objection Certificate" from the concerned local body (e.g. MCD/N.D.M.C.
vii "No Objection Certificate" from adjoining property owners.

(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)

I, ..., aged..... years, resident of ..... (locality) village ....., wife/son/daughter of ..... do hereby solemnly affirm and declare as under:-

1. That I am the legal owner/occupant of the private property known as ..... situated at ..... village ..... bearing khasra number ..... of ..... boundaries of which are as follows:-

East:
West:
North
South.

2. That I have applied to the Tree Officer ..... for permission to fell ..... trees form the aforesaid property. All the trees have been numbered with paint
3. That there is no other owner/occupant of this property of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation, if any, that may arise at any time in future regarding the ownership/ occupancy of the said future regarding the ownership/occupancy of the said property or the forest produce from the said property.

Deponent

Verification

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that nothing material has been concealed or omitted there from

Verified at ..... this the ..... day of ..... 20.....

Deponent

(Source: The Delhi Preservation of Trees Rules, 1996)

Annexure A 485 476

DEPARTMENT OF FOREST & WILDLIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
WEST FOREST DIVISION: MANDIR LANE, NEW DELHI-60
Tel No- 011 23361879 Email: [redacted]

Dated 22/11

INSPECTION REPORT

This is to inform you that I ASHOK (Name of Forest Guard), inspected the b mentioned area as per information received from DCF (W) Lodhi Road relater to offence committed under DPTA 1994.

1	Name of Inspection Officer	ASHOK
2	Date of Inspection	22/11/22
2	Time of Inspection	04:00 pm
3	Location of Offence	F. Block VASANT VIHAR
4	Geo-Coordinates of the Offence Location	28.558374 77.161971
5	Type of Offence	HD OFFENCE UNDER DPTA Act 94
6	No. of Trees Damaged	NIL
7	Colour Photographs of Damaged Trees with Geo-Coordinates	ANNEXURE-A
8	Alleged Offender Name & Address (Individual)	VASANT DIHAR WELFARE ASSOCIATION KALYAN KENDER, 9 POORVI MARG VASANT VIHAR NEW DELHI-57
9	Alleged Offender Name (Civic Department) *To Whom notice under DPTA 1994 may be issued for investigation of this case	DDA (MCD) Green Park New Delhi-110016

0/L

10	Name of the Complainant & Address, (If Any)	Mr. Satish Prakash Sood Mob 9811241102
11	Statement of Witness, (If Any)	N/A
12	Description of Site Visit	श्री मनोज जी वासना विहार F Block में MCA रोड पर R.W.A की Meeting होने की चर्चा सुनकर गए हैं जिसमें आज दिनांक 22/11/22 तक हटने पेड़ों की हत्या चिन्हित की गई थी 15cm से अधिक है इस सम्बन्ध में R.W.A President को MCA को शिकायत दी गई थी D&T Act 1994 के तहत वो चर्चा की गई, यदि Act के तहत चिन्हित पाई गई तो संबंधित कार्यवाही उन के विरुद्ध की जा सकती है रिपोर्ट सूचना आगे कार्यवाही हेतु अग्रेषित सादर प्रस्तुत है

22/11/22
Inspection Officer
West Forest Division

1057









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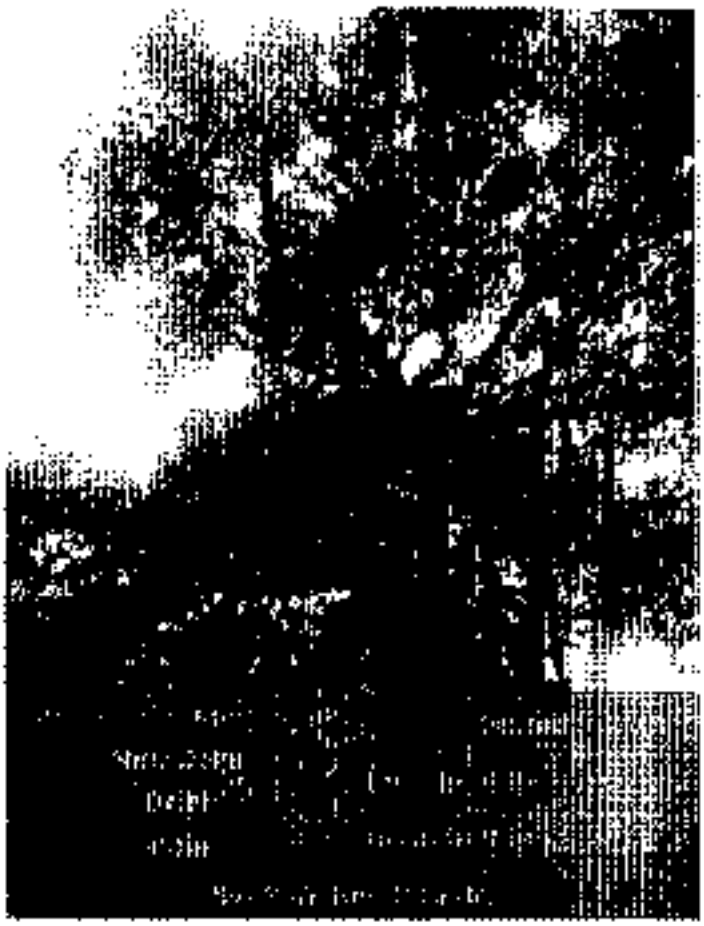




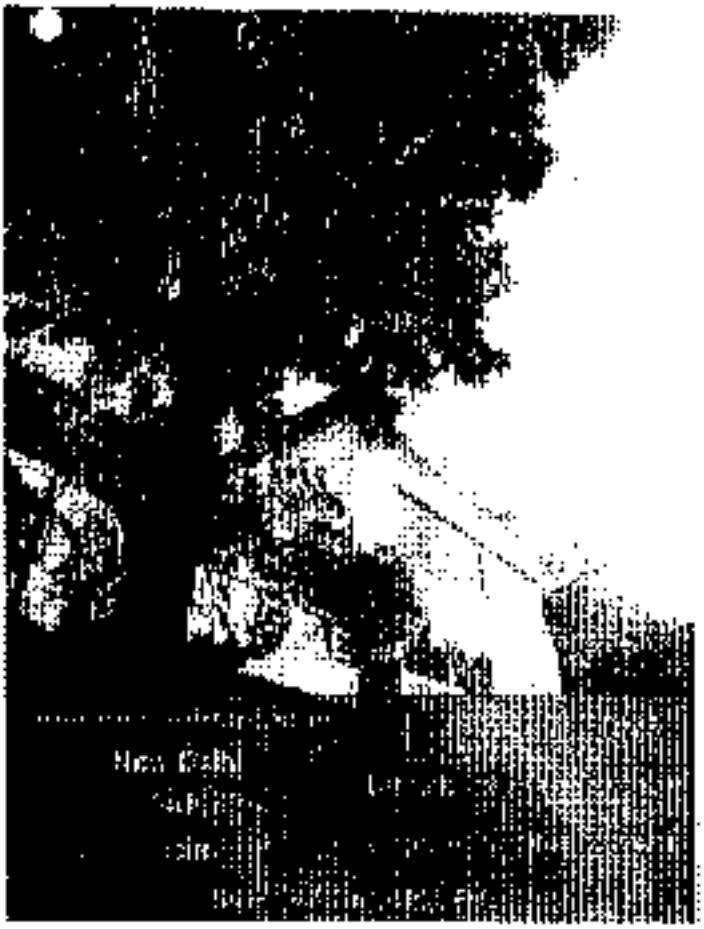








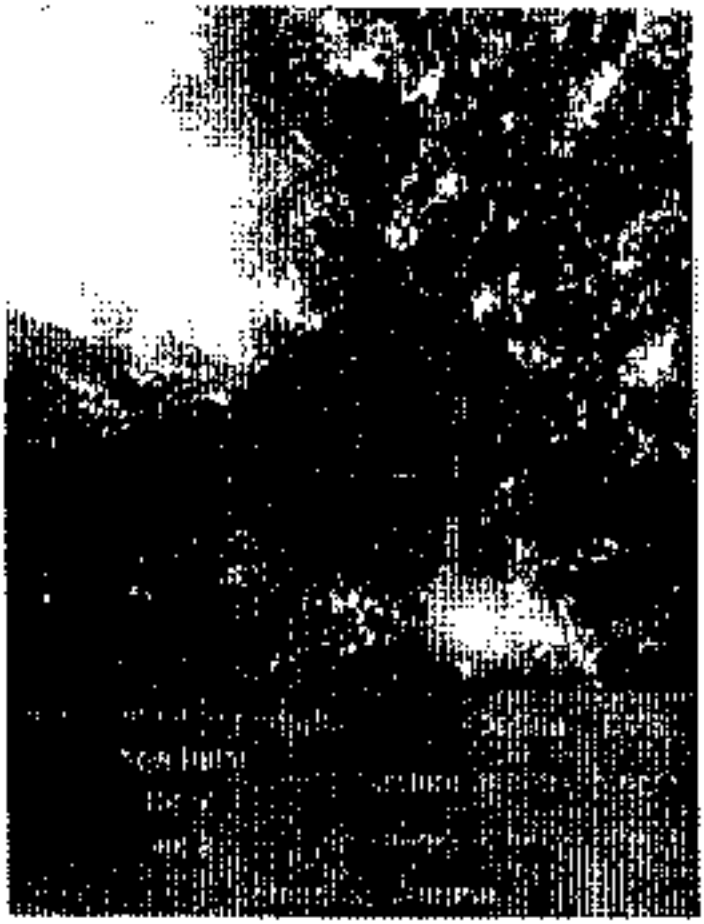






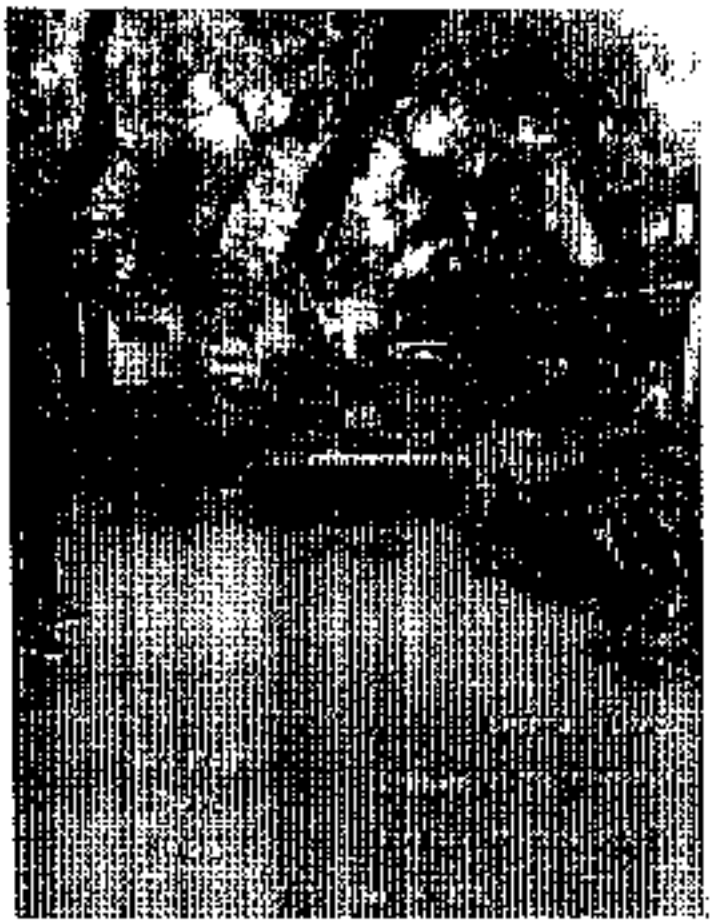


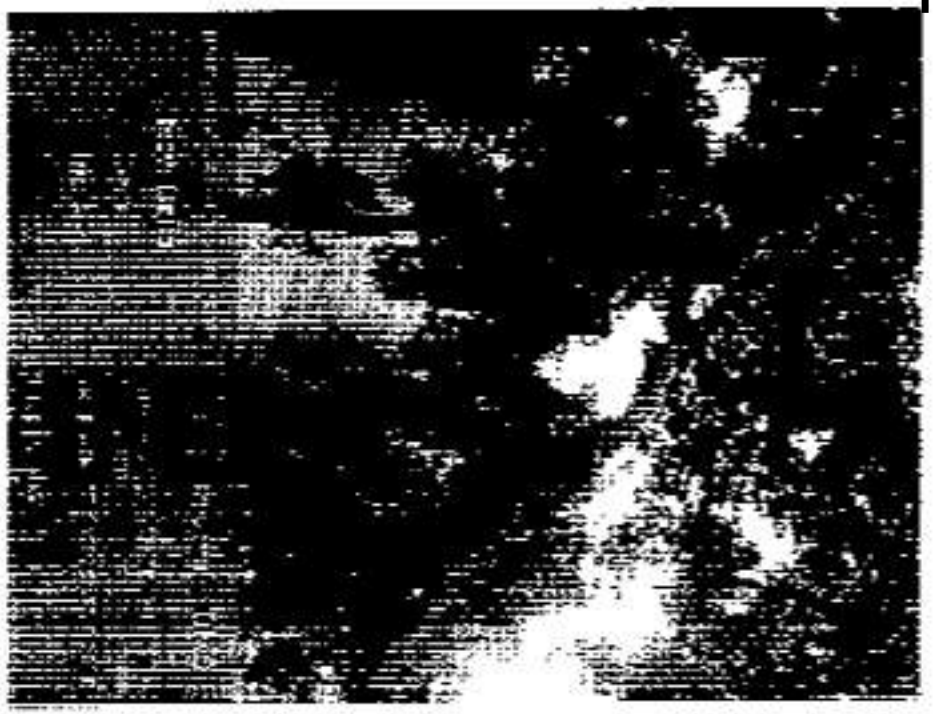












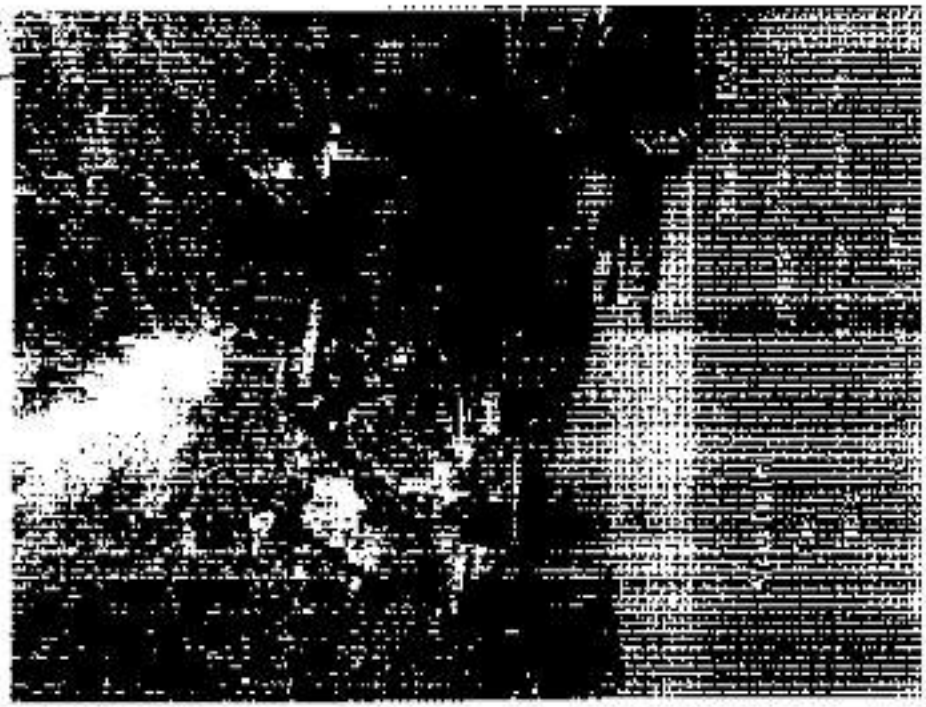




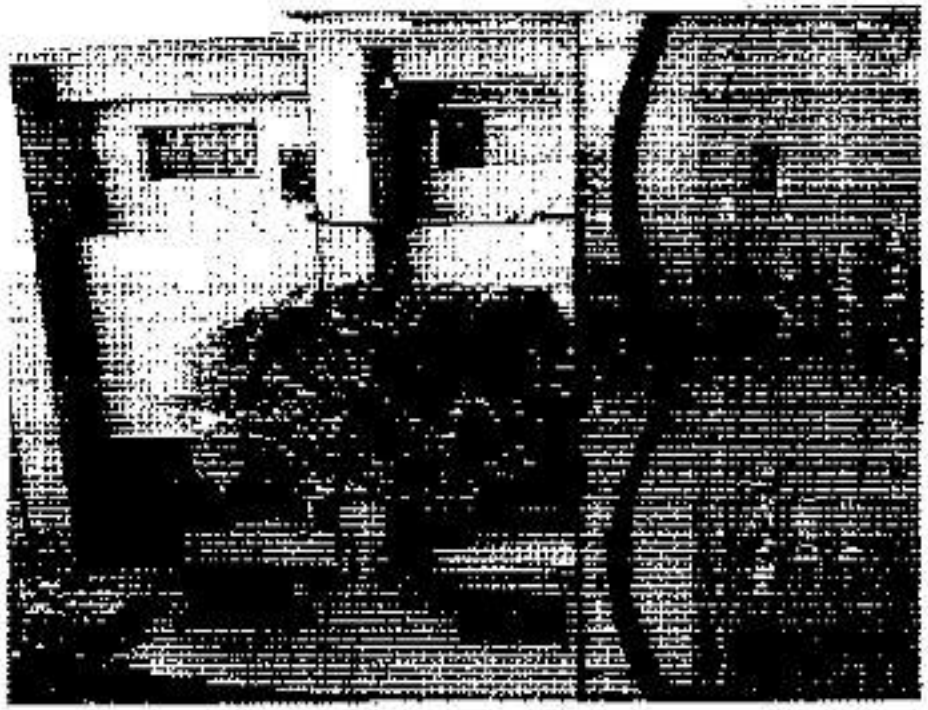


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VASANT VIHAR WELFARE

Ref VVWA/05/2022

The Dy. Conservator of Forest,
Department of Forest & Wildlife,
West Forest Division,
Mandi Lane,
New Delhi 110 060

Dear Sir,

Sub: Pruning of Trees in Vasant Vihar.

As you are aware that, currently, we are carrying out pruning of our trees in Vasant Vihar. The trees are being pruned as per orders contained in Department of Forest & Wildlife order No.8(193)/CF/TA/07.18.19/8473-80 dated 1st October 2019.The work is under constant and active supervision of the Horticulture staff of Municipal Corporation of Delhi (MCD). The rules are being strictly adhered to.

We write to assure that all the relevant rules will be strictly followed, and in no case would the pruning be greater than 15.5 cms be carried out. This norm is being strictly followed and will be adhered to all times.

Thanking you,

Yours sincerely,

(GURPREET SINGH BINDRA)
PRESIDENT

(PARUL GAUR)
DIRECTOR (OPERATIONS)

cc: The Assistant Director (Horticulture),
Municipal Corporation of Delhi,
Green Park,
New Delhi 110 016

cc: Mr. Narender Tyagi,
Horticulture Inspector,
Municipal Corpn. Of Delhi,
A-1, Street, Vasant Vihar,
New Delhi 110 057

ANNEXURE -D

(21)

REPORT

An inspection was carried out on 07.01.2023 on the order of the Deputy Conservator of Forest, West Forest, Division, Department of Forest & Wildlife, GNCTD for the pruning which was carried out in different blocks of Vasant Vihar by the Vasant Vihar Welfare Association (VVWA).

The observations of the Inspection are as follow:

1. Sh. Vikas Bhati, from West Forests Division visited the office of the Vasant Vihar Welfare Association (VVWA) where he was told by Sh. G.S. Bindra, President of VVWA that pruning was done in Block F and Block A (70% of Block A) only and the last pruning was done on 22.12.2022 as Sh. Narender Tyagi (Supervisor) of MCD got transferred to Najafagrah Zone Office on 23.12.2022 so the pruning activity was stopped by the VVWA.

2. The official of West Forest Division visited the **Block F** for the inspection and it was found that pruning of the trees were done but the girth of the branches were seems less 15.71 Cms as mentioned in the Delhi Preservation of Trees Act 1994 (DPTA 1994). The exact girth of the pruned branches could not be determined as the branches were at very height. The Photographs is **Annexed as A.**

3. After the inspection of Block F was done, the inspection of **Block A** was carried out and it was found that a branch of around 15.71 Cms was pruned of a tree situated in a park near to the Horticulture Office of MCD. The Branch was at very height so the exact girth cannot be measured but by looking at the size of the branch it seems to be around 15.71 Cm. This is the area which is mentioned in the petition filed in the Hon'ble NGT. Rest of the Branches of the Pruned Trees in Block A were less than 15.71 Cms. The Photographs of Block A is **Annexed as B.** The photograph of the Tree whose pruned branch around 15.71 Cms is at Annexure Photographs Number 41.

4. **Block B** inspection was carried out after the inspection of Block A and a branch of Tree No. 23 was found pruned and it seems that the girth of the pruned Branch is more than 15.71 Cms. The actual girth could not be determined as the branch was at very height. The construction activity was also going on in front of the Tree No. 23. Apart from it no pruning of trees was observed during the inspection. The Photographs of Block B is **Annexed as C.**

5. No pruning of Trees was observed in **Block C.** The Photographs of Block C is **Annexed as D.**

6. No pruning of Trees was observed in **Block D.** The Photographs of Block D is **Annexed as E.**

(22)

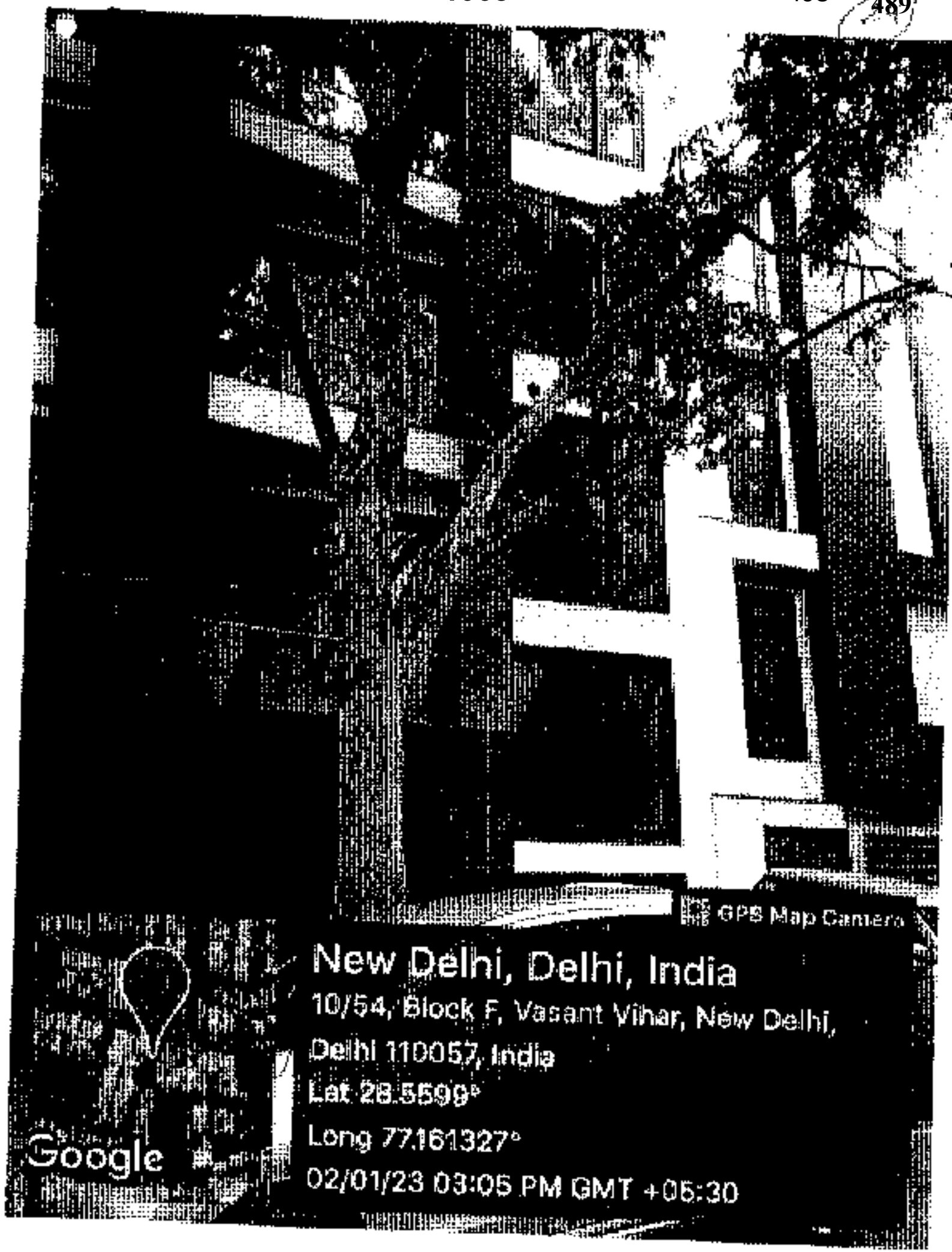
7. No pruning of Trees was observed in Block L. The Photographs of Block E is **Annexed as F.**

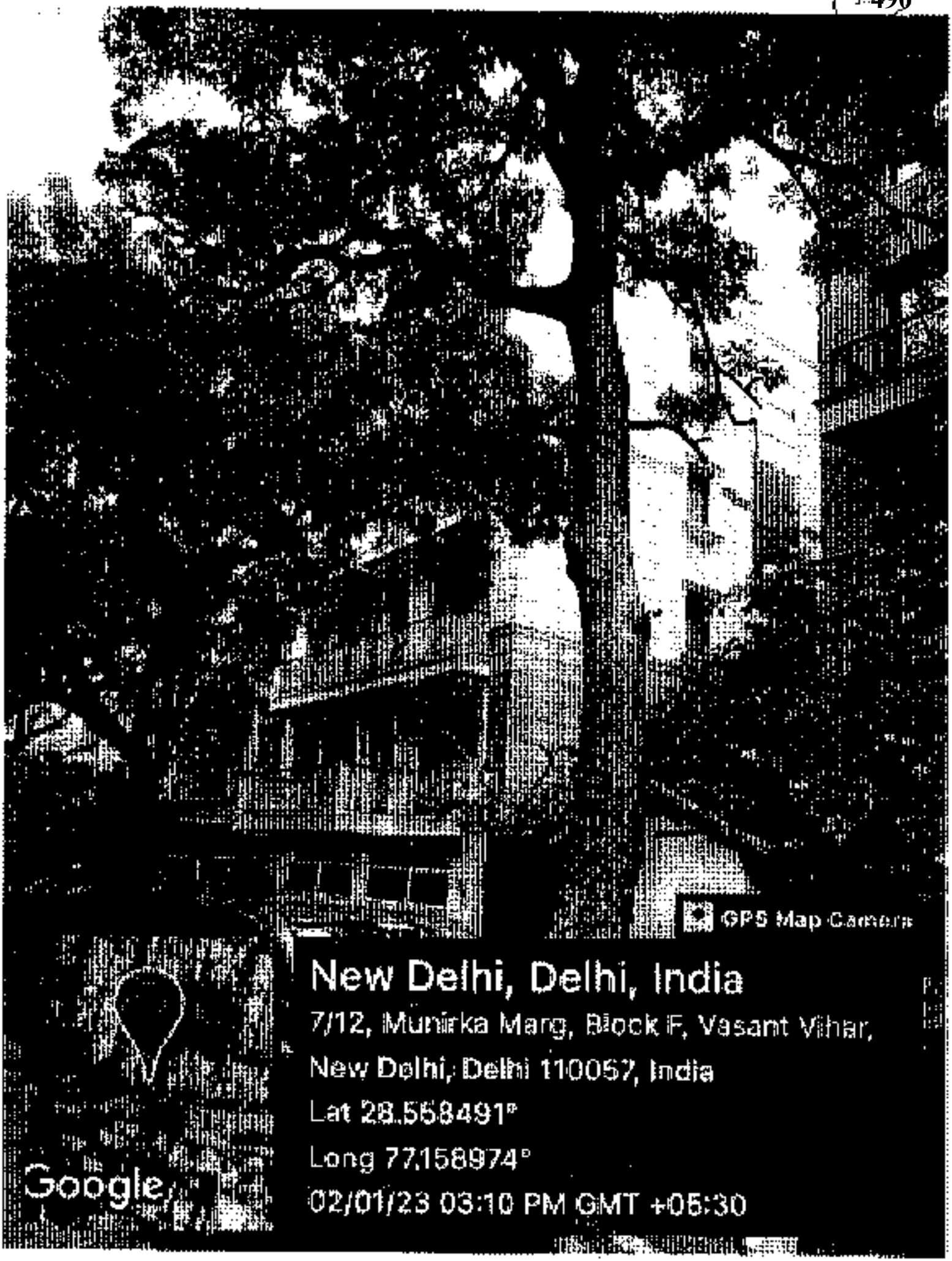
8. The Offence case is booked for cutting 02 Branch of Tree at Block B, Vasant Vihar, New Delhi vide number F.2(304)/DCF(W)/Tree Offence/ID-108/2022-23 and necessary action will be taken as per law. (Annexed as G).

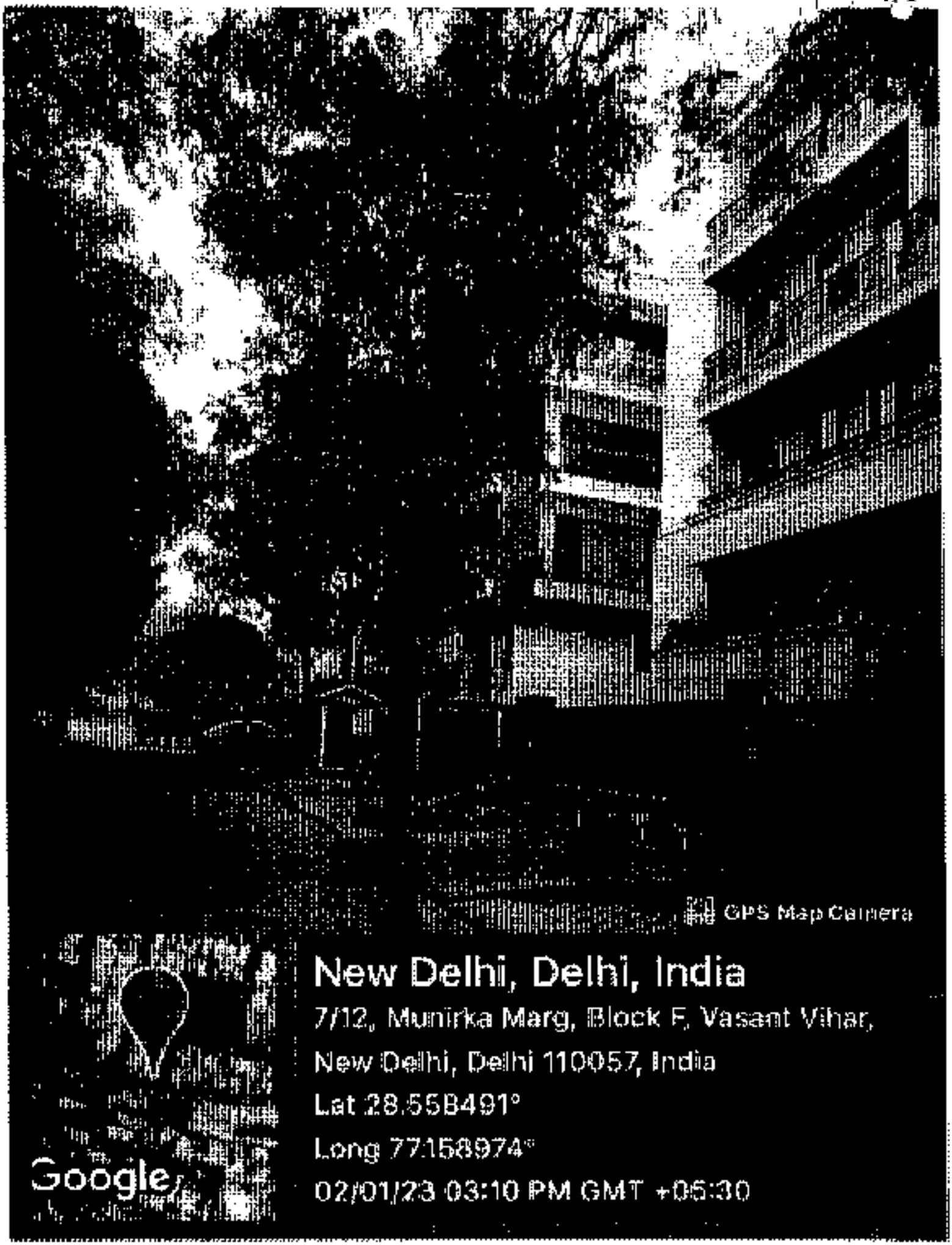
Deputy Conservator of Forest
West Forest Division
Mandir Lane, Mandir Marg, New Delhi – 110060

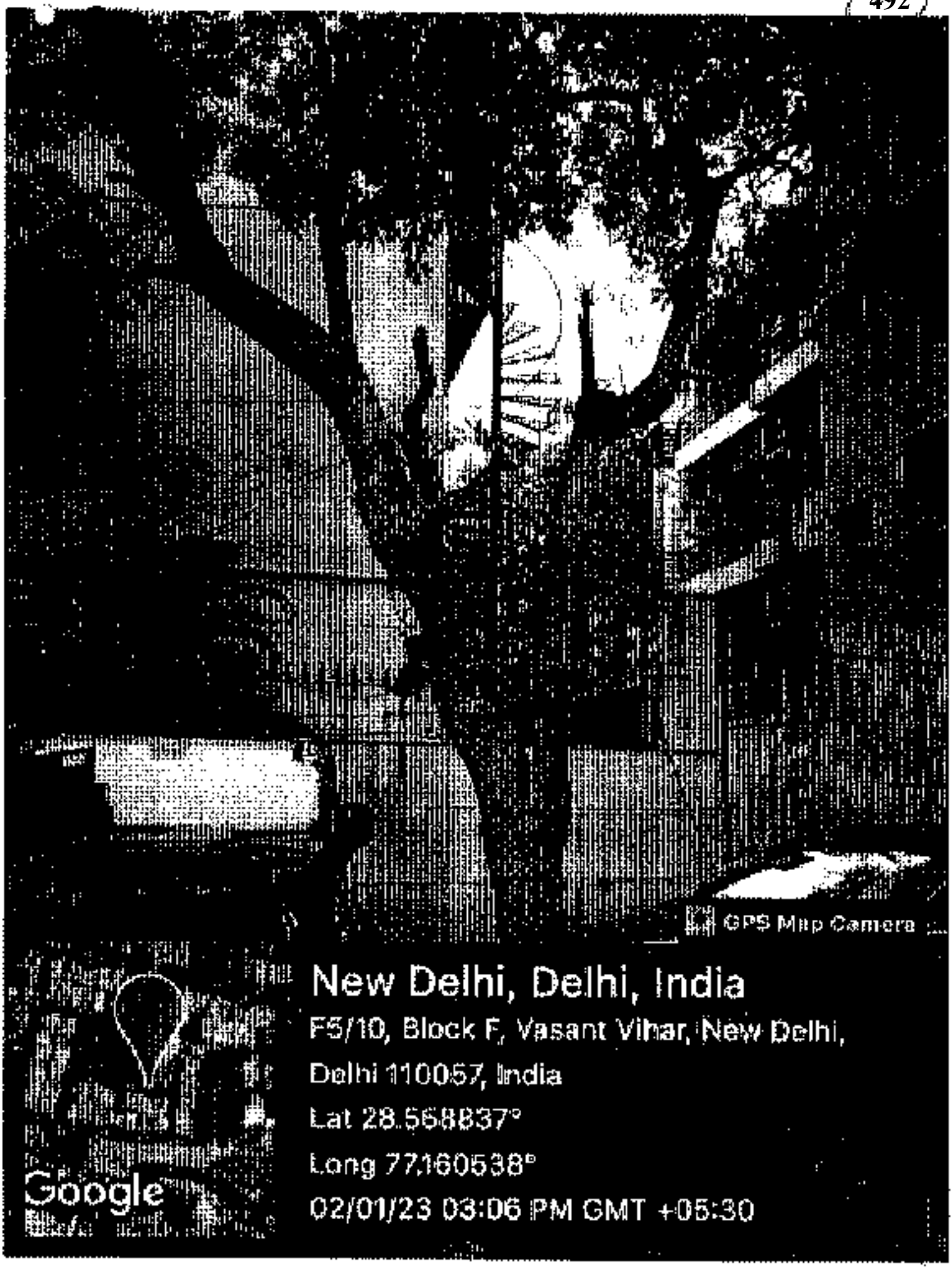
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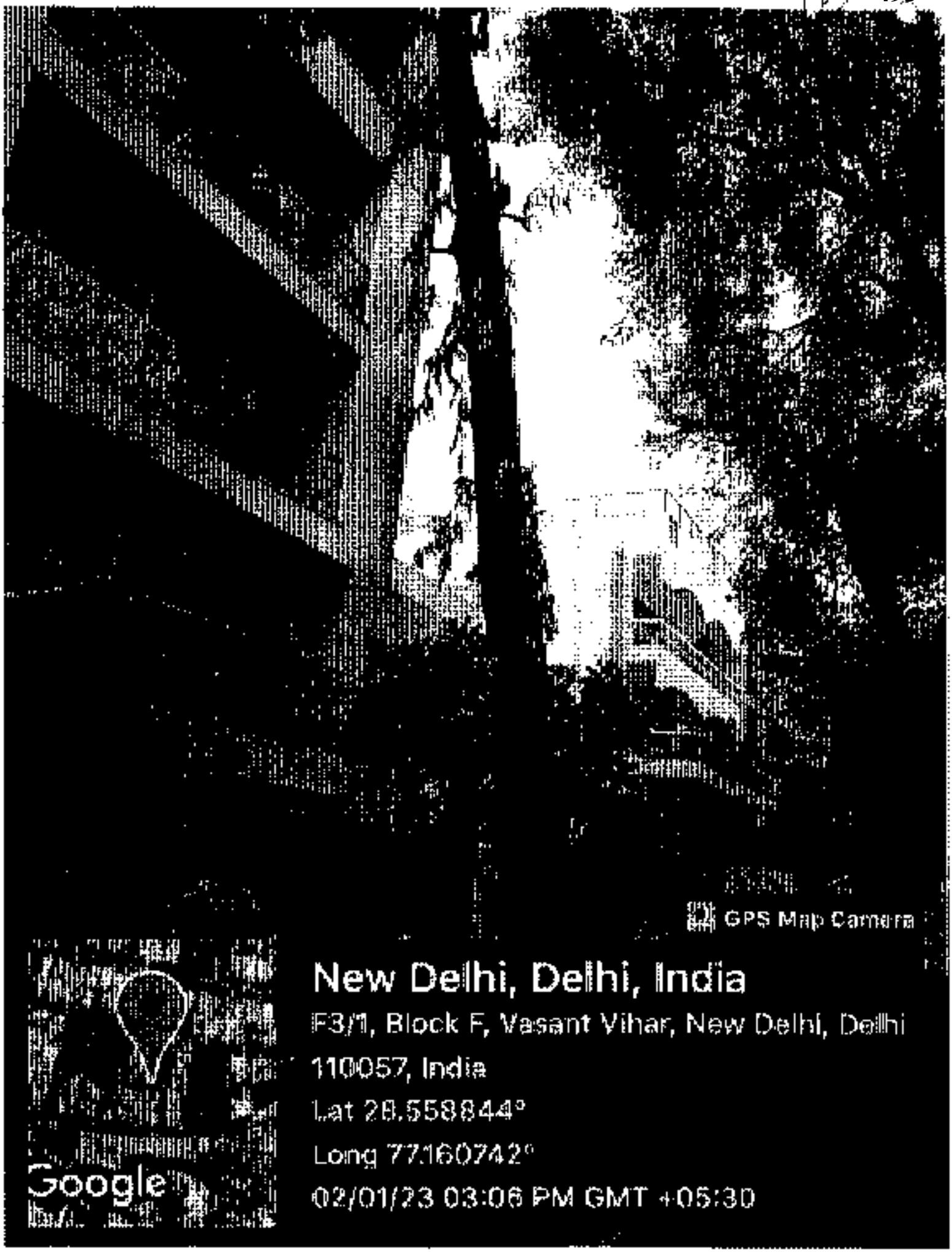
ANNEXURE A

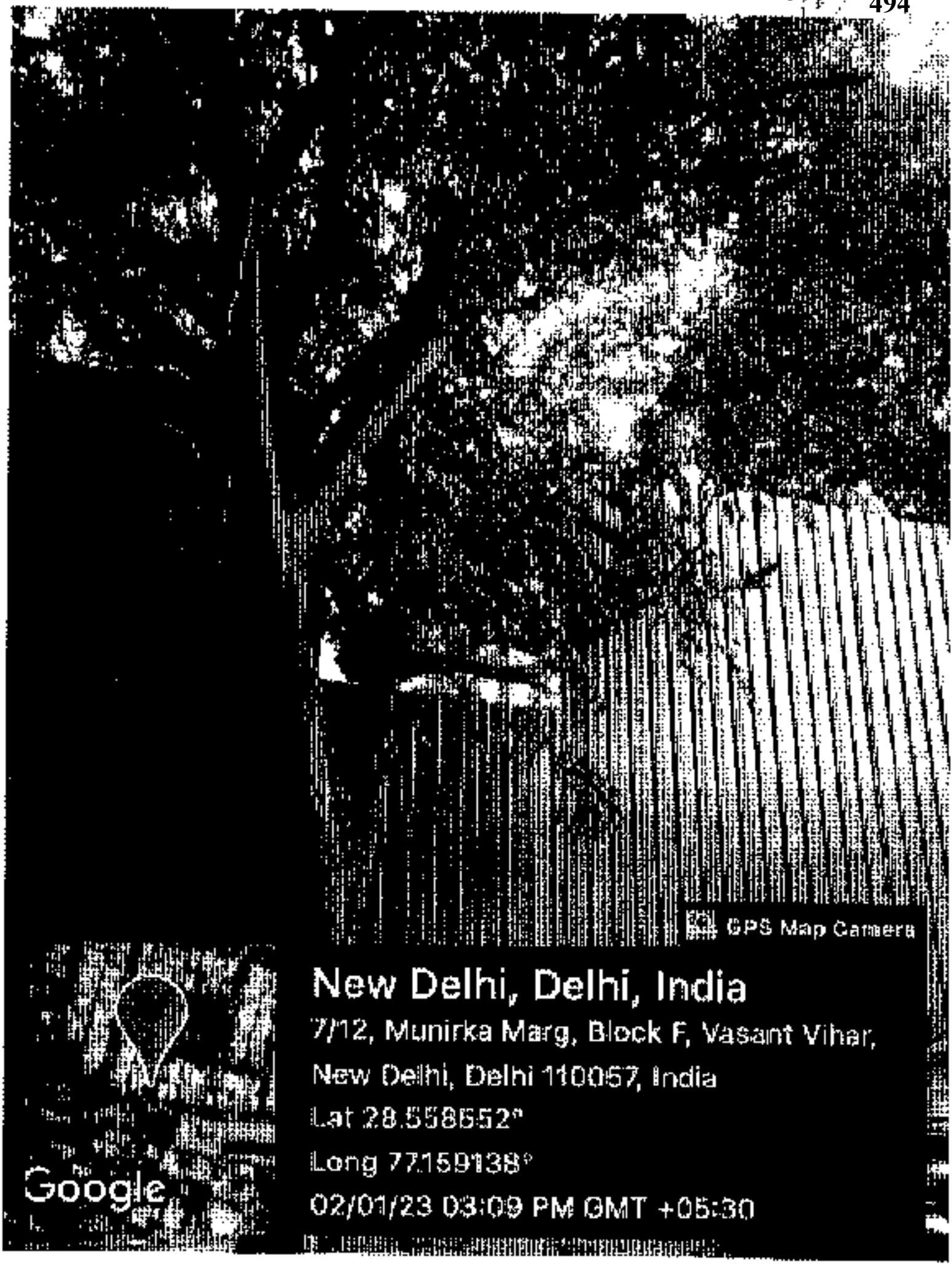

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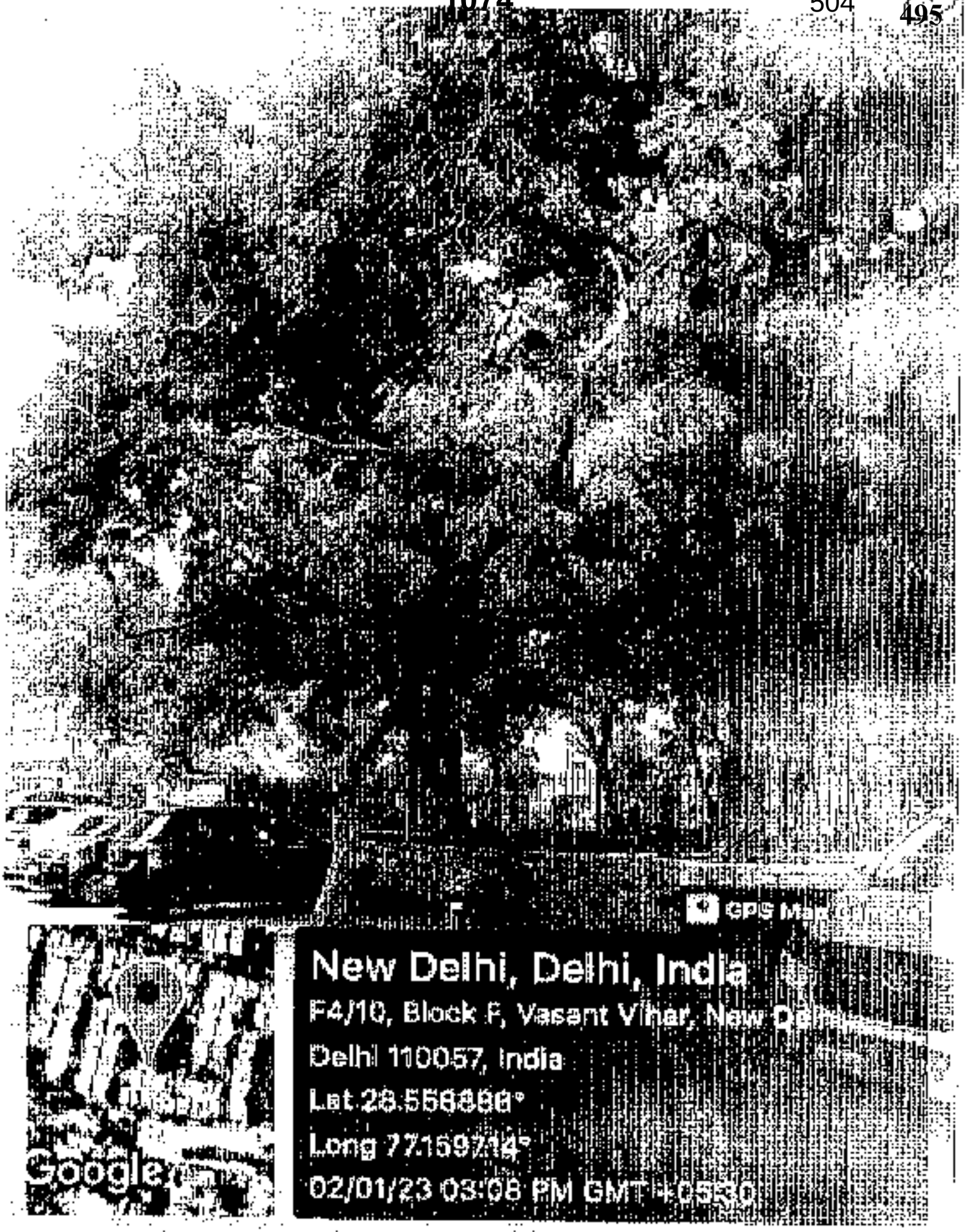

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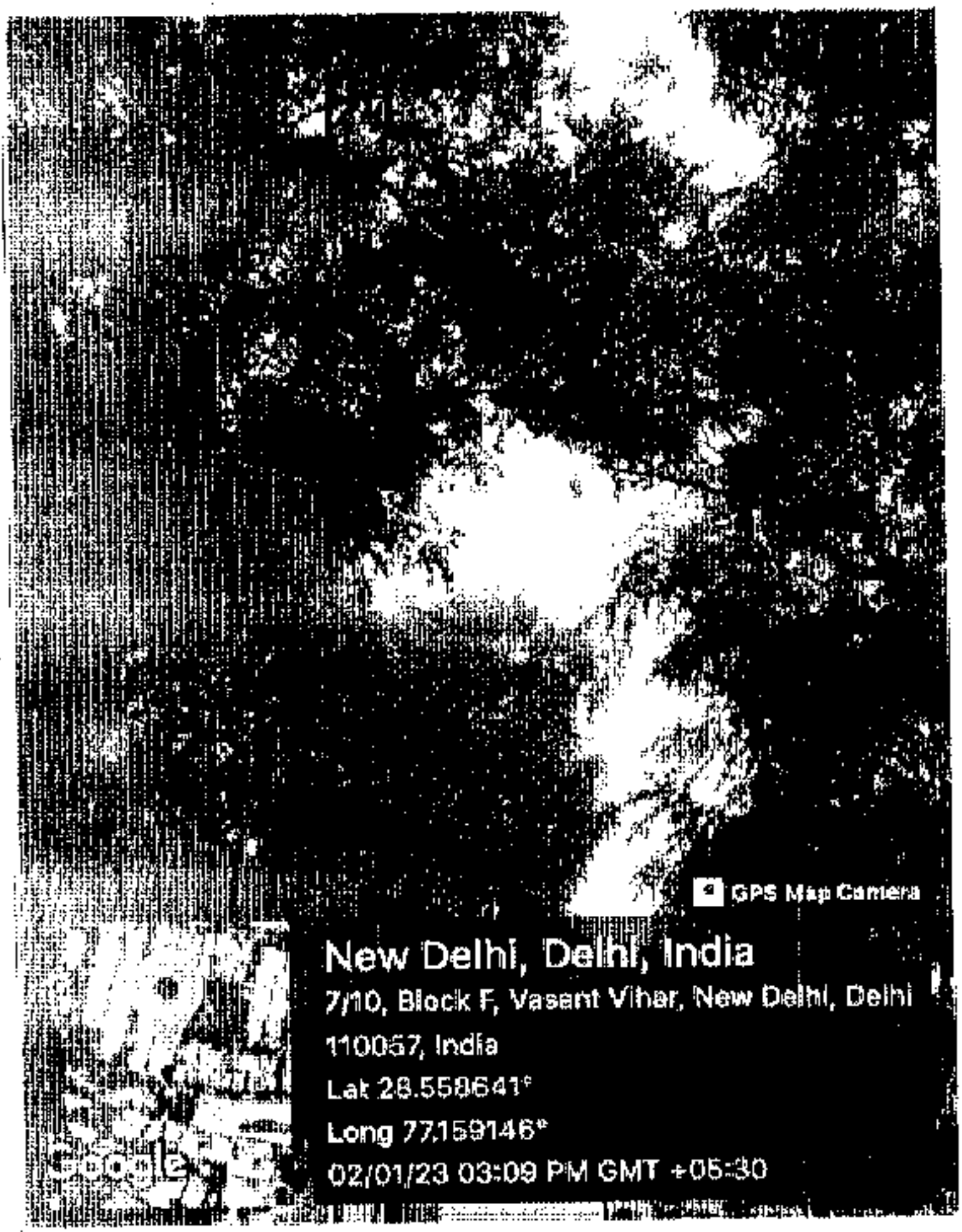

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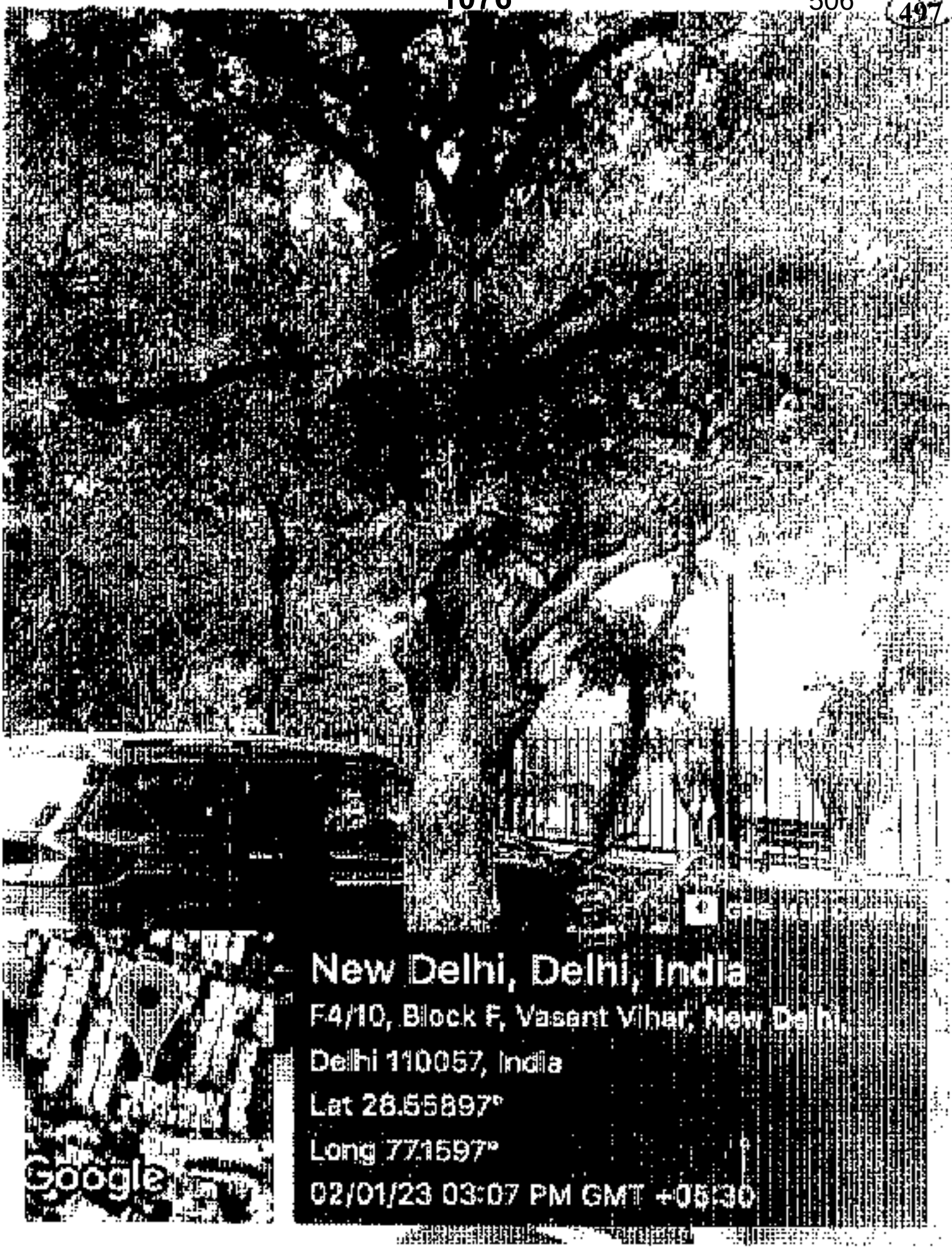

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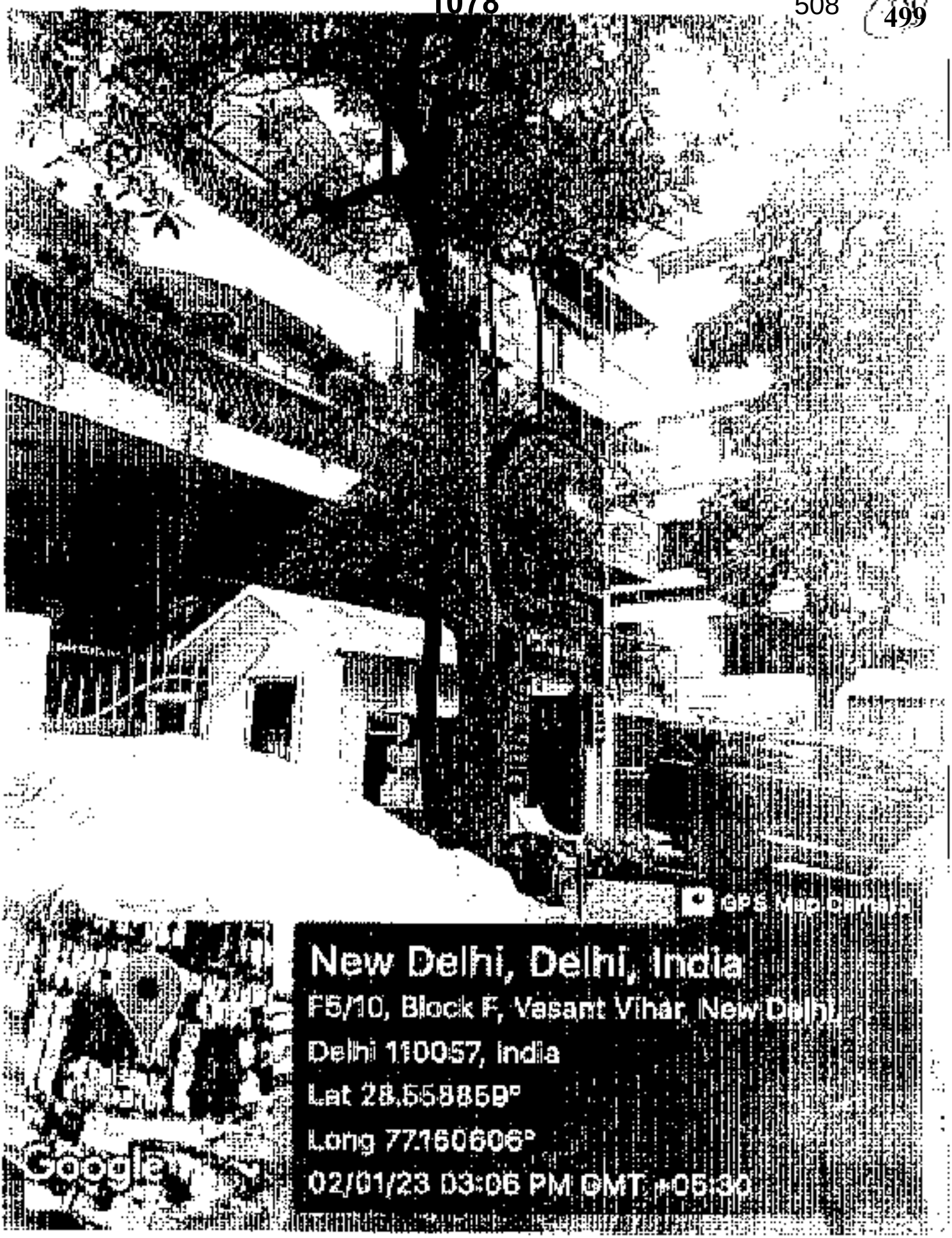

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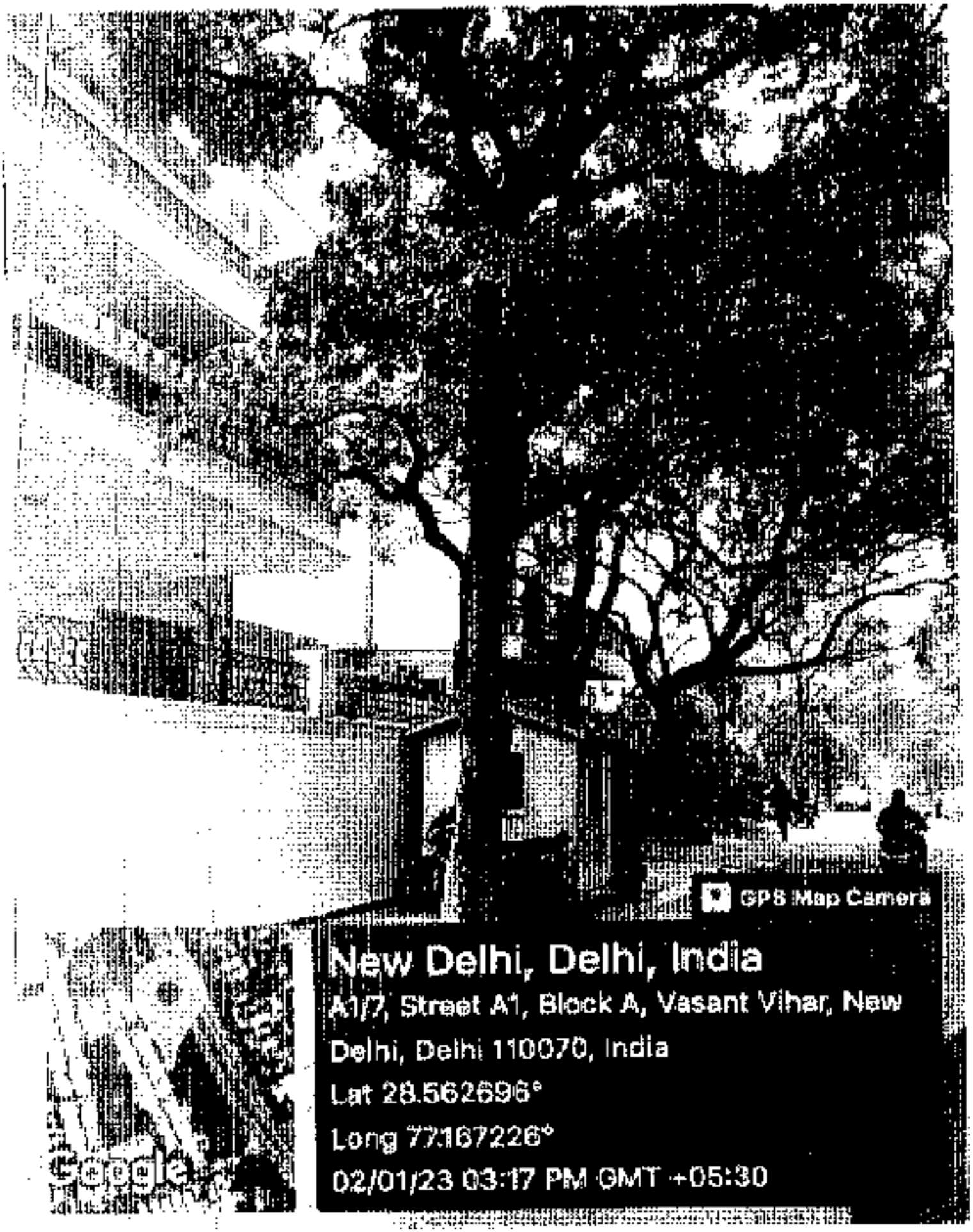

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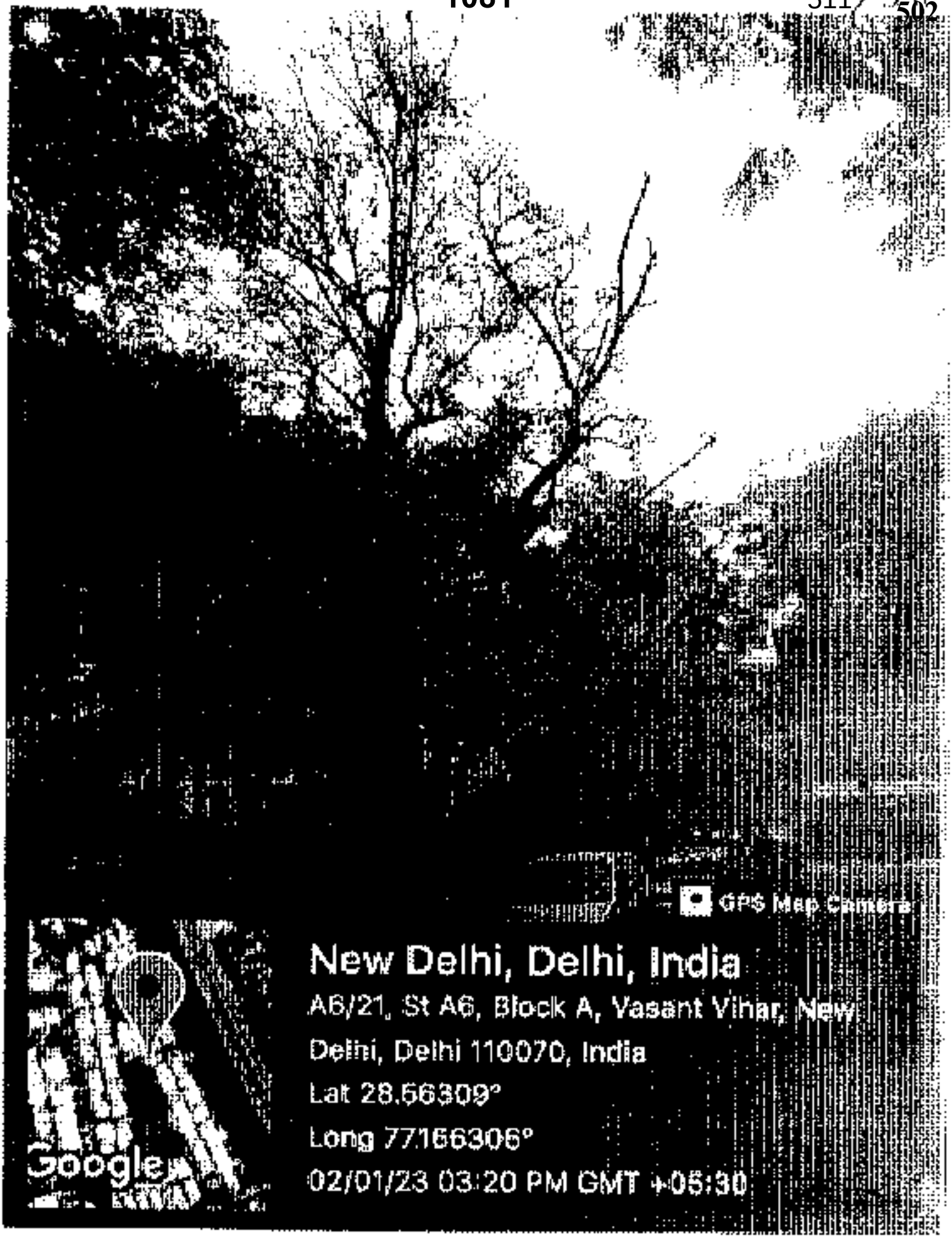

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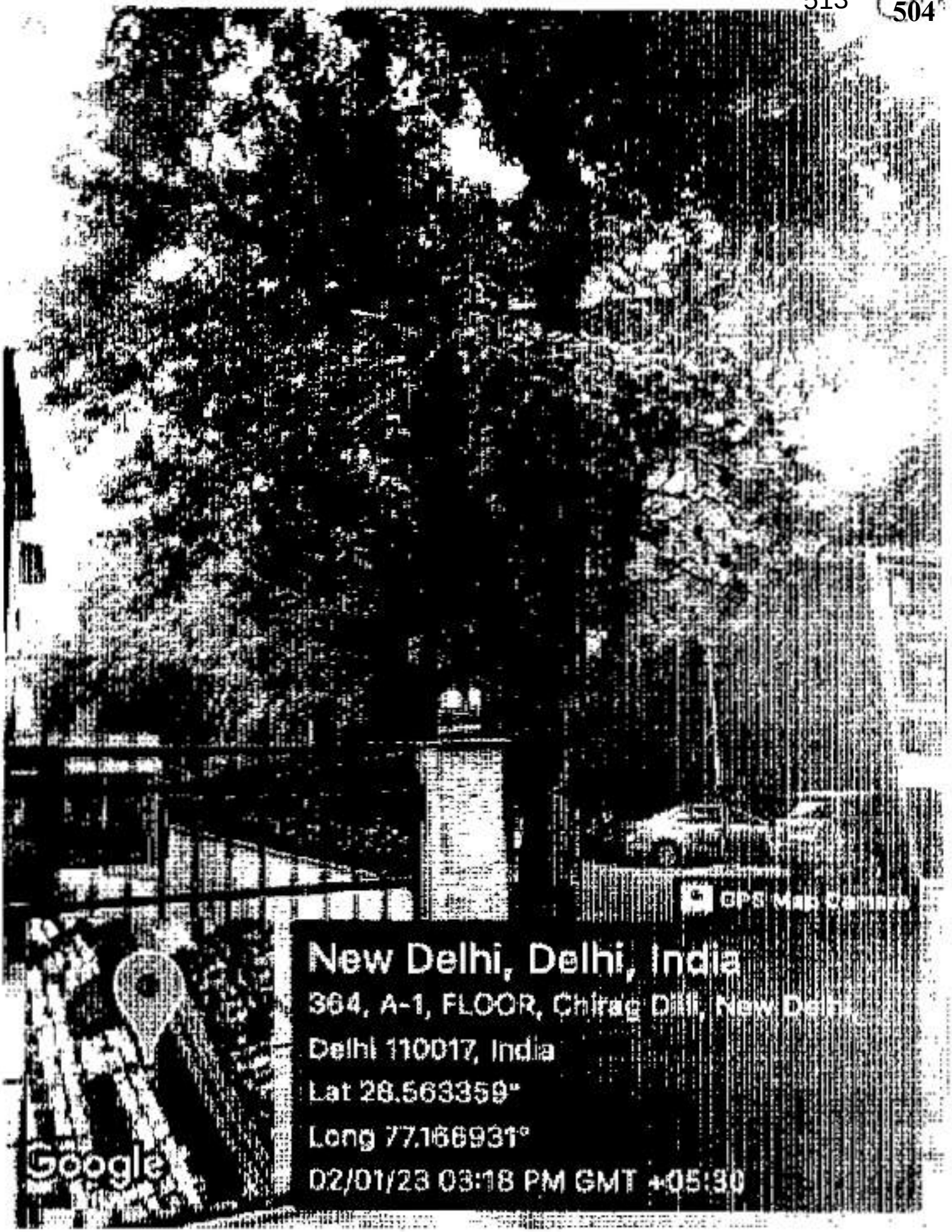

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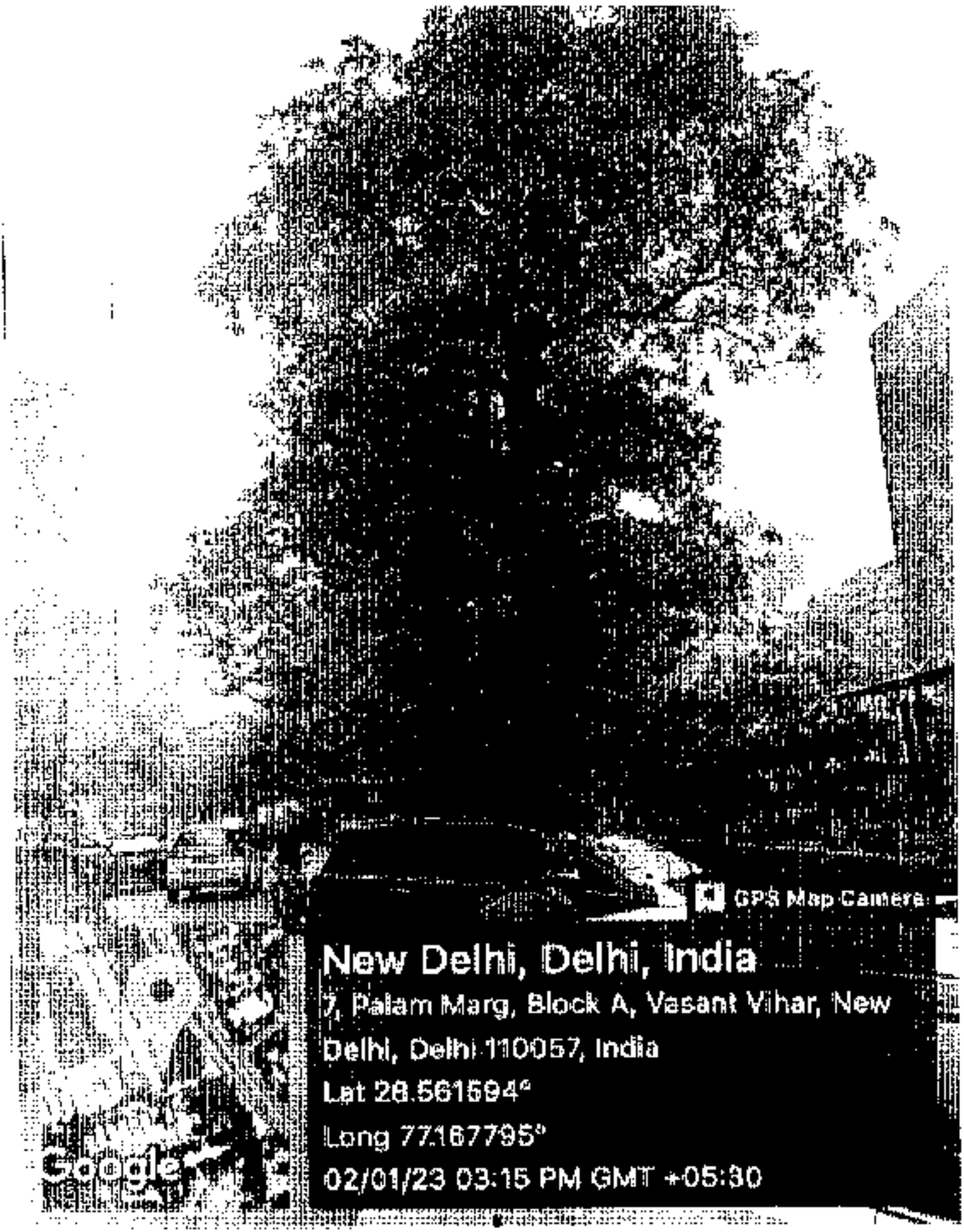
ANNEXURE B

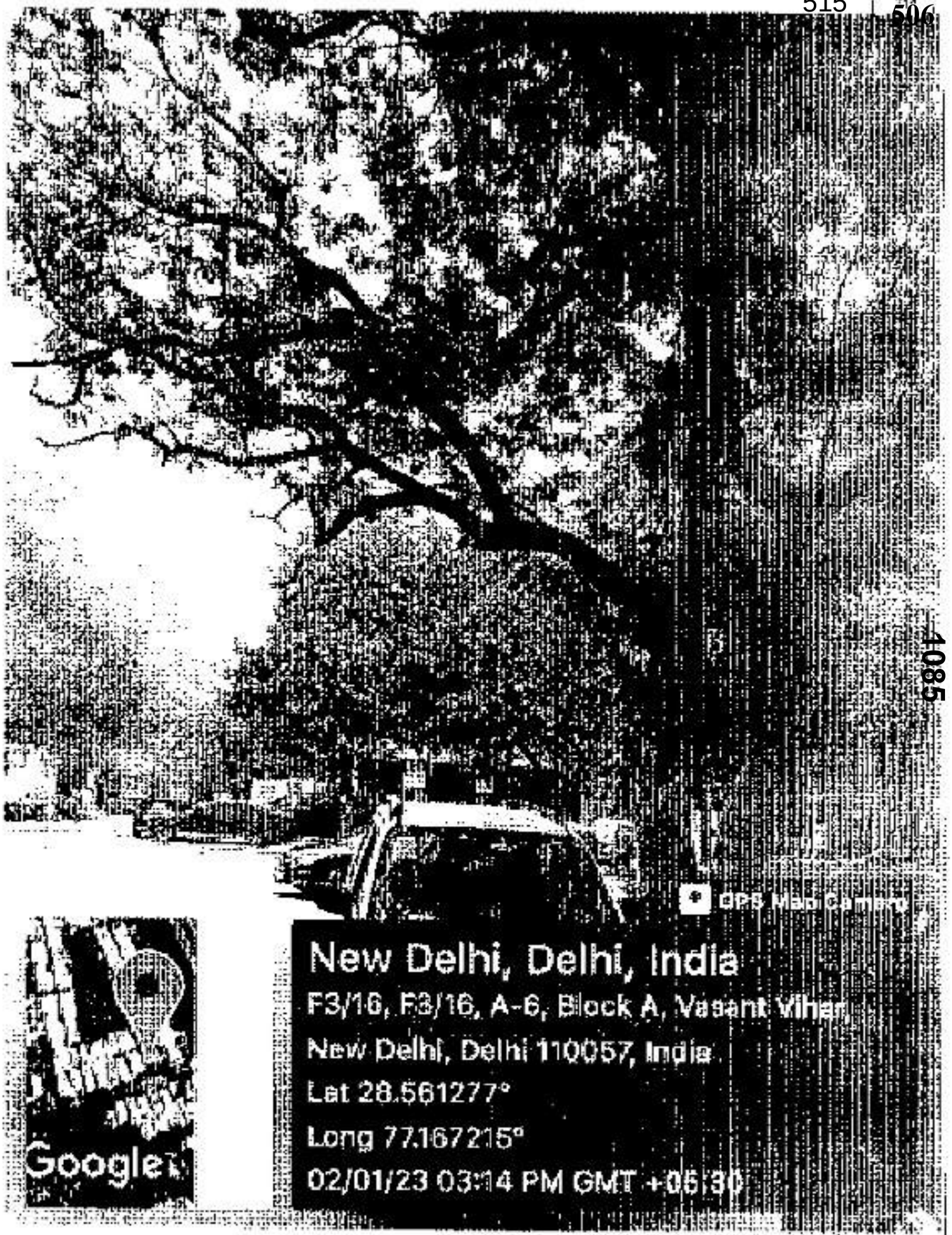

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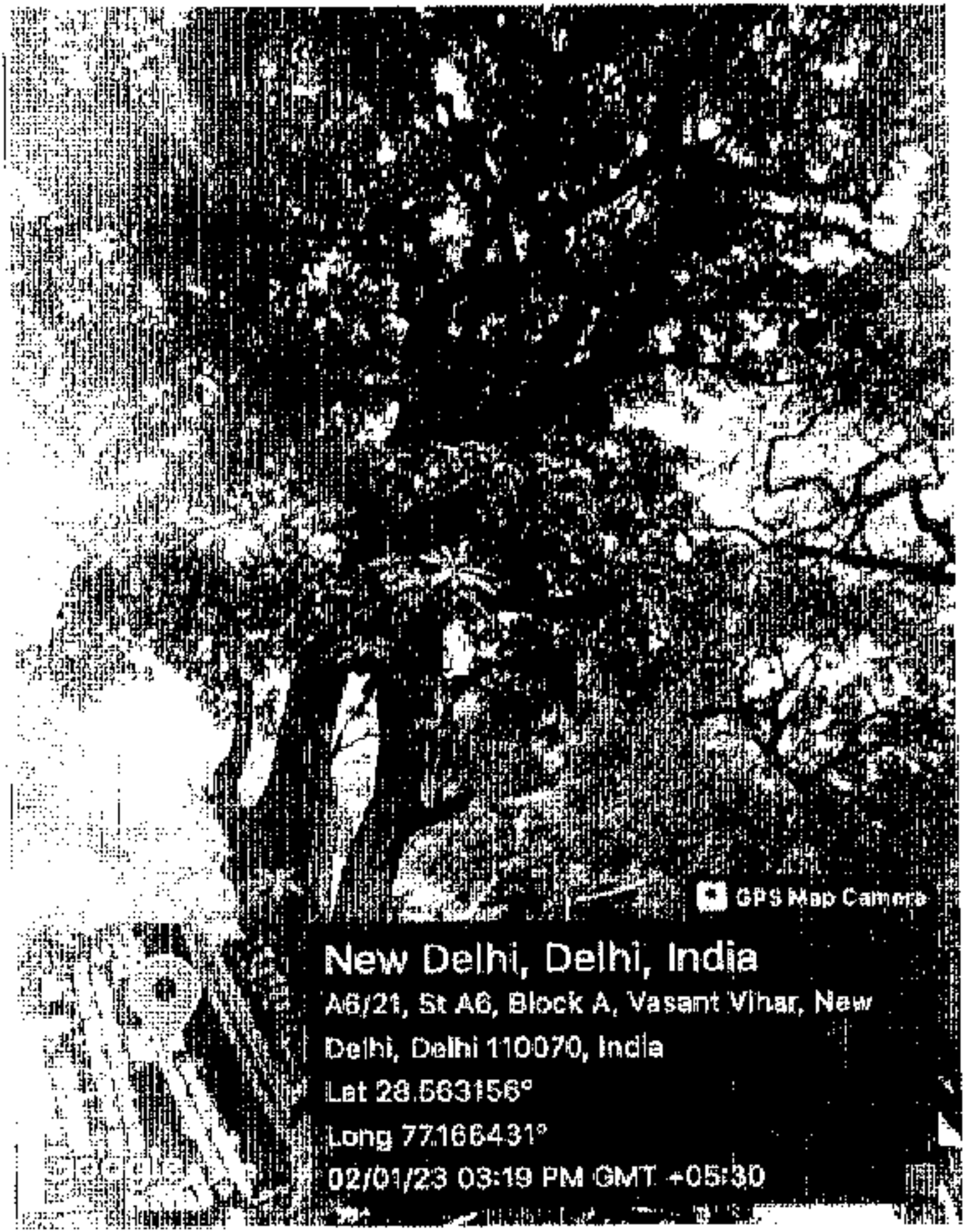

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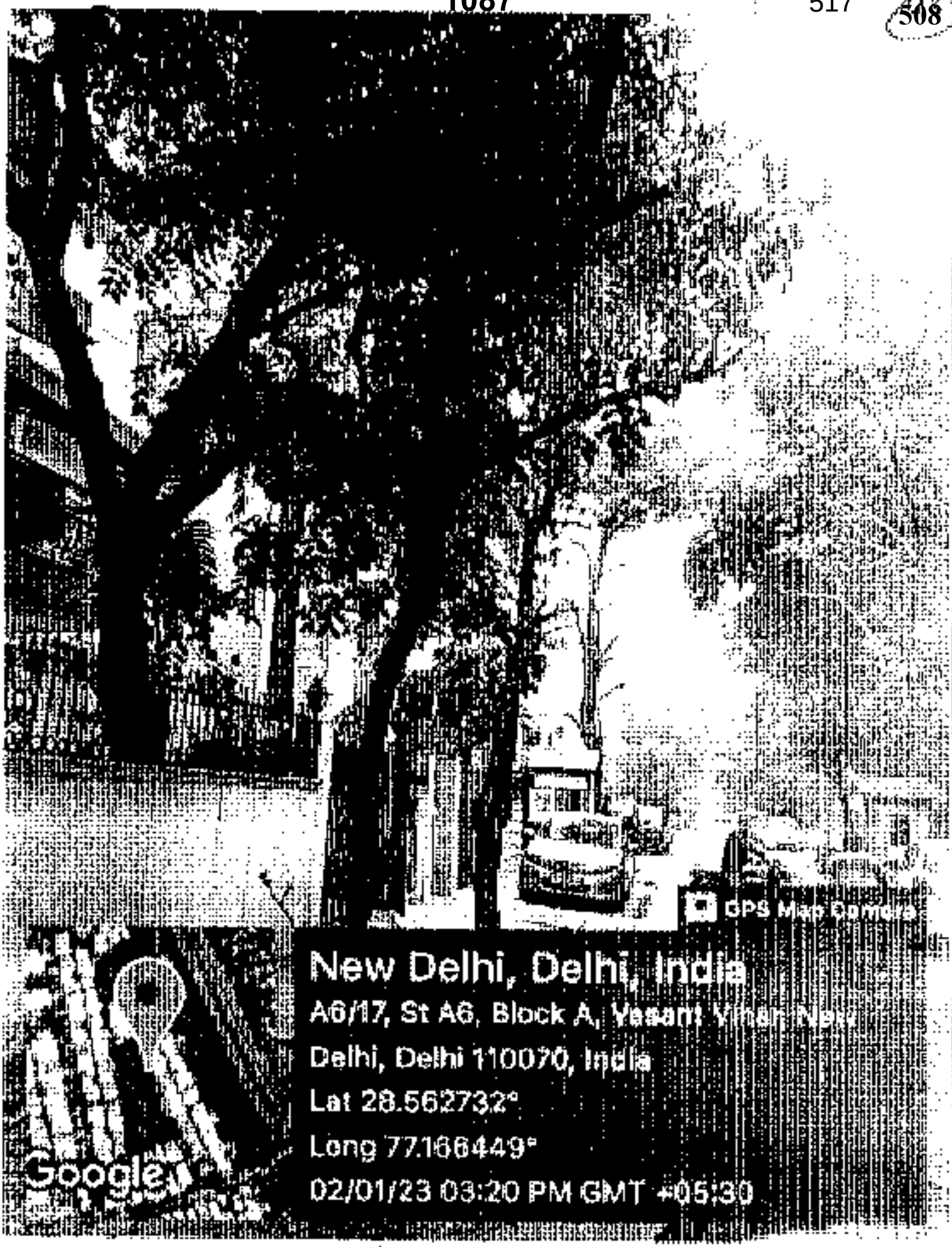

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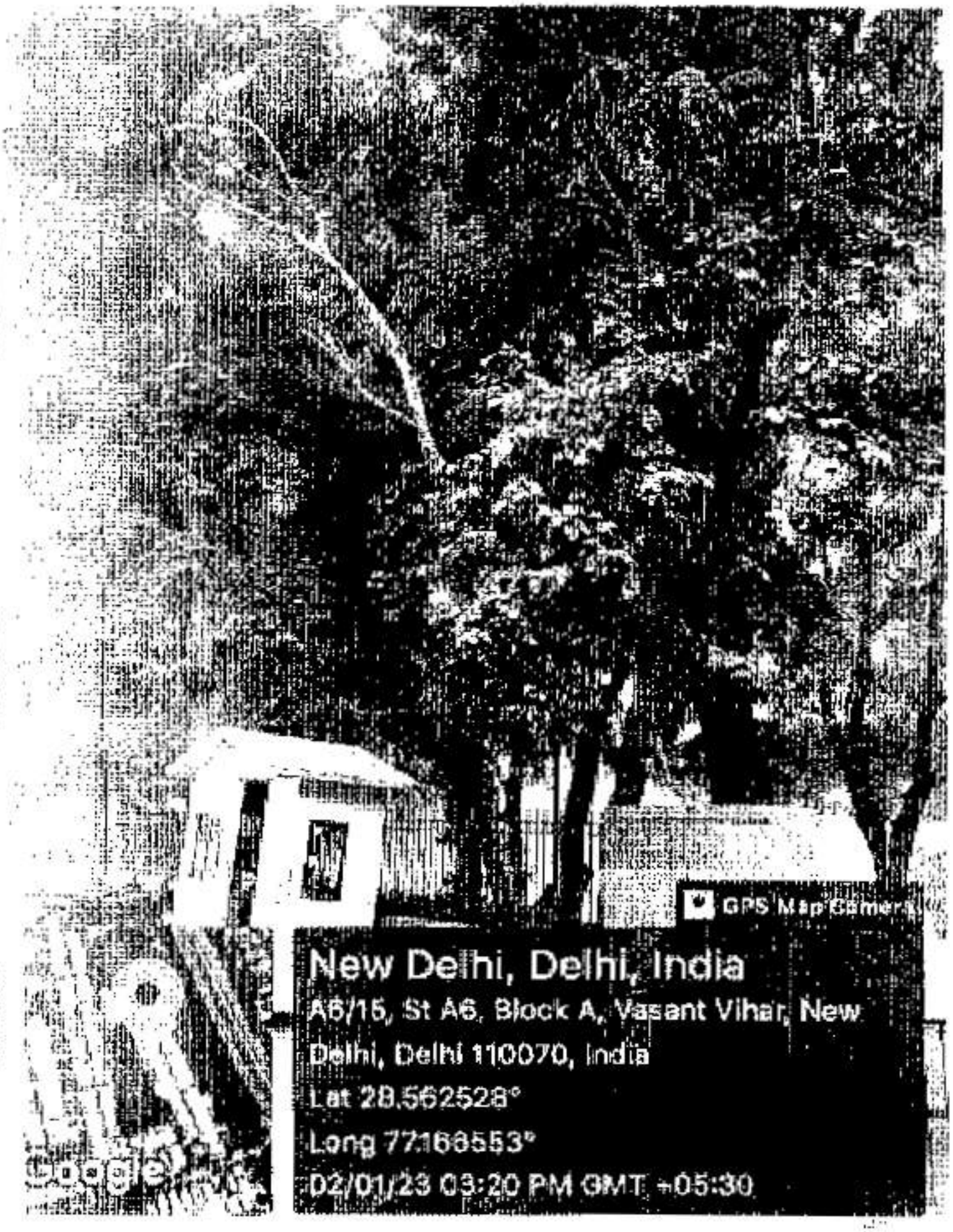

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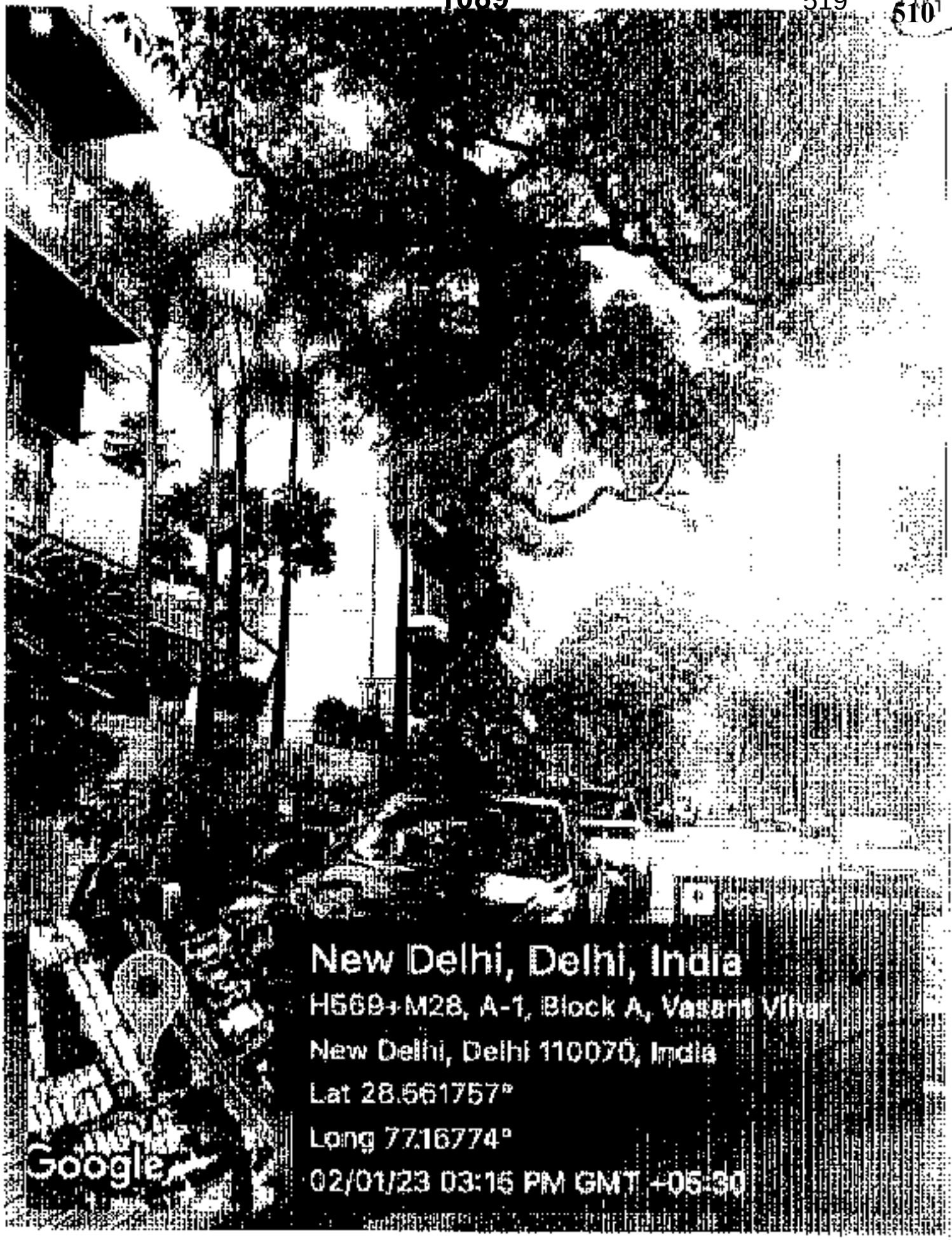

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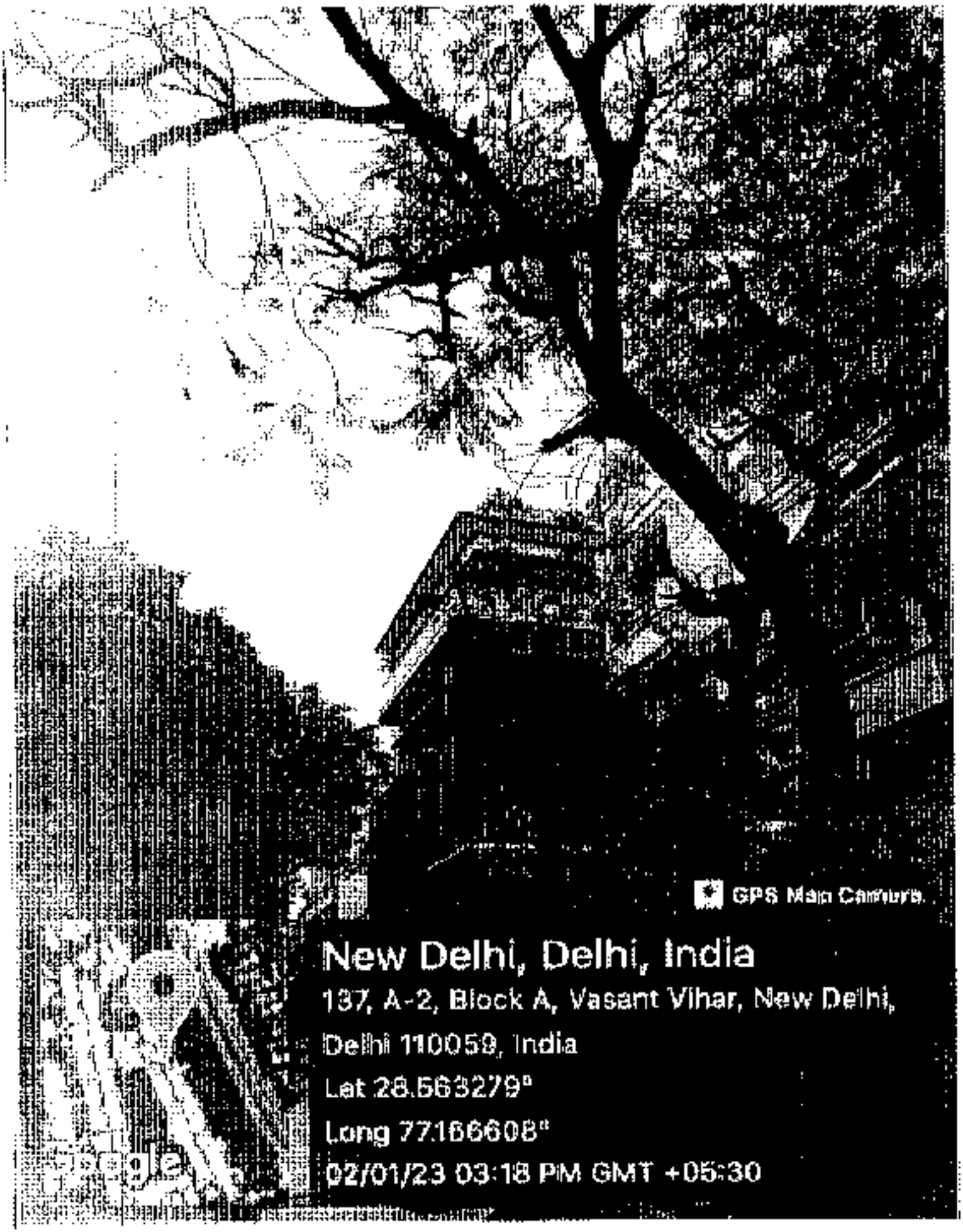

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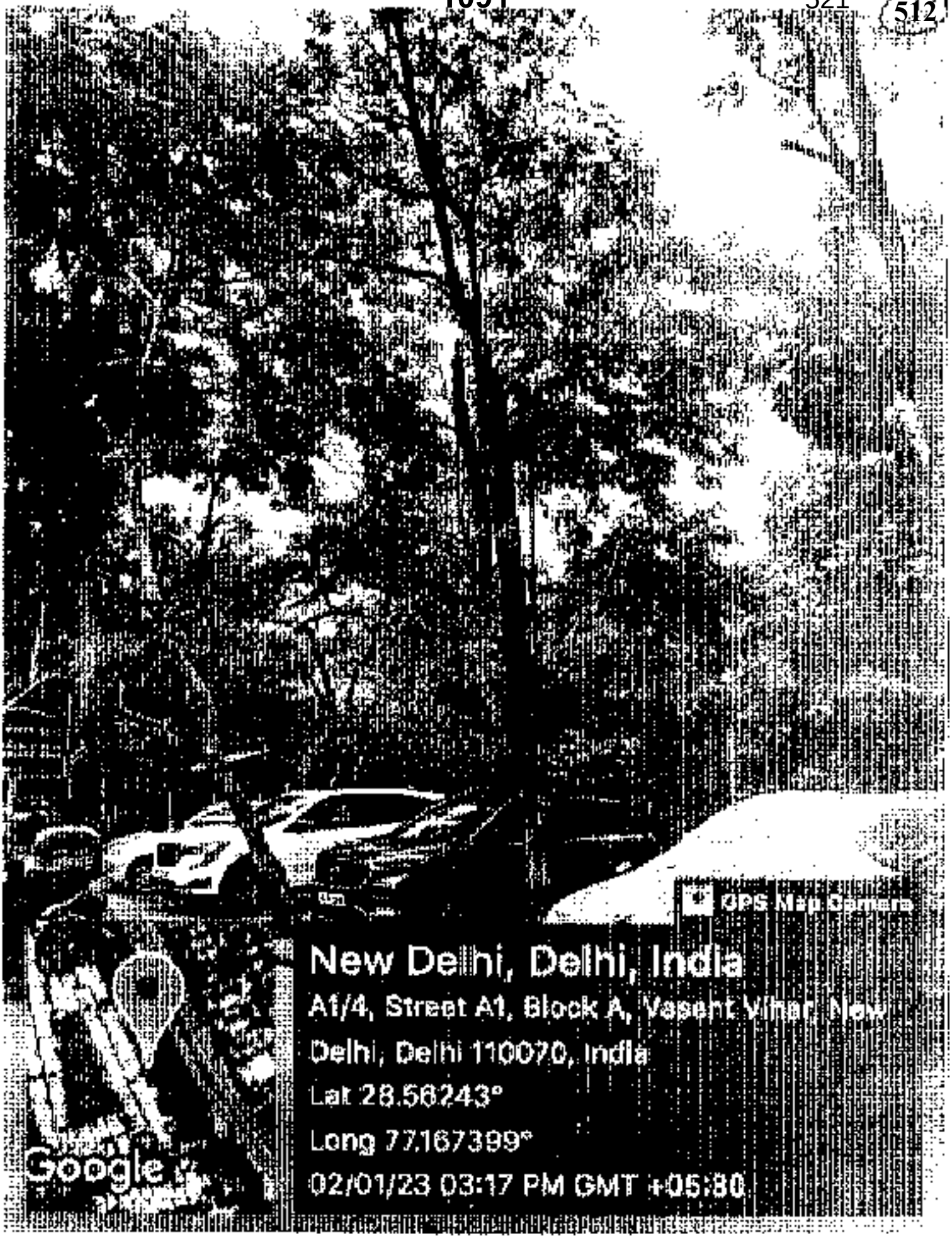

GPS Map Camera
New Delhi, Delhi, India
A6/21, St A6, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.563156°
Long 77.166431°
02/01/23 03:19 PM GMT +05:30

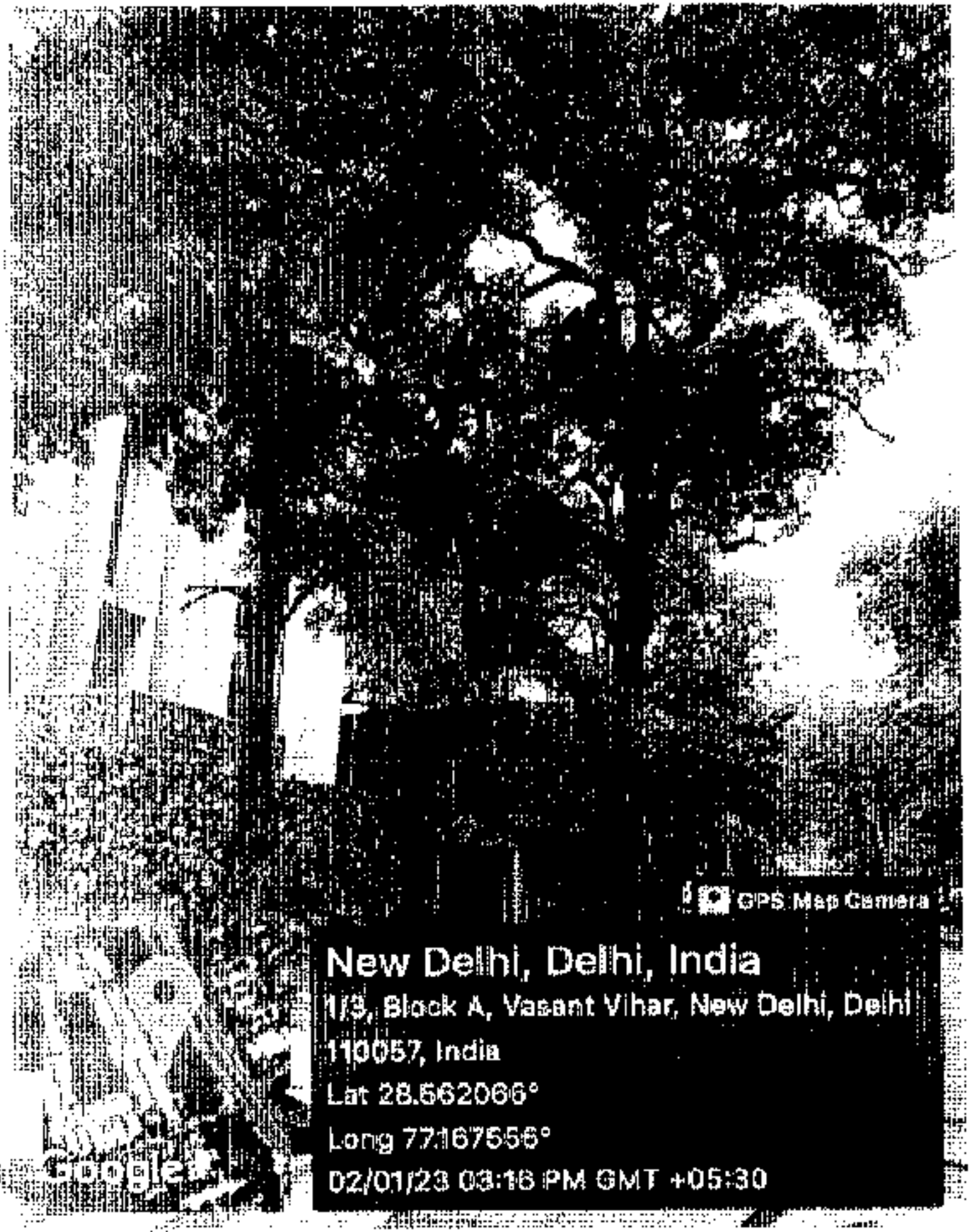

GPS Map Camera
New Delhi, Delhi, India
A6/17, St A6, Block A, Yasant Vihar, New
Delhi, Delhi 110070, India
Lat 28.562732°
Long 77.166449°
02/01/23 03:20 PM GMT +05:30
Google

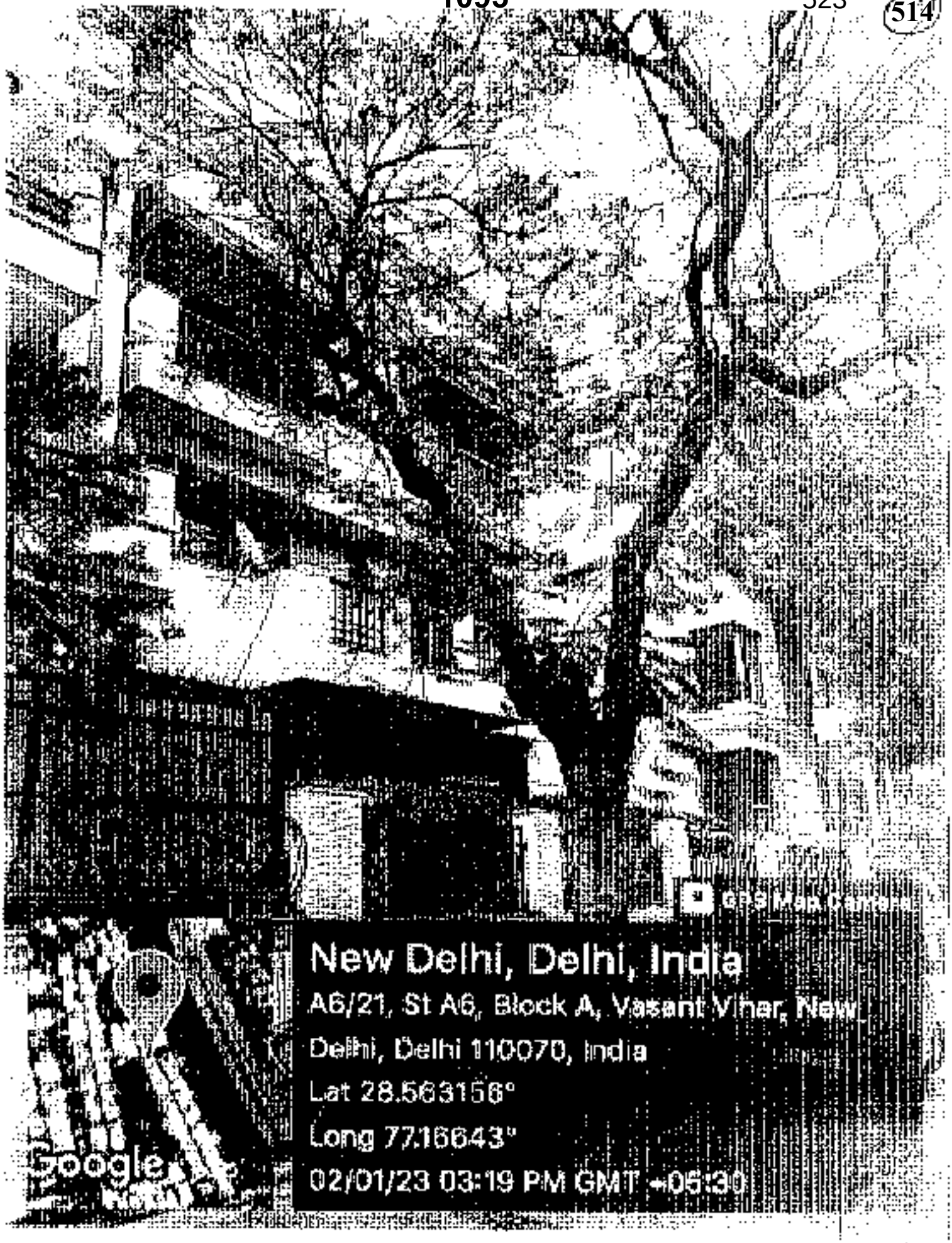

GPS Map Camera
New Delhi, Delhi, India
A6/15, St A6, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.562528°
Long 77.168553°
02/01/23 03:20 PM GMT +05:30


New Delhi, Delhi, India
H569+M28, A-1, Block A, Vasant Vihar
New Delhi, Delhi 110070, India
Lat 28.561757°
Long 77.16774°
02/01/23 03:16 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
137, A-2, Block A, Vasant Vihar, New Delhi,
Delhi 110059, India
Lat 28.563279°
Long 77.166608°
02/01/23 03:18 PM GMT +05:30

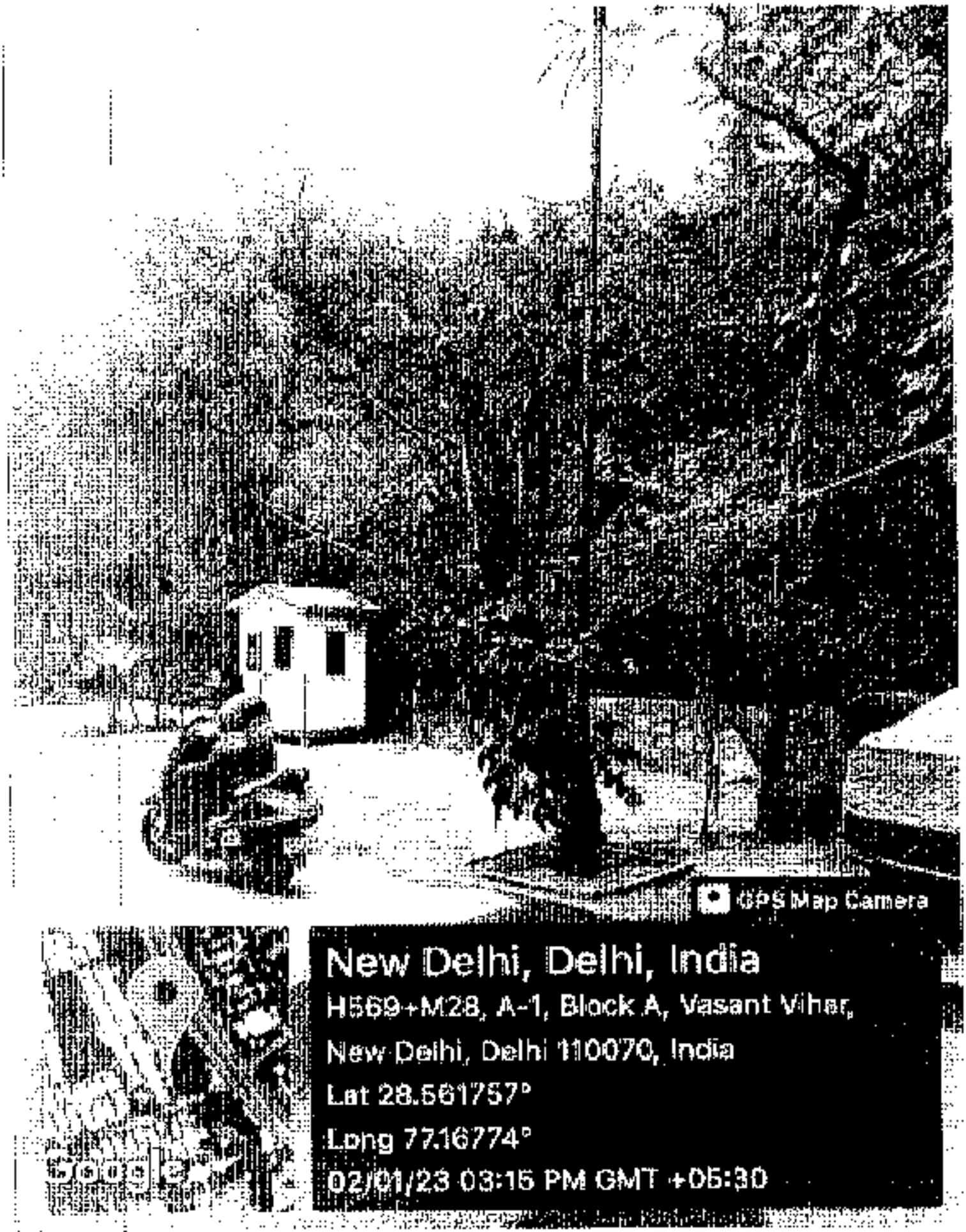

GPS Map Camera
New Delhi, Delhi, India
A1/4, Street A1, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.56243°
Long 77.167399°
02/01/23 03:17 PM GMT +05:30
Google

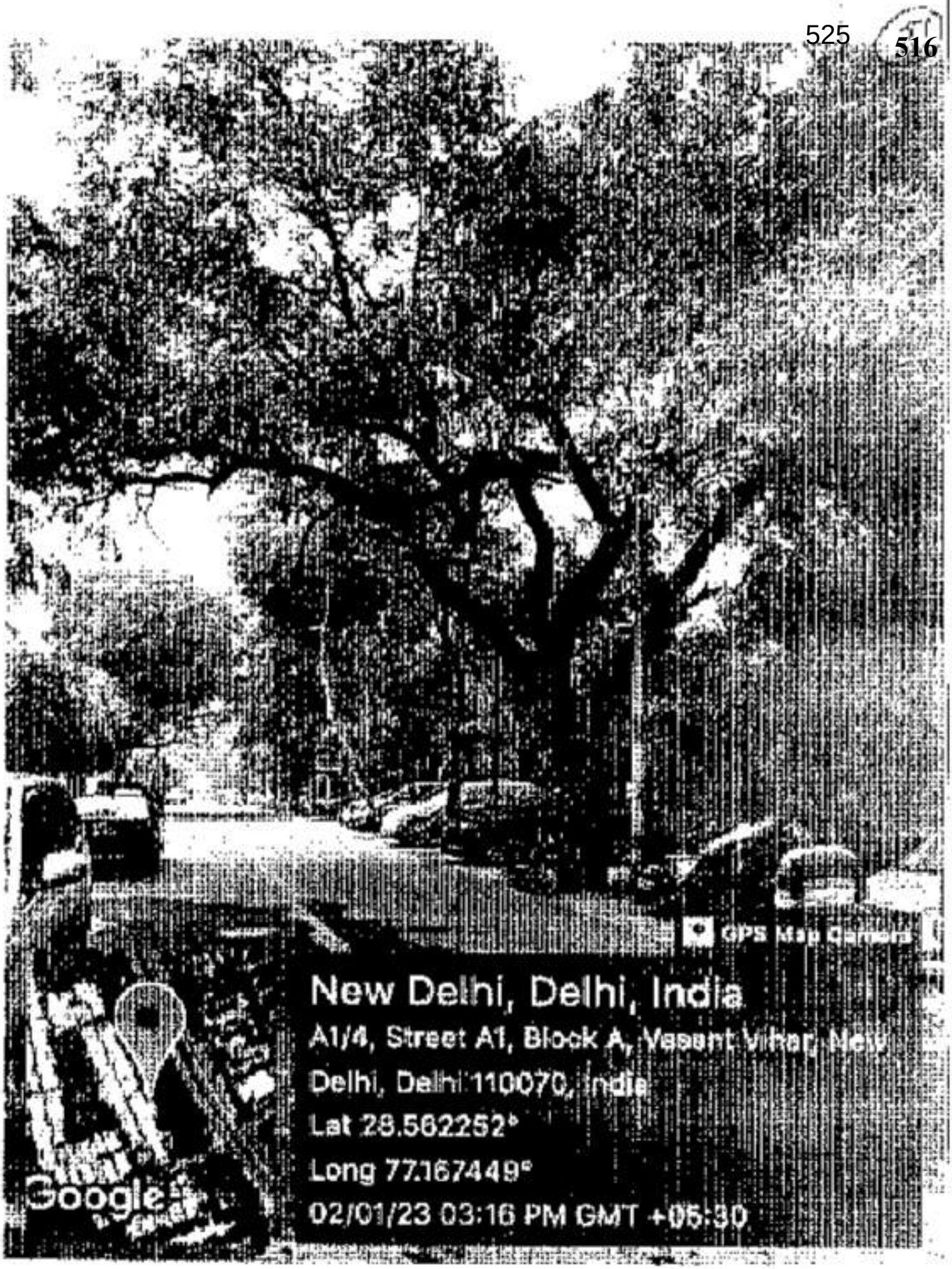

GPS Map Camera
New Delhi, Delhi, India
1/3, Block A, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.562066°
Long 77.167556°
02/01/23 03:16 PM GMT +05:30

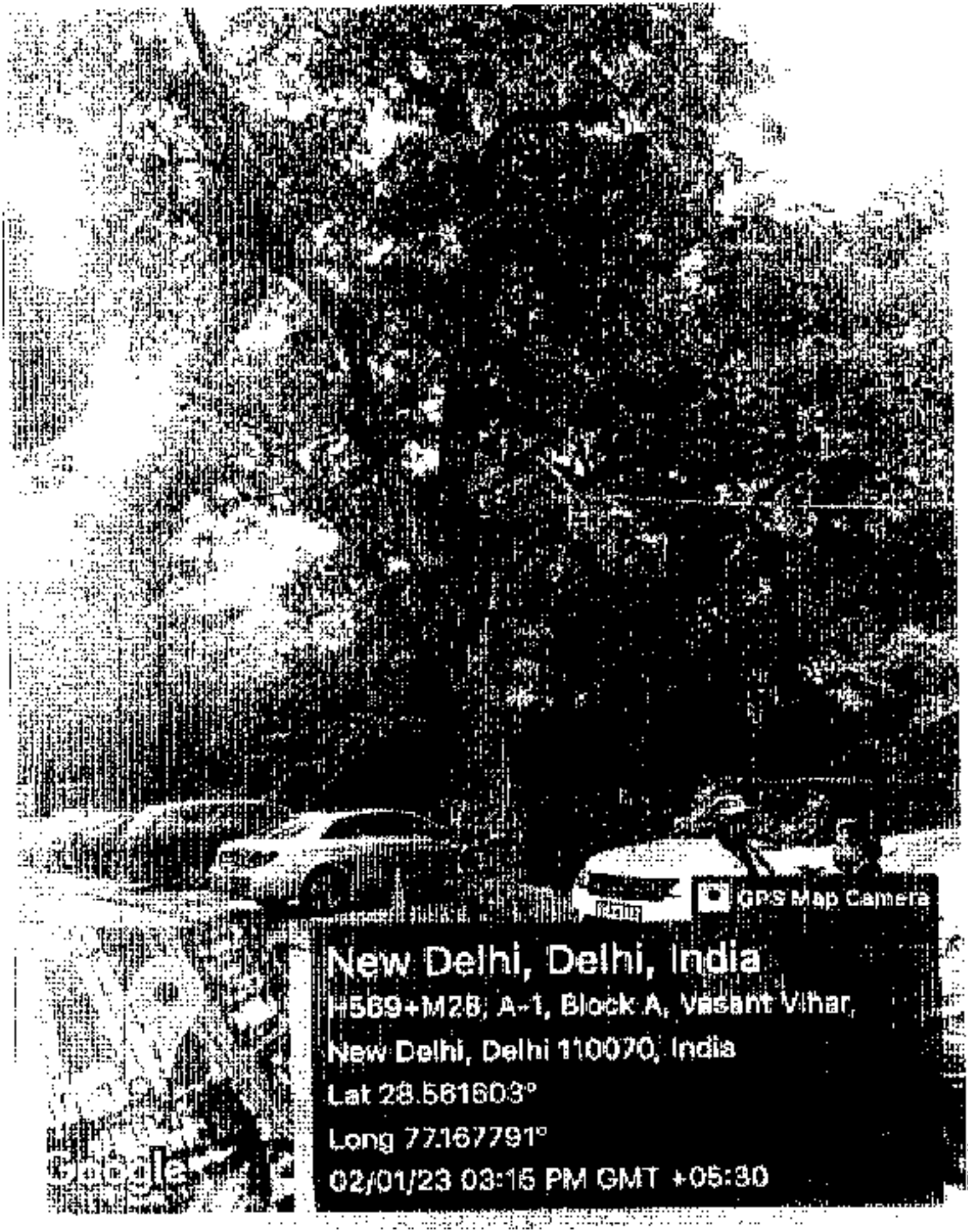

New Delhi, Delhi, India
A6/21, St A6, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.563156°
Long 77.16643°
02/01/23 03:19 PM GMT +05:30
Google

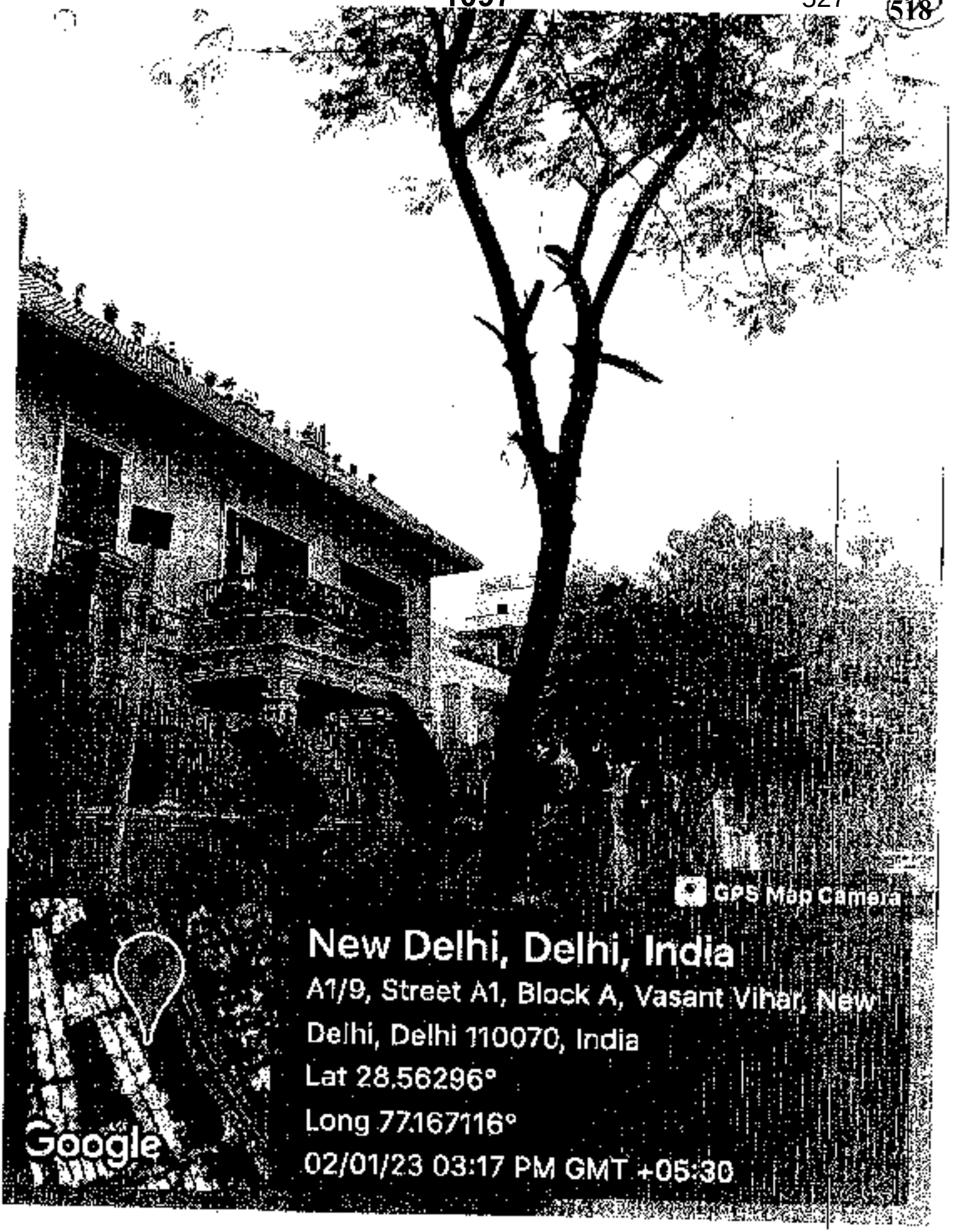
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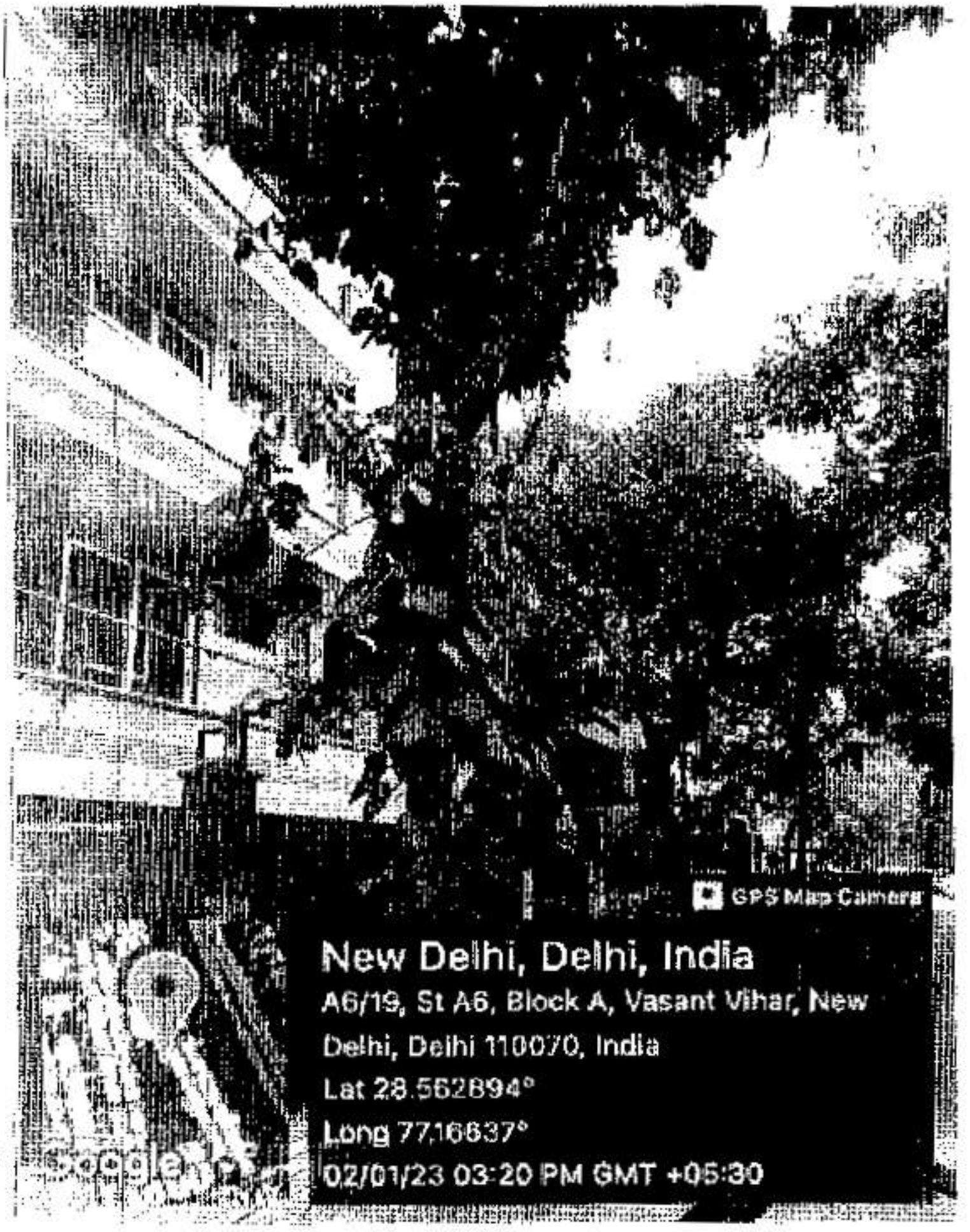

GPS Map Camera
New Delhi, Delhi, India
H569+M28, A-1, Block A, Vasant Vihar,
New Delhi, Delhi 110070, India
Lat 28.561757°
Long 77.16774°
02/01/23 03:15 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
A1/4, Street A1, Block A, Vasant Vihar, New
Delhi, Delhi 110070, India
Lat 28.562252°
Long 77.167449°
02/01/23 03:16 PM GMT +05:30
Google

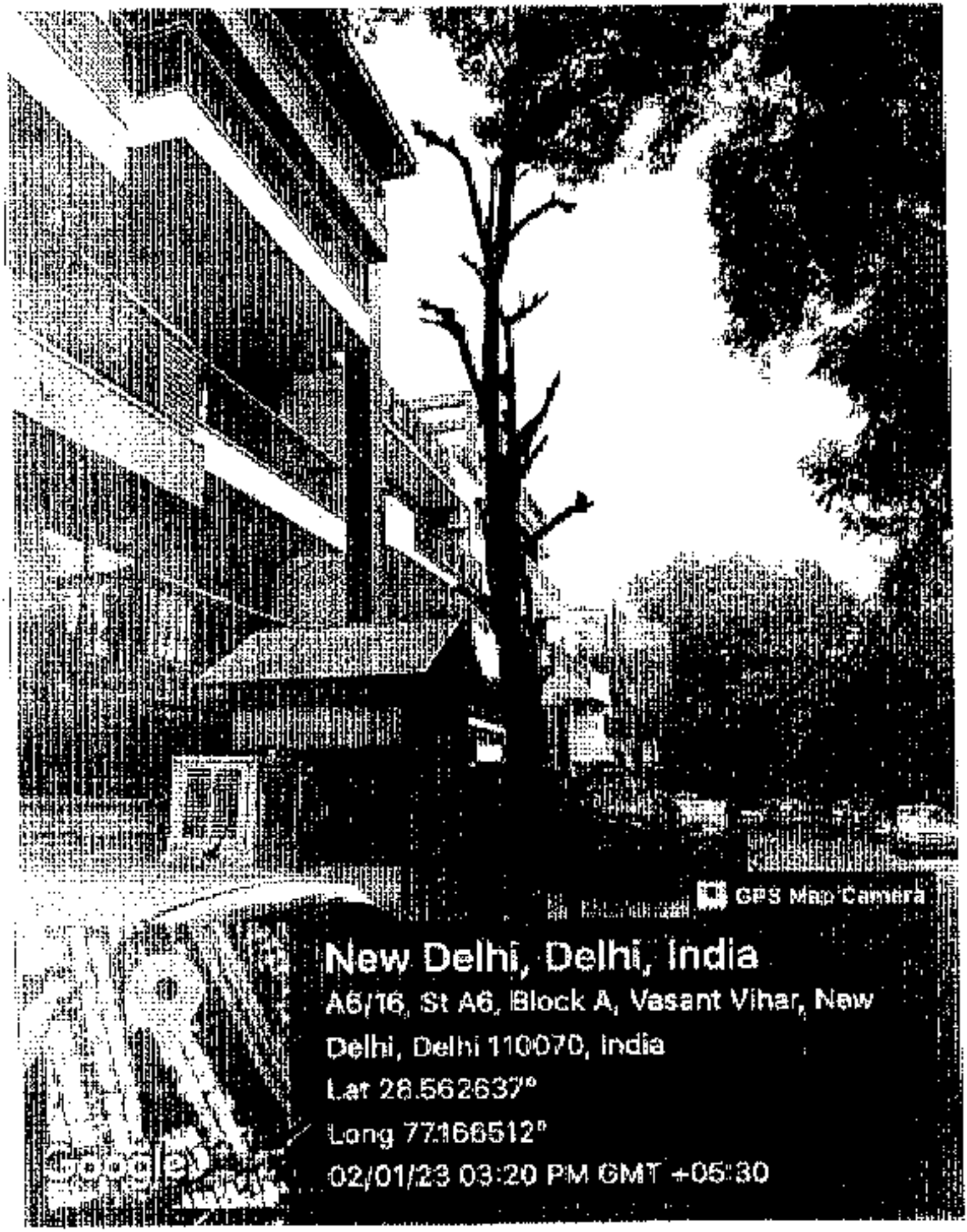

GPS Map Camera
New Delhi, Delhi, India
H569+M2B, A-1, Block A, Vasant Vihar,
New Delhi, Delhi 110070, India
Lat 28.561603°
Long 77.167791°
02/01/23 03:15 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
A1/9, Street A1, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.56296°
Long 77.167716°
02/01/23 03:17 PM GMT +05:30
Google

528 519

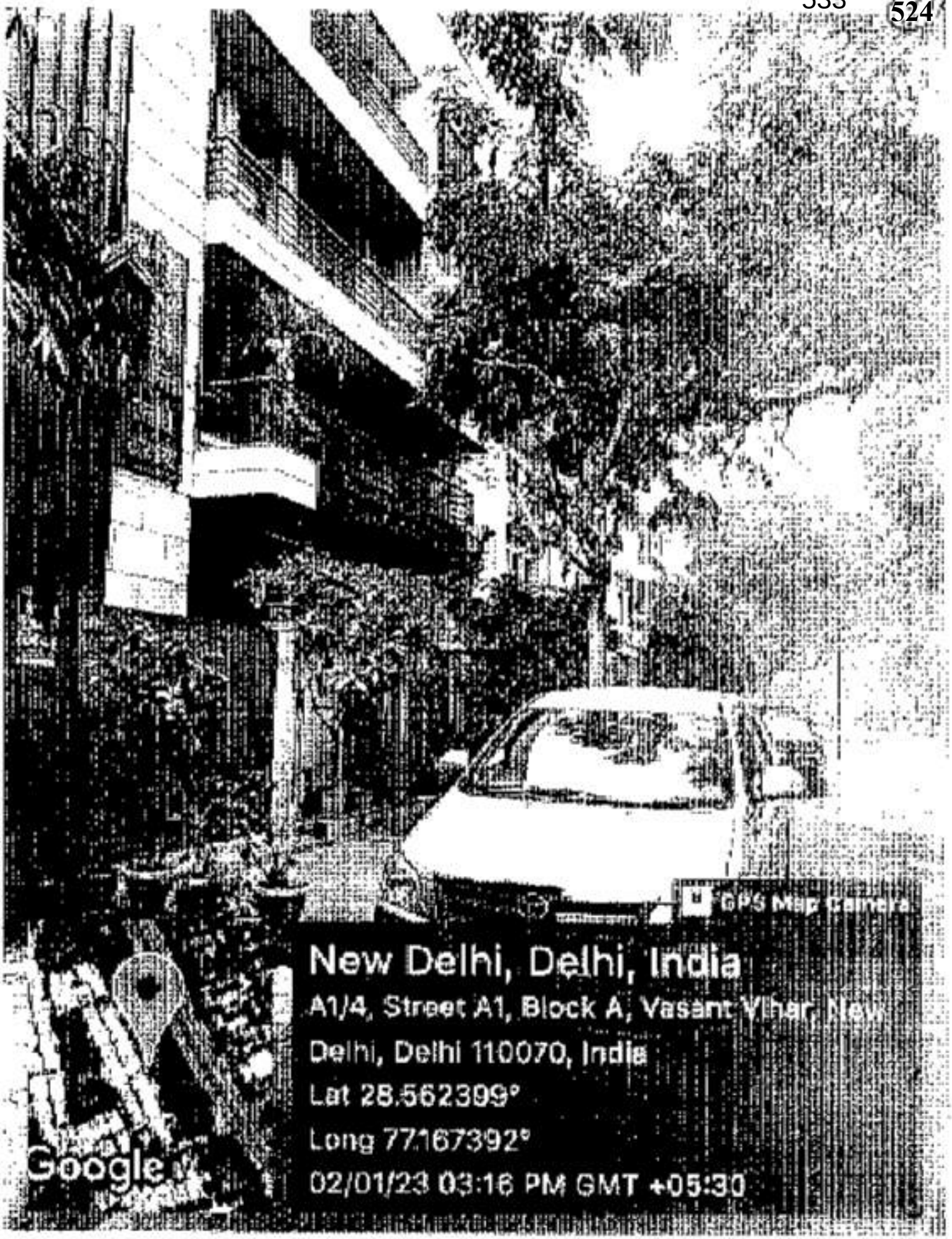

GPS Map Camera
New Delhi, Delhi, India
A6/19, St A6, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.562894°
Long 77.16637°
02/01/23 03:20 PM GMT +05:30

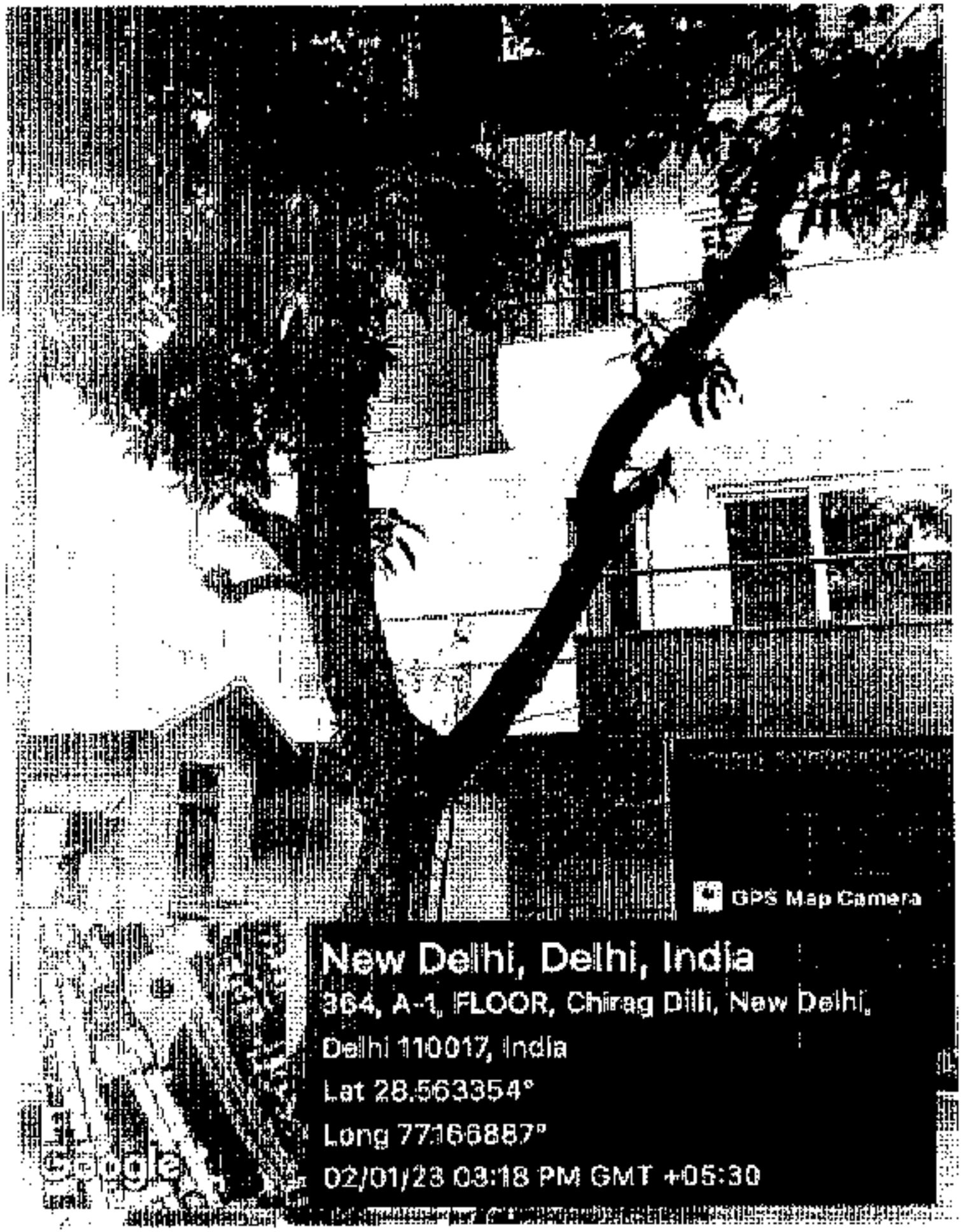

GPS Map Camera
New Delhi, Delhi, India
A1/2, Street A1, Block A, Vasant Vihar, New
Delhi, Delhi 110070, India
Lat 28.561927°
Long 77.16766°
02/01/23 03:15 PM GMT +05:30
Google

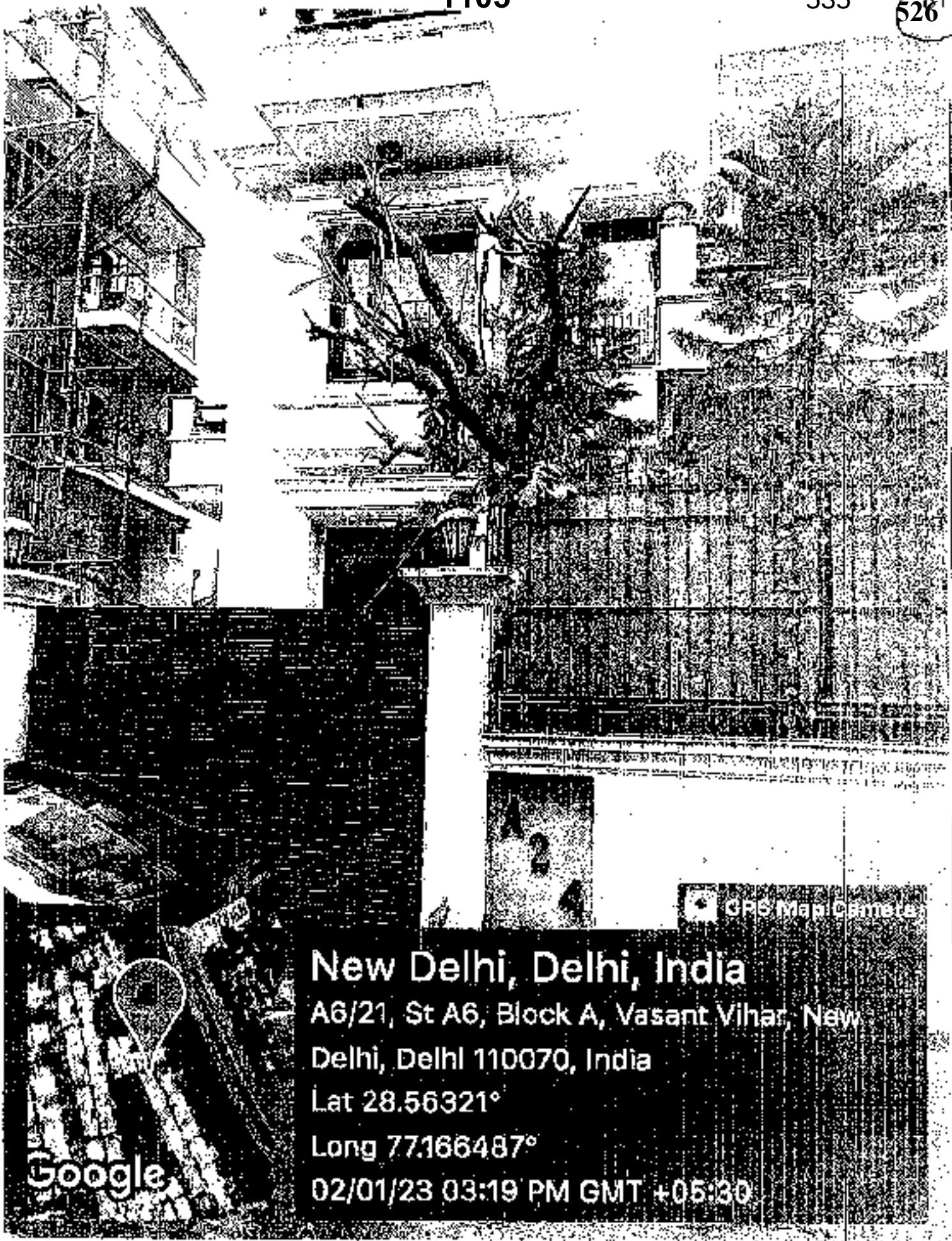

GPS Map Camera
New Delhi, Delhi, India
A6/16, St A6, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.562637°
Long 77.166512°
02/01/23 03:20 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
364, A-1, FLOOR, Chirag Dilli, New Delhi,
Delhi 110017, India
Lat 28.563287°
Long 77.166958°
02/01/23 03:18 PM GMT +05:30
Google

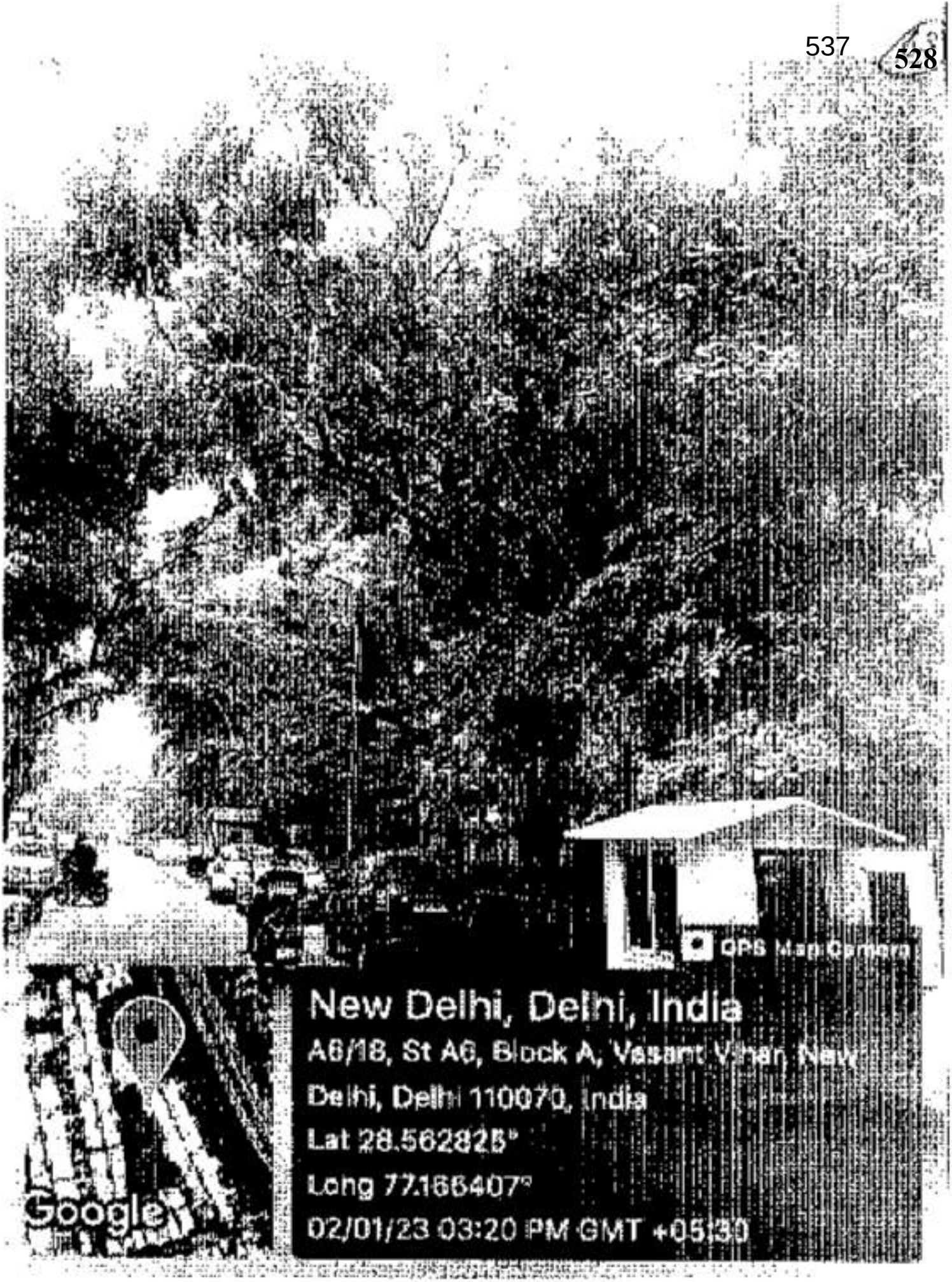

GPS Map Camera
New Delhi, Delhi, India
1, Vasant Vihar Poorvi Marg, Block A,
Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.561352°
Long 77.167622°
02/01/23 03:14 PM GMT +05:30
Google

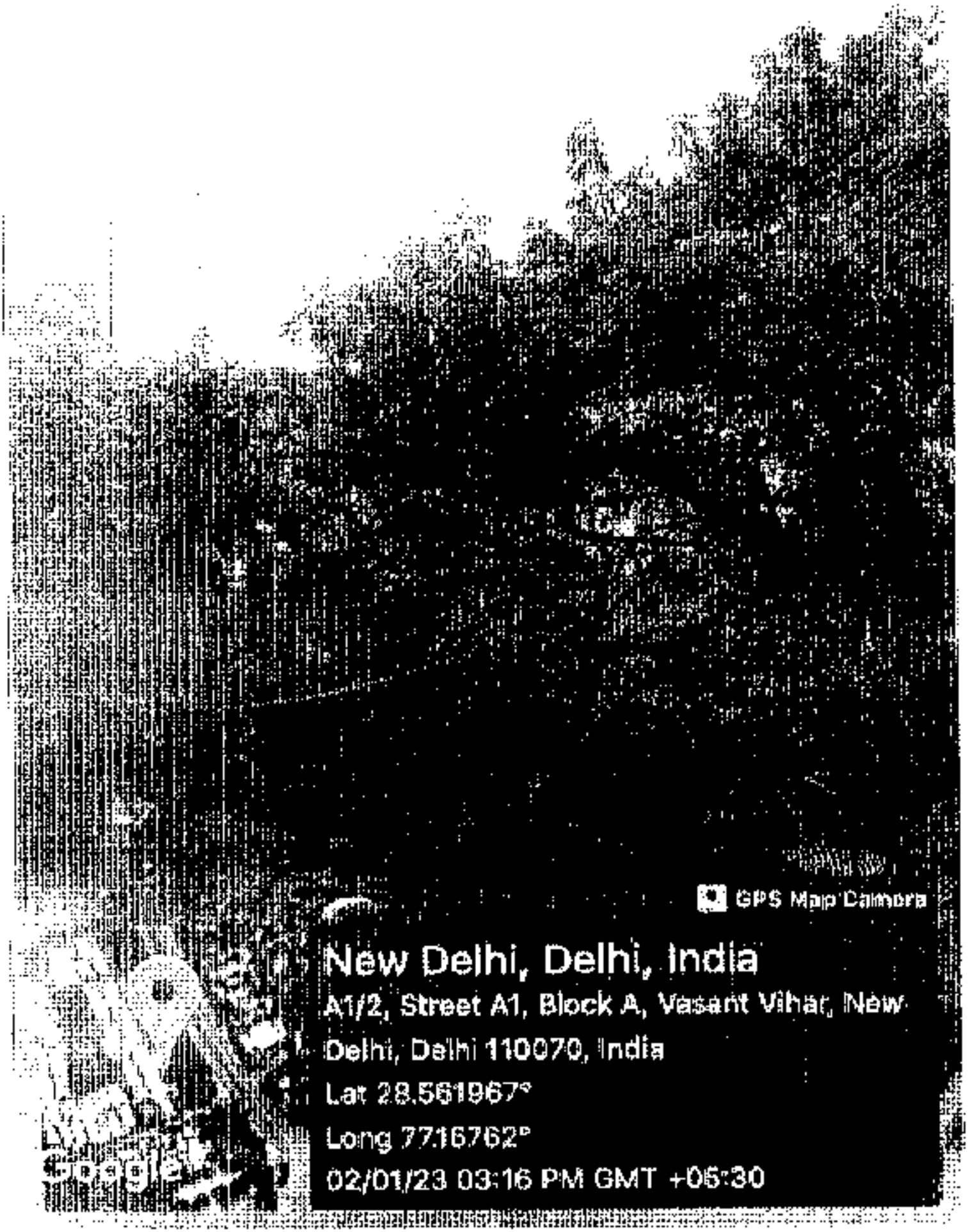

GPS Map Camera
New Delhi, Delhi, India
A1/4, Street A1, Block A, Vasant Vihar, New
Delhi, Delhi 110070, India
Lat 28.562399°
Long 77.167392°
02/01/23 03:16 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
364, A-1, FLOOR, Chirag Dilli, New Delhi,
Delhi 110017, India
Lat 28.563354°
Long 77.166887°
02/01/23 03:18 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
A6/21, St A6, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.56321°
Long 77.166487°
02/01/23 03:19 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
1/6, Block A, Vasant Vihar, New Delhi, Delhi
110057, India
Lat 28.56255°
Long 77.167344°
02/01/23 03:17 PM GMT +05:30

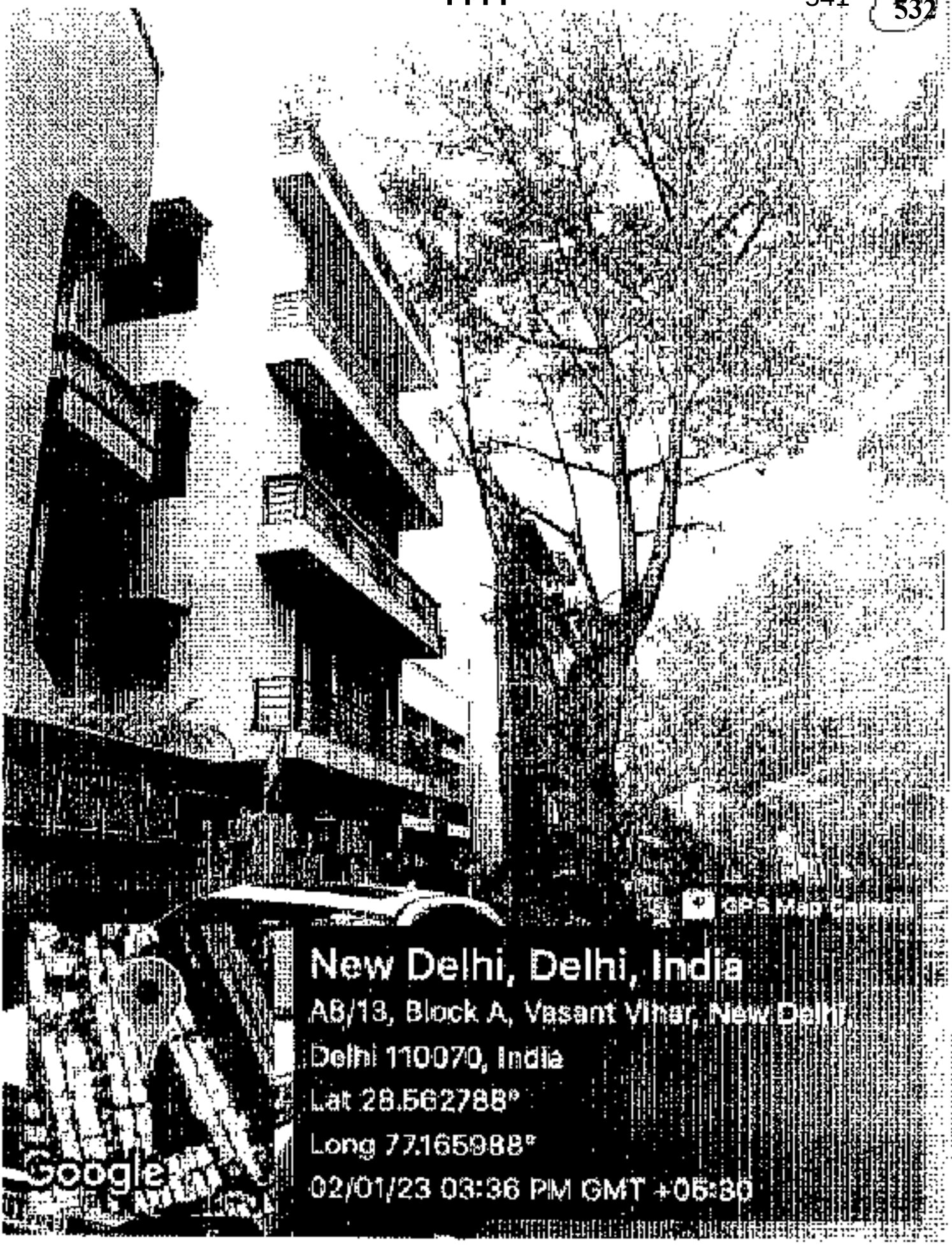

GPS Map Camera
New Delhi, Delhi, India
A6/18, St A6, Block A, Vasant Vihar, New
Delhi, Delhi 110070, India
Lat 28.562825°
Long 77.166407°
02/01/23 03:20 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
A1/2, Street A1, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.561967°
Long 77.16762°
02/01/23 03:16 PM GMT +05:30

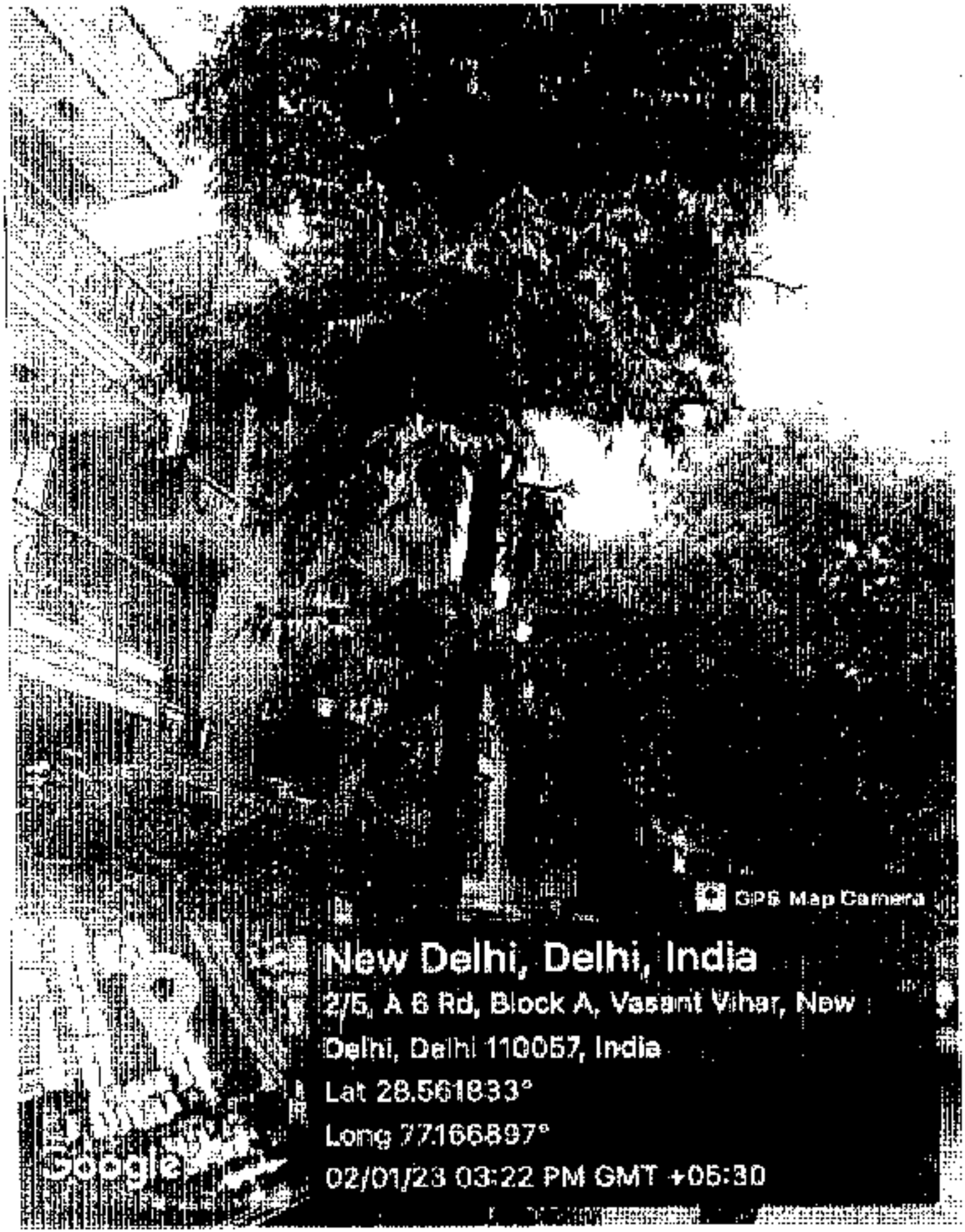

Google
New Delhi, Delhi, India
A-6/10, Block A, Vasant Vihar, New Delhi,
Delhi 110070, India
Lat 28.56211°
Long 77.1667765°
02/01/23 03:21 PM GMT +05:30

540 531

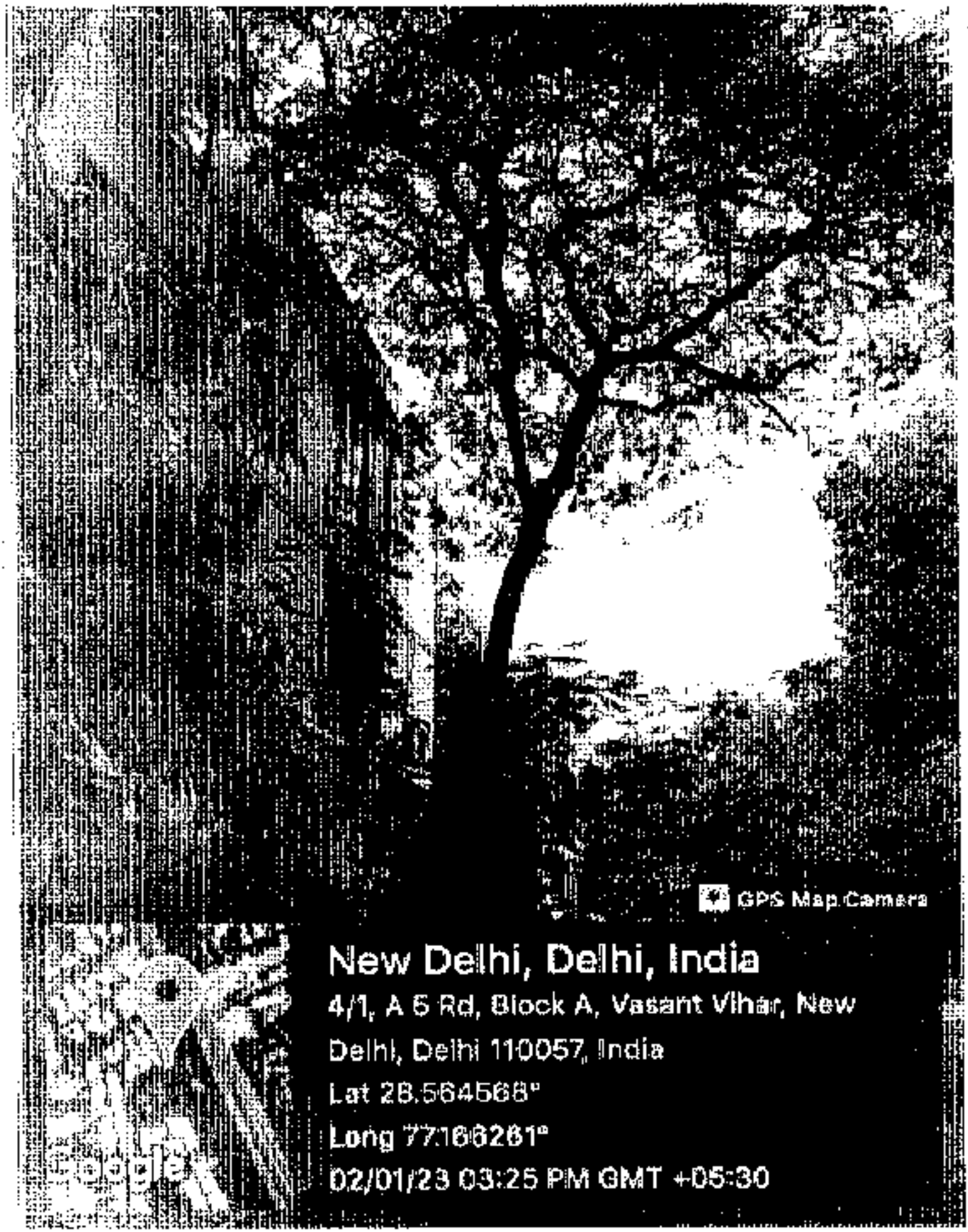

GPS Map Camera
New Delhi, Delhi, India
224, A-1, near Nirankari Satsang bhawan, Block A, Madangir, New Delhi, Delhi 110062, India
Lat 28.563659°
Long 77.166628°
02/01/23 03:38 PM GMT +05:30

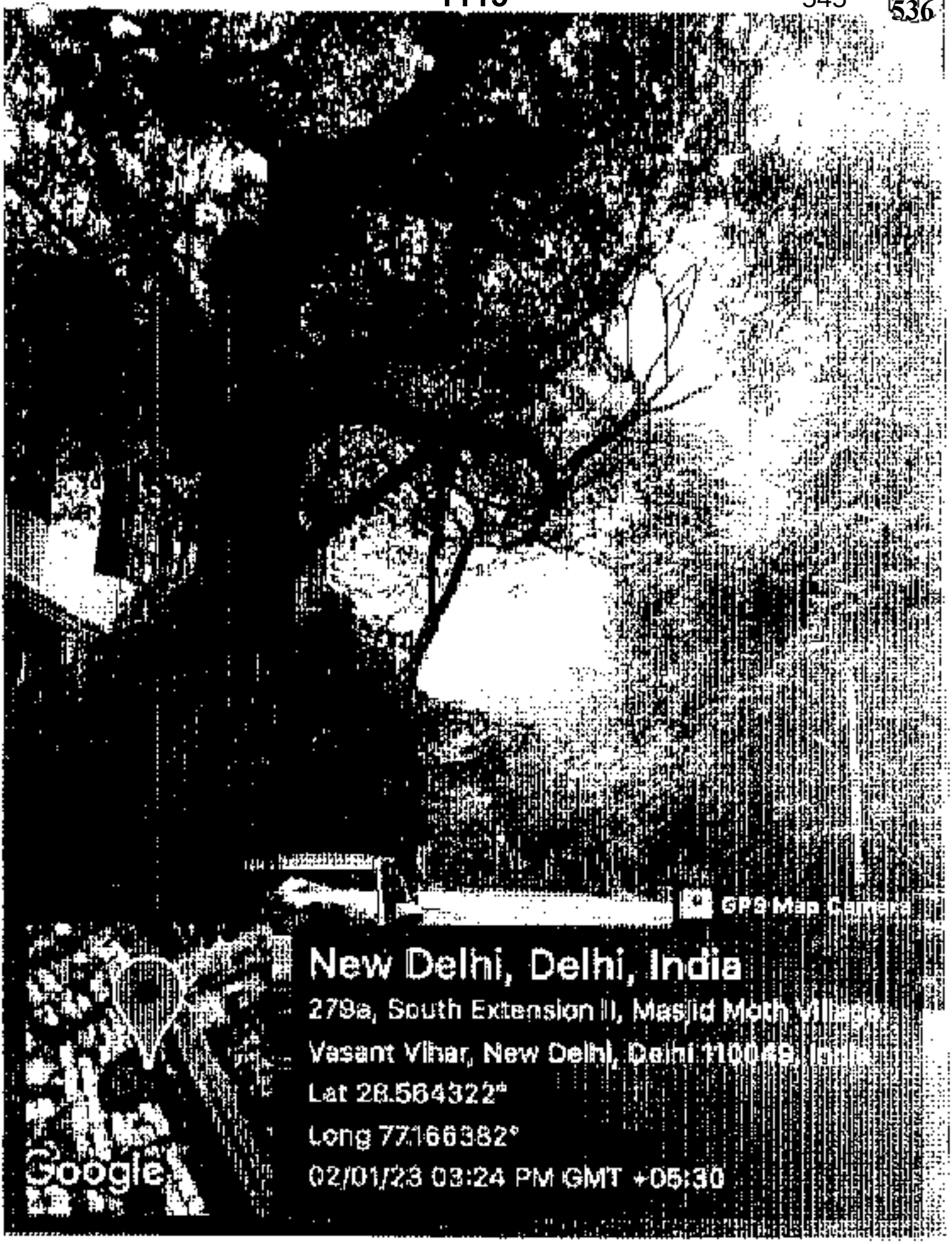

GPS Map Camera
New Delhi, Delhi, India
A8/13, Block A, Vasant Vihar, New Delhi
Delhi 110070, India
Lat 28.562788°
Long 77.165988°
02/01/23 03:36 PM GMT +05:30
Google

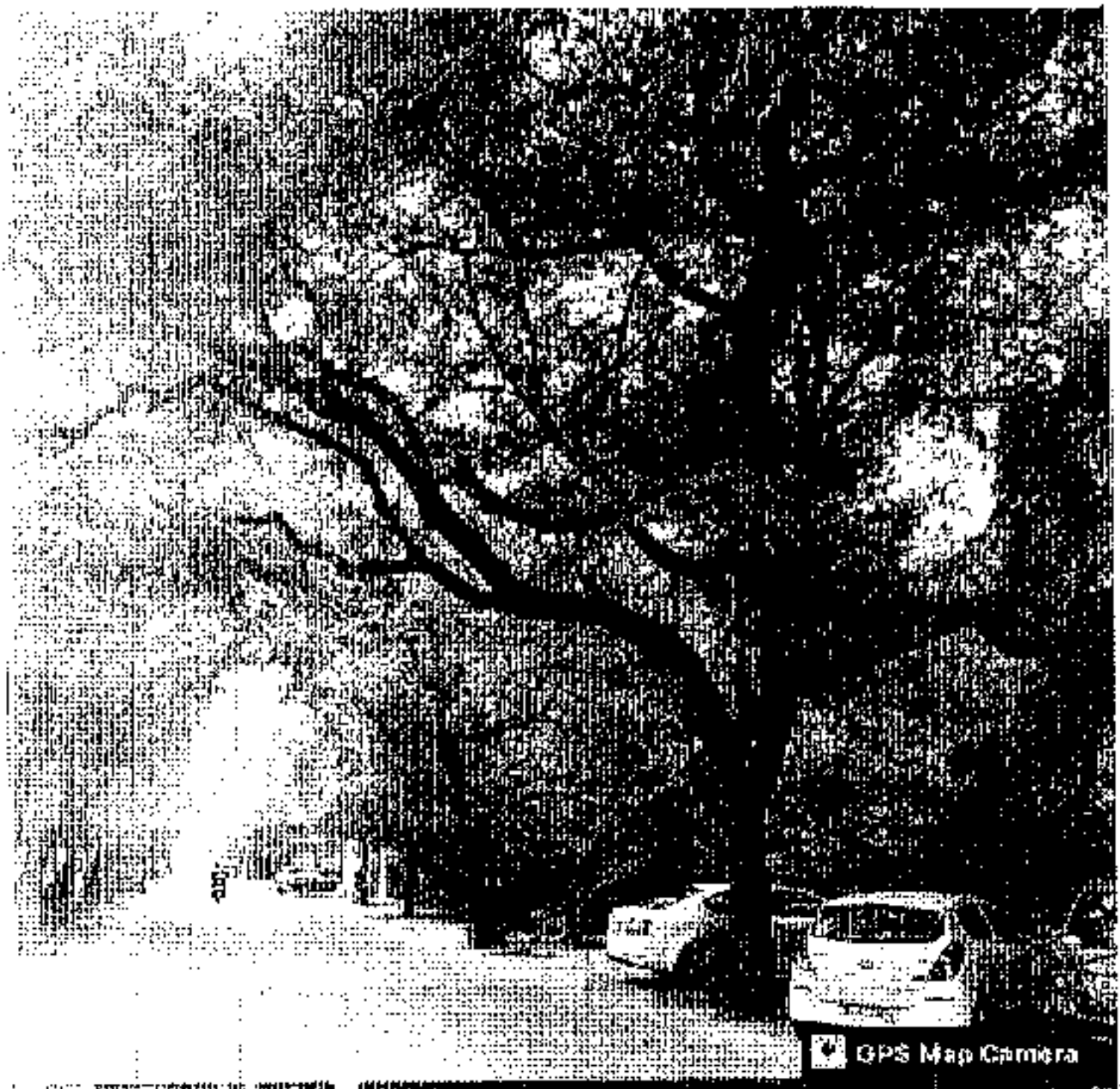
542 (66) 533

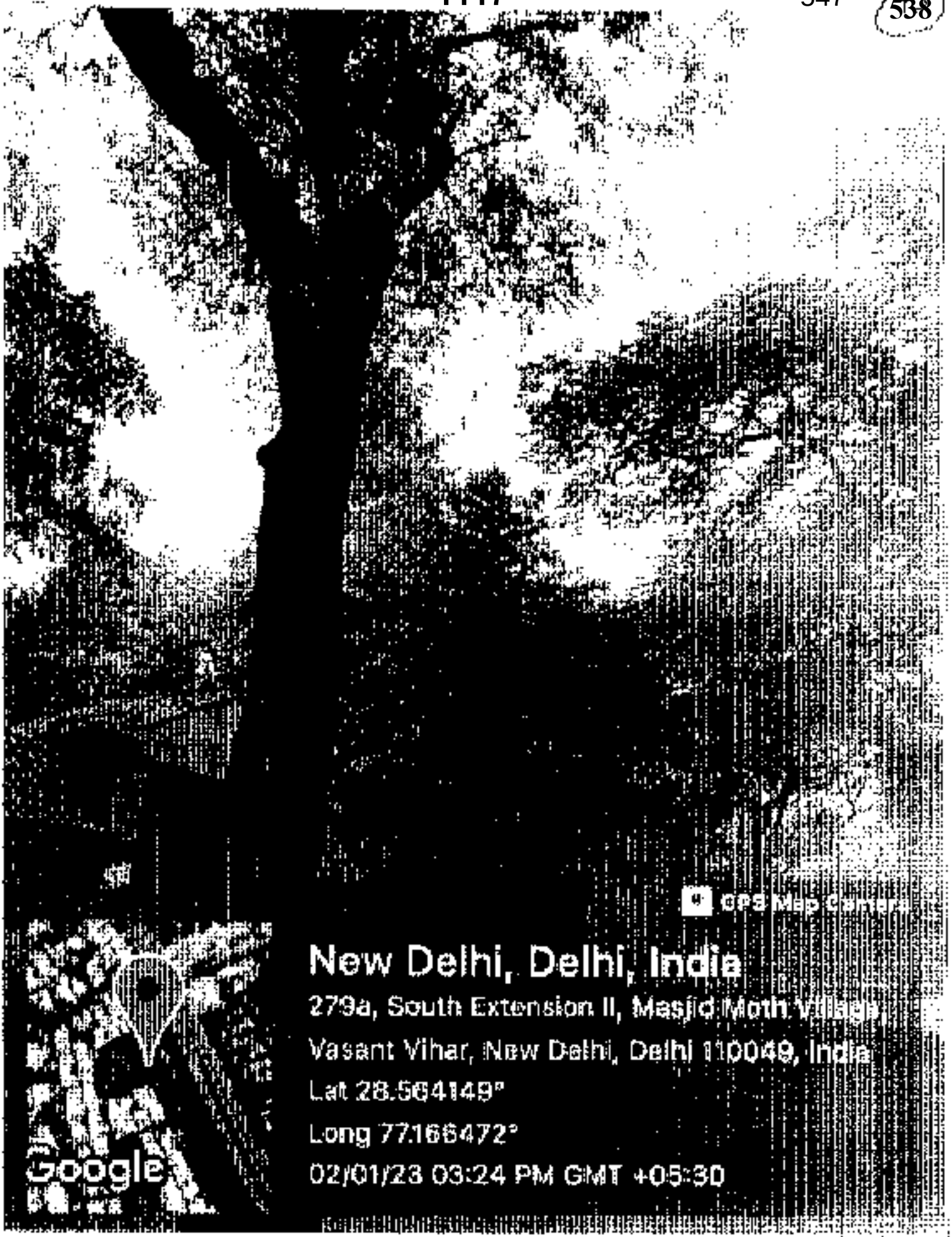

GPS Map Camera
New Delhi, Delhi, India
2/5, A 6 Rd, Block A, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.561833°
Long 77.166897°
02/01/23 03:22 PM GMT +05:30

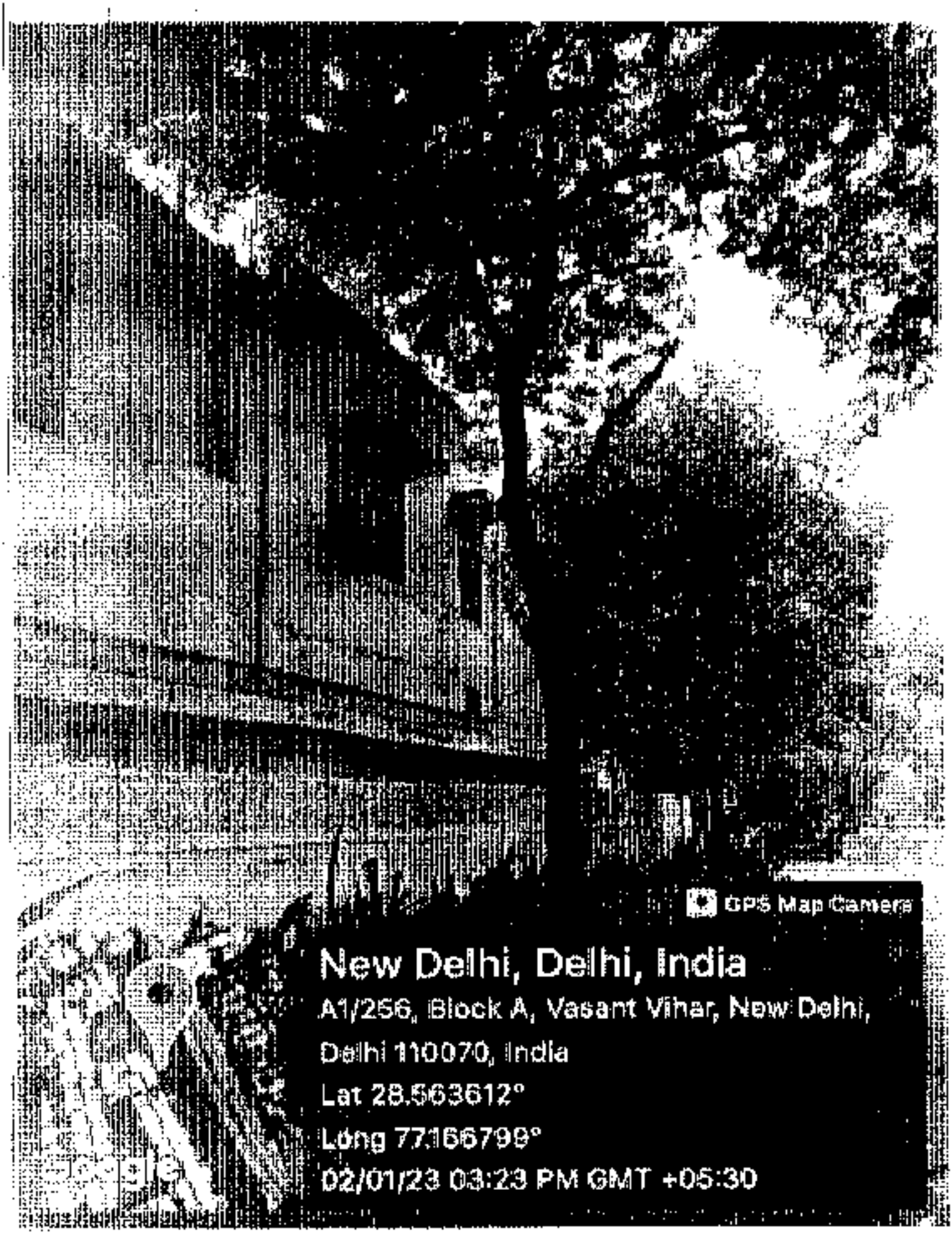

New Delhi, Delhi, India
5/5, A 1 Rd, Block A, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.5649666°
Long 77.1661111°
02/01/23 03:25 PM GMT +05:30
Google

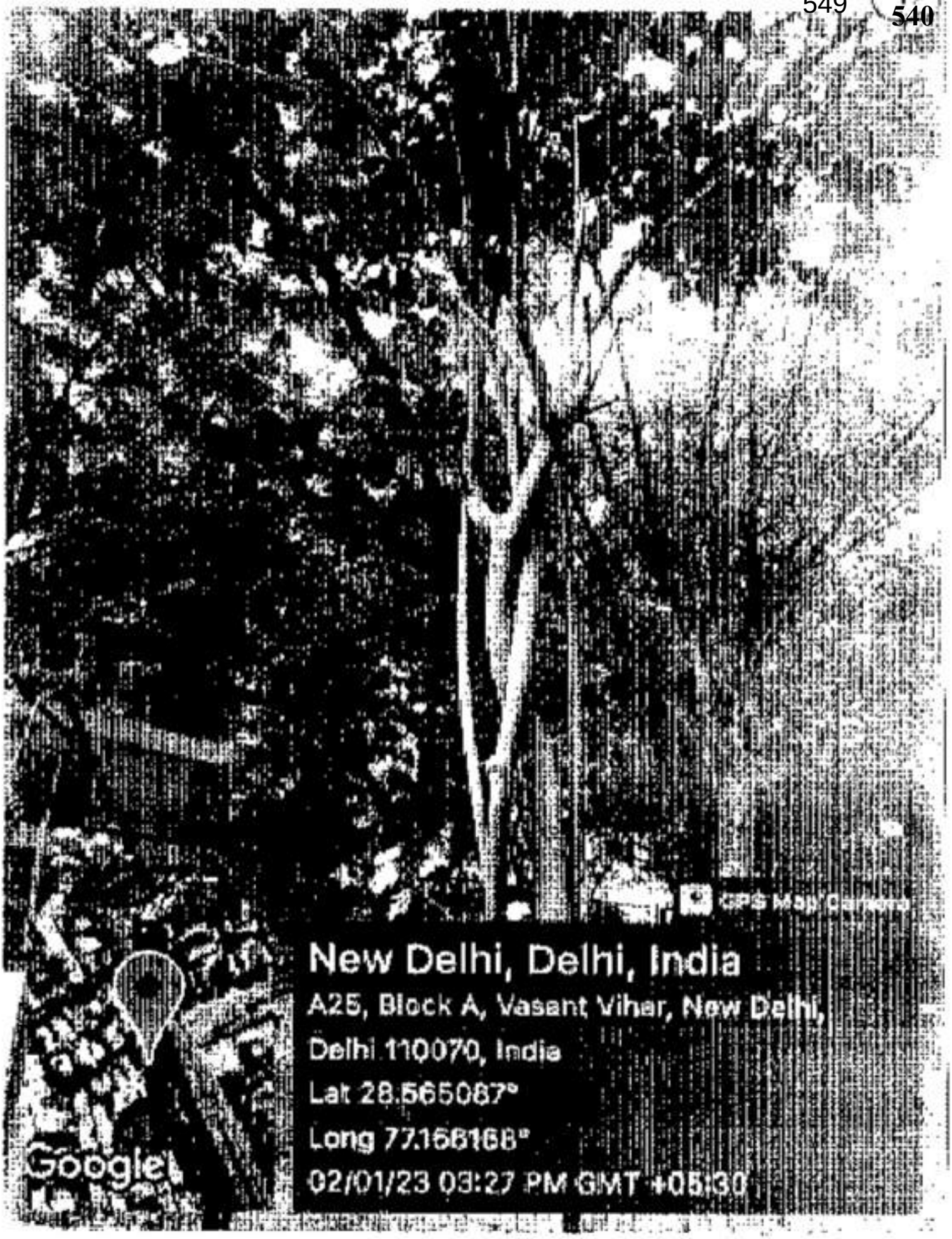

GPS Map Camera
New Delhi, Delhi, India
4/1, A 5 Rd, Block A, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.5645668°
Long 77.1662261°
02/01/23 03:25 PM GMT +05:30

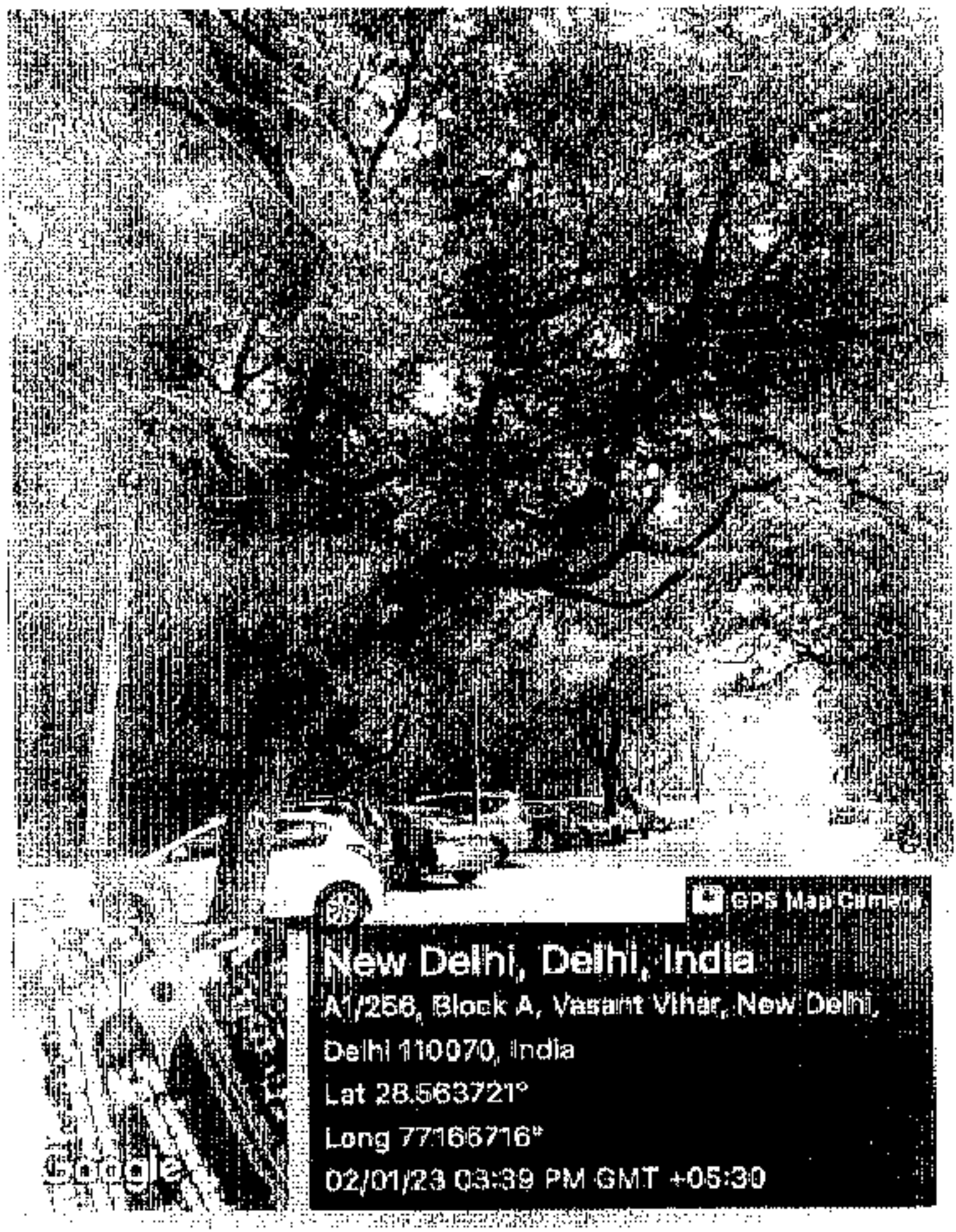

GPS Map Camera
New Delhi, Delhi, India
279a, South Extension II, Masjid Moth Village,
Vasant Vihar, New Delhi, Delhi 110049, India
Lat 28.564322°
Long 77.166382°
02/01/23 03:24 PM GMT +05:30
Google

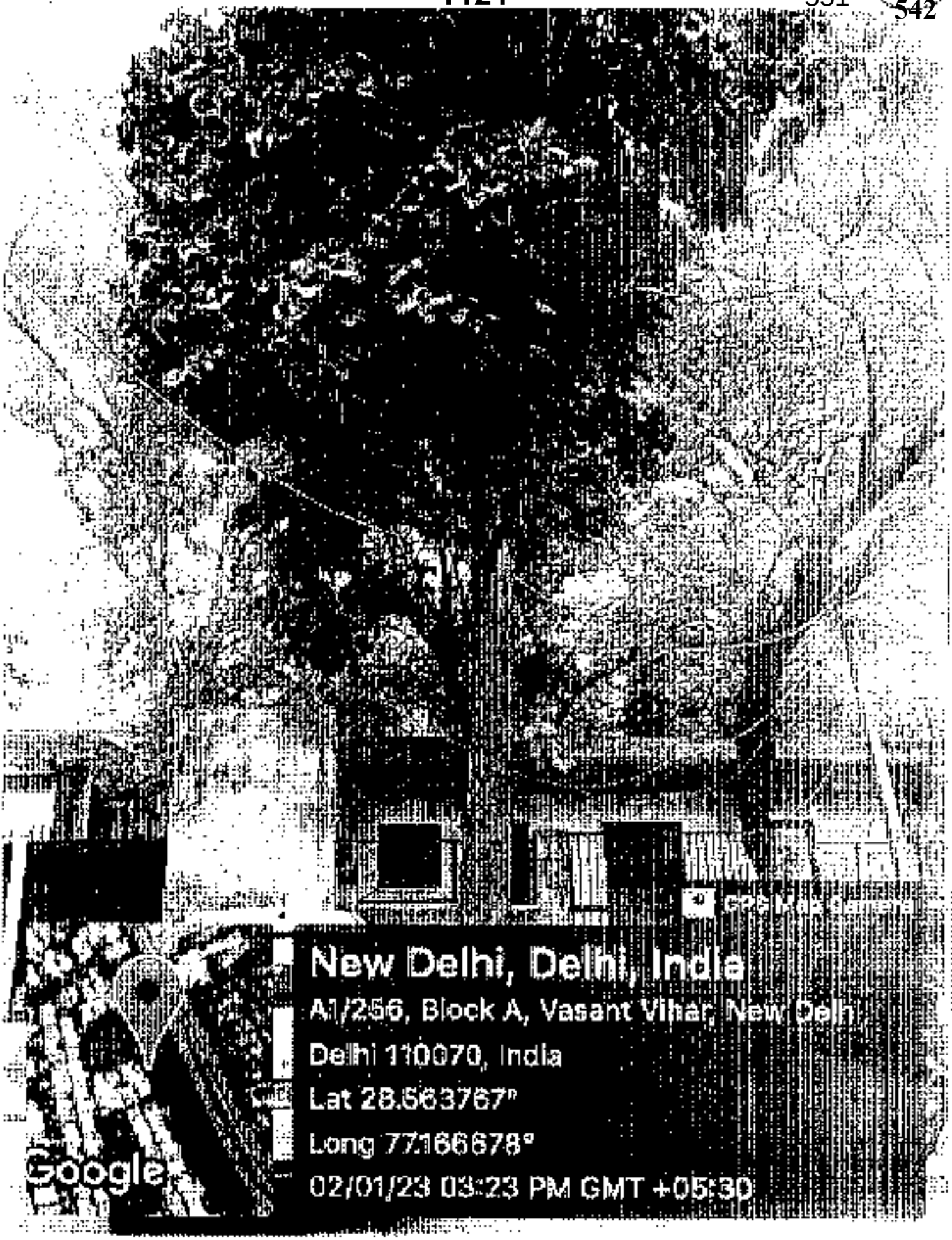

GPS Map Camera
New Delhi, Delhi, India
2/6, A 6 Rd, Block A, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.561833°
Long 77.166898°
02/01/23 03:23 PM GMT +05:30
Google

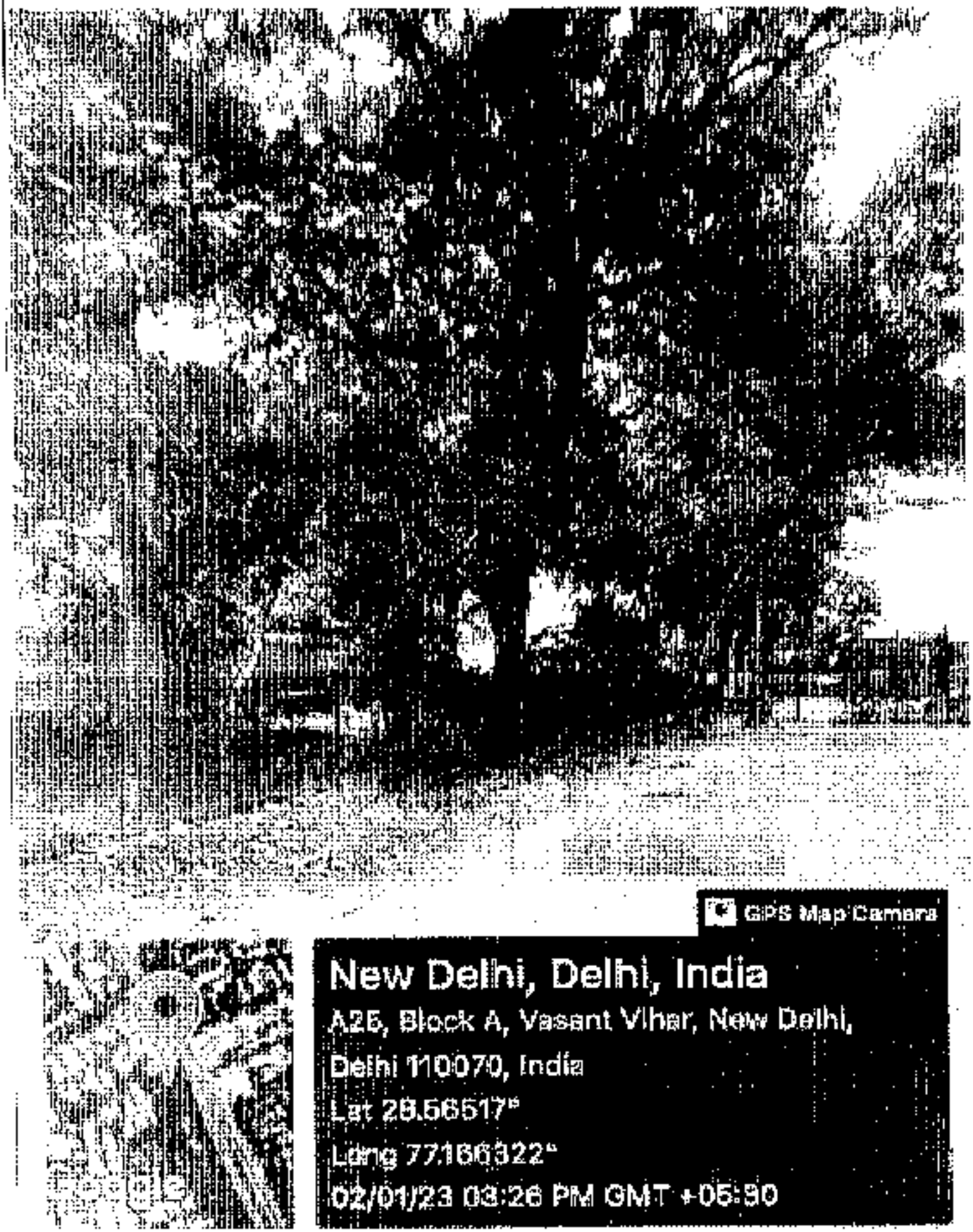

GPS Map Camera
New Delhi, Delhi, India
279a, South Extension II, Masjid Moth Village
Vasant Vihar, New Delhi, Delhi 110049, India
Lat 28.564149°
Long 77.166472°
02/01/23 03:24 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
A1/256, Block A, Vasant Vihar, New Delhi,
Delhi 110070, India
Lat 28.563612°
Long 77.166798°
02/01/23 03:23 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
A25, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.565087°
Long 77.166168°
02/01/23 03:27 PM GMT +05:30
Google

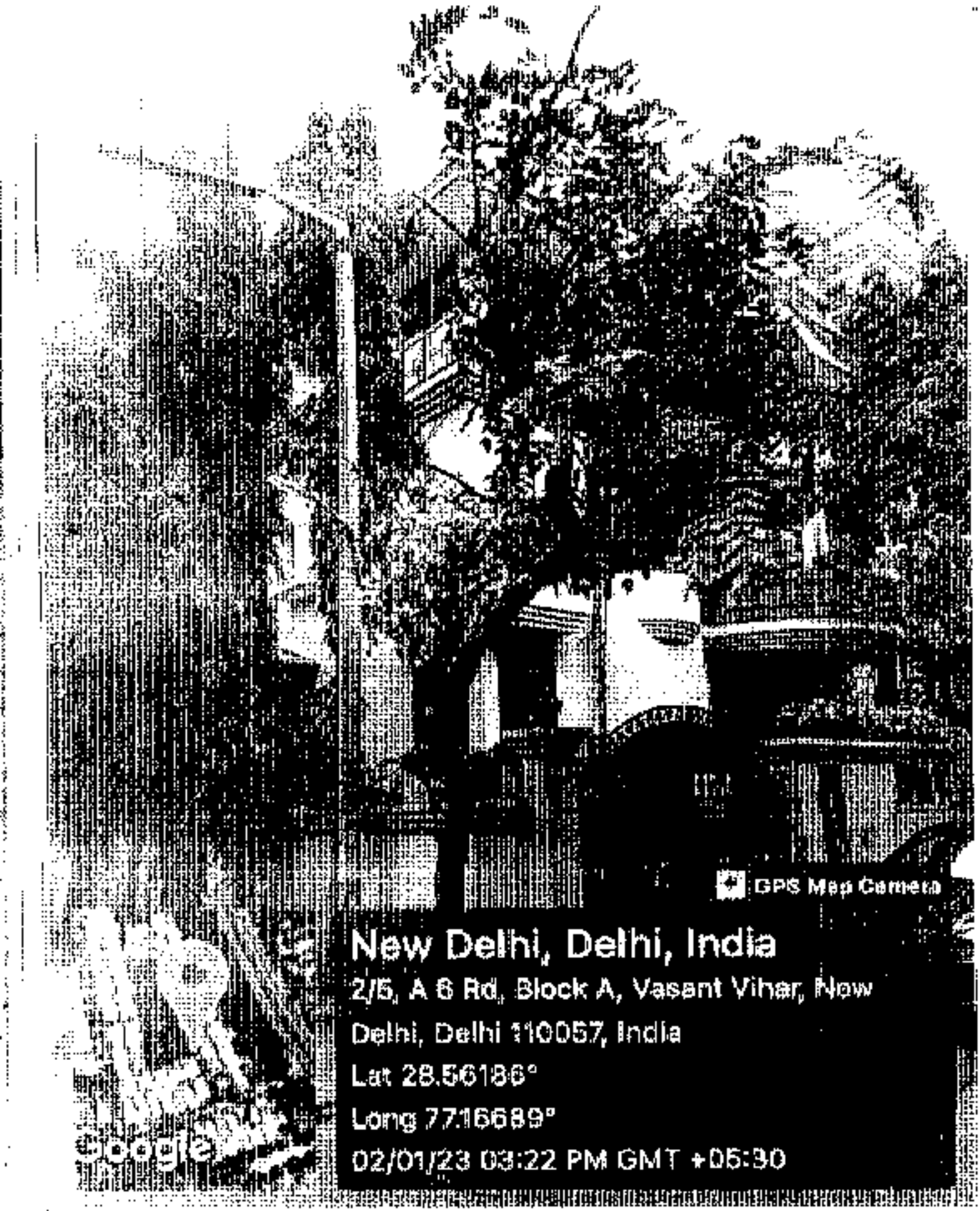

GPS Map Camera
New Delhi, Delhi, India
A1/256, Block A, Vasant Vihar, New Delhi,
Delhi 110070, India
Lat 28.563721°
Long 77.166716°
02/01/23 03:39 PM GMT +05:30

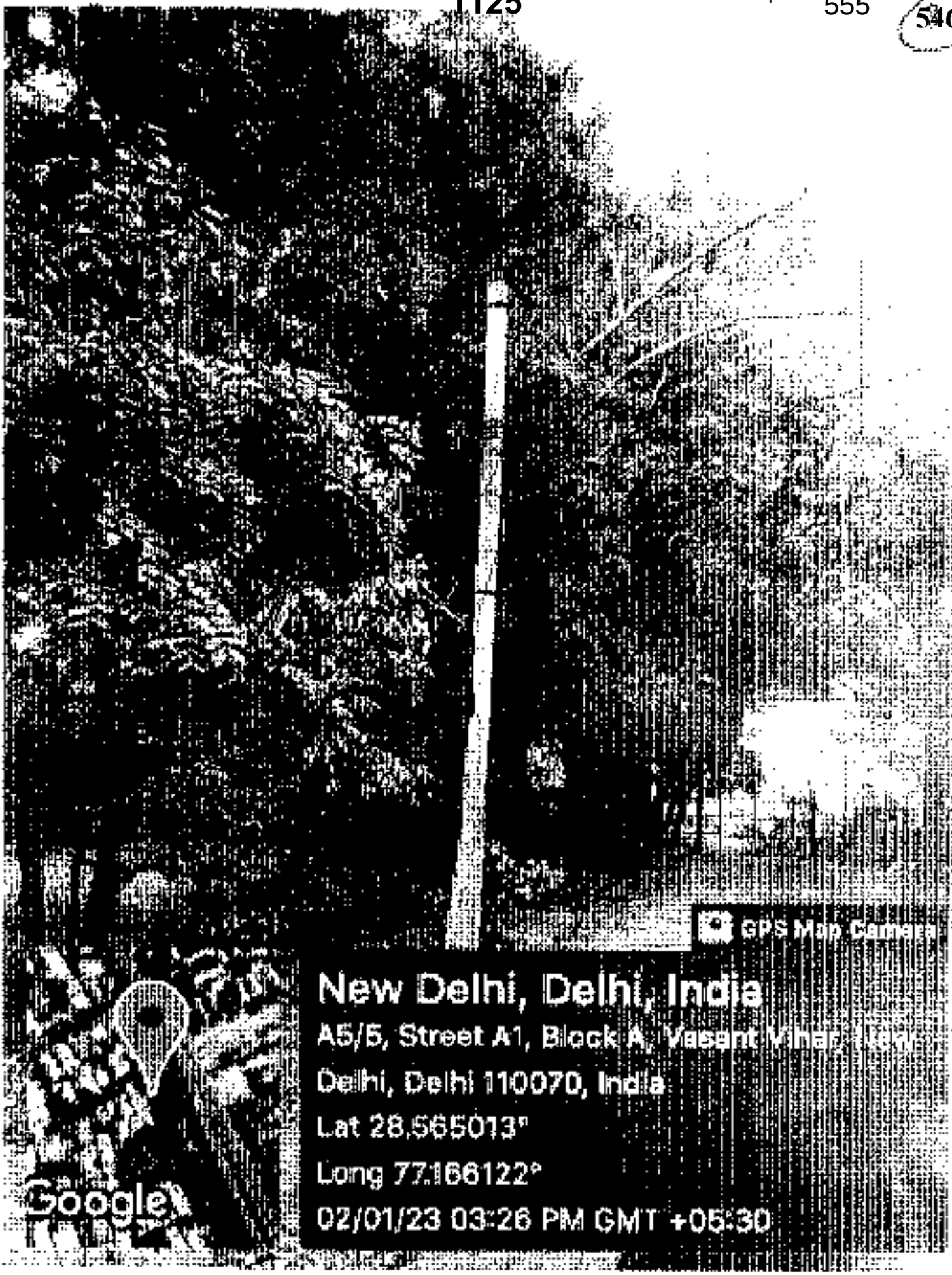

New Delhi, Delhi, India
A1/256, Block A, Vasant Vihar, New Delhi
Delhi 110070, India
Lat 28.563767°
Long 77.166678°
02/01/23 03:23 PM GMT +05:30
Google

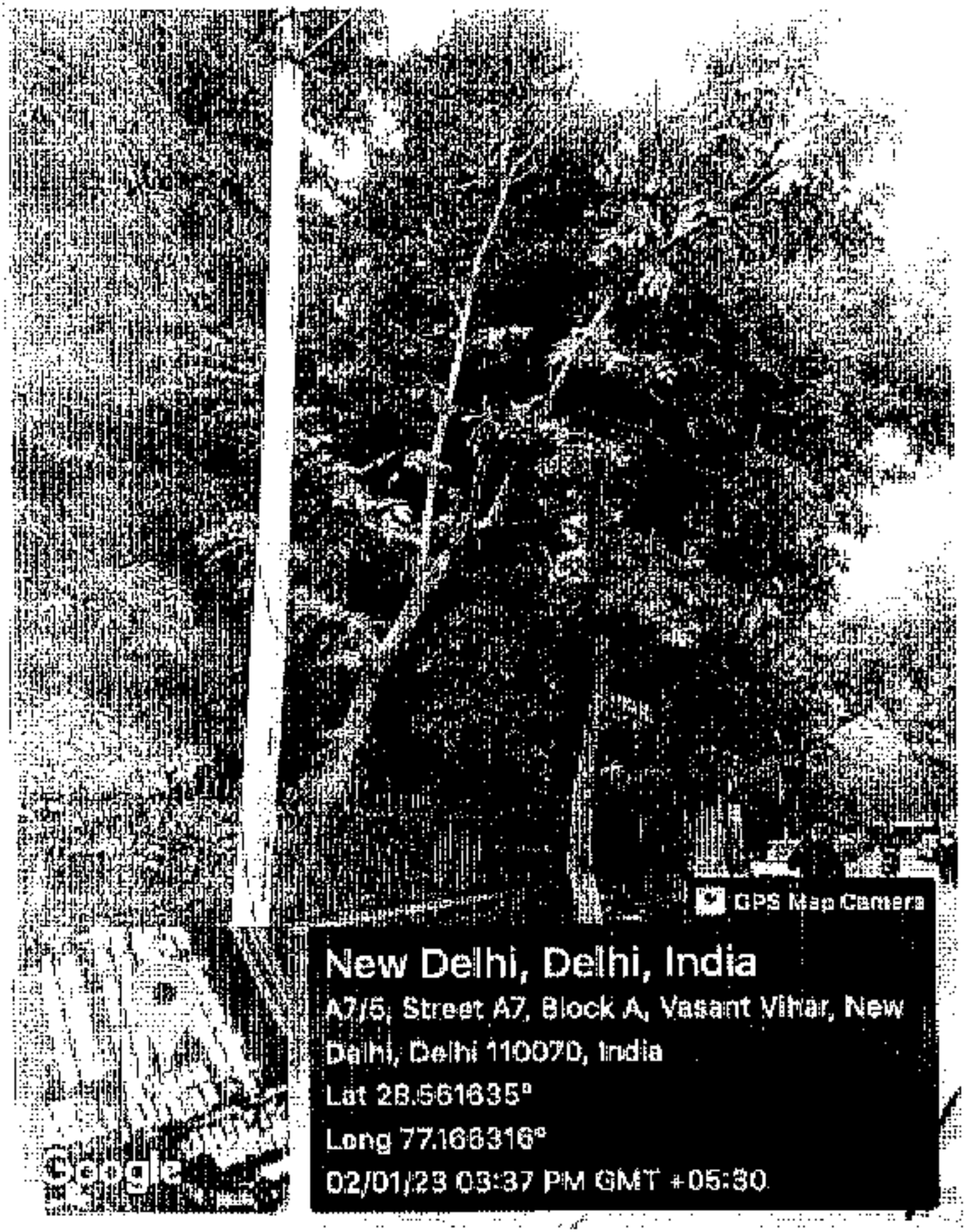

GPS Map Camera
New Delhi, Delhi, India
A26, Block A, Vasant Vihar, New Delhi,
Delhi 110070, India
Lat 28.56517°
Long 77.166322°
02/01/23 03:26 PM GMT +05:30

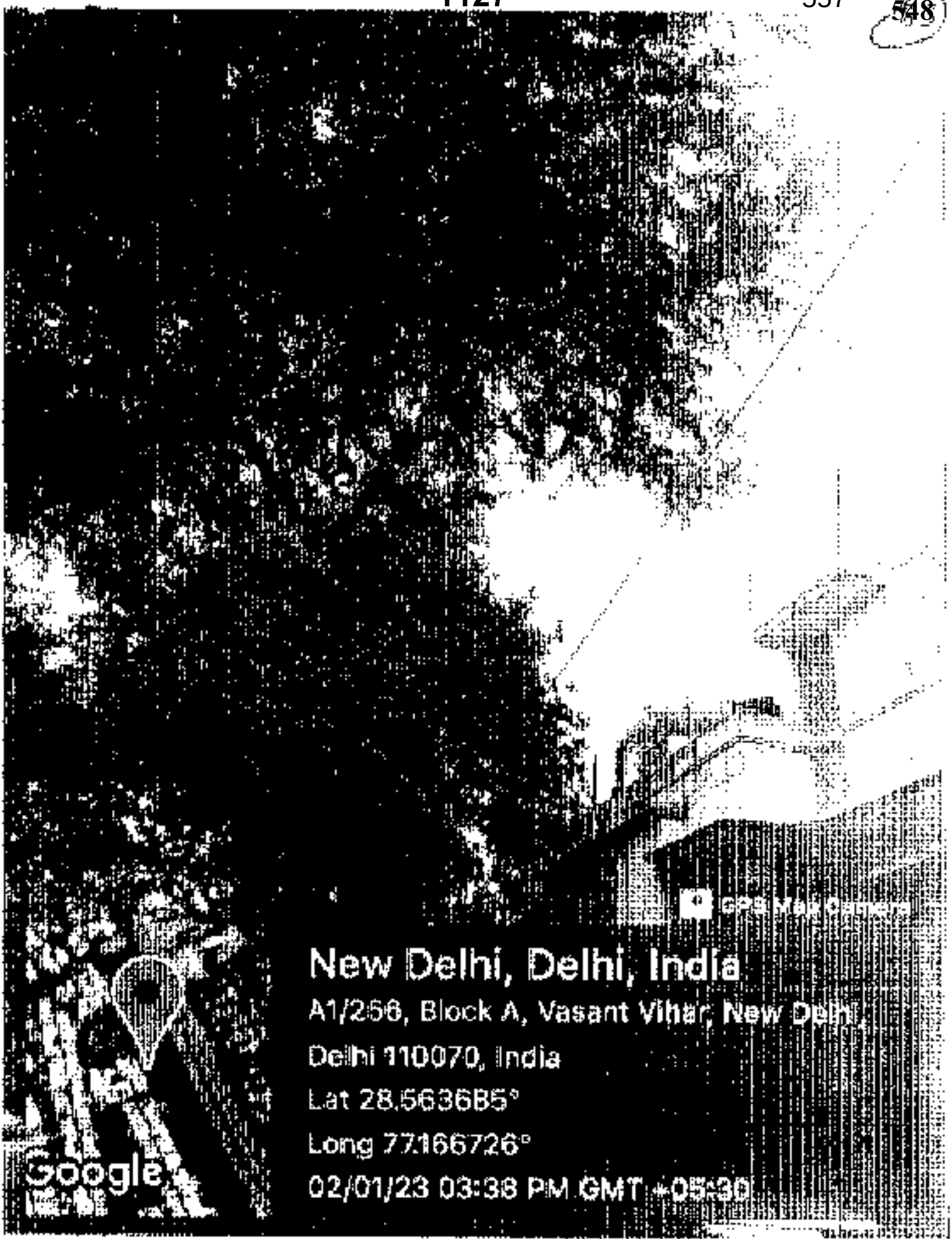
New Delhi, Delhi, India
A25, Block A, Vasant Vihar, New Delhi,
Delhi 110070, India
Lat 28.56509°
Long 77.166222°
02/01/23 03:26 PM GMT +05:30
Google
GPS Map Camera

554 (80) 545

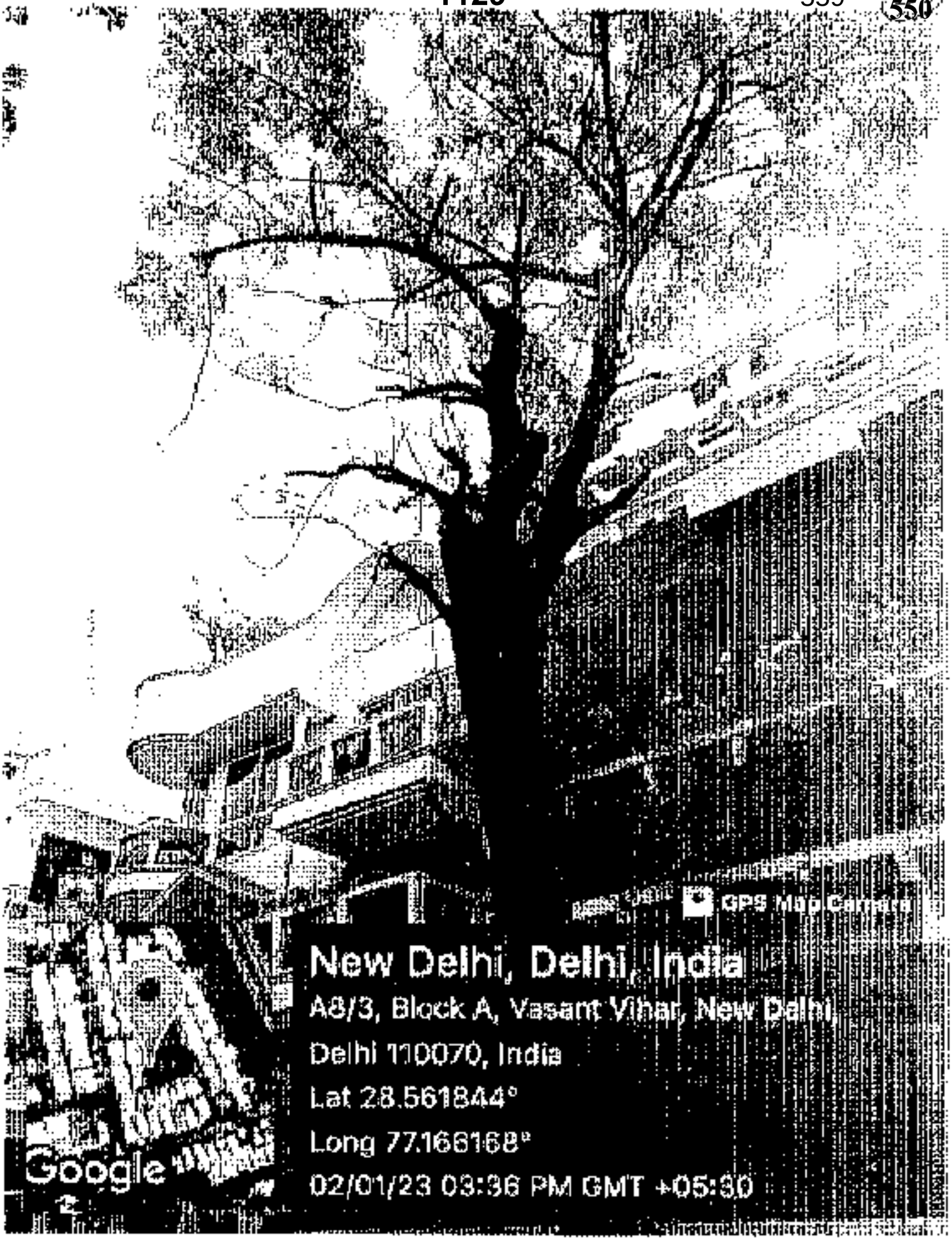

GPS Map Camera
New Delhi, Delhi, India
2/5, A 6 Rd, Block A, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.56186°
Long 77.16689°
02/01/23 03:22 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
A5/5, Street A1, Block A, Vasant Vihar, New
Delhi, Delhi 110070, India
Lat 28.565013°
Long 77.166122°
02/01/23 03:26 PM GMT +05:30
Google

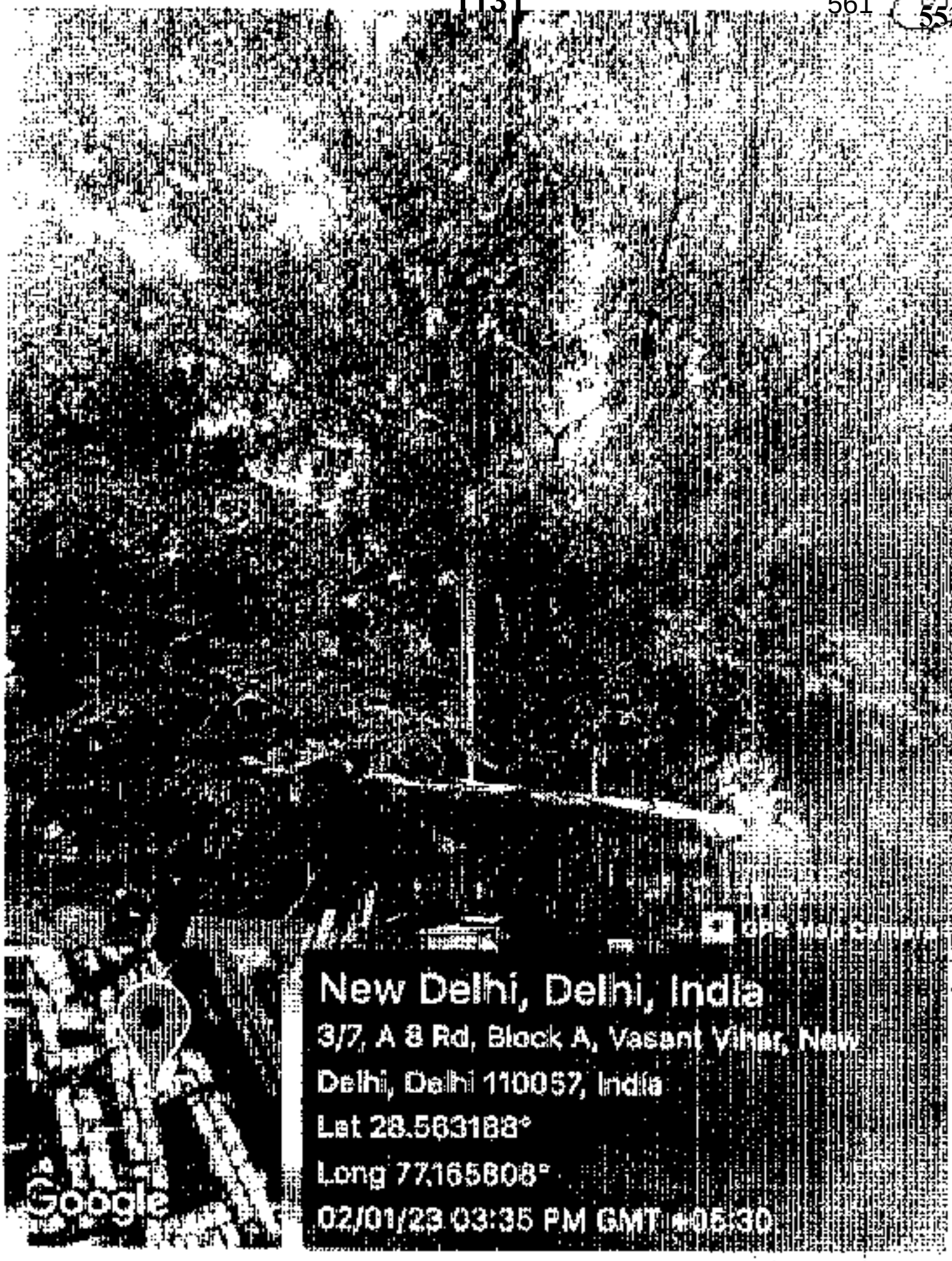

GPS Map Camera
New Delhi, Delhi, India
A7/5, Street A7, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.561635°
Long 77.166316°
02/01/23 03:37 PM GMT +05:30

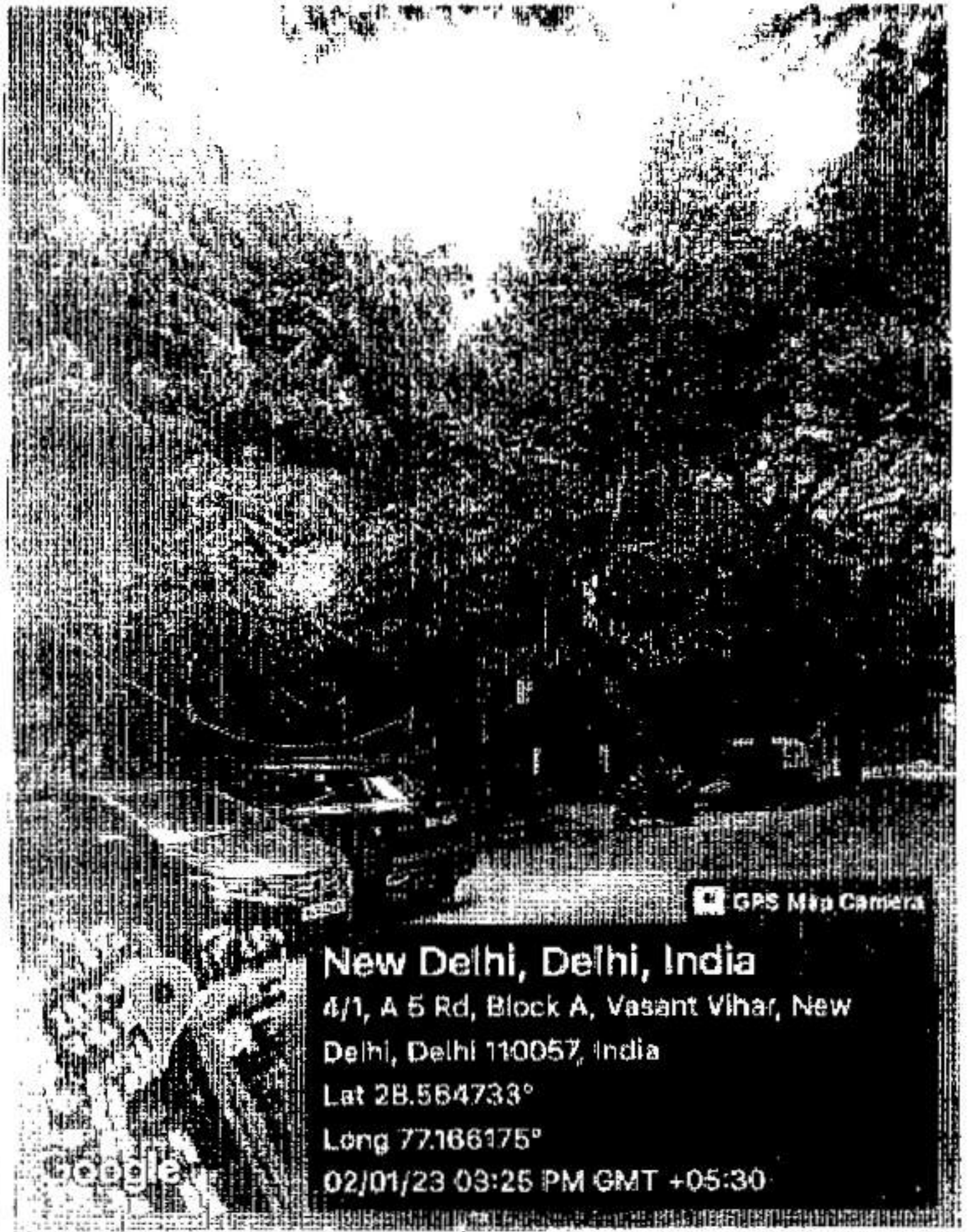

New Delhi, Delhi, India
A1/256, Block A, Vasant Vihar, New Delhi,
Delhi 110070, India
Lat 28.5636B5°
Long 77.166726°
02/01/23 03:38 PM GMT +05:30
Google

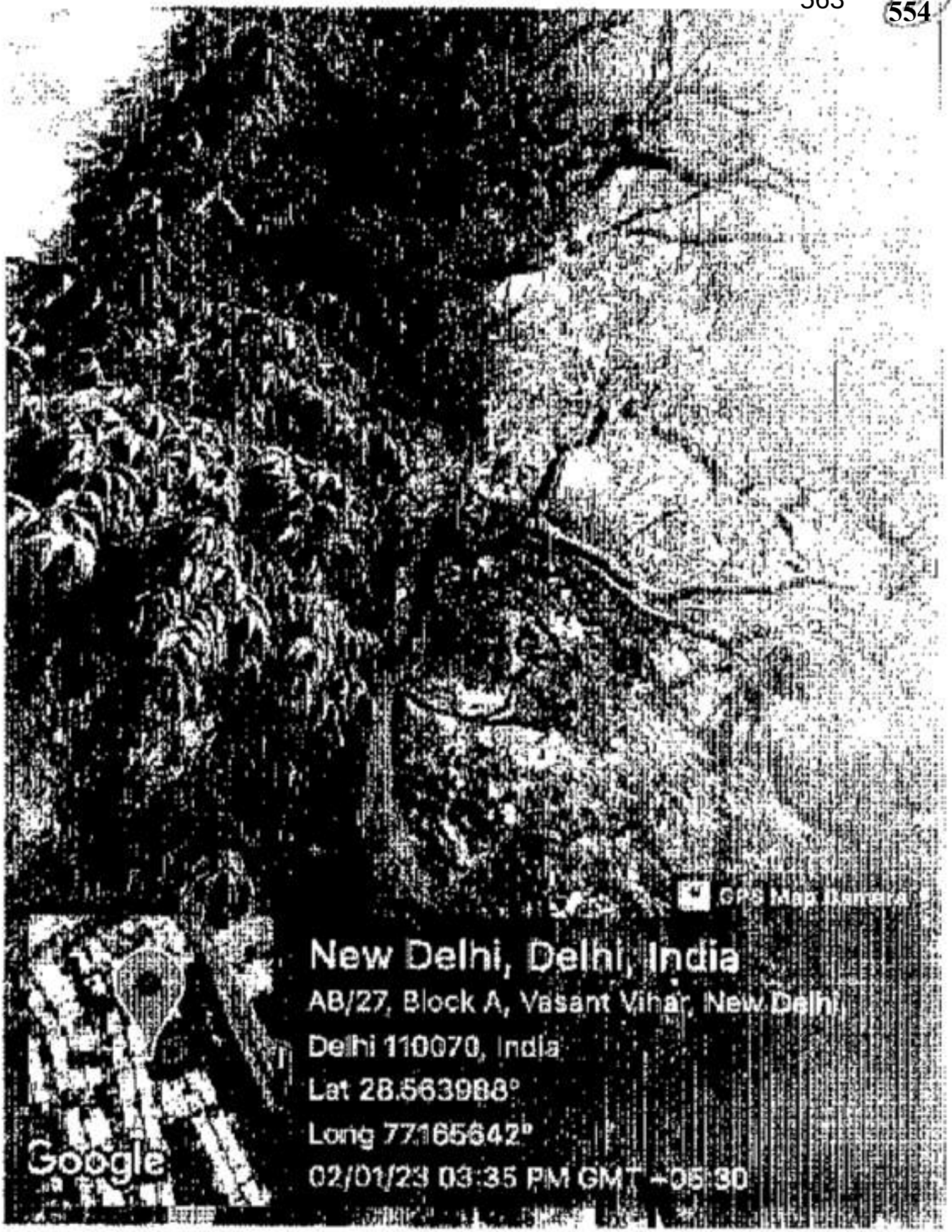

GPS Map Camera
New Delhi, Delhi, India
A5/5, Street A1, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.565014°
Long 77.16611°
02/01/23 03:25 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
A8/3, Block A, Vasant Vihar, New Delhi,
Delhi 110070, India
Lat 28.561844°
Long 77.166168°
02/01/23 03:36 PM GMT +05:30
Google

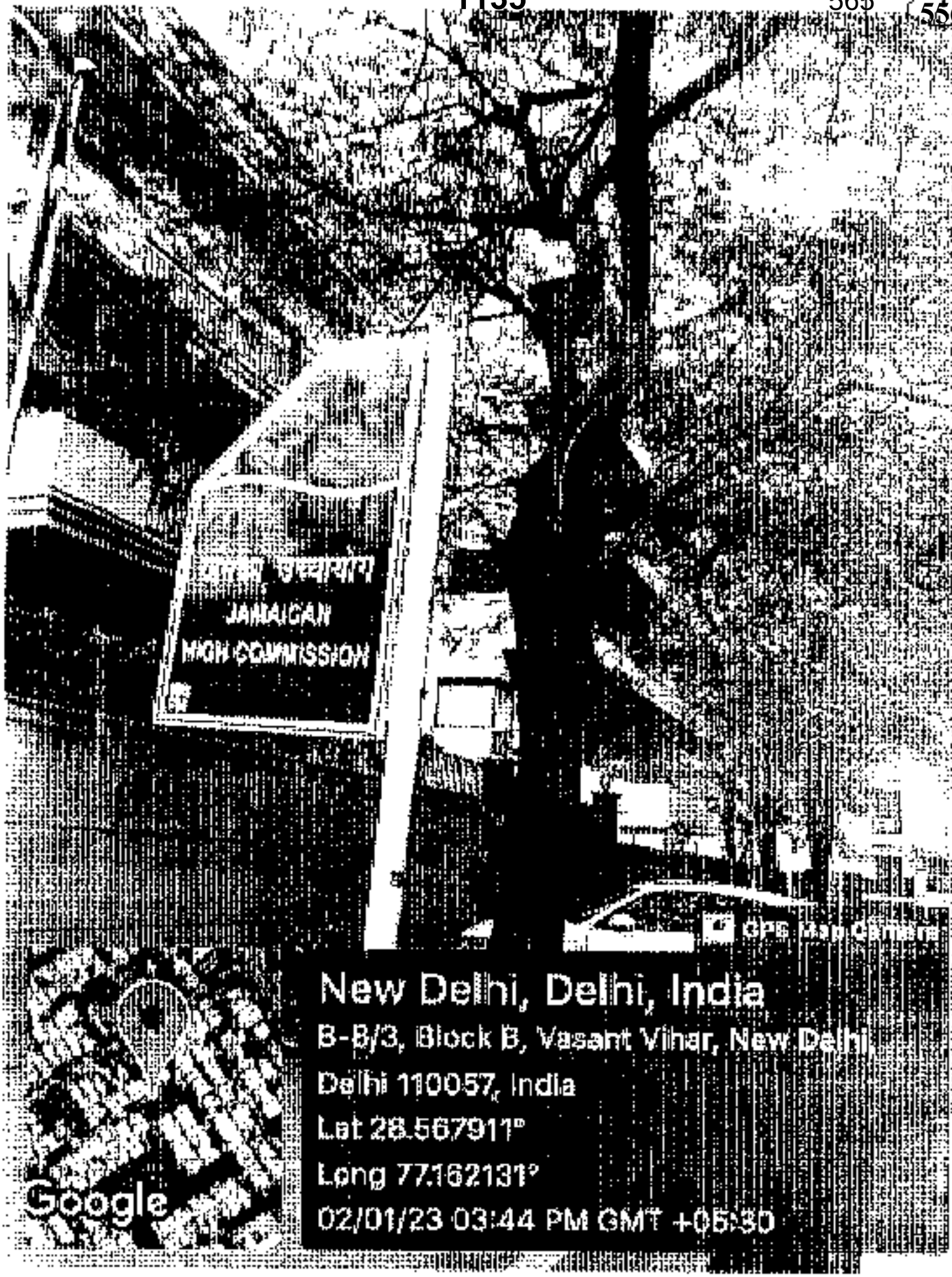

GPS Map Camera
New Delhi, Delhi, India
A5/5, Street A1, Block A, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.565012°
Long 77.166109°
02/01/23 03:25 PM GMT +05:30

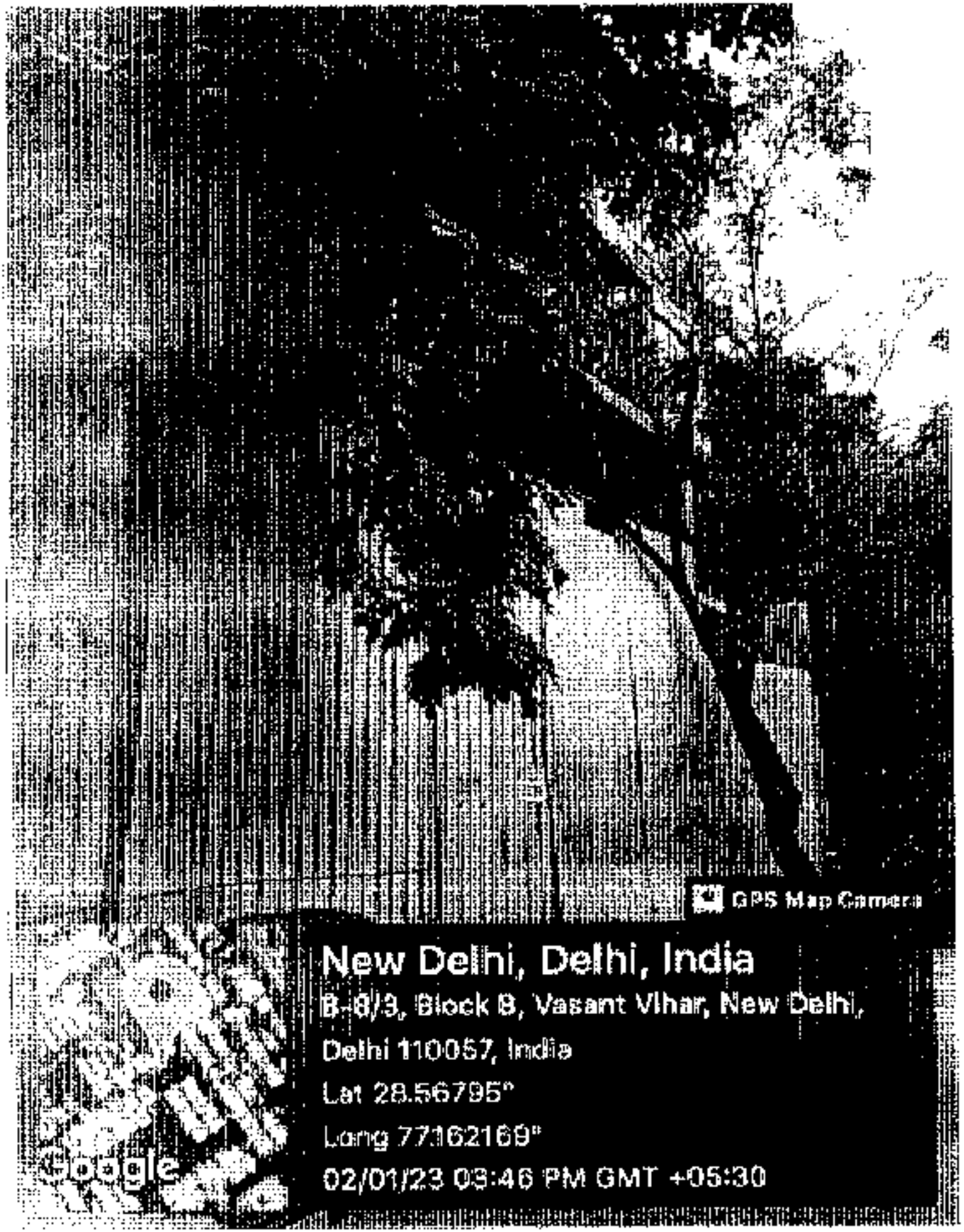

New Delhi, Delhi, India
3/7, A 8 Rd, Block A, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.563188°
Long 77.165808°
02/01/23 03:35 PM GMT +05:30
Google

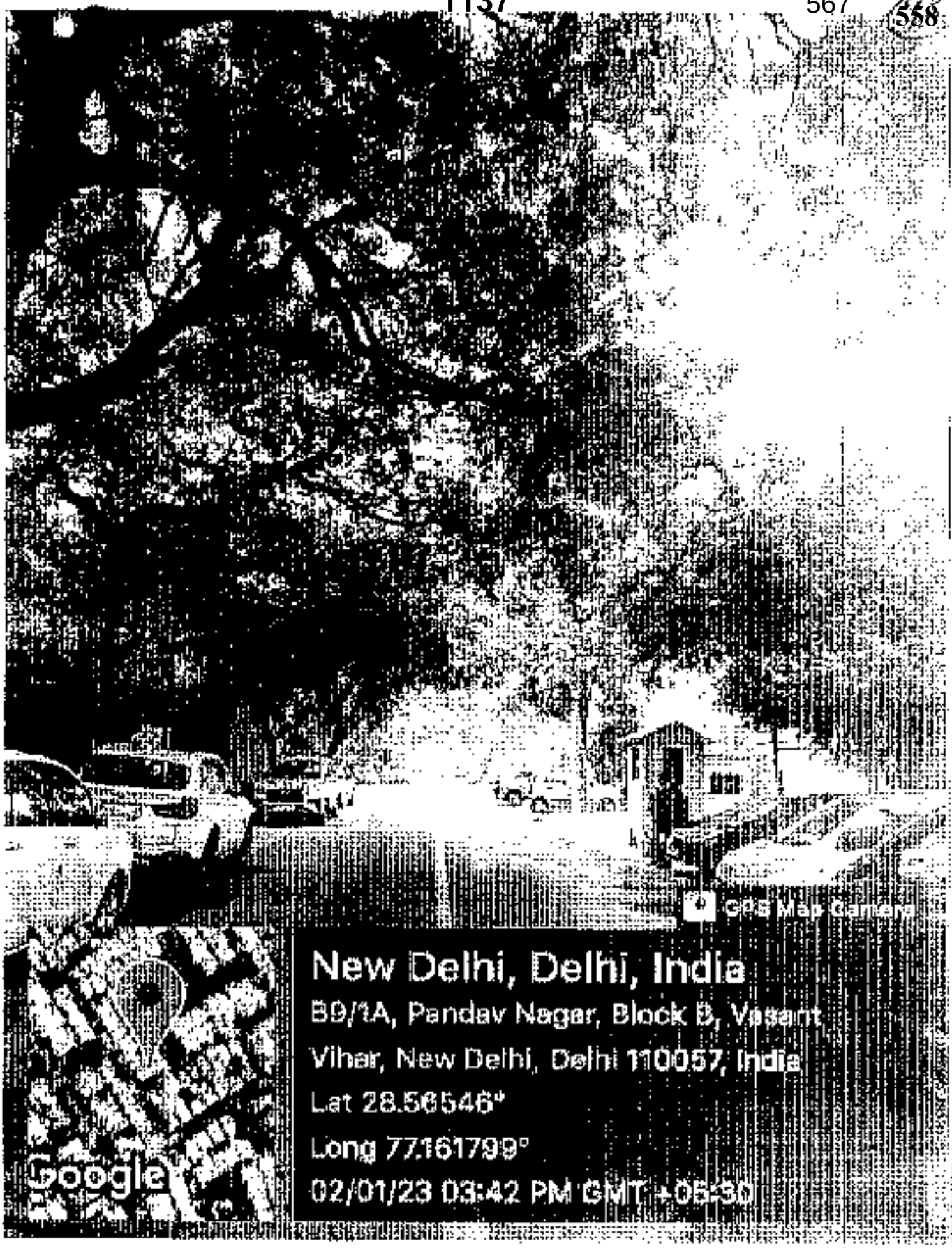

GPS Map Camera
New Delhi, Delhi, India
4/1, A 5 Rd, Block A, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.564733°
Long 77.166175°
02/01/23 03:25 PM GMT +05:30
Google

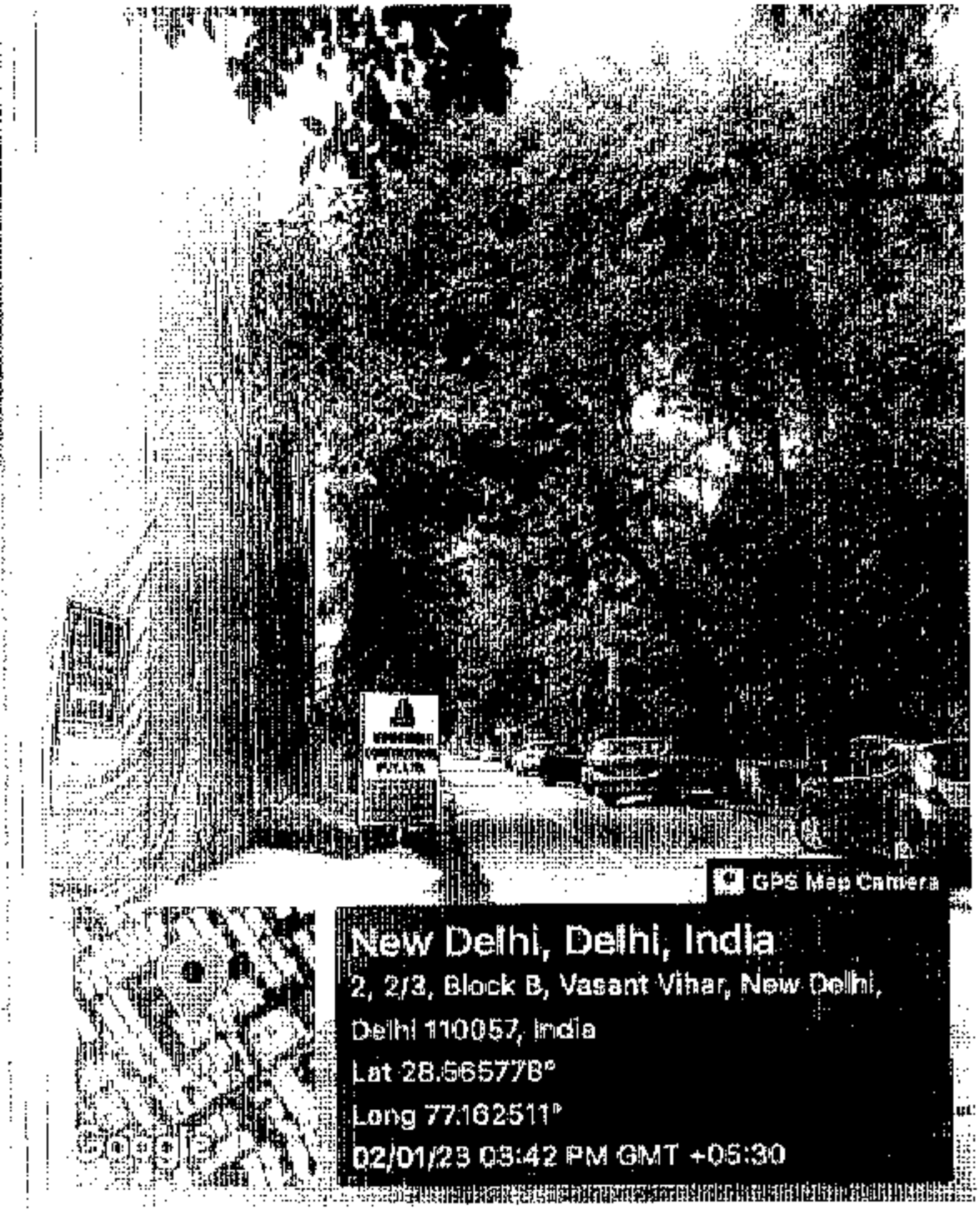

GPS Map Camera
New Delhi, Delhi, India
AB/27, Block A, Vasant Vihar, New Delhi
Delhi 110070, India
Lat 28.563988°
Long 77.165642°
02/01/23 03:35 PM GMT +05:30
Google

ANNEXURE C

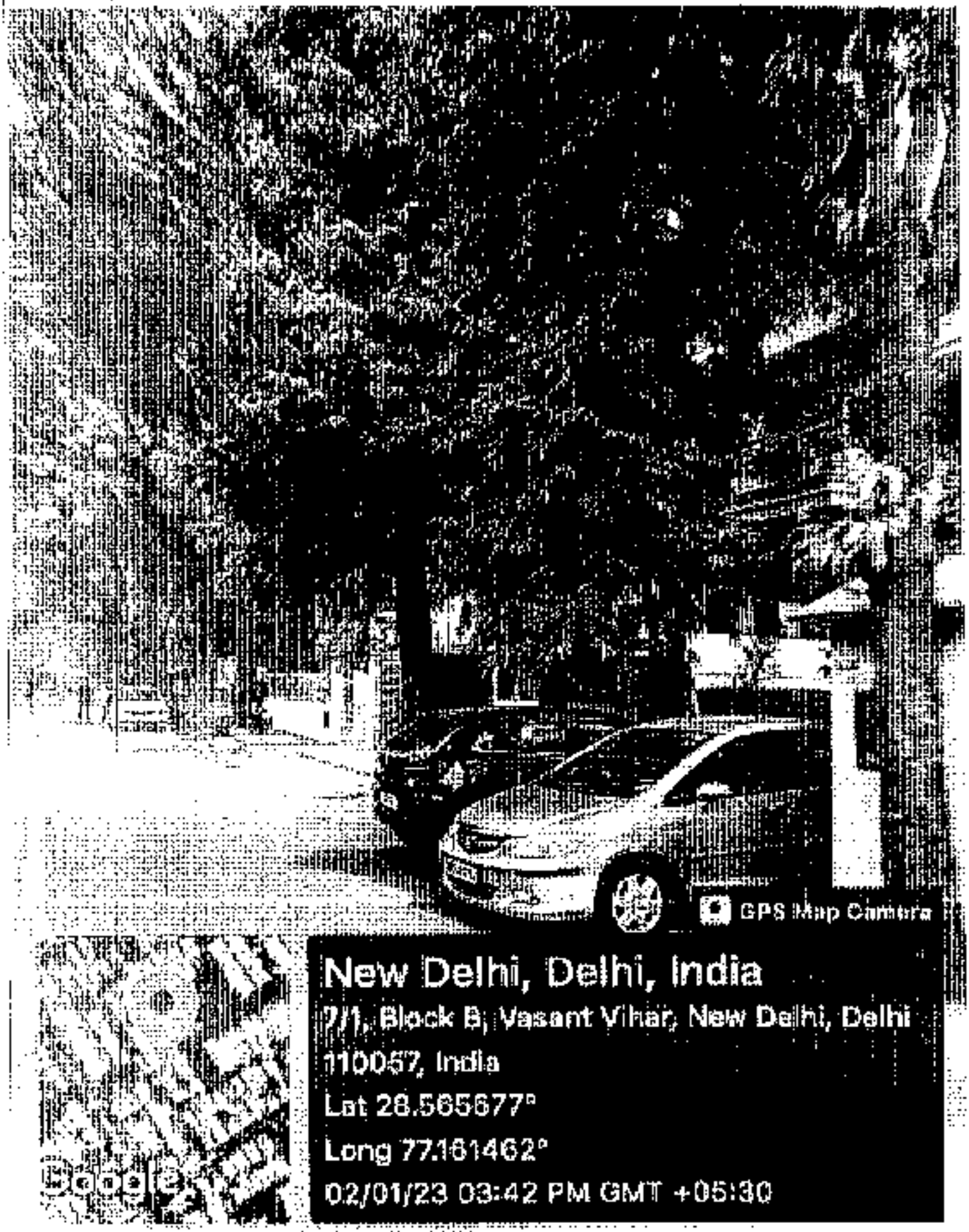

JAMAICAN
HIGH COMMISSION
GPS Map Camera
New Delhi, Delhi, India
B-B/3, Block B, Vasant Vihar, New Delhi
Delhi 110057, India
Lat 28.567911°
Long 77.162131°
02/01/23 03:44 PM GMT +05:30
Google

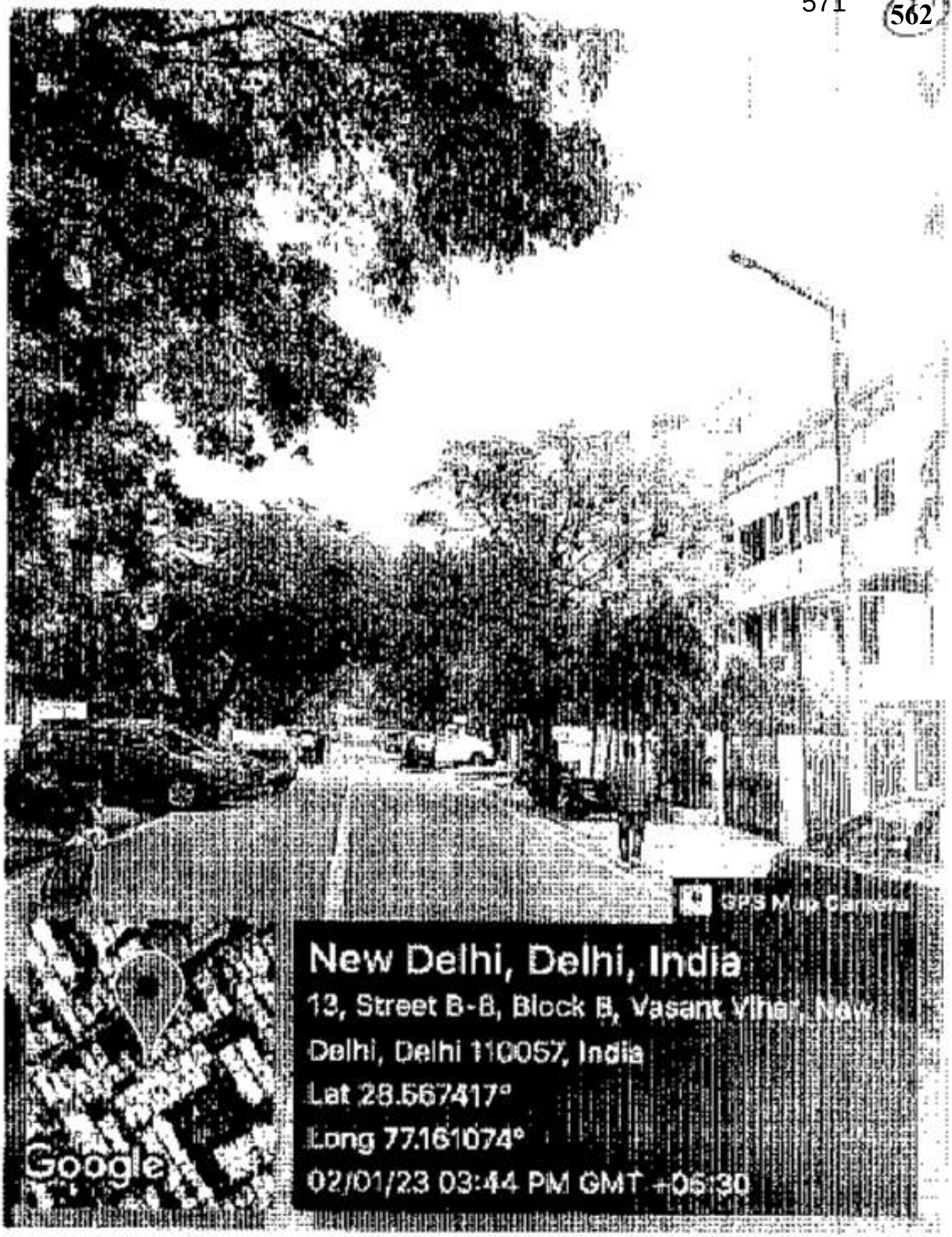

GPS Map Camera
New Delhi, Delhi, India
B-8/3, Block B, Vasant Vihar, New Delhi,
Delhi 110057, India
Lat 28.56795°
Long 77.162169°
02/01/23 09:46 PM GMT +05:30

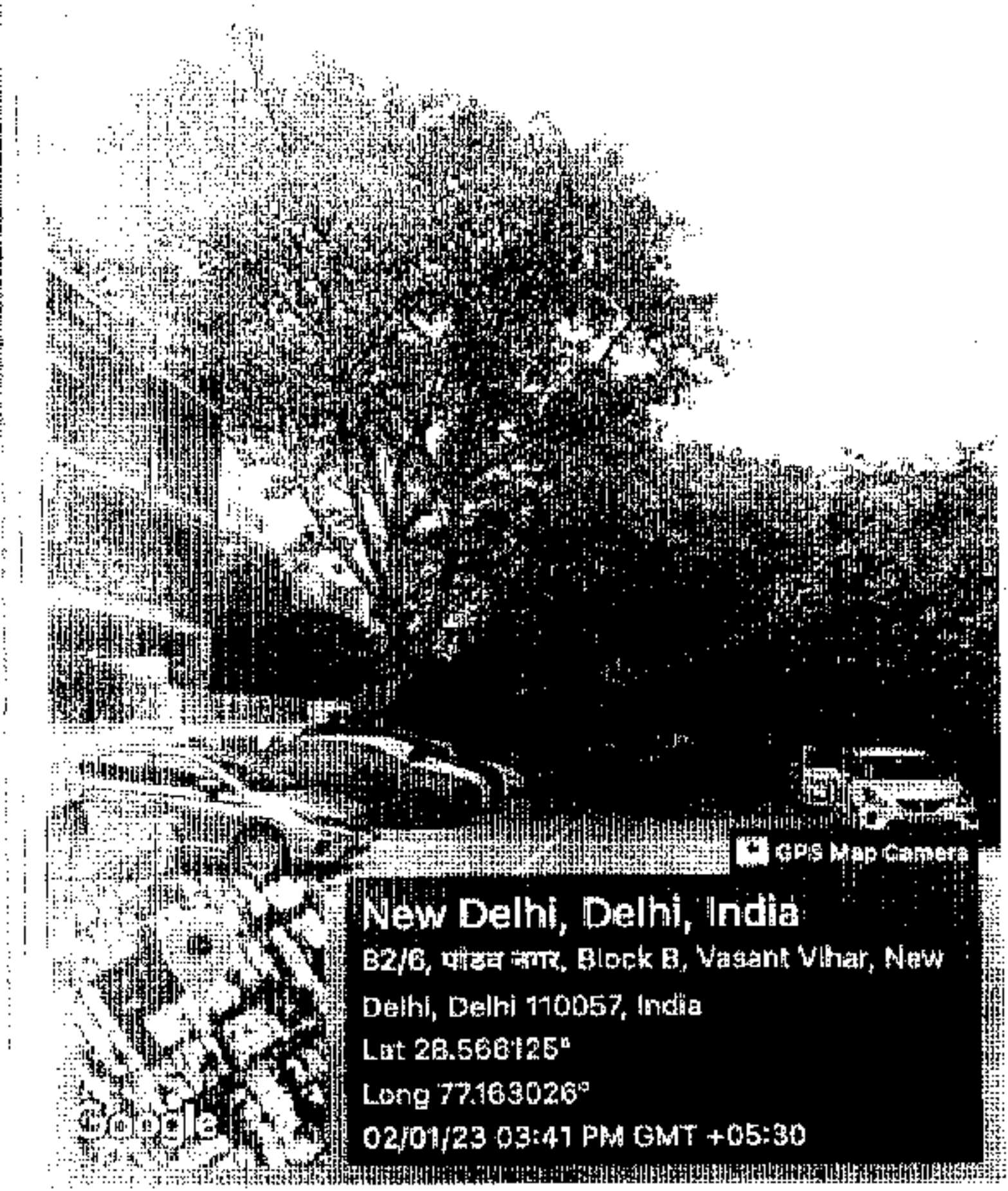

Google Maps Satellite
New Delhi, Delhi, India
B9/1A, Pandav Nagar, Block B, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.56546°
Long 77.161799°
02/01/23 03:42 PM GMT +05:30
Google

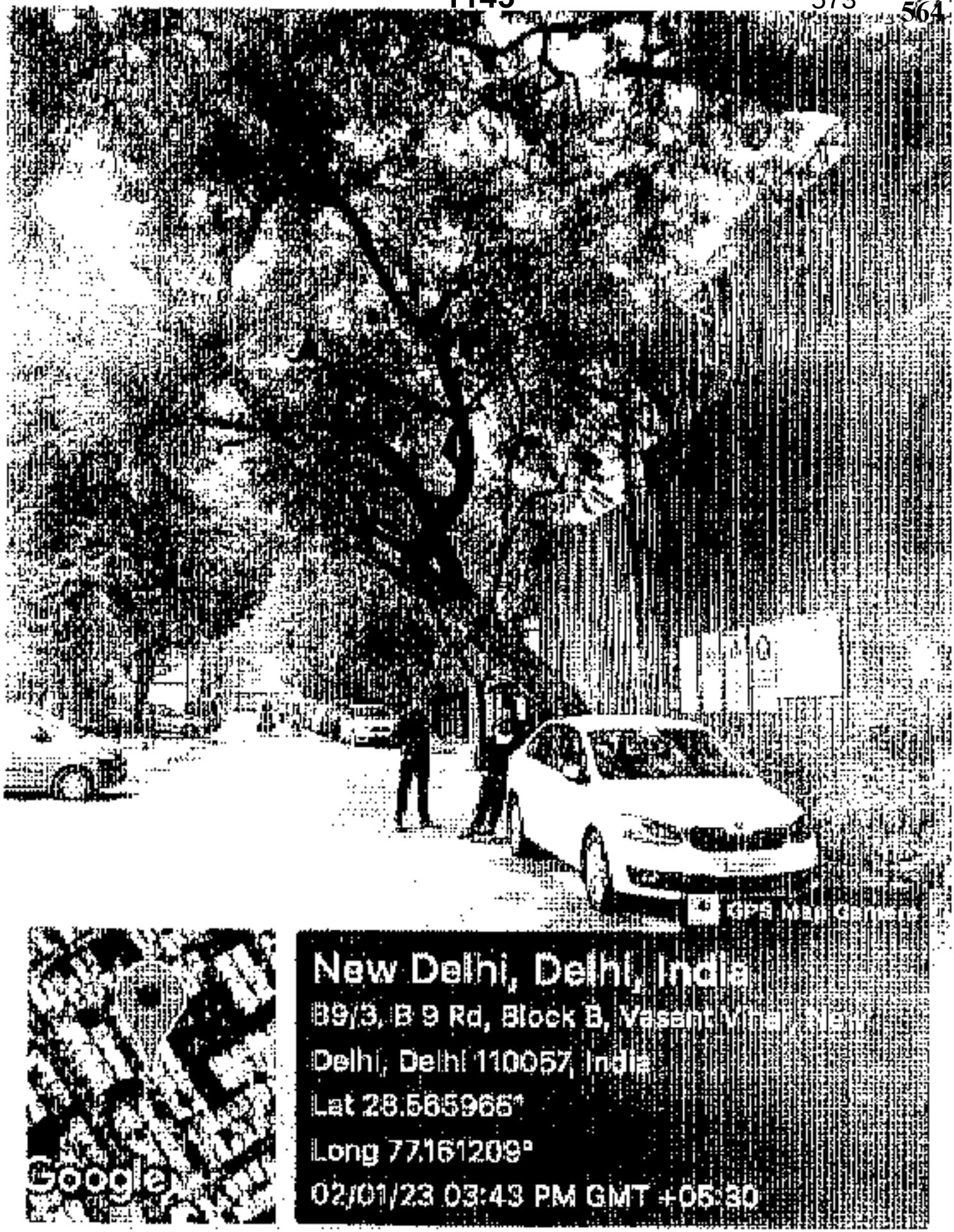

GPS Map Camera
New Delhi, Delhi, India
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Delhi 110057, India
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Long 77.162511°
02/01/23 03:42 PM GMT +05:30

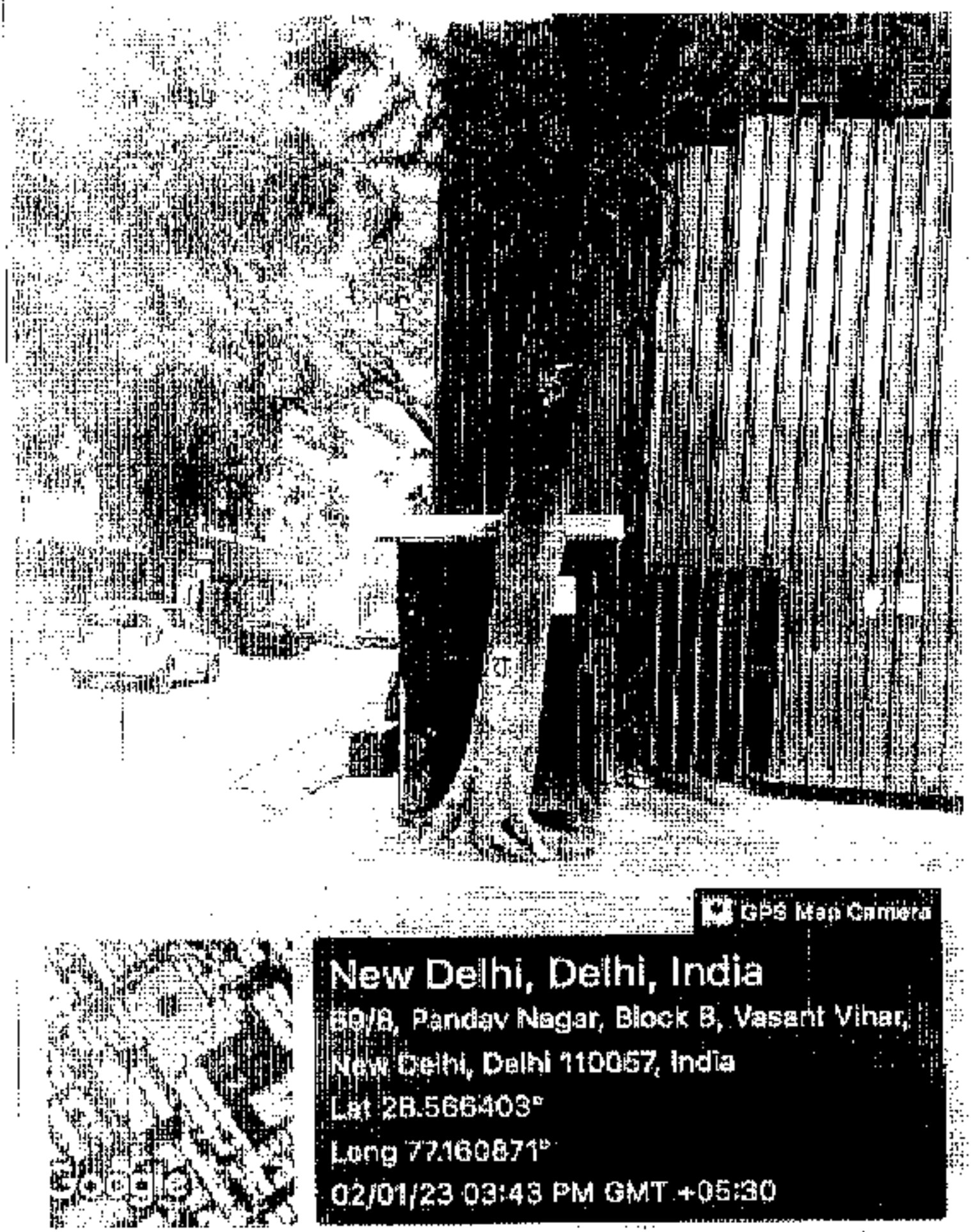

GPS Map Camera
New Delhi, Delhi, India
89/1C, Pandav Nagar, Block B, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.566578°
Long 77.161614°
02/01/23 03:42 PM GMT +05:30
Google

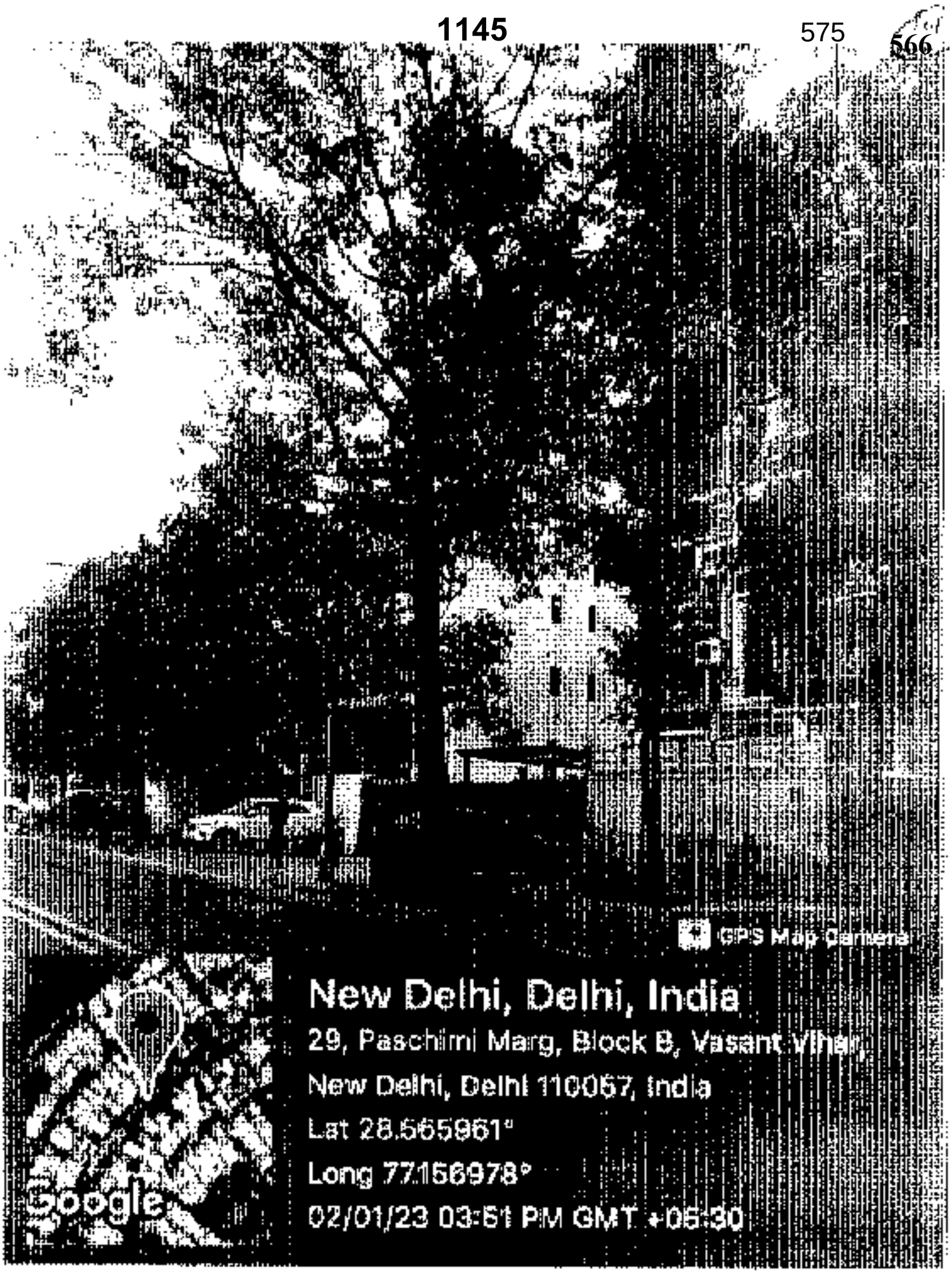

GPS Map Camera
New Delhi, Delhi, India
P/1, Block B, Vasant Vihar, New Delhi, Delhi
110057, India
Lat 28.565677°
Long 77.161462°
02/01/23 03:42 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
13, Street B-8, Block B, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.567417°
Long 77.161074°
02/01/23 03:44 PM GMT +05:30
Google

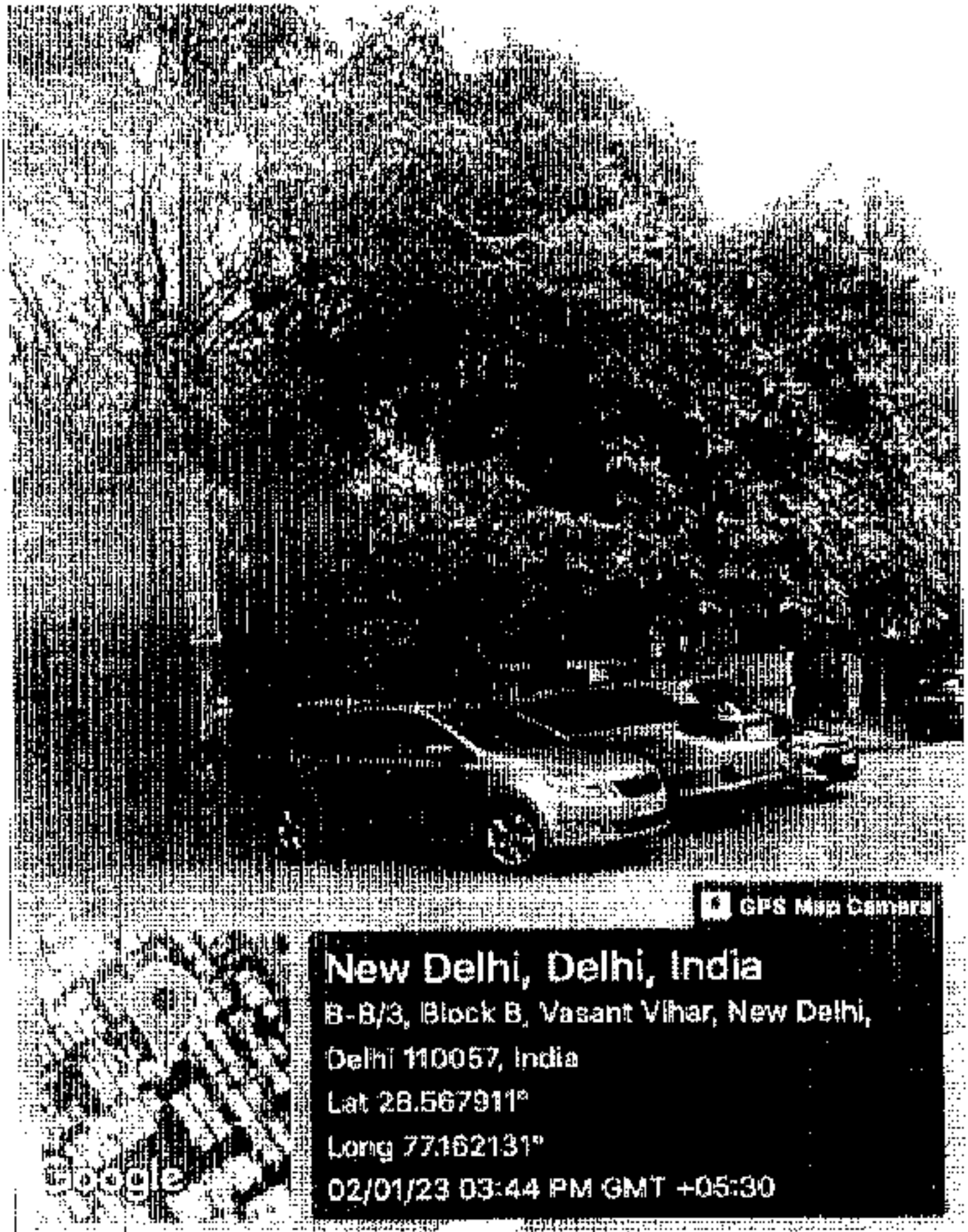

GPS Map Camera
New Delhi, Delhi, India
B2/6, पांडव नगर, Block B, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.566125°
Long 77.163026°
02/01/23 03:41 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
B9/3, B 9 Rd, Block B, Vasant Vihar
Delhi, Delhi 110057, India
Lat 28.565966°
Long 77.161209°
02/01/23 03:43 PM GMT +05:30
Google

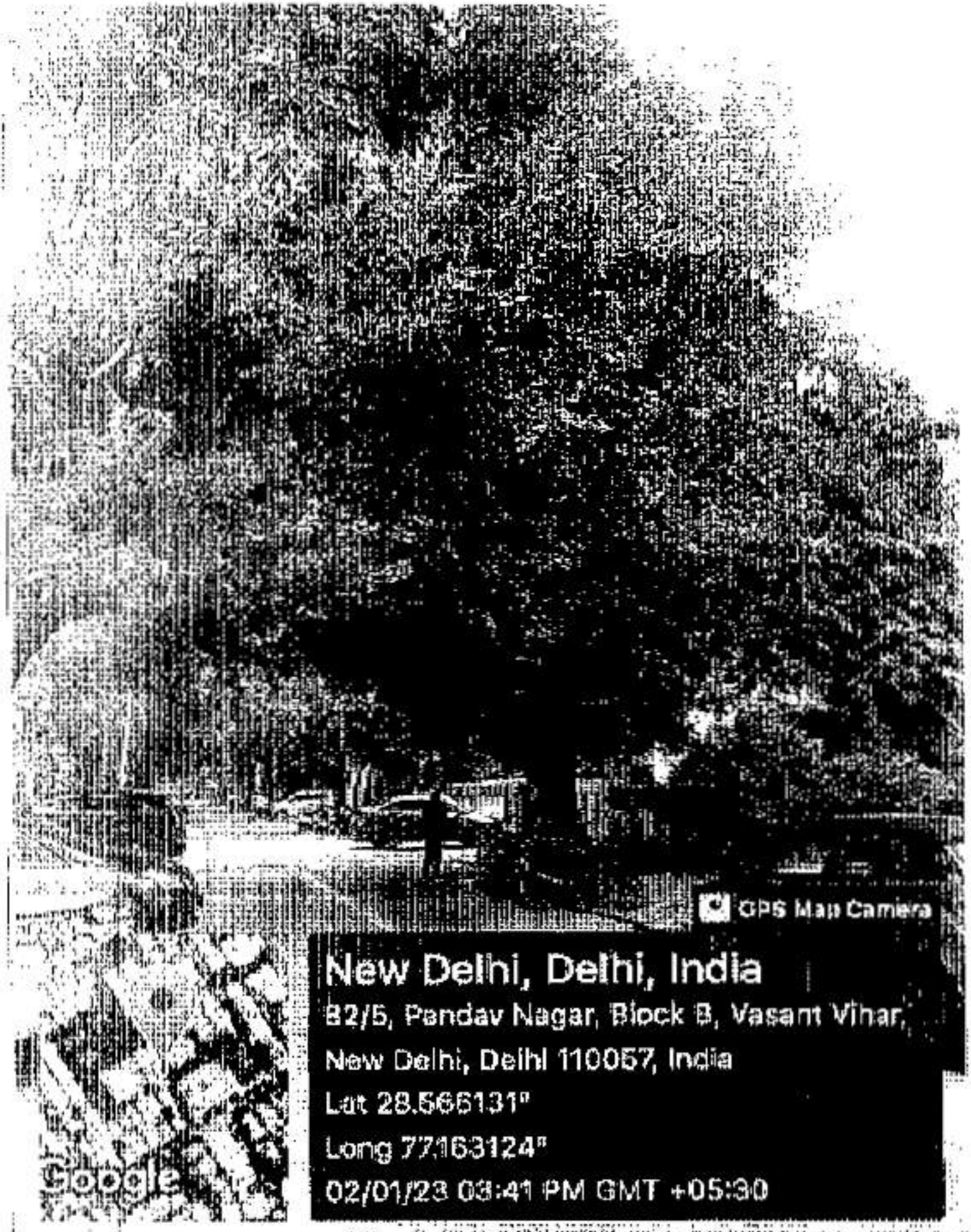

GPS Map Camera
New Delhi, Delhi, India
69/8, Pandav Nagar, Block B, Vasant Vihar,
New Delhi, Delhi 110057, India
Lat 28.566403°
Long 77.160871°
02/01/23 03:43 PM GMT +05:30

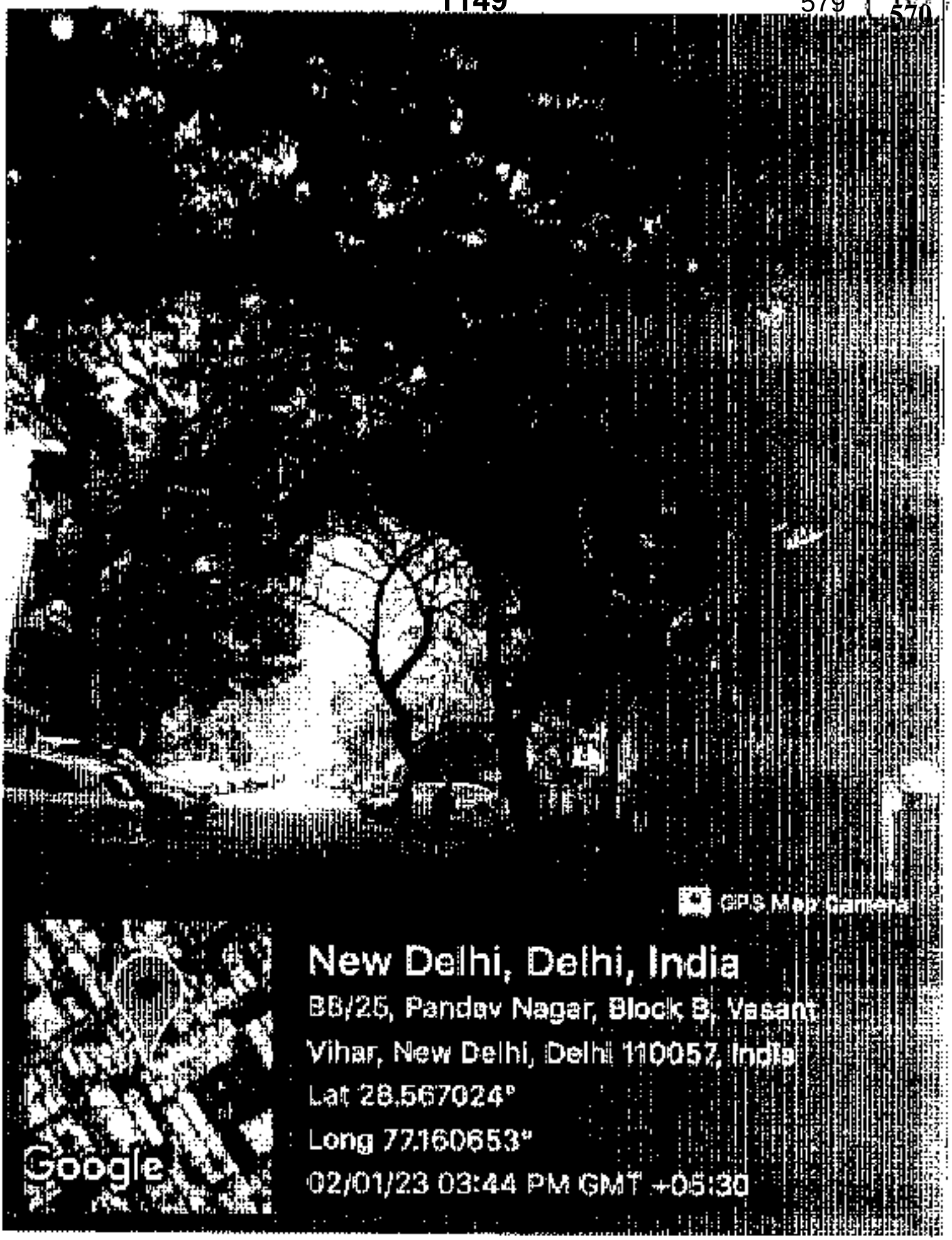

GPS Map Camera
New Delhi, Delhi, India
29, Paschimi Marg, Block B, Vasant Vihar,
New Delhi, Delhi 110057, India
Lat 28.565961°
Long 77.156978°
02/01/23 03:51 PM GMT +05:30
Google

576 567

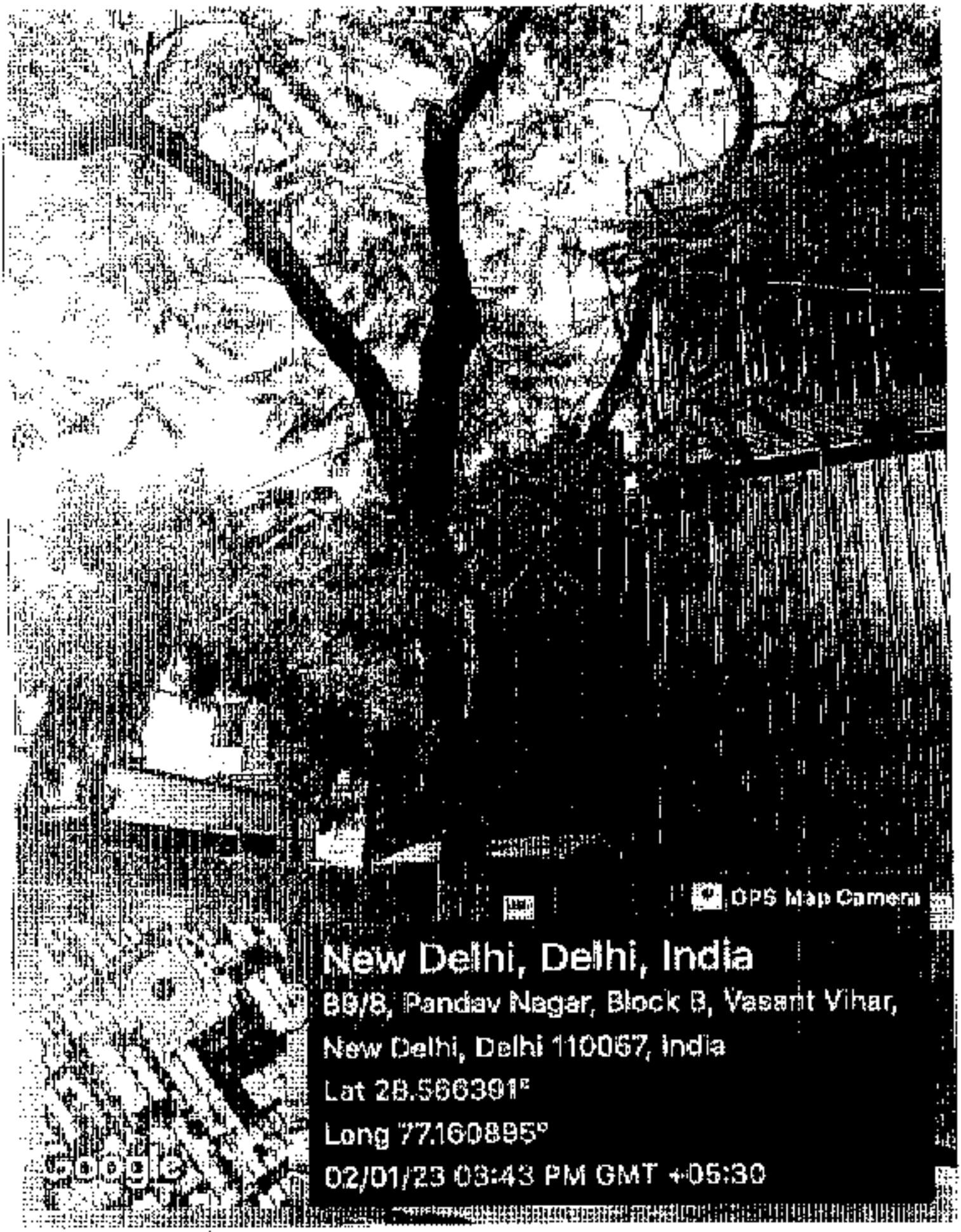

GPS Map Camera
New Delhi, Delhi, India
B-B/3, Block B, Vasant Vihar, New Delhi,
Delhi 110057, India
Lat 28.567911°
Long 77.162131°
02/01/23 03:44 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
B-6/3, Block B, Vasant Vihar, New Delhi,
Delhi 110057, India
Lat 28.56795°
Long 77.162169°
02/01/23 03:45 PM GMT +05:30
Google

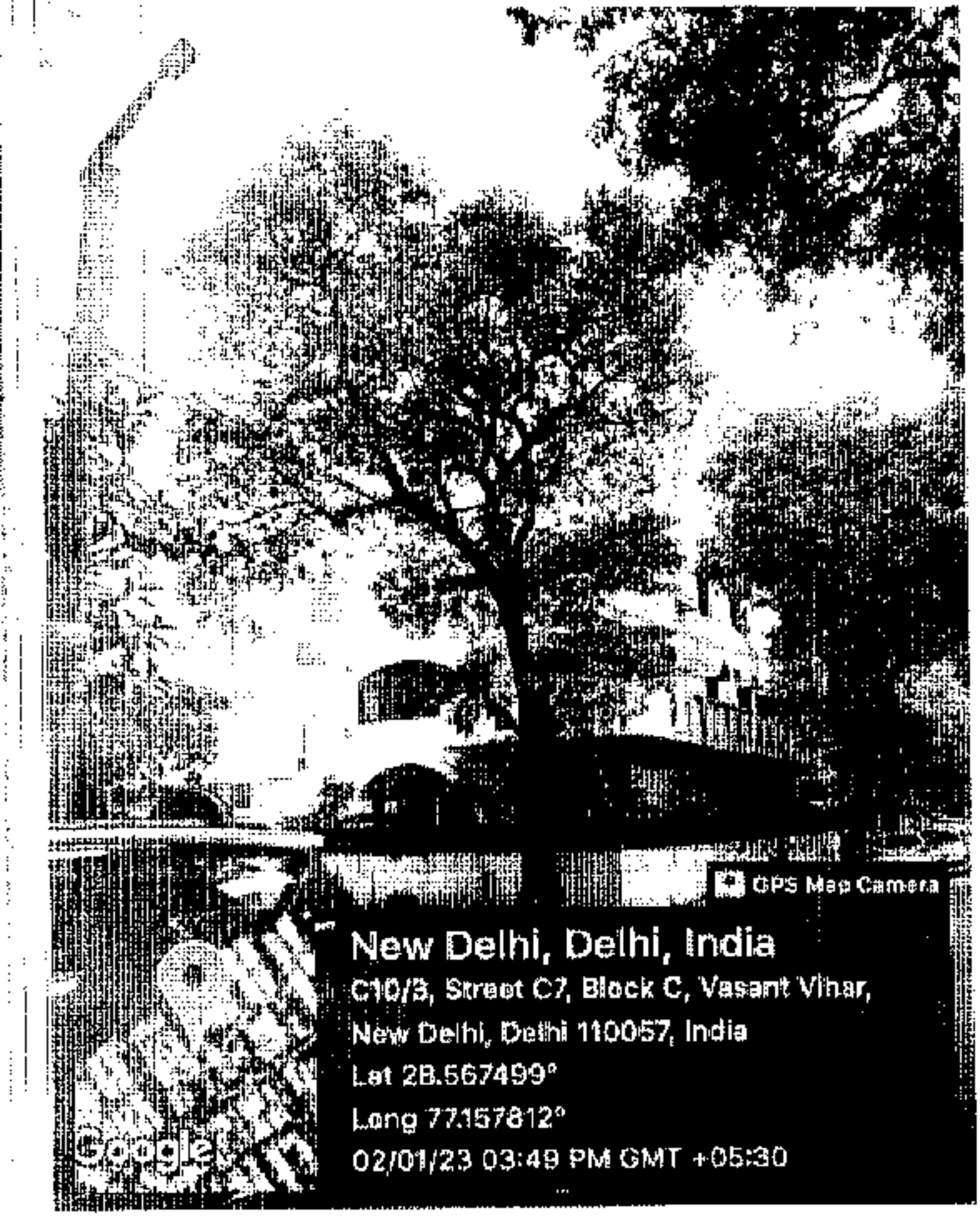

GPS Map Camera
New Delhi, Delhi, India
82/5, Pandav Nagar, Block B, Vasant Vihar,
New Delhi, Delhi 110057, India
Lat 28.566131°
Long 77.163124°
02/01/23 03:41 PM GMT +05:30
Google

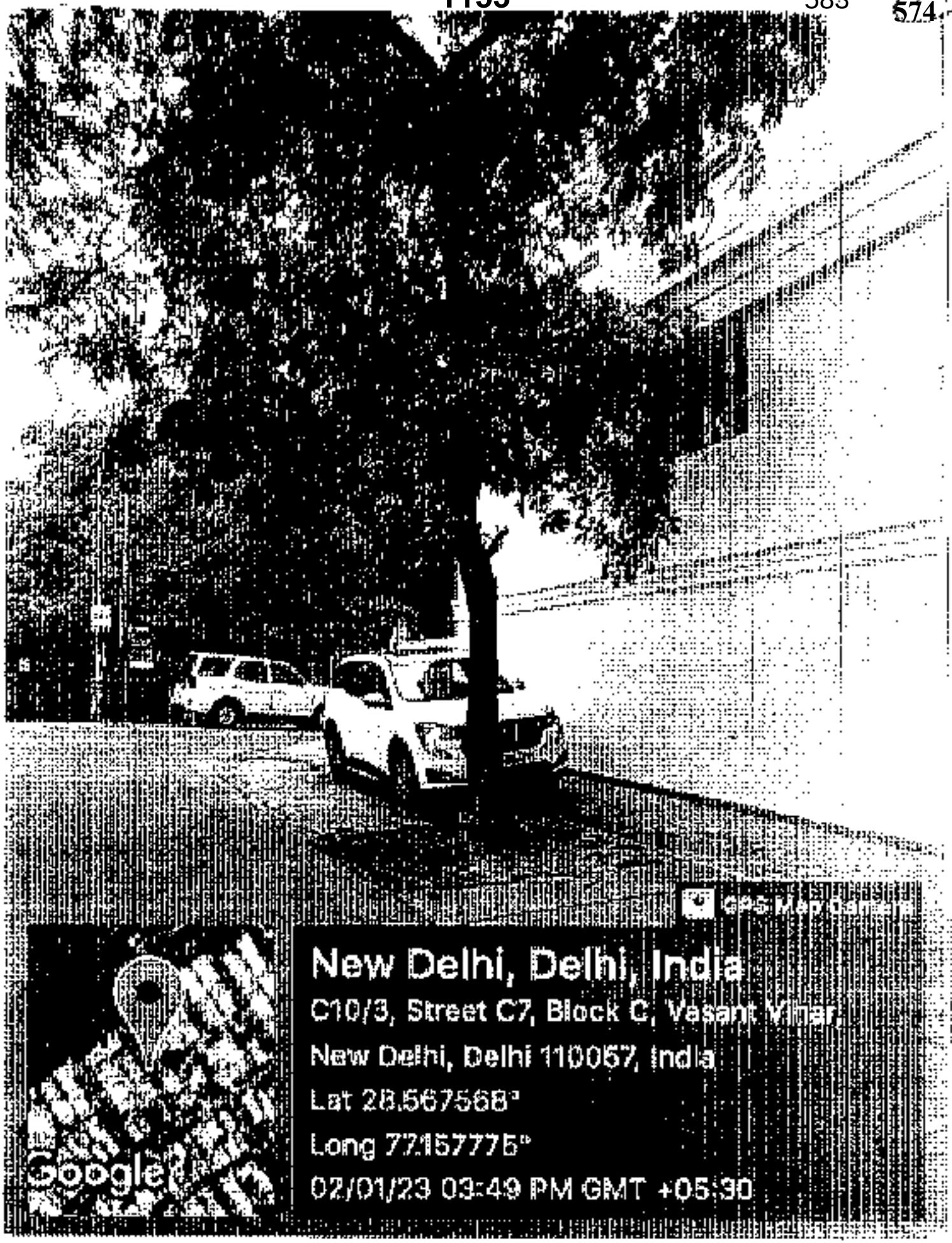

GPS Map Camera
New Delhi, Delhi, India
B6/25, Pandav Nagar, Block B, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.567024°
Long 77.160653°
02/01/23 03:44 PM GMT +05:30
Google

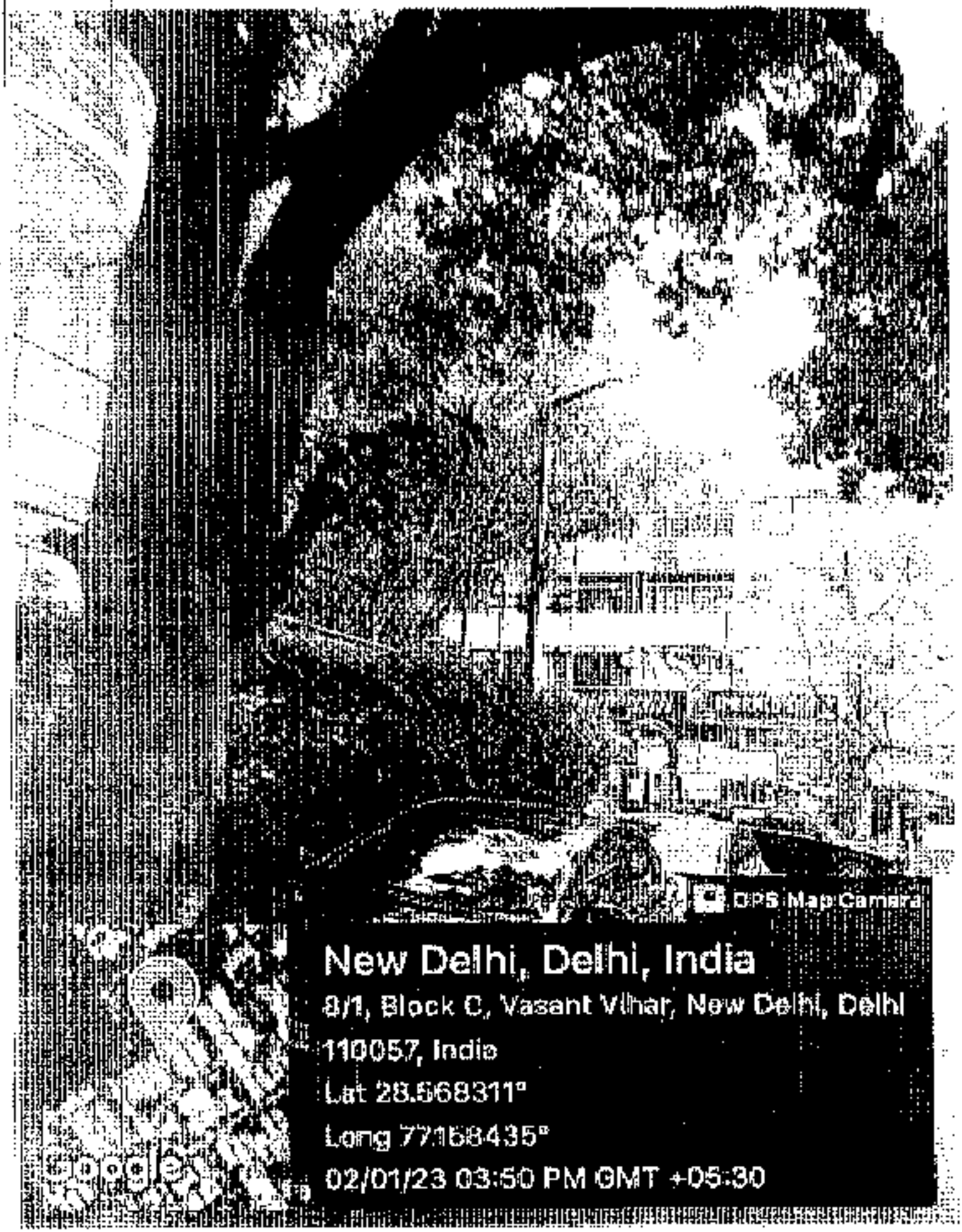
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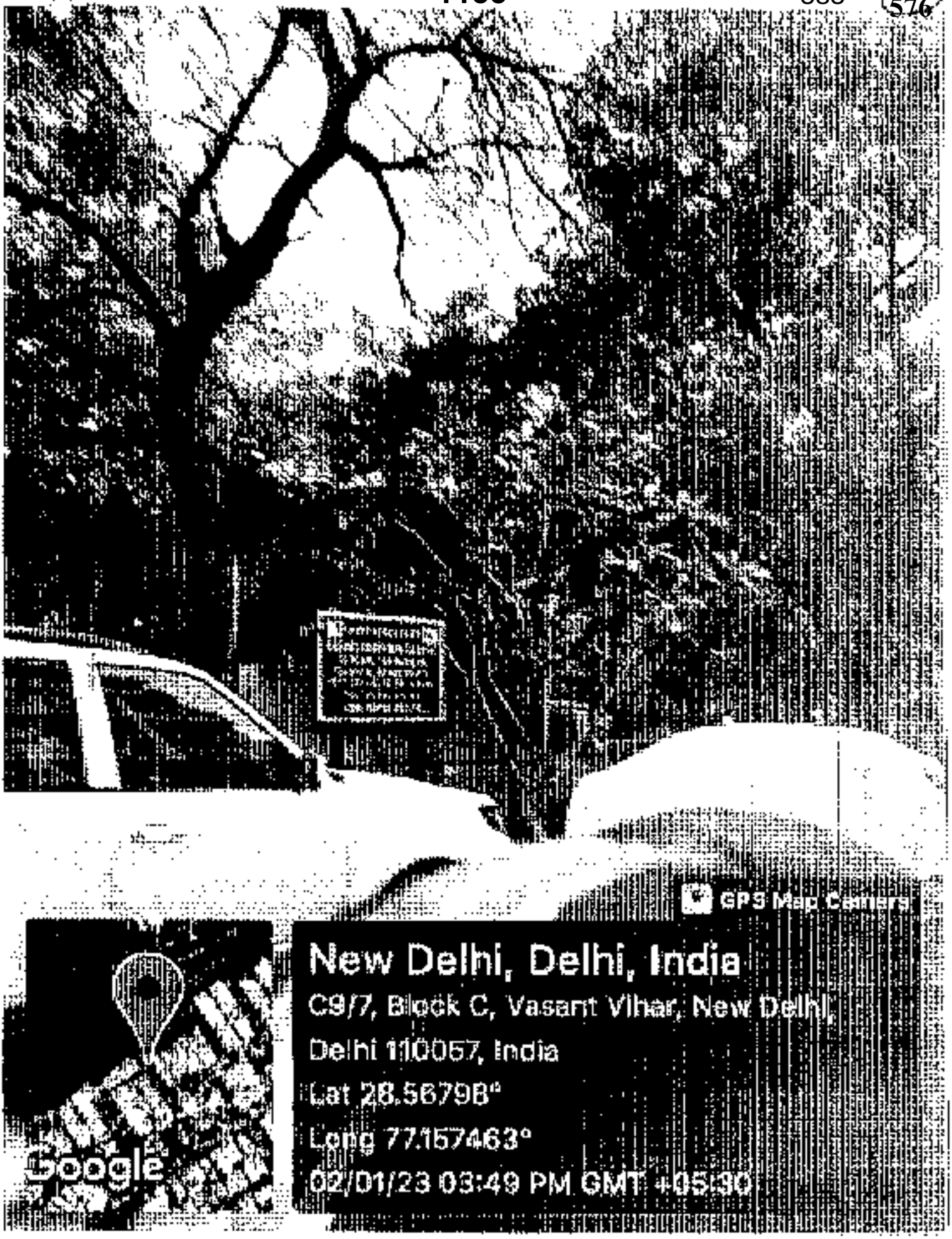

OPS Map Camera
New Delhi, Delhi, India
89/8, Pandav Nagar, Block B, Vasant Vihar,
New Delhi, Delhi 110057, India
Lat 28.566391°
Long 77.160895°
02/01/23 03:43 PM GMT +05:30

ANNEXURE D

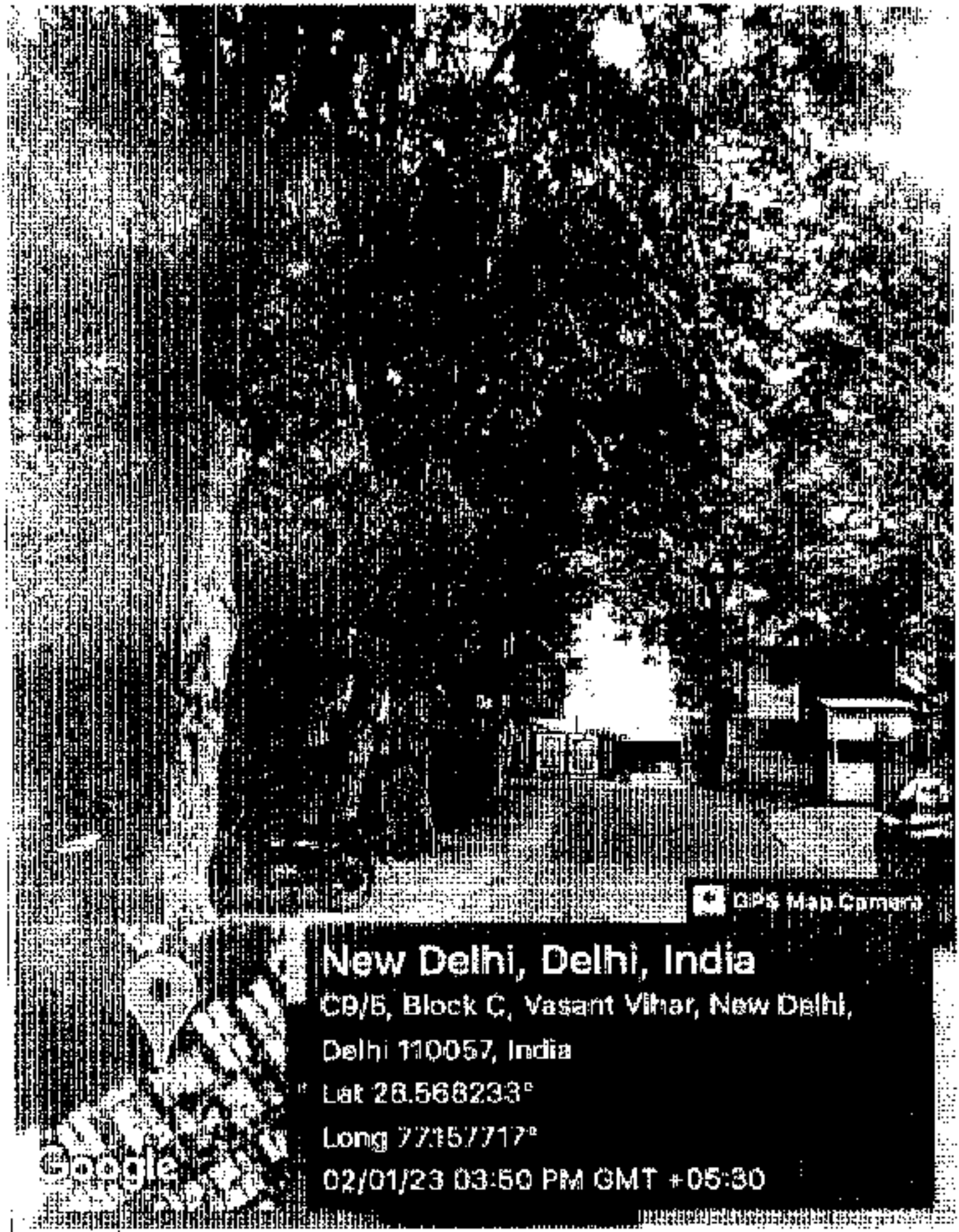

GPS Map Camera
New Delhi, Delhi, India
C10/3, Street C7, Block C, Vasant Vihar,
New Delhi, Delhi 110057, India
Lat 28.567499°
Long 77.157812°
02/01/23 03:49 PM GMT +05:30

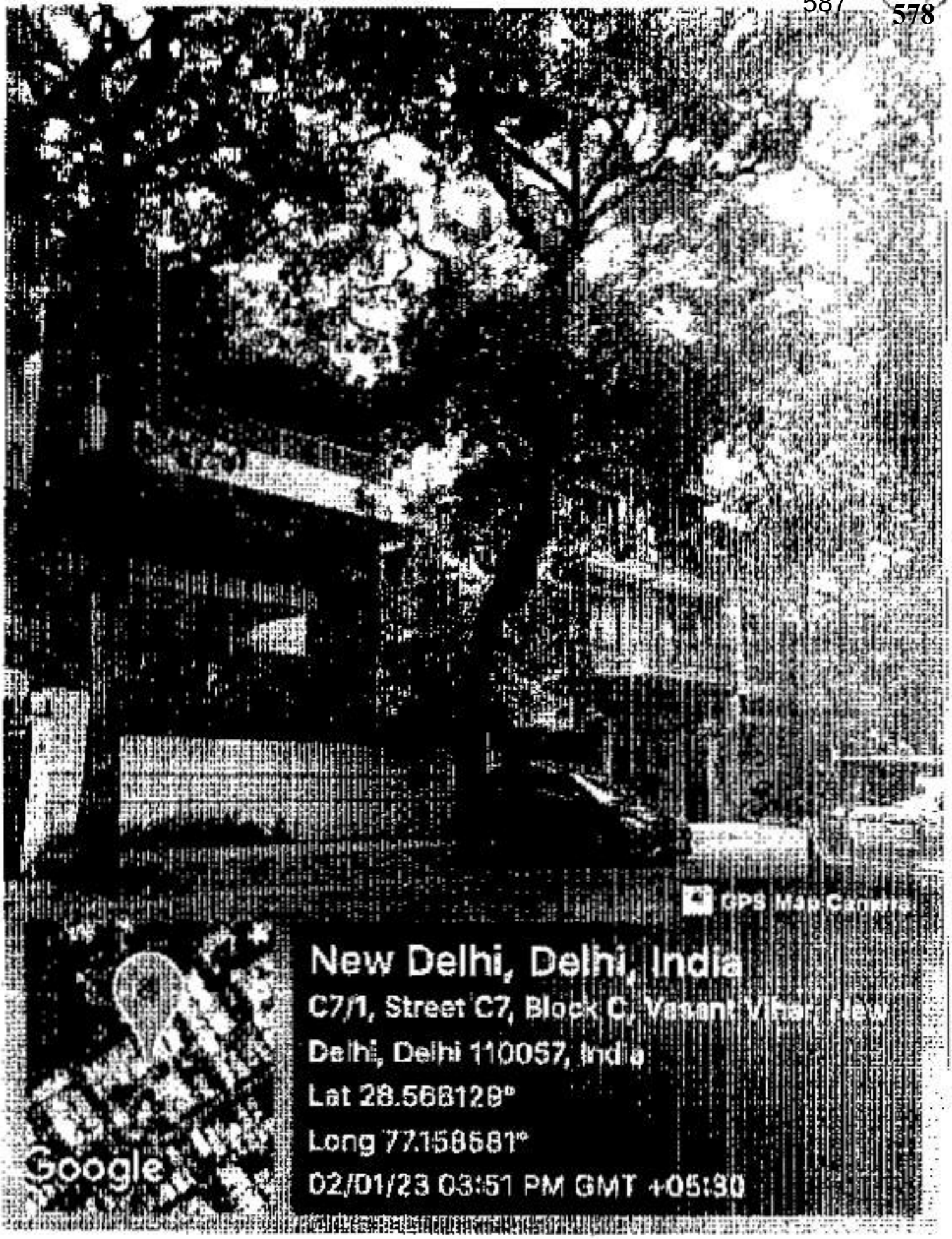

New Delhi, Delhi, India
C10/3, Street C7, Block C, Vasant Vihar,
New Delhi, Delhi 110057, India
Lat 28.567568°
Long 77.157775°
02/01/23 03:49 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
8/1, Block C, Vasant Vihar, New Delhi, Delhi
110057, India
Lat 28.568311°
Long 77.168435°
02/01/23 03:50 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
C9/7, Block C, Vasant Vihar, New Delhi
Delhi 110057, India
Lat 28.56798°
Long 77.157463°
02/01/23 03:49 PM GMT +05:30
Google

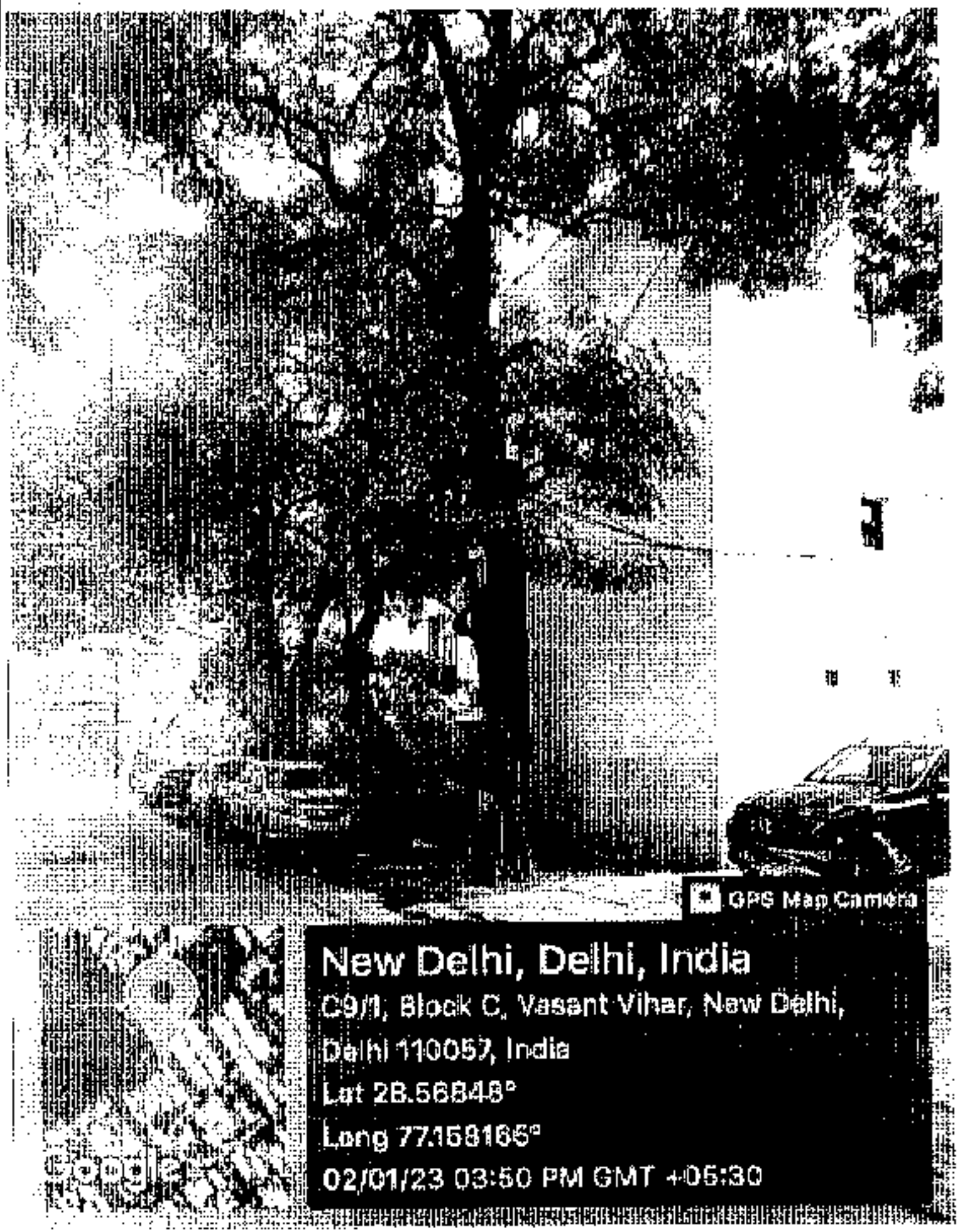
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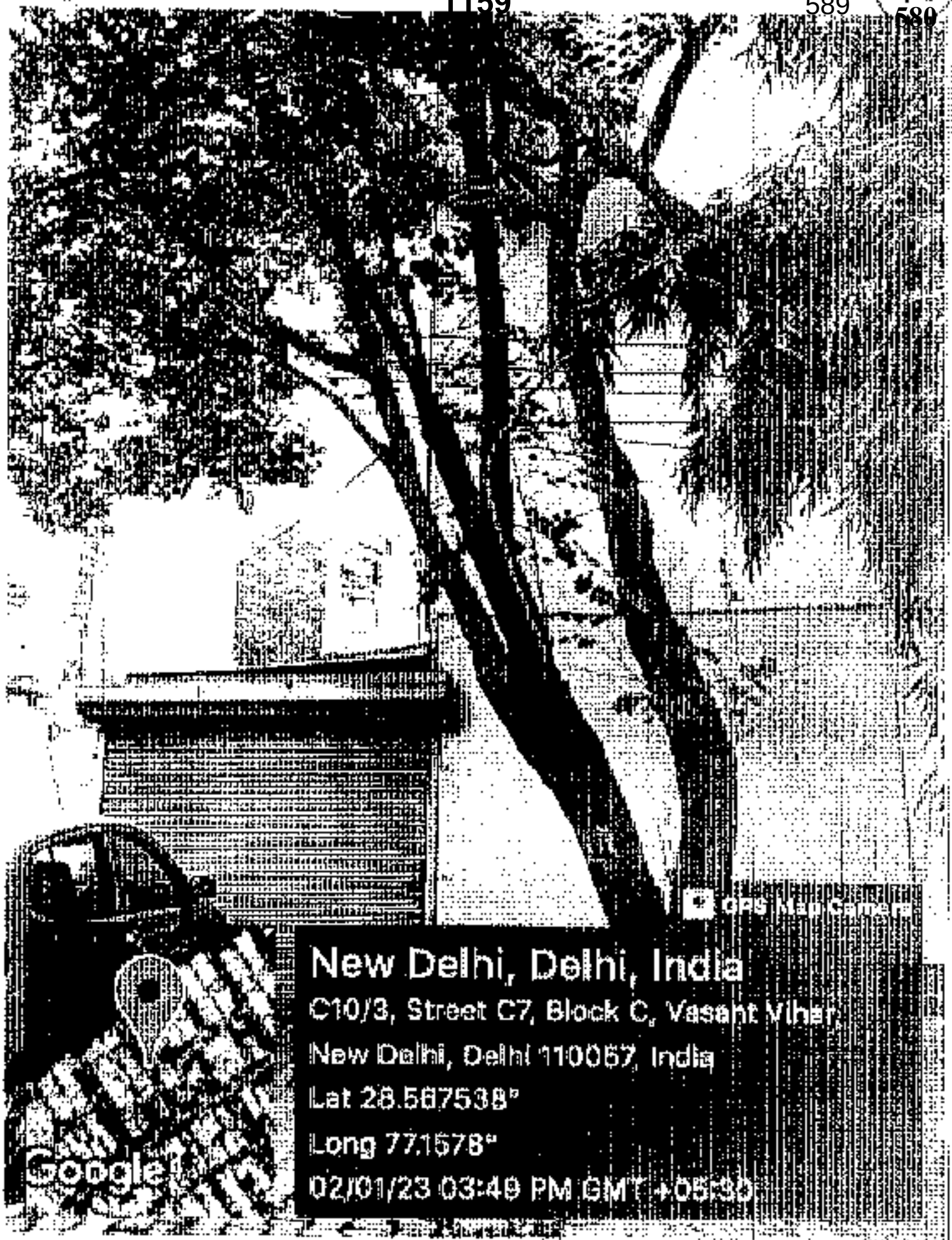

GPS Map Camera
New Delhi, Delhi, India
C9/5, Block C, Vasant Vihar, New Delhi,
Delhi 110057, India
Lat 28.568233°
Long 77.157717°
02/01/23 03:50 PM GMT +05:30
Google

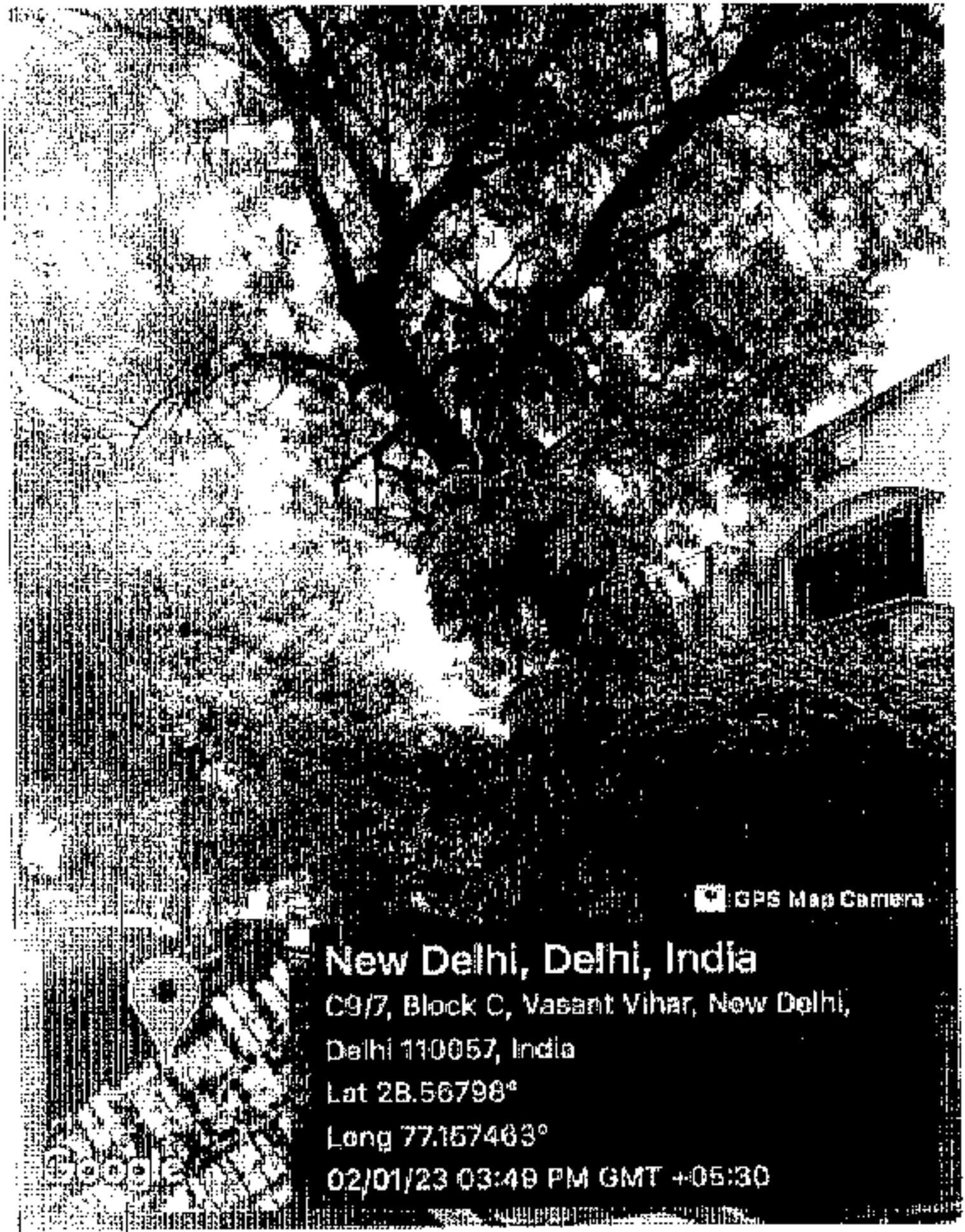

GPS Map Camera
New Delhi, Delhi, India
C7/1, Street C7, Block C, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.568128°
Long 77.158681°
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Google

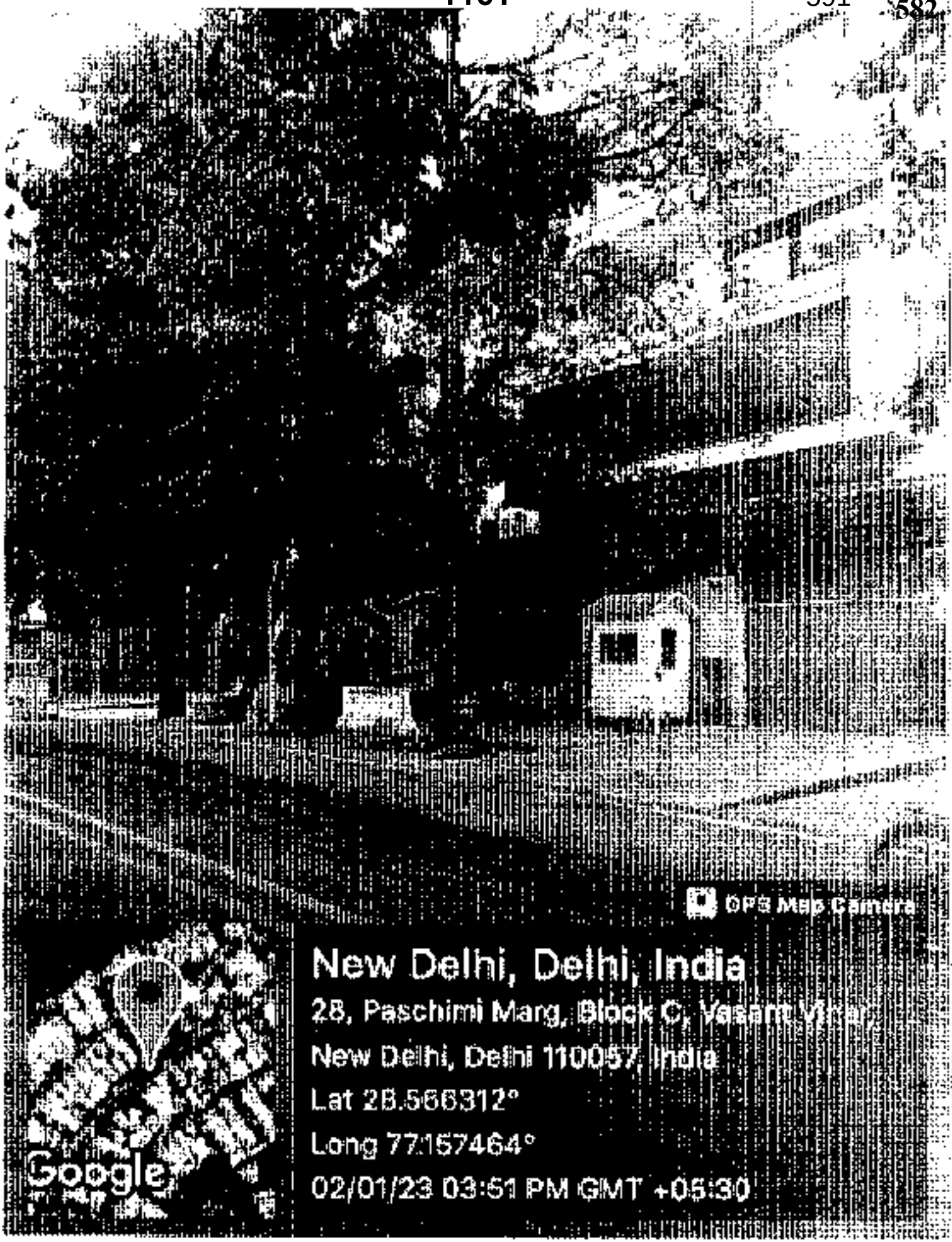
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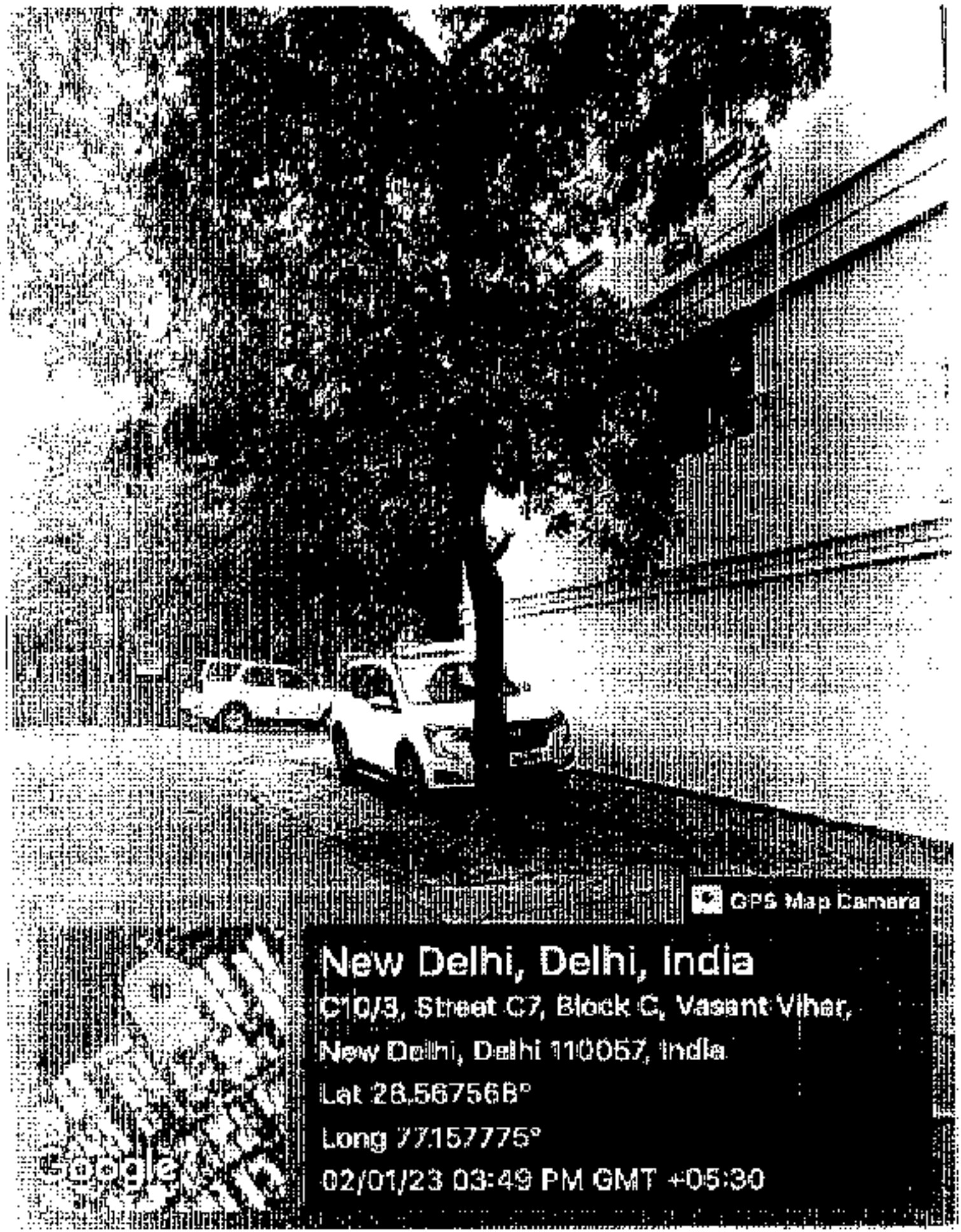
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GPS Map Camera
New Delhi, Delhi, India
C9/1, Block C, Vasant Vihar, New Delhi,
Delhi 110057, India
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Long 77.158165°
02/01/23 03:50 PM GMT +05:30

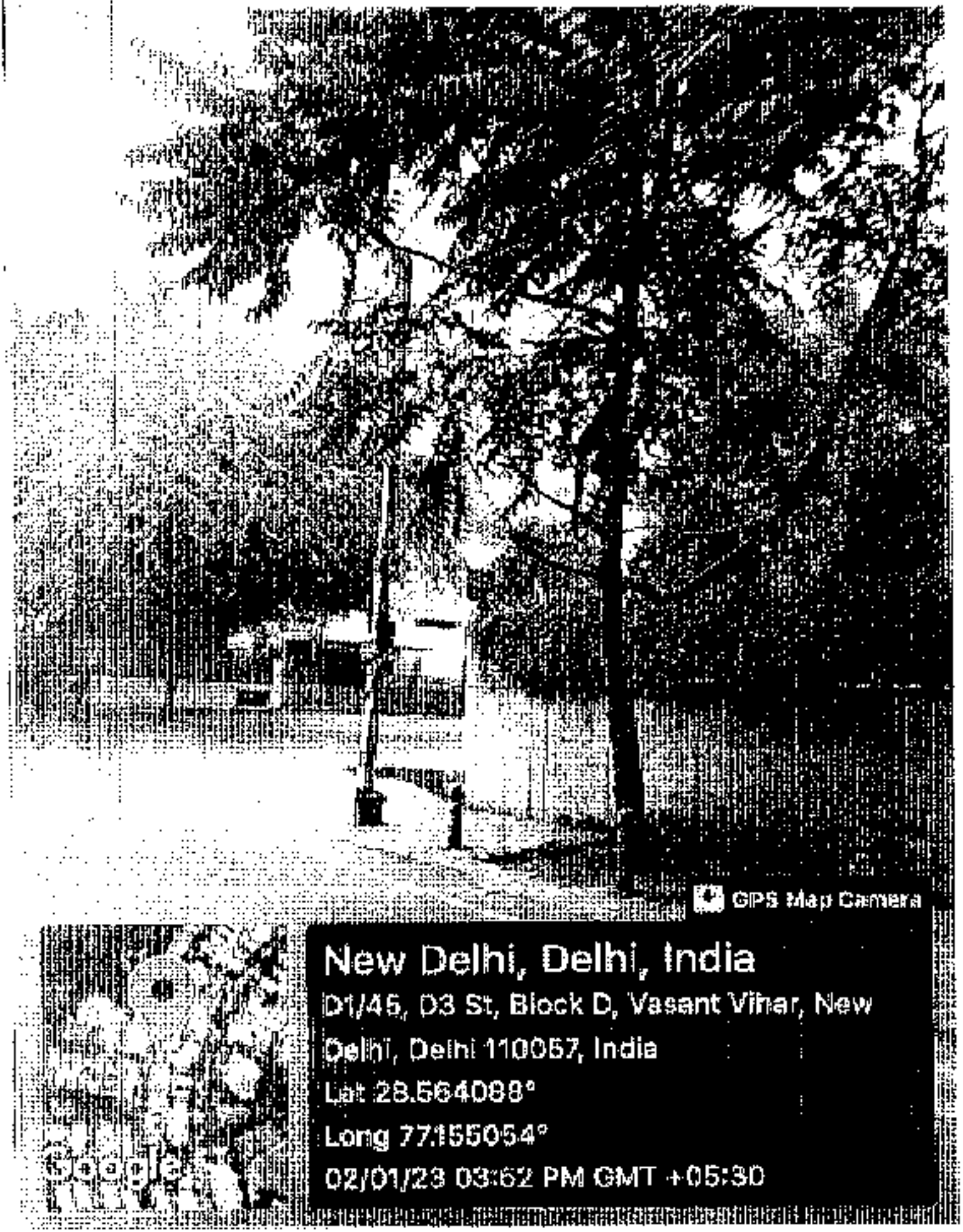

GPS Map Camera
New Delhi, Delhi, India
C10/3, Street C7, Block C, Vasant Vihar,
New Delhi, Delhi 110057, India
Lat 28.567538°
Long 77.1578°
02/01/23 03:49 PM GMT +05:30
Google

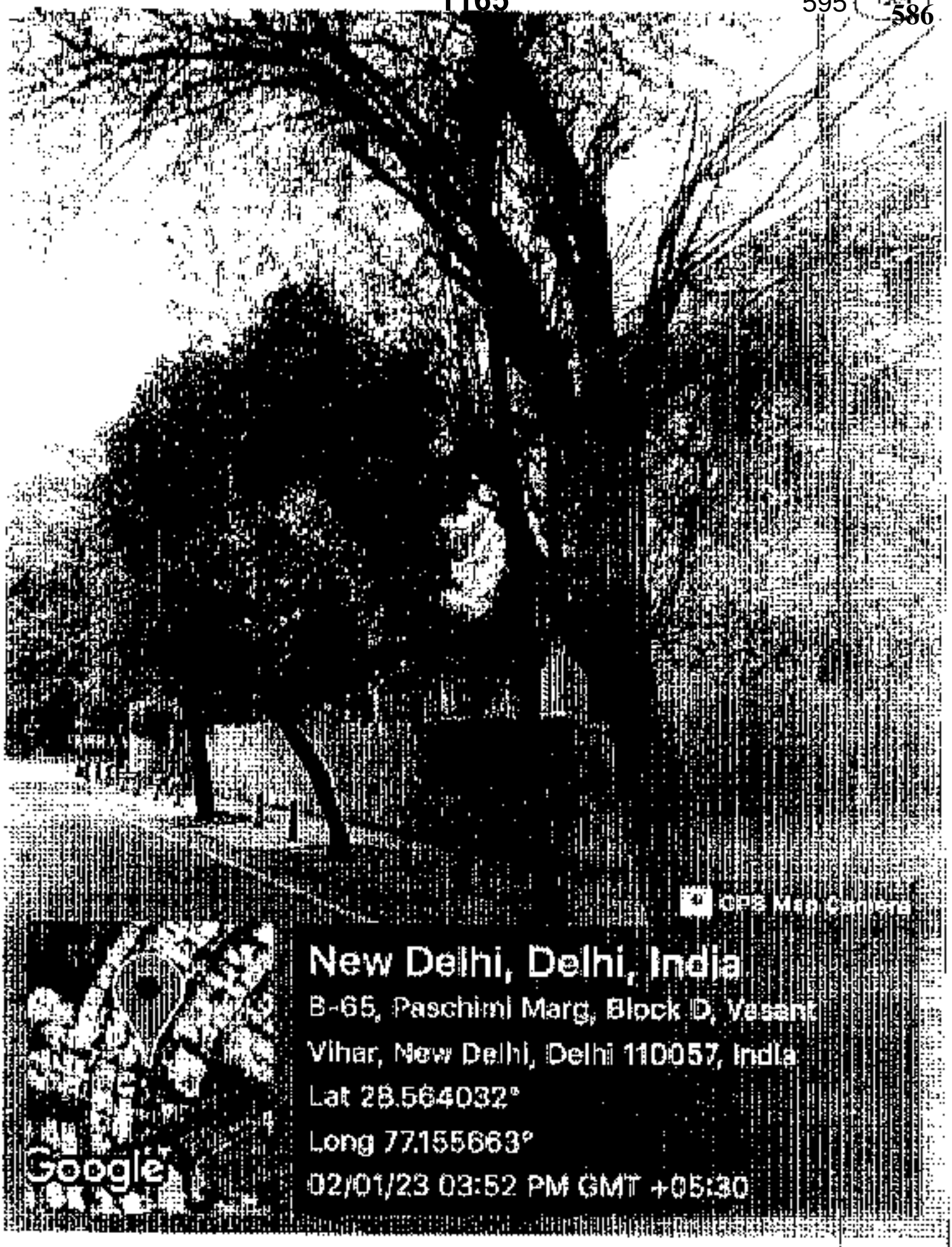

GPS Map Camera
New Delhi, Delhi, India
C9/7, Block C, Vasant Vihar, New Delhi,
Delhi 110057, India
Lat 28.56798°
Long 77.157463°
02/01/23 03:48 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
28, Paschimi Marg, Block C, Vasant Vihar
New Delhi, Delhi 110057, India
Lat 28.566312°
Long 77.157464°
02/01/23 03:51 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
C10/3, Street C7, Block C, Vasant Vihar,
New Delhi, Delhi 110057, India
Lat 28.567568°
Long 77.157775°
02/01/23 03:49 PM GMT +05:30

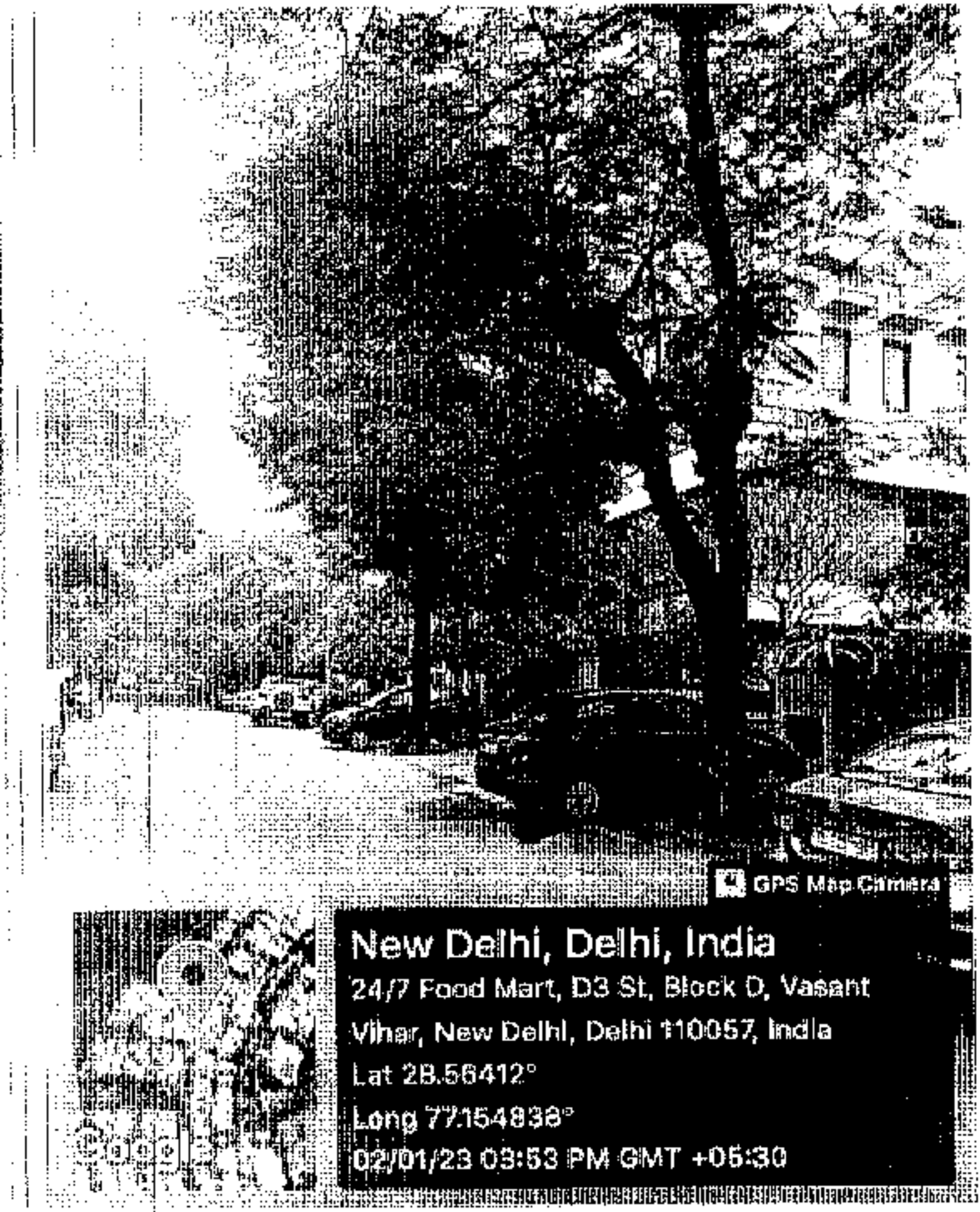
ANNEXURE E

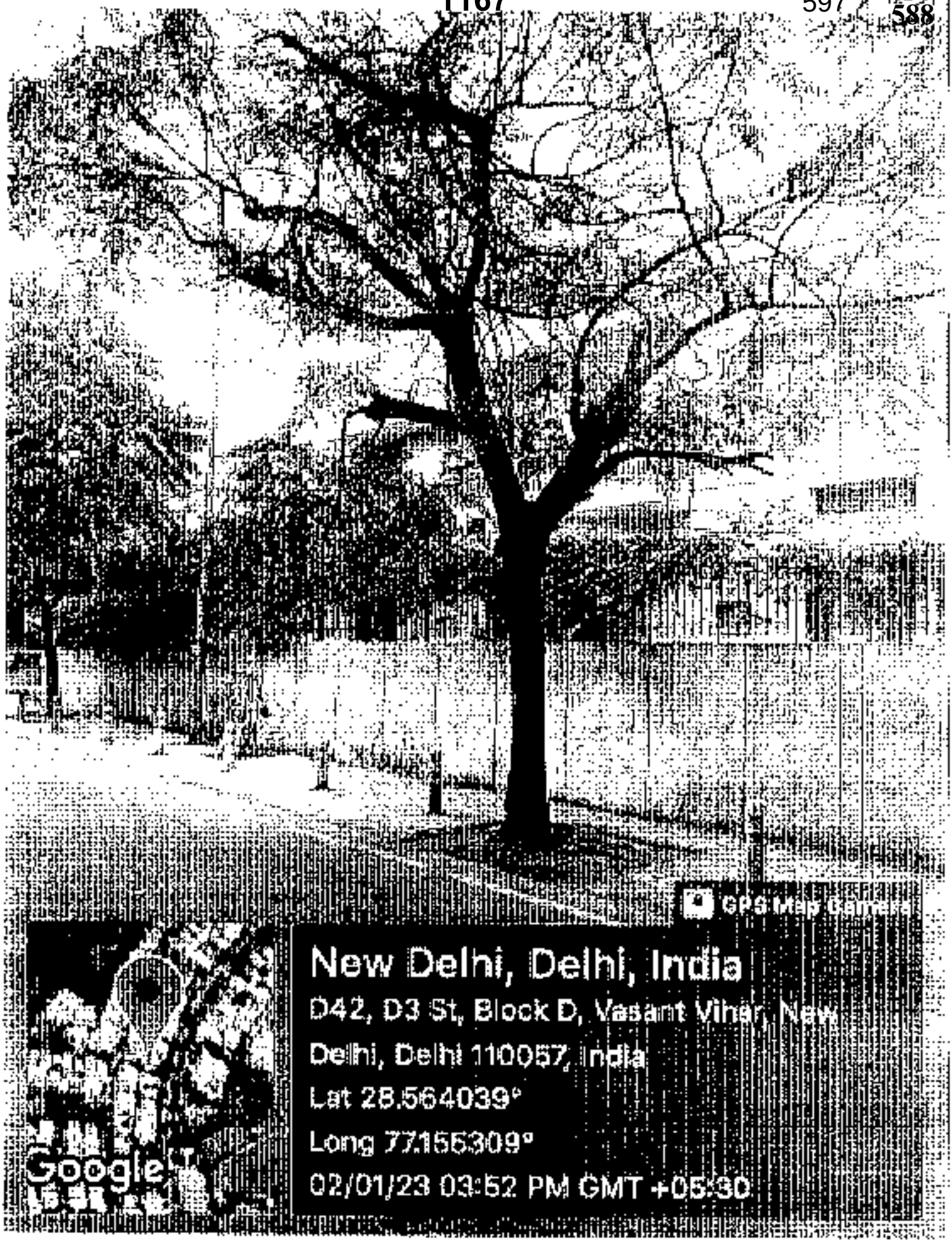

GPS Map Camera
New Delhi, Delhi, India
D1/45, D3 St, Block D, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.564088°
Long 77.155054°
02/01/23 03:62 PM GMT +05:30

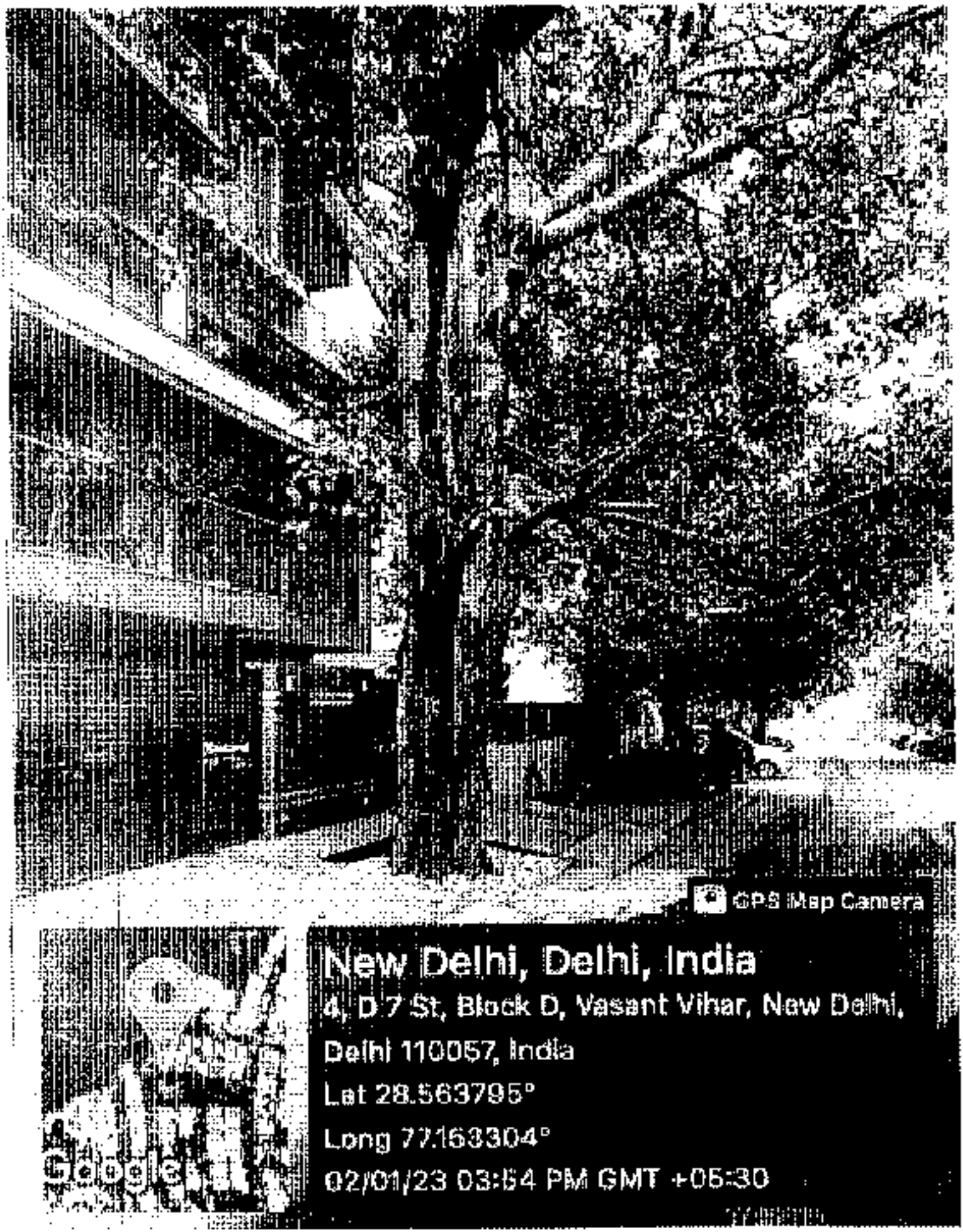

GPS Map Camera
New Delhi, Delhi, India
B-65, Paschimi Marg, Block D, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.564032°
Long 77.155663°
02/01/23 03:52 PM GMT +05:30
Google

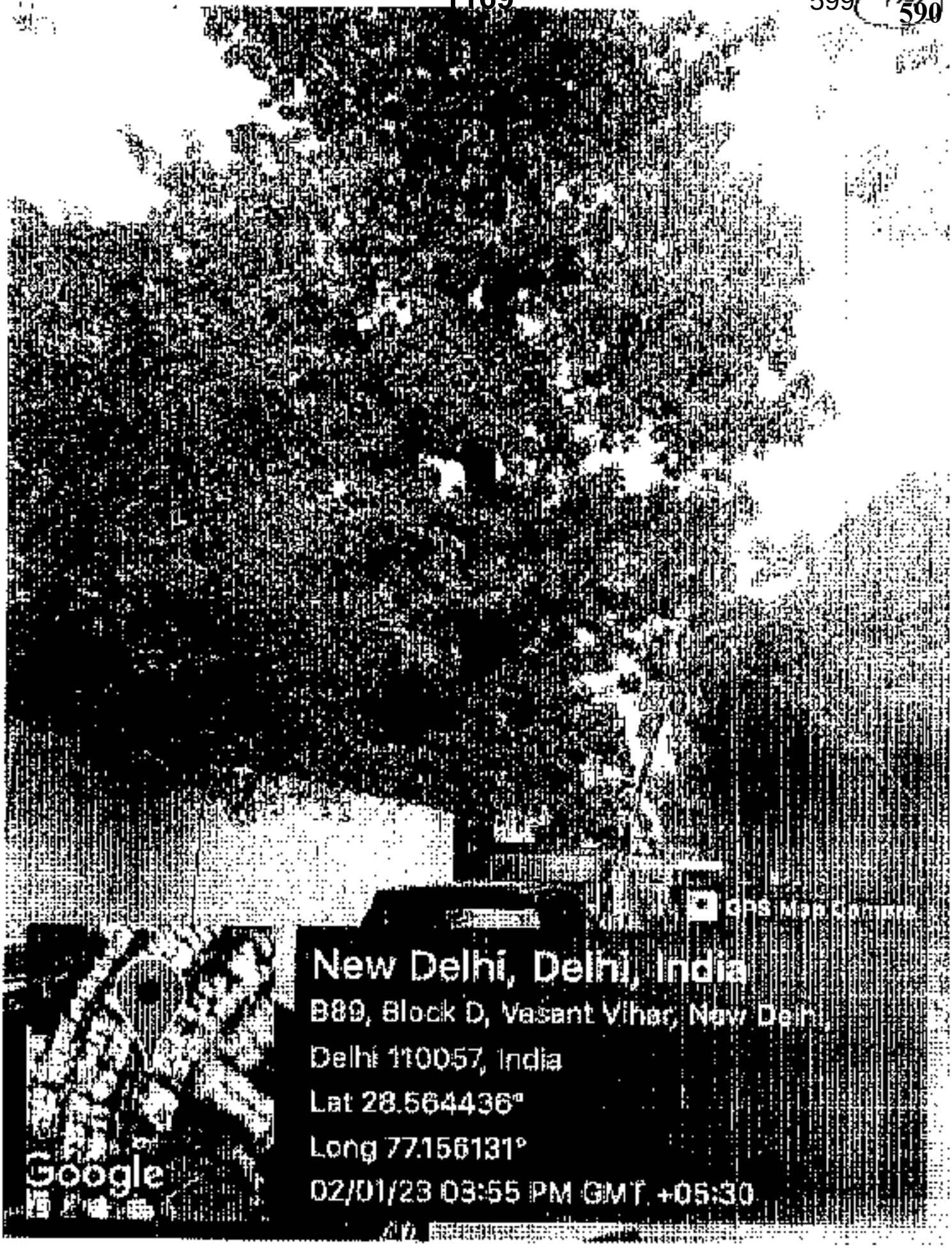
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122

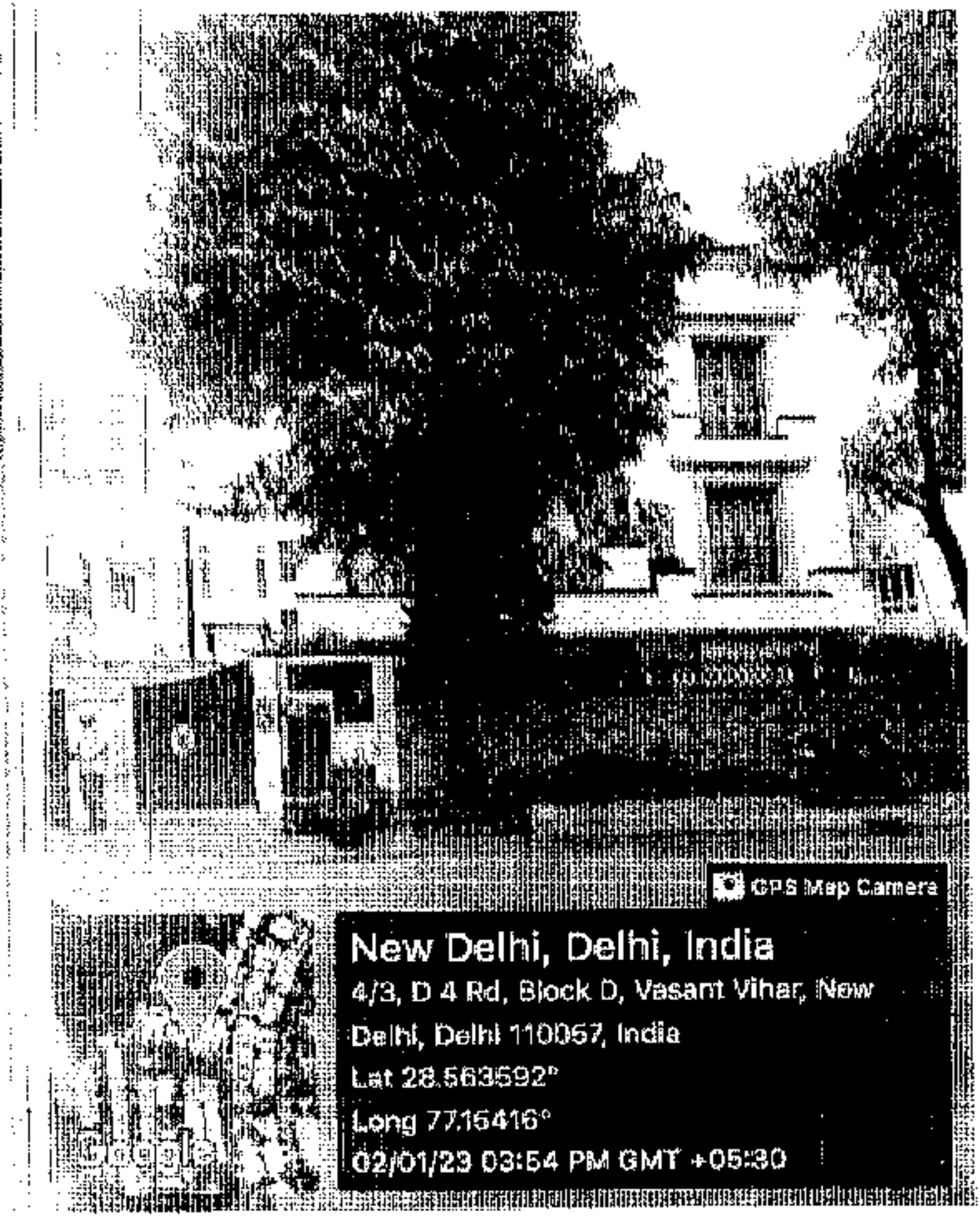

GPS Map Camera
New Delhi, Delhi, India
24/7 Food Mart, D3 St, Block D, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.56412°
Long 77.154838°
02/01/23 03:53 PM GMT +05:30

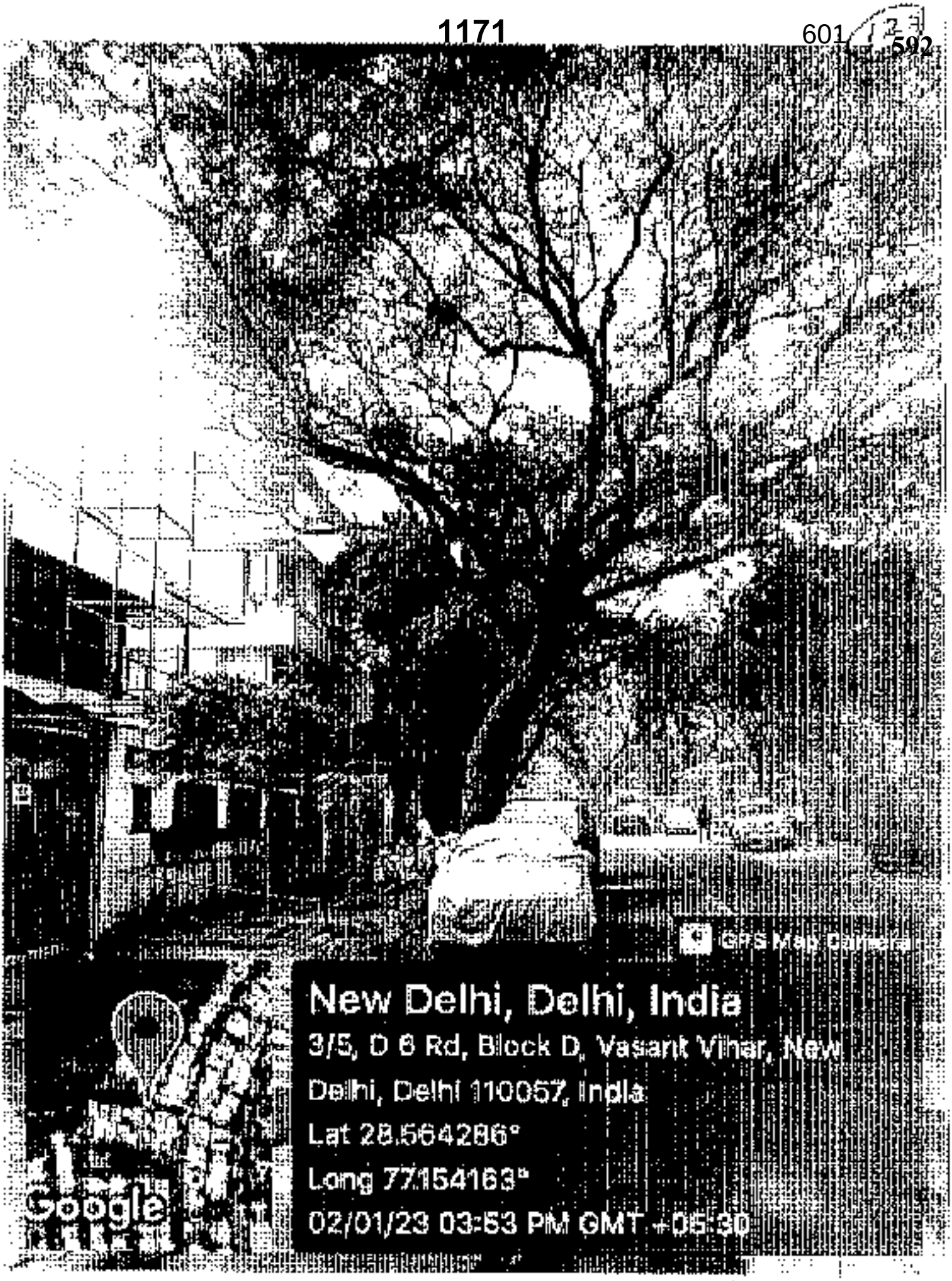

GPS Map Camera
New Delhi, Delhi, India
D42, D3 St, Block D, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.564039°
Long 77.156309°
02/01/23 03:52 PM GMT +05:30
Google


GPS iMap Camera
New Delhi, Delhi, India
4, D 7 St, Block D, Vasant Vihar, New Delhi,
Delhi 110057, India
Lat 28.563795°
Long 77.163304°
02/01/23 03:54 PM GMT +05:30


GPS MAP Camera
New Delhi, Delhi, India
B89, Block D, Vasant Vihar, New Delhi,
Delhi 110057, India
Lat 28.564436°
Long 77.156131°
02/01/23 03:55 PM GMT +05:30
Google

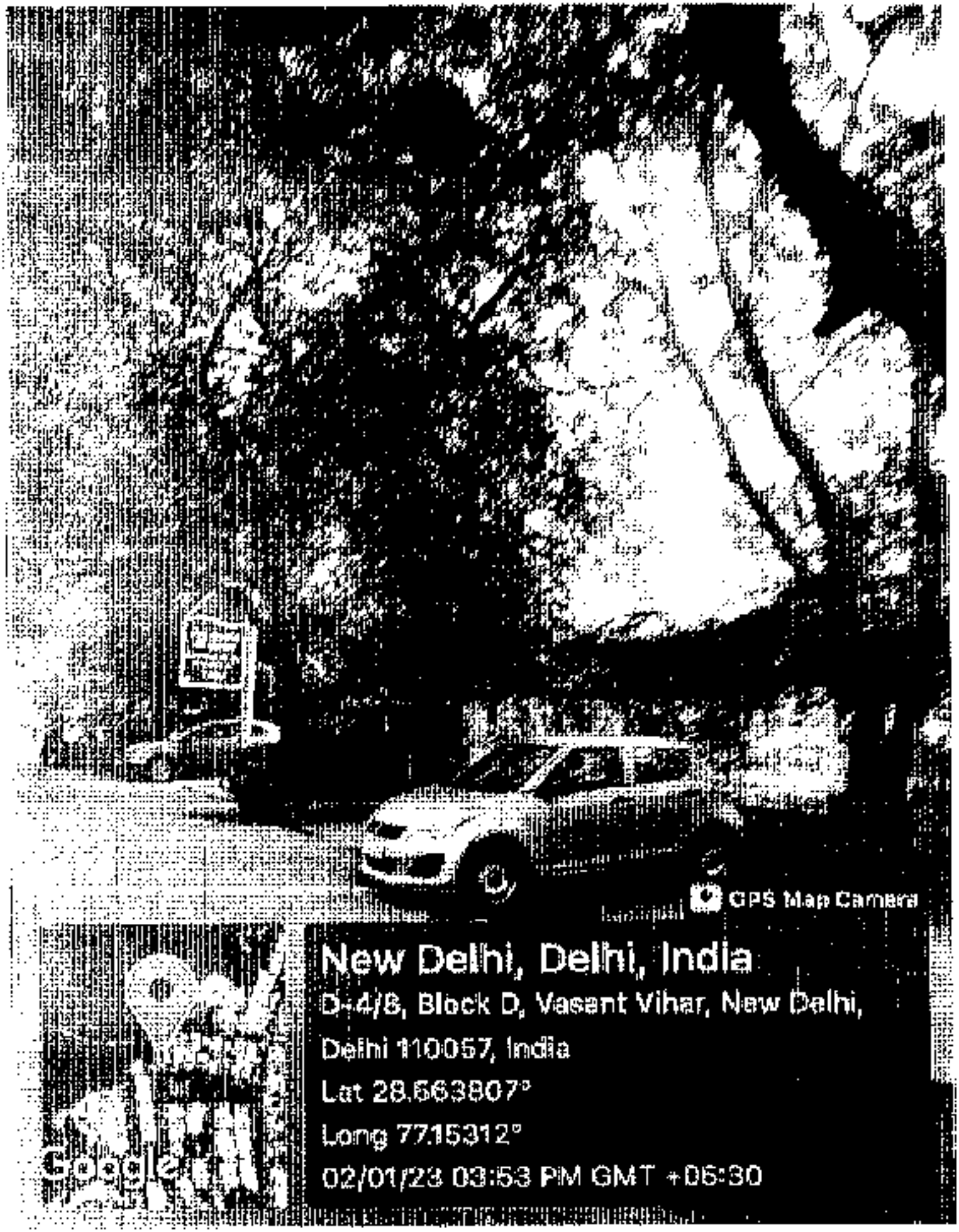
600 591


GPS Map Camera
New Delhi, Delhi, India
4/3, D 4 Rd, Block D, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.563592°
Long 77.15416°
02/01/23 03:54 PM GMT +05:30

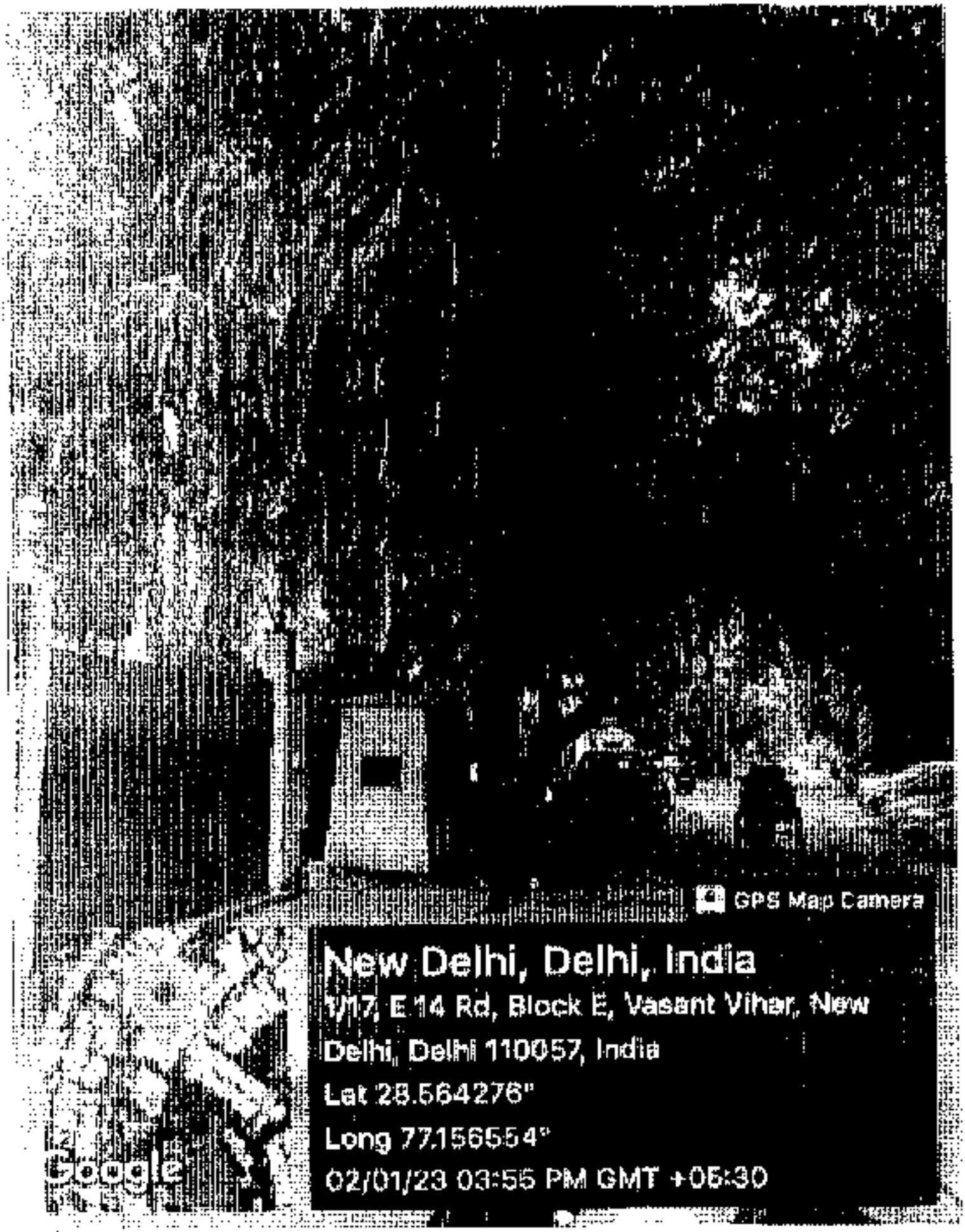

GPS Map Camera
New Delhi, Delhi, India
3/5, D 6 Rd, Block D, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.564286°
Long 77.154163°
02/01/23 03:53 PM GMT +05:30
Google

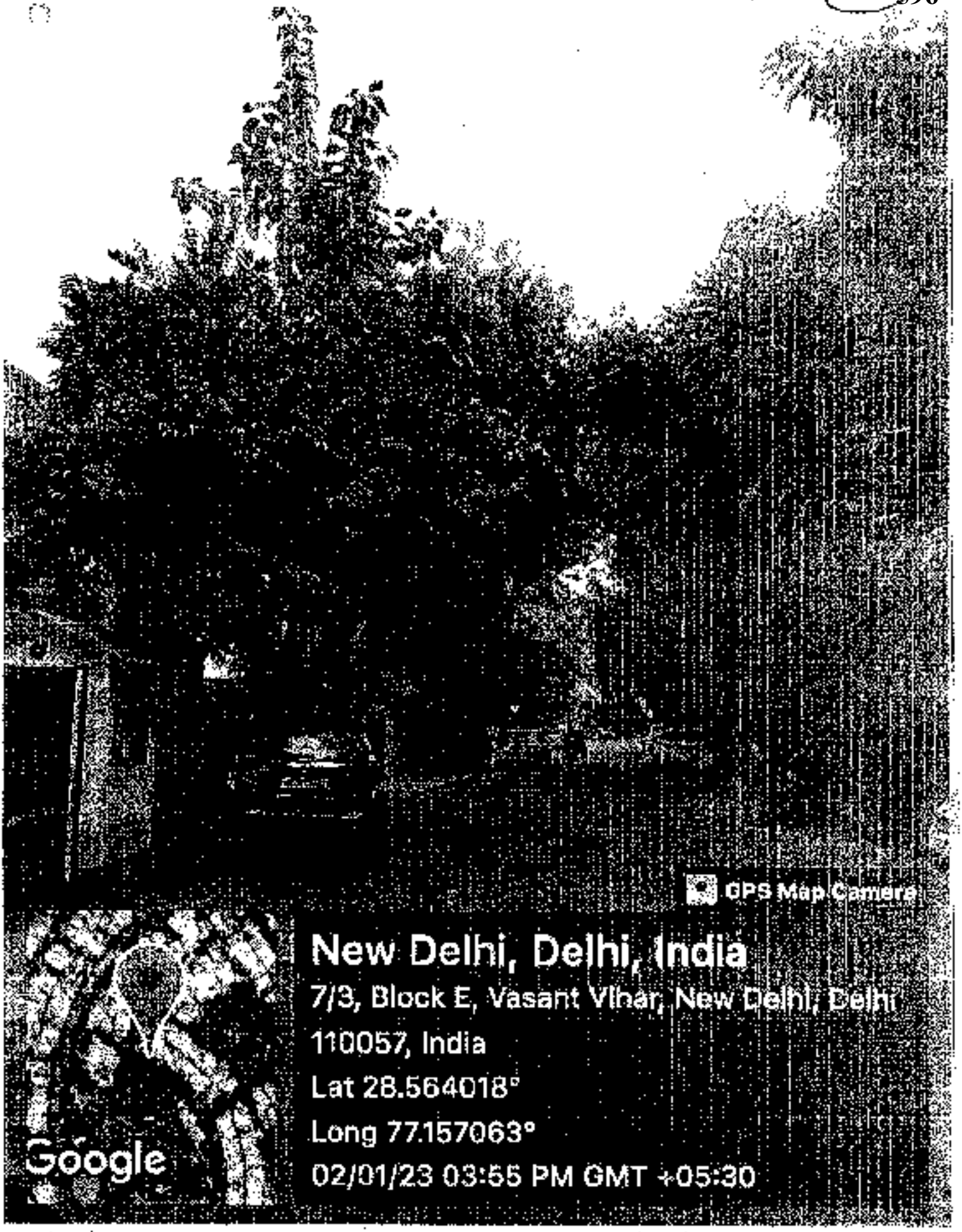
602

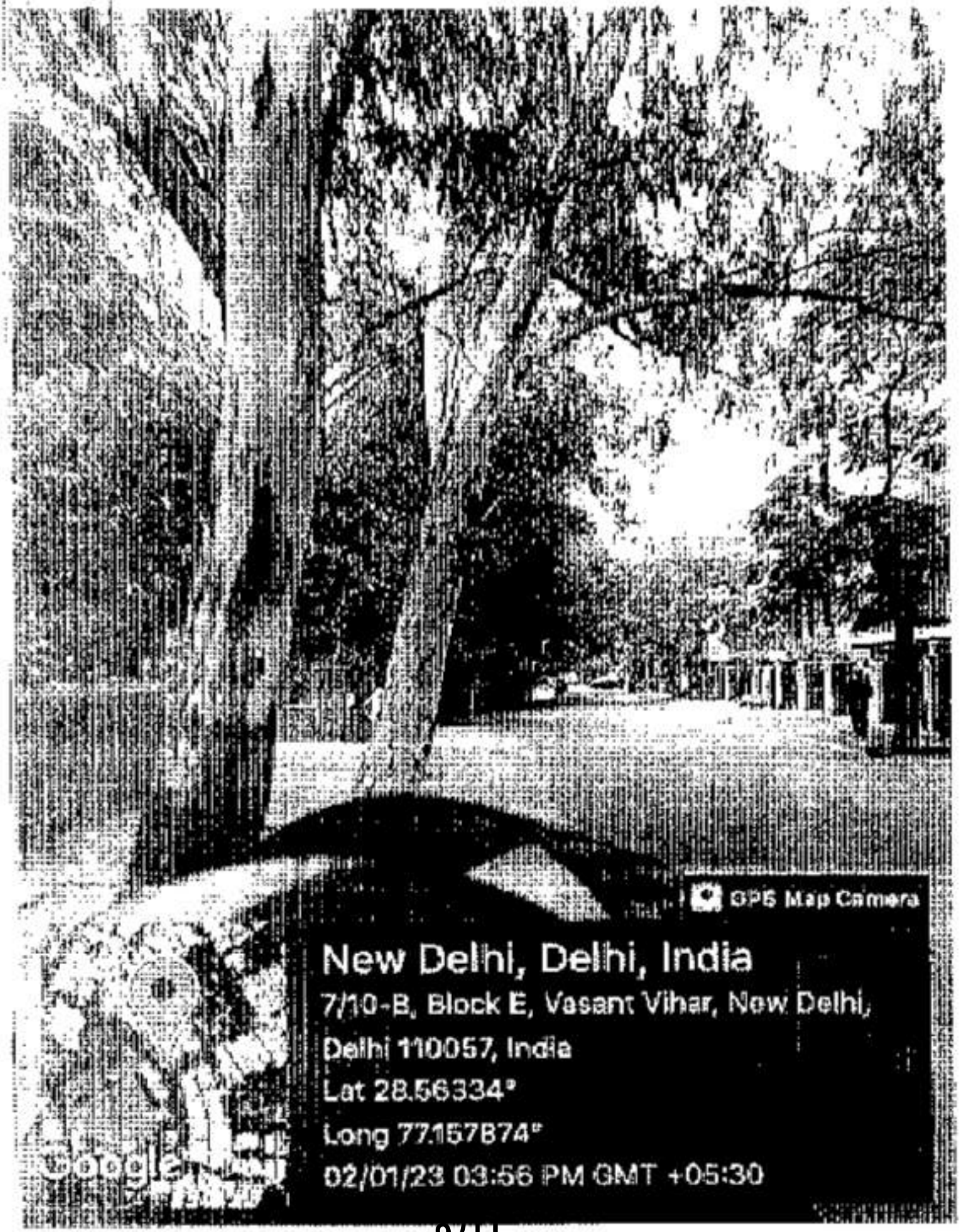
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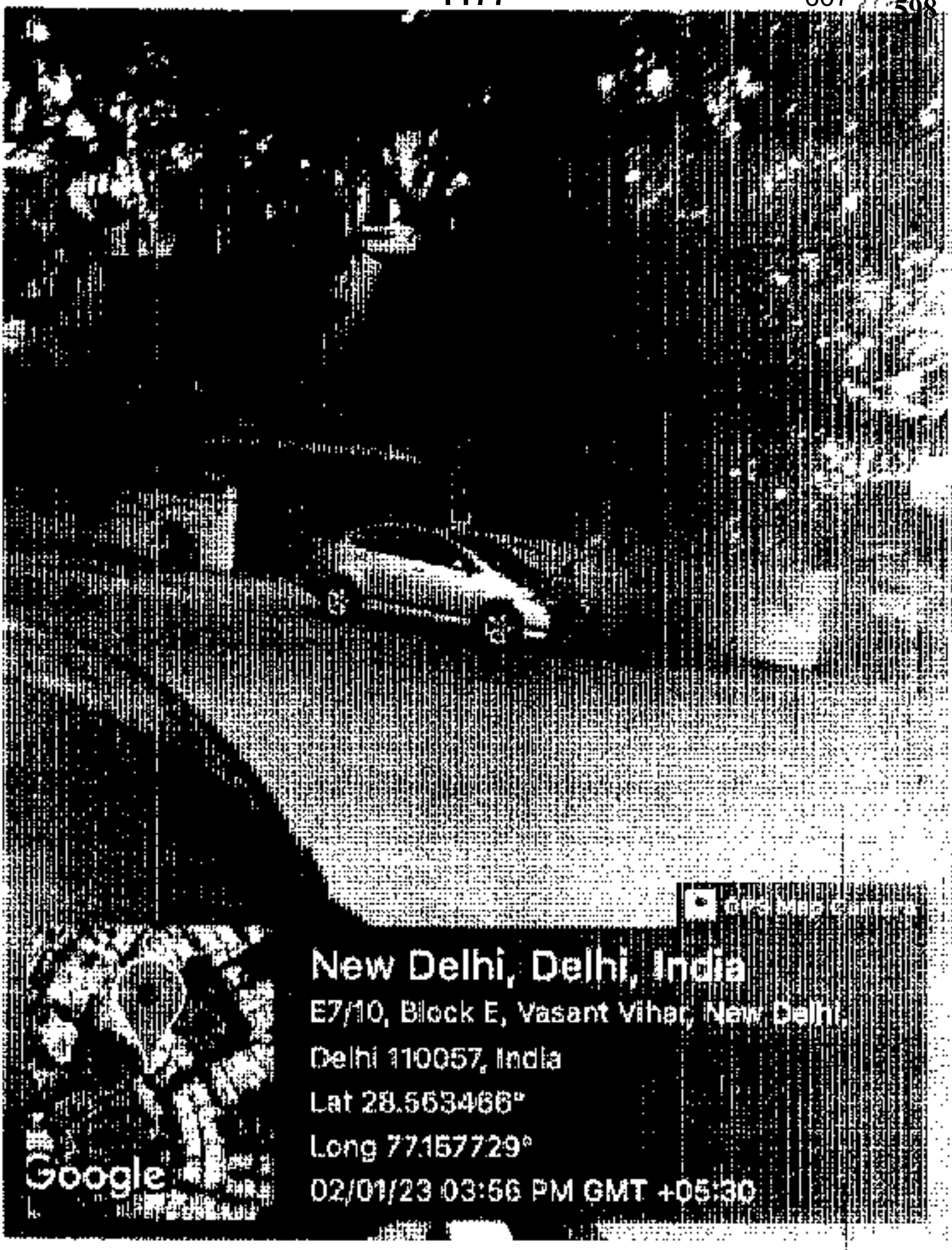

GPS Map Camera
New Delhi, Delhi, India
D-4/8, Block D, Vasant Vihar, New Delhi,
Delhi 110057, India
Lat 28.563807°
Long 77.15312°
02/01/23 03:53 PM GMT +05:30

ANNEXURE F


GPS Map Camera
New Delhi, Delhi, India
1/17, E 14 Rd, Block E, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.564276°
Long 77.156554°
02/01/23 03:55 PM GMT +05:30


GPS Map Camera
New Delhi, Delhi, India
7/3, Block E, Vasant Vihar, New Delhi, Delhi
110057, India
Lat 28.564018°
Long 77.157063°
02/01/23 03:55 PM GMT +05:30
Google

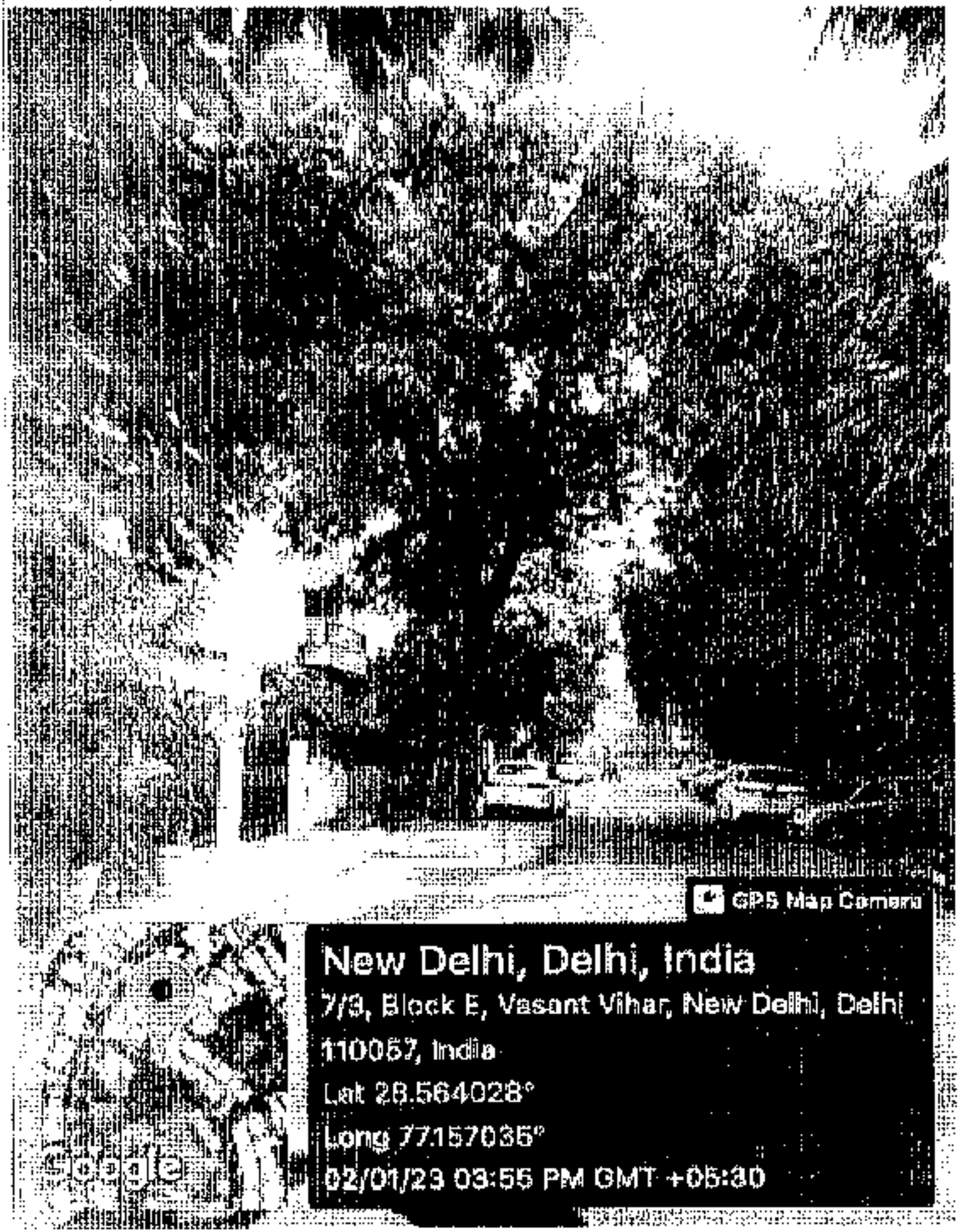

GPS Map Camera
New Delhi, Delhi, India
7/10-B, Block E, Vasant Vihar, New Delhi,
Delhi 110057, India
Lat 28.56334°
Long 77.157874°
02/01/23 03:56 PM GMT +05:30


New Delhi, Delhi, India
E7/10, Block E, Vasant Vihar, New Delhi,
Delhi 110057, India
Lat 28.563466°
Long 77.157729°
02/01/23 03:56 PM GMT +05:30
Google

608

599

139


GPS Map Camera
New Delhi, Delhi, India
7/3, Block E, Vasant Vihar, New Delhi, Delhi
110057, India
Lat 28.564028°
Long 77.157035°
02/01/23 03:55 PM GMT +05:30

ANEXURE G

GOVT. OF N.C.T. OF DELHI
DEPARTMENT OF FOREST & WILDLIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS (WEST)
WEST FOREST DIVISION: MANDIR LANE: NEW DELHI-60
Tel No- 011 23361879: E:Mail:- dcfwest.cuctd@gov.in

F. 2(304)/DCF (W)/Tree Offence/ID-108/2022-23/ 10301 - 303 **Dated:** 2/1/23

NOTICE UNDER DPTA, 1994

IN THE COURT OF TREE OFFICER

Whereas it has been alleged that a tree offence of **Pruning of 01 Branch of Tree,** has been committed at **B 9/8, Pnadav Nagar, Block B, Vasant Vihar, New Delhi-110057.**

Whereas on enquiry, it is found that the above tree (s) has/have been damaged/cut in violation of Delhi Preservation of Tree Act, 1994.

And whereas, the statement (s) of following persons is/are required to determine the offence case. Therefore, **I, DY. CONSERVATOR OF FOREST (WEST),** empowered under section 31 of Delhi Preservation of Tree Act, 1994, call upon the person (s) mentioned below to appear before me **18.01.2023 at 11:00 AM** and in the event of failure to appear, the matter would be proceeded ex-parte.

DY. CONSERVATOR OF FOREST
WEST FOREST DIVISION

To,

1. The President, Vasant Vihar Welfare Association, Kalyan Kendar, 9 Poorvi Marg, Vasant Vihar, New Delhi-110057 with directions to present before me on the above said date and time.
2. The Deputy Director Horticulture, MCD, Green Park, New Delhi-110016 with directions to present before me on the above said date and time.

Copy to:

Conservator of Forests, Department of Forests & Wildlife, GNCTD, 2nd Floor, Vikas Bhawan, New Delhi – 110002 for kind information.

DY. CONSERVATOR OF FOREST
WEST FOREST DIVISION

ANNEXURE - 30

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

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FILED BY

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BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. …RESPONDENTS

REJOINDER ON BEHALF OF THE APPLICANTS TO THE SHORT AFFIDAVIT OF RESPONDENT NO. 4.

PRELIMINARY OBJECTIONS AND SUBMISSIONS

1. The present rejoinder affidavit (**"Rejoinder"**) is being filed by the Applicants to the short affidavit (**"Affidavit"**) filed by Respondent no. 4 (wrongly written as Respondent No. 2 in the Affidavit) to the original application (**"Original Application"**) filed by the Applicants. The Applicants deny each and every allegation, averment, contention and submission contained in the Affidavit, which is contrary to and/ or inconsistent with any averment and/ or statement made by the Applicants in the Original Application or made in the present Rejoinder. Nothing contained in the Affidavit should be deemed to be admitted by the Applicants

merely for want of specific denial and nothing may be construed as being admitted on the ground of non-traverse.

PRUNING DONE ON 16.01.2023 THROUGH PRIVATE CONTRACTOR

2. Before delving with the Affidavit filed by Respondent/MCD, it is pertinent to mention that R18 had commenced pruning of trees in Vasant Vihar on 16.01.2023, on its own and through a private contractor and in absence of any officer from the MCD. Applicants, also enquired about the pruning of trees from the persons who were pruning trees (Mr. Chanderpal and Mr. Subhash) and were informed that the pruning is being undertaken under instructions from R18/ R13 (President of R18), they are only a contractor and MCD will collect the green waste on its own. Applicants also made detailed enquiry about presence of any of the officers/ officials of the MCD; but none were present. The driver/ Mr. Subhash of the "skylift" first stated that he is an employee of PWD and later stated it to be MCD and upon further probing stated that he is a private contractor (and stated that he is not aware about the employer). Applicants also tried to make an enquiry with the local Horticulture Nursery/ office of MCD (located next to 25 Palam Marg, Vasant Vihar) and the officials

present at the office/ nursery of the MCD Horticulture refused to give any information regarding recommencement of pruning of trees. It also appeared that the said officials of the MCD were not aware about re-commencement of pruning of trees by R18 by engaging a private contractor. The photographs of the pruning being undertaken on 16.01.2023 are annexed with this Rejoinder as **Annexure A Colly** herein. It is further submitted that the said undertaking of pruning by R18 (through its office bearers) by engaging private contractor is contrary to/ in breach/ violation of this Hon'ble Tribunal's order dated 03.01.2023 and establishes the scant regard for law and also directions of this Hon'ble Tribunal by R12 to R17 (office bearers/ managing committee members of R18).

VAGUE AFFIDAVIT OF RESPONDENT NO. 4

3. At the outset, it is submitted that the said Affidavit has been intentionally kept vague only to mislead this Hon'ble Tribunal and not bring out/ state the actual facts and law. Respondent no. 4 by not filing a detailed affidavit has tried to wriggle out of its responsibility of stating the correct law and procedure to be adopted by the Respondent no. 4/ Respondent no. 2 being officers

of Municipal Corporation of Delhi (**"MCD"**). MCD, which is one of the land owning agency ought to have stated in explicit terms its responsibility towards pruning of trees, action to be initiated for felling/ cutting of trees, and the approval that was to be procured from the Respondent no. 3/ DCF and also state in unclear terms the approval, if any, granted to Respondent no. 18 for undertaking pruning of trees and deployment of its officers to supervise such pruning. Respondent no. 4 has failed to state compliance with provisions of the Delhi Preservation of Trees Act, 1984 (**"DPT Act"**) and impact on the environment for excessive/ illegal pruning of trees (in other words shaving up to 80% leaves from the trees).

4. The said Affidavit mentions about record of the department i.e. MCD, however, no record is filed to show that regular pruning was carried out in Vasant Vihar apart from vague statements/ conjectures. It is also pertinent to note that as per said Affidavit, pruning was carried out under the supervision of mali, supervisor (Choudhary) and section officer of the area of Horticulture Department of MCD. However, no document substantiating the same has been filed by the Respondent no. 4 which clearly

indicates that the said averment is nothing but an afterthought only to cover its inaction/ lack of action (especially after receiving several communications from the Applicants regarding cutting, pruning, felling of trees).

5. It is also important to bring to the notice of this Hon'ble Tribunal that in the said Affidavit (**in para 7**), Respondent no. 4 states that pruning was done *"...on demand of RWA..."*, however, no record of the department is filed along with said Affidavit to validate the said claim. The said statement is also in contradiction to the affidavit filed by the Respondent no. 18. Respondent no. 4 has not stated whether any application was received by them from Respondent no. 18 prior to 18.11.2022 with a request to prune trees in Vasant Vihar and the action taken on any such application/ communication/ letter. Respondent no. 4 has also failed to state when was the application/ communication with respect to pruning of trees and/ or supervision was received by the Respondent no. 4.

6. The Applicants submit that the present Rejoinder is being filed by the Applicants in order to assist this Hon'ble Tribunal and to bring out the complete and correct set of facts with respect to the false,

misleading, frivolous and incorrect statements/ submissions raised in the said Affidavit.

TERM 'FELLING' INCLUDES 'PRUNING'

7. In the said Affidavit, it has been categorically stated by Respondent no. 4 that for 15.7 centimetres *"...no permission is required."*. The said statement is without any merits in view of the following:

a) As per section 2 (h) of DPT Act, the term 'felling is defined in an inclusive way to include 'pollarding'/ 'pruning' **(see: Application No. 157 of 2016 titled as *Pradeep Indulkar v. Municipal Corporation for the city of Thane & Ors.*; Hon'ble National Green Tribunal, Western Zone).** It is also submitted that 'pollarding' is a pruning system; therefore, covering pruning within the ambit of section 2(h) of the DPT Act.

b) Section 8 of the DPT Act unambiguously states that "…no person shall fell or remove or dispose any forest produce in any land, whether in his township or occupancy or otherwise, ***except without prior permission of the tree officer."***.

c) Even the 'Form B', referred in the said Guidelines in terms of 'pruning', (clearly) only uses the term 'felling' and not 'pruning'. Therefore, a Form B that is required to be filled up by a land-owner (on whose land the tree that requires pruning) also refers to pruning in terms of 'felling'; which clearly establishes that even while framing the Guidelines it was understood that 'felling' covers and includes 'pruning'.

Thus, on the conjoint reading of DPT Act and said Guidelines, it is clear that the term 'felling includes 'pruning' and therefore for pruning of trees prior permission from the concerned horticulture department is mandatory.

8. Without prejudice to the above and without admitting, if the argument of Respondent no. 4 is admitted that no permission for pruning of trees up to 15.7 centimetres girth is required then it can only be concluded that the said Guidelines are not in conformity with the DPT Act. Although, it is mentioned that the Guidelines have been issued under the DPT Act; however the Guidelines do not mention the section/ provision under which the Deputy Conservator of Forests (HQ) has been authorised to issue such Guidelines. It is a settled principle in law that any authority/

government body cannot issue the guidelines/ notifications, if the governing/ parent statute does not provide for such a power. In other words, the power to issue guidelines cannot be arrogated by the Deputy Conservator of Forests (HQ), to itself if the parent statue does not expressly confer such power to the Deputy Conservator of Forests (HQ). Additionally, the Deputy Conservator of Forests (HQ), even if allowed (assuming and without admitting to the same), to issue such guidelines, cannot issue Guidelines which are de-hors the governing statute i.e. the DPT Act in the present case.

9. It is settled law that if the exercise of power is in the nature of subordinate legislation the exercise must conform to the provisions of the statute. All the conditions of the statute must be fulfilled. It is further well settled law that a notification/guideline cannot supersede the parent act.

10. It is also submitted that no person can be a judge in its own case; and therefore the interpretation of section 2(h) of the DPT Act and whether the Guidelines are in conformity of the DPT Act cannot be undertaken by the Respondent no. 4.

PROCEDURE FOR PERMISSION FOR PRUNING

11. Respondent no. 4 is trying to mislead the Hon'ble Tribunal by giving wrong interpretation to the said Guidelines issued by the Respondent no. 1. The steps to be followed in terms of the said Guidelines for pruning/felling of tree(s) is as follows:

Tabulation 1

CLAUSE 9	**CLAUSES 10 & 11**
STEP 1 If the tree is **inside the house/premises** which needs to be felled or pruned, then the said individual/ general public/ society/ RWAs.	**STEP 1** If the tree is **standing on Government land/ roads/ parks/ government property** which needs to be felled or pruned.
STEP 2 Application under **Form B** along with photographs, number of trees, etc. in question has to be sent to DCF/Tree Officer.	**STEP 2** Letter (on a plain piece of paper) to be sent to the Deputy Director (Horticulture) of the land-owning agency.
N/A	**STEP 3** The Deputy Director (Horticulture) of the land-owning agency shall forward it to the DCF by way of **Form B**.
STEP 4 After receiving Form B, the DCF shall proceed with the **inspection of the tree(s)**	
STEP 5	

After inspection, the permission or otherwise is communicated by concerned DCF within 60 days.

12. After combined reading of clauses 5 to 11 of the said Guidelines it is clear that:

    a) **For "regular pruning":** no permission is required. However, same is to be done by civic agencies at regular intervals and not on the asking of any person/ individual/ RWA and not by any private individual **(see clause 5)**.

    b) **For "light pruning and heavy pruning":** permission is mandatory **(see clause 5)**. However, pruning can only be done by land-owing agency if it is standing on the government land **(see clause 7)**.

13. It is important to note that **clause 5** has no bearing on **clauses 9 to 11** as **clauses 9 to 11** clearly states that **if the individual, RWA, etc. wants to get the trees pruned then they have to apply for permissions which will be granted after inspection**. Whereas, 'no permission' for 'regular pruning' in clause 5 is only for civic agencies (MCD, DDA, etc. as it is their duty to prune the trees at regular interval). Even if for the sake of argument (without admitting) it is to be assumed that pruning of trees is completely/ wholly covered under Clause 5; then there is **no** purpose of having

Clause 9 to 11 in the Guidelines (because clauses 9 to 11 will never get triggered/applied by any civic agency). Further, the civic agencies and concerned land-owing agency apart from pruning to be done at regular intervals might not know as to in which area the pruning is to be done or in which area pruning was conducted by the land owing agency/ property owner and to what extent the trees were pruned unless the individual, RWA, etc. applies for permission. Thus, it is crystal clear that inspection followed by permission by concerned DCF is mandatory in terms of the said Guidelines to prune the trees.

DUTY OF LAND OWING AGENCIES TO CARRY OUT PRUNING

14. It is an admitted position that in the present case pruning of trees was being carried out on the land owned by either MCD or Public Works Department (**"PWD"**) or Delhi Development Authority (**"DDA"**). In terms of clause 7 of the said Guidelines, pruning is to be done by the concerned land owing agency and not by any private individual. Therefore, the contention of Respondent no. 4 that pruning was carried out under the supervision of "…*Mali, Supervisor (Choudhary) and Section House Officer of the area of*

Horticulture Department South Zone/ MCD." is of no avail as it was the duty of land owing agency to carry out pruning and not of any private contractor. Even otherwise, no record has been filed to show that pruning was carried out under any supervision and no statements have been made with respect to cutting and felling of trees in Vasant Vihar (which were in the knowledge of Respondent no. 4).

CONTRADICTION IN THE STAND OF RESPONDENT NO. 4 AND RESPONDENT NO. 18

15. From the bare perusal of the said Affidavit and reply of Respondent no. 18 dated 02.01.2023 (**"Reply"**) it is evident that the stand of Respondent no. 4 in the said Affidavit and stand of Respondent no. 18 in the said Reply is contradictory to each other. The statements made therein are nothing but an afterthought.

NO RESPONSE TO THE COMPLAINTS OF THE APPLICANTS

16. It is pertinent to submit that Applicant No. 1 had filed a complaint dated 28.10.2022 before the Respondent no. 2, Respondent no. 4 and Respondent No. 11 apart from officer of MCD stating that the trees have been cut/ felled without prior permission of the concerned department (**Annexure A-2** of the Original

Application). However, no response from the side of the Respondent no. 2/MCD to the said complaint was received by the Applicant No. 1. Further, the said Affidavit is completely silent about the said complaint dated 28.10.2022. In terms of section 22 of the DPT Act it is the duty of every officer (including Police and Department of Horticulture) to inform Respondent no. 3 about any violation of section 8 of the DPT Act. Therefore, the Applicants having already complained of the illegal acts of cutting and felling of trees, barely 40 meters away from the MCD's Horticulture office, Respondent no. 4 ought to have stated the same on the Affidavit and merely not sought the directions of this Hon'ble Tribunal to file a detailed affidavit, if directed. Respondent no. 4 being an officer of Department of Horticulture, MCD is bound to state facts and law in unambiguous and unbiased manner before this Hon'ble Tribunal.

17. Moreover, Applicant no. 3 (on 21.11.2022) had filed an application under the Right to Information Act, 2005 with MCD (South) seeking the information with respect to permissions granted to Respondent no. 18 for pruning of trees from 2018 to 2022, etc (**Annexure A-5** of the Original Application). However,

no response to the said RTI has been received and even the said Affidavit does not whisper about the same.

18. Apart from the above, 2 complaints dated 21.11.2022 (**Annexure A-6** of the Original Application) and 28.11.2022 (**Annexure A-10** of the Original Application) were also written by the Applicants to the Respondent no. 4 and Respondent no. 2 to look into the illegal acts of pruning of trees being carried out in Vasant Vihar. However, even the same went to deaf ears which clearly indicates that Respondent no. 4 is trying to hide its own inaction/ lack of action.

PARA WISE REPLY

1. The contents of para 1 of the Affidavit under Rejoinder are a matter of record and needs no reply. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

2. The contents of para 2 of the Affidavit under Rejoinder are a matter of record and needs no reply. The averments made in the Original Application and the preliminary submissions herein may

be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

3. The contents of para 3 of the Affidavit under Rejoinder are a matter of record and needs no reply. However, it will be pertinent to submit that a detailed reply to the Original Application must be filed before this Hon'ble Tribunal to bring out the true and correct statements/ facts for just proper adjudication of the Original Application. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

4. The contents of para 4 of the Affidavit under Rejoinder need no reply. It is submitted that mere vague denial is no denial.

5. The contents of para 5 of the Affidavit under Rejoinder are a matter of record and needs no reply.

6. The contents of para 6 of the Affidavit under Rejoinder are wrong, false and are vehemently denied. It is denied that no permission is required for regular pruning of trees up to 15.7 cm girth. The

averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

7. The contents of para 7 of the Affidavit under Rejoinder are wrong and vehemently denied. It is denied that on the demand of the RWA concerned the exercise of regular pruning has been undertaken/carried out under the supervision of Mali, Supervisor (Choudhary) and Section House Officer of the area of Horticulture Department South Zone/ MCD. It is further denied that regular pruning of the trees up to 15.7 cm girth was being carried out or that for regular pruning no permission is required. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

8. The contents of para 8 of the Affidavit under Rejoinder are denied for being false and motivated. It is denied that during 21.11.2022 and 20.12.2022, pruning was carried out under any supervision of MCD. The photograph claimed to be attached as Annexure-A

Colly has neither been filed by the Respondent no. 4 nor supplied to the Applicants. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

9. The contents of para 9 of the Affidavit under Rejoinder are not in the knowledge of the Applicants and hence are specifically denied. Respondent No. 4 is put to strict proof of the same. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

PRAYER

In view of above facts and circumstance it is most respectfully prayed that this Hon'ble Tribunal may

(a) Strike-off the Affidavit filed by Respondent no. 4 and direct them to file a detailed affidavit on all issues as highlighted in the Original Application and/or

(b) Allow the prayers sought by the Applicants in the Original Application.

Pass such other further order/s as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

APPLICANT NO. 1

APPLICANT NO. 2

APPLICANT NO. 3

THROUGH

ANU MONGA
ANANTLAW
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BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Prof. Dr. Sanjeev Bagai aged about 57 year, S/o Late Mr. M.K. Bagai, having its residence at 43 Poorvi Marg, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.
2. That the contents of the accompanying rejoinder are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying rejoinder may kindly be read as part of the present affidavit.

DEPONENT

who has signed in my presence

VERIFICATION

Verified at New Delhi on this 17 day of JAN 2023, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

NOTARY R.V. SINGH GOVT. OF INDIA

Solemnly affirmed before me, read over & explained

Notary Public, DELHI

17 JAN 2023

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,

GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Rajit Kumar aged about 70 year, having its residence at A-10/7, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 2 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.
2. That the contents of the accompanying rejoinder are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying rejoinder may kindly be read as part of the present affidavit.

Rajit Kumar
DEPONENT

I identify the deponent who has signed in my presence

VERIFICATION

Verified at New Delhi on this 11 day of JAN 2023, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

Rajit Kumar
DEPONENT

NOTARY R.V. SINGH Advocate Regn. No. 2282 Commission Expiration 24-10-2027 Area-Delhi GOVT. OF INDIA

Solemnly affirmed before me, read over & explained to the deponent

Notary Public, DELHI

17 JAN 2023

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,

GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Vivek Tandon aged about 59 year, having its residence at E-9/9, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 3 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.
2. That the contents of the accompanying rejoinder are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying rejoinder may kindly be read as part of the present affidavit.

DEPONENT

I identify the deponent/executant who has signed in my presence

VERIFICATION

Verified at New Delhi on this 17 JAN 2023 day of _____, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

NOTARY R.V. SINGH ... 24-10-2027 Area-Delhi GOVT. OF INDIA

Solemnly affirmed before me on ... Over & explained ...

Notary Public, DELHI

17 JAN 2023

ANNEXURE A

1202 632 623




DL-1L
AD-8267


CARGO MOTORS
DL 1LA
D8267
TATA
DL 1L
AD-8267



BEFORE THE NATIONAL GREEN TRIBUNAL
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BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. …RESPONDENTS

REJOINDER ON BEHALF OF THE APPLICANTS TO THE REPLY OF RESPONDENT NO. 18/ VASANT VIHAR WELFARE ASSOCIATION (VVWA) DATED 02.01.2023.

PRELIMINARY OBJECTIONS AND SUBMISSIONS

1. The present rejoinder (**"Rejoinder"**) is being filed in order to assist the Hon'ble Tribunal and to bring out the complete and correct facts against false, self-contradictory, misleading, frivolous, and incorrect statements/ submissions made in the reply dated 02.01.2023 of Respondent No. 18 **("R18")** (**"R18's Reply"/ "Reply"**) to the captioned original application (**"Original Application"**). The present Rejoinder may be read along with the application under section 340 read with section 195(1)(b) Code of Criminal Procedure, 1973 towards the same before this Hon'ble Tribunal filed by the

Applicants, separately, before this Hon'ble Tribunal. The Applicants deny each and every allegation, averment, contention and submission contained in the R18's Reply. Nothing contained in the R18's Reply should be deemed to be admitted by the Applicants merely for want of specific denial and nothing may be construed as being admitted on the ground of non-traverse.

2. Before delving with the Reply filed by R18, it is pertinent to mention that R18 had commenced pruning of trees in Vasant Vihar on 16.01.2023, on its own and through a private contractor and in absence of any officer from the MCD. Applicants, also enquired about the pruning of trees from the persons who were pruning trees (Mr. Chanderpal and Mr. Subhash) and were informed that the pruning is being undertaken under instructions from R18/ R13 (President of R18), they are only a contractor and MCD will collect the green waste on its own. Applicants also made detailed enquiry about presence of any of the officers/ officials of the MCD; but none were present. The driver/ Mr. Subhash of the "skylift" first stated that he is an employee of PWD and later stated it to be MCD and upon further probing stated that he is a private contractor (and stated that he is not aware about the employer). Applicants also tried to make an enquiry with the local

Horticulture Nursery/ office of MCD (located next to 25 Palam Marg, Vasant Vihar) and the officials present at the office/ nursery of the MCD Horticulture refused to give any information regarding recommencement of pruning of trees. It also appeared that the said officials of the MCD were not aware about re-commencement of pruning of trees by R18 by engaging a private contractor. The photographs of the pruning being undertaken on 16.01.2023 are annexed with this Rejoinder as **Annexure A**. It is further submitted that the said undertaking of pruning by R18 (through its office bearers) by engaging private contractor is contrary to/ in breach/ violation of this Hon'ble Tribunal's order dated 03.01.2023 and establishes the scant regard for law and also directions of this Hon'ble Tribunal by R12 to R17 (office bearers/ managing committee members of R18).

3. At the outset, it is submitted that the Reply is nothing more than a conjunction of fabricated and untrue statements which have been said without an iota of truth or evidence in its support. The Reply is entirely vague, concocted, sham and bogus. Upon simple reading of the Reply, it is evident that R18 has tried to mislead this Hon'ble Tribunal by stating contradictory facts and infact built variety of

cooked up and imaginary events, which are far from reality and R18's (R12 to R17's) statements in public domain. Therefore, R18 (through its office bearers (i.e. R13 to R17) and/ or its managing committee (i.e. R12 to R17 along with other members of the managing committee) has rendered itself liable for the acts of perjury and contempt of court. Applicant has filed a separate application under section 340 read with section 195(1)(b) Code of Criminal Procedure, 1973 towards the same before this Hon'ble Tribunal. Applicant seeks liberty to place reliance on the said application for the purposes of this Rejoinder/ Original Application before this Hon'ble Tribunal.

4. ***Firstly***, in its Reply R18, purposefully fails to state whether the pruning was conducted/ undertaken by Municipal Corporation of Delhi ("**MCD**") or Public Works Department **("PWD")** or the same was undertaken by R18 or the same was conducted through a private contractor (engaged by R18 or MCD/ PWD) or supervised by MCD and PWD. This Hon'ble Tribunal during the hearing on 23.12.2022 had specifically asked the R1/GNCTD (who had joined the hearing through online/ virtual mode) and they did not answer the said question as posed by this Hon'ble Tribunal. However, during the course of hearing on 3.01.2023, R13 (President of R18 Mr. GS

Bindra) made statement to the effect that it is VVWA/ R18 that is carrying out the pruning and is also financing the same/ bearing the cost of the same. R13/ President of R18/ Mr. GS Bindra's statement is also recorded in the order dated 3.01.2023 of this Hon'ble Tribunal. It is submitted that R18 has been caught in the web of multiple lies/ false stories/ contradictory statements.

5. Surprisingly, R18 in their Reply (also signed by R13/ President of R18) have taken contradictory stands in comparison to the public communications/ statements (made by their office bearers including R12 to R17). The same has been shown in the tabulation herein below:

Tabulation 1

<table>
<tr><td colspan="2">I. R18 issued contradictory statements/ letters/ applications with respect to pruning of trees being undertaken by R18 itself.
However, R18 Reply mentions:
1) pruning is being undertaken by R18 under supervision of MCD;
2) pruning is being undertaken by MCD and PWD; and
3) pruning is being undertaken by MCD with support from R18</td></tr>
<tr><td>R18 REPLY</td><td>Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7</td></tr>
</table>

Para I(7) page 4 of R18 Reply "*The pruning is being undertaken by the Municipal Corporation of Delhi in compliance of order dated 21.12.2022 of this Hon'ble Tribunal.*" **Para II(2) page 5 of R18 Reply** "*The pruning had been done within the boundary of law and under the supervision and control of the appropriate authorities.*" **Para III(2) page 5 of R18 Reply** "*It is stated that no pruning of more than 15.7 cm was undertaken by the answering Respondent*" **Para III(3) page 6 of R18 Reply** *"3…It is reiterated that pruning was done with the approval and under the control and supervision of the concerned authorities…"* **Para III(4) page 6 of R18 Reply** "*… pruning which was undertaken under the supervision and control of the appropriate authorities…*" **Para IV(2) page 9 of R18 Reply** "*It is again reiterated that the activity of pruning undertaken by the Respondent No.5 was as per law and under the active supervision and control of the concerned authorities and its officers.*"	**WhatsApp message dated 18.11.2022** **[Annexure A-3 to Original Application]** "*…We had been following up the matter with MCD, but they do not have the means to carry out pruning at this scale. SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES*" "*...1. VVWA has engaged the services of a skylift on hire charges. Chandrapal who recently retires from MCD, has been engaged to carry out the pruning"…* *"5. The work shall be supervised by the block representatives and they may be contacted for any issue."* **WhatsApp message dated 21.11.2022** **[Annexure B herein]** "*Dear Residents, Pruning is successfully started from F block today. Permission has been granted from govt. in writing. Horticulture team along with its seniors are there with sky lift*" **R18 Letter dated 01.12.2022 to R3/ DCF** **[Annexure R-1 of Reply to Original Application]** "*…we are carrying out pruning of our trees in Vasant Vihar…*"

Para IV(3) page 10 of R18 Reply *"…it is reiterated that pruning was undertaken under the active supervision and control of the concerned authority and ancillary services were facilitated by the Respondent No. 18."* **Para V page 11 of R18 Reply** *"…pursuant to the order dated 21.12.2022 passed by this Hon'ble Tribunal, the Municipal Corporation Delhi has undertaken the work of pruning and there exists no involvement of the Respondent No. 18 in the same."*	"*…in no case would the pruning be greater than 15.5 cms be carried out*" **R18 Notice to residents dated 23.12.2022** **(Annexure C herein)** *"…Pruning is being carried out by VVWA in the larger interest of the residents…"* **WhatsApp message dated 23.12.2022 of R18 MC member *(after the first hearing before the Hon'ble NGT)*** **[Annexure D (Colly) herein]** *"Pruning was being dine by mcd only* *We were facilitating with sky lift as we have big trees"* **Short affidavit of R4** **PARA 7** *"That as per record of the department, the said regular pruning has been undertaken/ carried out w.e.f 21/11/2022 till 20/12/2022 under the supervision of the said officers."*

Tabulation 2

II.	**R18 issued contradictory statements/ letters/ applications with respect to permission granted/ awaited for pruning of trees.** However, R18 Reply mentions: 1) pruning is being undertaken with the approval; 2) no approval required for pruning.

R18 REPLY	**Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7**
Para I(2) page 2 of R18 Reply *"…For pruning upto 15 cms of grith, no permission is required."* **Para III(3) page 6 of R18 Reply** *"3…It is reiterated that pruning was done with the approval and under the control and supervision of the concerned authorities…"* **Para IV(2) page 9 of R18 Reply** *"…for regular pruning/ general trending up to 15.7 cm, no permission is required…"* **Para IV(2) page 9 of R18 Reply** *"…pruning is not in violation of any model of conduct and for pruning of up to 15.7 cms, no permission is also required to be taken …"*	**Letter dated 21.11.2022, to R7/ Asst Director Horticulture, MCD** **[Annexure A-7 of Original Application]** "*…The matter has been discussed at various levels of MCD and there is no ambiguity on the issue that pruning needs to be carried out."* *"…we would request you to give us permission to carry this out."* **WhatsApp message dated 17.12.2022** **[Annexure- E herein]** *"Anything on A 10 will be done We will not do vasant marg side till we have permission…"* **WhatsApp message dated 19.12.2022** **[Annexure- F (Colly) herein]** *"As far as pruning for A9 is concerned, that comes under PWD scheme. Our office bearers are in the process of acquiring permissions from authorities."* *"Yes PWD we are in process of talking this permission"* **WhatsApp messages dated 20.12.2022** **[Annexure- G herein]**

	"A9 street comes under PWD so we have not received any permissions for tree pruning A9 street. *Office is working on the permissions. Updates on the same will come next week."* **Another message** *"Yes. We are pursuing that"*

Tabulation 3

III. R18 issued contradictory statements/ letters/ applications with respect to hiring private contractor to carry out pruning. However, R18 Reply mentions private contractor was not undertaking pruning	
R18 REPLY	**Communications by R18 to residents of Vasant Vihar**
Para III(4) page 6 of R18 Reply *"4…it is denied that pruning was undertaken by private contractor. Respondent No. 18 had only provided the facility of the skylift for carrying out the work of pruning which was undertaken under the supervision and control of the appropriate authorities…"* 3rd line at Page 7: *"…it is categorically denied that huge amount of money was being spent on private contractors for this purpose."* **Para III(6) page 8 of R18 Reply** *"It is denied that any private agency was involved for any illegal or unlawful activity by the answering Respondent."*	**WhatsApp message dated 18.11.2022** **Annexure-3 to Original Application** "*…We had been following up the matter with MCD, but they do not have the means to carry out pruning at this scale. SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES*" *"…1. VVWA has engaged the services of a skylift on hire charges. Chandrapal who recently retires from MCD, has been engaged to carry out the pruning"…* *"8. The expenses on the whole exercise shall be met out of the*

Para IV(3) page 10 of R18 Reply *"It is denied that pruning was carried on by private contractors by the Respondent No.18…"* **Hon'ble NGT's Order dated 3.01.2022 Mr. GS Bindra admitted before this Hon'ble Tribunal that VVWA/ R18 paid for pruning. This statement recorded in NGT's order is at variance with R18 Reply under affidavit before this Hon'ble Tribunal** – *"Para 9…on earlier occasions also pruning was done on requests made by residents as per decision taken in the meetings of office bearers of the above association including applicant no.3 and expenses for the same were borne by the above said association"*	*money collected from the yearly Subscriptions"* **R18's minutes (annexed as Annexure H herein)** *"It is proposed to engage a Skylift for the necessary period of 2-3 months. Shri Chander Pal who was previously employed with MCD till he retired has been engaged to carryout this pruning…"* **R18's Letter to R7 dated 21.11.2022 [Annexure A-7 of the Original Application]** *"VVWA is in the process of arranging a Trolley to handle the green waste. We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis. The entire expense for the exercise will be borne by VVWA."*

Tabulation 4

IV.	**R18 issued contradictory statements/ letters/ applications with respect to suspension of pruning owing to letters sent by the Applicants.** However, R18 Reply mentions that the pruning was not suspended on 24.11.2022

R18 REPLY	Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7
Para III(4) page 7 of R18 Reply *"4…It is however denied that pruning was suspended on 24.11.2022 on the plea that few residents had raised concerns regarding prior approval of pruning of trees…"*	**WhatsApp message dated 24.11.2022** **[Annexure I herein]** *"…6. In view of this, we are constrained to temporarily suspend the pruning process till the matter is clarified."* **WhatsApp message dated 25.11.2022** **Annexure A-9 of Original Application** *"Pruning of trees has just recommenced."*

Tabulation 5

V.	**R18 issued contradictory statements/ letters/ applications with respect to pruning undertaken from 21.11.2022 is less than 15.7 cms in girth size.** However, R18 Reply fails to mention that several trees were felled/ cut and the same was fully known to R13 i.e. the signatory of R18 Reply.
R18 REPLY	**Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7**
Para III(2) page 5 of R18 Reply *"…no pruning of more than 15.7 cms was undertaken by the answering Respondent…"*	**Letter dated 01.12.2022 sent to R3 and R7** **(Annexure R-1 of the Reply)** "*…in no case would the pruning be greater than 15.5 cms be carried out*"

	WhatsApp messages dated 22.12.2022 from residents of vasant vihar – complaints on excessive and lopsided pruning [Annexure J Colly herein] "*A walk on A10/A11 will tell you that this tree trimming contractor Chanderpal is trimming as per his whims only and no rules or logic or with underhand dealings because some trees are barely trimmed and some were chopped 50% or more, he left trees in front of my house with almost no trimming but would not trim a branch or two hanging over the plot and in next half hour in next house A11/22 he chopped the tree right upto 40' height from all over to more than 60% and almost denuded it.*" "*Yes driving down A10 Street I also noted some trees not pruned properly at all.*" **WhatsApp message dated 23.12.2022 – complaints on excessive and lopsided pruning [Annexure- D (Colly) herein]** "*Pruning is necessary. No denying that.* *But in many cases it has been excessive*" **Reply to above message by R12/MC of R18** "*I m sorry lop sided i also said But excessive no*"

Tabulation 6

VI. R18 issued contradictory statements/ letters/ applications with respect to handling/ shredding of the green waste. However, R18 Reply states that the green waste is being removed by MCD.	
R18 REPLY	**Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7**
Para IV(3) page 10 of R18 Reply *"…It is also submitted that all the wood/ lops/ tops that are created by the pruning, are being removed by Municipal Corporation of Delhi in their vehicles to their nursery for onward use as they deem fit and as per the norms and rules…"*	**R18's minutes (annexed as Annexure- H herein)** *"It may be necessary for us to purchase a trolley for carriage of green waste. The necessary quotation and prices are available for approval.* *…* *Shredder on hire – 4000/= per day"* **R18's Letter to R7 dated 21.11.2022** **[Annexure A-7 of the Original Application]** *"VVWA is in the process of arranging a Trolley to handle the green waste. We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis.* *The entire expense for the exercise will be borne by VVWA."*

	WhatsApp message dated 19.12.2022 **[Annexure- F (Colly) herein]** "*…As for its green waste, we are arranging a pick-up for today for the lanes, which have already been pruned."* **WhatsApp message dated 24.12.2022** **[Annexure- K (Colly) herein]** "*…The whole exercise is being done with a MCD staff present and they are the ones clearing all green waste."* **Short affidavit of R4** **Para 7** *"That as per record of the department, the said regular pruning has been undertaken/ carried out w.e.f 21/11/2022 till 20/12/2022 under the supervision of the said officers."*

6. In the self-contradictory and malicious Reply filed by the R18 they have absolutely failed to provide any clarity as to who conducted the pruning from 21.11.2022 till 21.12.2022. The R18 has also intentionally not disclosed whether they have taken any permission for pruning of trees from the concerned horticulture department and the reasons for not requesting MCD and/ or PWD to undertake pruning in Vasant Vihar.

7. It must also be noted that in para 4 , reply to the facts in brief of the Reply, R18 has categorically stated that no significant amounts have been spent by R18 on pruning of trees. However, before this Hon'ble Tribunal, R13 (President of R18) stated that Rs. 5 lakhs have been spent by R18 on pruning of trees (and the similar amounts have been spent in the previous years – without anyone raising any objection). The same establishes the intent of R18 not to come clean before this Hon'ble Tribunal and make contradictory statements. Further, during the oral submissions R13 (President of R18) tried to mislead this Hon'ble Tribunal by raising false yet insignificant issue that the Applicant have filed the present Original Application for political gains and all the tree applicants have contested elections against the present managing committee of the R18 and lost the elections. It is most humbly submitted that the above statement made by R13/ President of R18) is a blatant lie and also not pleaded in its Reply. Moreover, the same has no bearing on the issues as raised by the Applicants in the Original Application which pertain to holding R18 (and other Respondents) accountable for their illegal actions/ inaction leading to excessive pruning of trees in Vasant Vihar (being

undertaken without permission), resultantly causing environmental damage (especially when the pollution AQI levels were around 500).

8. Apart from the above, R18 has also deliberately tried to dodge from the true facts put forth by the Applicants before this Hon'ble Tribunal. It can be ascertained from the bogus Reply filed by the R18 that no legal process in terms of guidelines bearing no. F.no.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 for pruning of trees ("**Guidelines**") was ever followed before and at the time of pruning of trees. It is also again submitted that R18 is abusing the process of law by filing frivolous replies, making false and misleading statements.

9. R18 has on one hand **(in para 2, page 9 of the Reply)** stated that pruning was undertaken by Respondent No. 5 i.e. Deputy Director, Department of Horticulture, PWD, Government of NCT of Delhi, whereas in letter dated 01.12.2022 (filed by R18 itself) and **paras 1 and 2, page 5** it is written that pruning is being carried out by R18. Apart from that in **para 7, page 4 of the Reply** it is stated that pruning was undertaken by the MCD. The wrong and false averments in the R18's Reply is a calculated attempt to supersede the law of the land

and completely disregard the rules and regulations framed by the authorities.

10. Furthermore, in **para 4, page 6** of the Reply, R18 has stated that they had only provided with the facility of 'skylift' for carrying out the work, whereas on a perusal of the WhatsApp communication **(Page 17 of Original Application)** sent to the residents of Vasant Vihar, it has been stated by Respondent No. 14 that *"we had been following up the matter with MCD, but they do not have means to carry out pruning at this scale. *SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES.*"*

11. Shockingly, Respondent No. 4 in their short affidavit filed before this Hon'ble Tribunal has submitted **(in para 7)** that as per their records pruning has been undertaken in Vasant Vihar from 21.11.2022 till 20.12.2022 under supervision of some officers (i.e. Mali, Supervisor Choudhary and Section Officer of the area of Horticulture Department South Zone/ MCD). Whereas, R18 has submitted in their Reply **(in para 7, page 4)** that *"...pruning is being undertaken by the MCD in compliance of the order 21.12.2022 of this Hon'ble Tribunal."*.

12. The R18 is lying on oath is also evident from the fact that at para 8 of the short affidavit of Respondent No. 4, MCD concluded the pruning on 20.12.2022. Whereas, as per R18 Reply **(para 7, page 4)** pruning is being done by MCD even after 21.12.2022. Therefore, it is unclear as to what is the actual position as the stands taken by R18 and Respondent No. 4 are contradictory. It is therefore prayed before this Hon'ble Tribunal that R18 be directed to file before this Hon'ble Tribunal all the letters/ communications/ documents, etc. sent by them to the concerned horticulture department of MCD, PWD, Delhi Development Authority.

13. It will be pertinent to note that the Hon'ble NGT in their various decisions have observed that the term 'felling' includes 'pruning'. Moreover, the Guidelines talk about the process and relevant forms to be submitted for obtaining requisite permissions to prune a tree and the Form-B attached to the Guidelines also refers to seeking permission to '*fell*' a tree. Thus in a nutshell even the Department of Forests and Wildlife Govt. NCT of Delhi while framing the Guidelines had taken into consideration and also agreed on the fact that 'felling' includes 'pruning'.

14. On a simple reading of section 22 of the DPT Act, it states that, "*It shall be the duty of every Forest Officer, Panchayat Secretary, Police Constable or any officer superior to him and every officer of the Department of Agriculture, Horticulture, Block Development and Revenue (a) to give immediate information coming to his knowledge of any contravention of section 8 and of preparation to commit such contravention to the Tree Officer or the Deputy Conservator of Forests; (b) to take all reasonable measures in his power to prevent such contravention which he may know or has reason to believe that it is about or likely to be committed*". In consonance with the above legal position, a complaint was lodged by Applicant to Respondent Nos. 2, 4, 8, 10 and 11 on 28.10.2022 for illegal felling of trees (with photographs thereof). The same is annexed as Annexure A-2 to the Original Application). Further, the Applicant also made complaints to Respondent No. 2, 4, 11 and 18 vide letter dated 21.11.2022 and 28.11.2022 (**Annexures** – A-4, **A-6** and **A-10 of the Original Application** respectively) against illegal pruning being conducted by R18. It was therefore the duty of the above named Respondents to act in accordance with the DPT Act and seek urgent involvement on the issue from the DCF (West) on immediate basis, but the same was (apparently) not complied with.

15. ***Secondly***, R18 is trying to mislead the Hon'ble Tribunal by giving wrong interpretation to the said Guidelines issued by the Respondent No. 1 (while its own communications to the residents of Vasant Vihar and to MCD/ PWD was that the approval is required/ approval has not been granted). If no approval was required for pruning then why did R18 seek approval for pruning from MCD and PWD; and subsequently upon concerns being raised by Applicants why was pruning stopped/ halted on 24.11.2022. It is submitted that the steps to be followed in terms of the said Guidelines for pruning/felling of tree(s) is as follows:

i. Definition of 'tree' under section 2(i) of the DPT Act:

"Tree" means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than 5 centimeter in diameter at a height of 30 centimeter form the ground level and is not less than 1 meter in height form the ground level.

Summarily, as per the DPT Act, a woody plant would qualify as "Tree" if it fulfils following:

(a) trunk or body is not less than 5 centimeters in diameter (*or 15.7* centimeters *in circumference*) at a height of 30 centimeters form the ground level and

(b) is not less than 1 mtr in height form the ground level.

ii. Further, section 8 of the DPT Act states the following:

> *"8. Restrictions on felling and removal of trees – Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer. …."*

It is pertinent to note two (2) important aspects of section 8 of the DPT Act:

(a) Section 8 begins with a non-obstante clause and therefore overwrites jurisdiction onto itself in so far as the subject provision is concerned – including over "*…in any custom or usage or contract and except as provided in this Act…*" The import of the above words is not to be taken lightly,

but to be understood strictly, to mean that section 8 of the DPT Act is to take precedence and shall supersede all.

(b) *SECONDLY, as per section 8 of the DPT Act,* No person shall fell or remove or dispose of any tree, except with the previous permission of the Tree Officer.

iii. There is no disagreement that 'felling' under section 8 includes "pruning"

iv. In Conclusion the intention of the legislation was clear:

(a) Tree = trunk above 30 centimeters from ground if measures 15.7 centimeters in girth by circumference (or 5 centimeters by diameter); and

(b) NO TREE Can be felled/ pruned except with permission of Tree Officer as required under Section 8 of the DPT Act.

Tabulation 7

CLAUSE 9	CLAUSES 10 & 11
STEP 1 If the tree is **inside the house/premises** which needs to be felled or pruned, then the said individual/ general public/ society/ RWAs.	**STEP 1** If the tree is **standing on Government land/ roads/ parks/ government property** which needs to be felled or pruned.

STEP 2 Application under **Form B** along with photographs, number of trees, etc. in question has to be sent to DCF/Tree Officer.	**STEP 2** Letter (on a plain piece of paper) to be sent to the Deputy Director (Horticulture) of the land-owning agency.
N/A	**STEP 3** The Deputy Director (Horticulture) of the land-owning agency shall forward it to the DCF by way of **Form B**.
STEP 4 After receiving Form B, the DCF shall proceed with the **inspection of the tree(s)**	
STEP 5 After inspection, the permission or otherwise is communicated by concerned DCF within 60 days.	

16. After combined reading of clauses 5 to 11 of the said Guidelines it is clear that:

a) It is important to note that **clause 5** has no bearing on **clauses 9 to 11** as **clauses 9 to 11** clearly states that if the individual, RWA, etc. wants to get the trees pruned then they have to apply for permissions which will be granted after inspection by the tree officer. Thus, it is crystal clear that permission is mandatory even in terms of the said Guidelines to prune the trees.

17. Even the alleged letter dated 01.12.2022 sent to the DCF by the R18 have no relevance or sanctity in law. It is submitted that the R18 cannot make own rules and procedures with respect to the issues which come under the jurisdiction and control of the civic agencies. R18 ought to have followed the legal procedure.

18. Further, as per section 9(2) of the DPT Act, once the request for cutting, felling and pruning of trees is received by the concerned authority, the concerned tree officer may, after inspecting the tree(s) and holding an enquiry as (s)he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing, refuse permission for pruning of trees. The sum and substance of section 9(2) of the DPT Act conveys the intention of the legislature to ensure that there will be prior enquiry and inspection for each request for cutting, felling, and pruning of tree(s) – which inspection and enquiry may or may not result in permission in full or part permission for cutting, felling, and pruning of trees. Admittedly, it is an admitted fact there was no inspection of the trees that were pruned and hence, the said activity was unlawful. The said unlawful act has resulted in serious harm and injury to the environment as healthy trees have been cut/ excessively pruned. Trees have to be pruned without causing any

damage to it as trees are indispensable ingredients of environment and play a significant role in keeping environment pollution free and safeguard all from irreparable environmental changes like global warming, caused due to imbalance in environment.

19. It is also pertinent to point to this Hon'ble Tribunal that the Respondent No. 18 is intentionally trying to confuse the two issues of:

(a) Regular, light and Heavy Pruning on one hand; and

(b) Excessive Pruning on the other hand.

20. While the above paras of this rejoinder form the Applicants prove beyond reasonable doubt that the R18 is guilty of undertaking pruning in absence of any permission thereto, thereby making the exercise of undertaking pruning with the aid of private contractors, itself illegal; but the Applicants have also repeatedly pointed during hearing that R18 is undertaking excessive pruning, amounting to butchering trees and causing environmental damage.

21. In terms of the definitions 'excessive pruning' is said to be undertaken when more than one-third of the canopy of a tree is chopped off.

"Excessive pruning means the removal of more than one-third of the tree canopy or cutting back the limbs to a point that prevents the natural growth of the tree." [From Law Insider]

22. The pictures of the excessive and lop-sided pruning undertaken by R18 are attached herein for the ready perusal of this Hon'ble Tribunal as **Annexure L**.

23. The illegal acts and lies of R18 are also clear from the fact that at one place the stand of the R18 is that trees are getting pruned for less than 15.7 centimetres girth size and therefore it does not require permission whereas, on the other hand R18 **(in para 3 page 6)** states that pruning was done with approval. However, no approval has been filed by R18 with its Reply.

24. It is also important to note that even the photographs filed by the Applicants (at pages 110-114 of the Original Application) clearly show that the trees which were pruned are of girth way over than 15.7 centimeters. Apart from that, even after closely looking at the photographs filed by the R18 itself (at page 18) it is clear that the tree pruned (which the R18 claims to be less than 15.7 centimeters) is

more than 15.7 centimeters. Even otherwise, the Applicants are filing more photographs **(**annexed as **Annexure-L)** to demonstrate the illegal acts of undertaking illegal and excessive pruning of trees. Even otherwise, it is again reiterated that 15.7 centimeters girth size of branches has no relevance to the facts of the present case as it is mandatory to take permission (as already explained above) for pruning any "tree" above 15.7 centimeters in girth size of trunk.

25. It is further submitted that this Hon'ble Tribunal (West Zone, Pune) in ***Pradeep Indulkar v. Municipal Corporation for the city of Thane and others*** *(Application No. 157 of 2016)* held that *"...if any person including an Officer of the Urban Local Authority, State Govt. or Central Govt. proposes to fell a tree, he shall apply in writing to the Tree Authority for permission in that behalf. An elaborate procedure to deal with such Application is prescribed by law in the manner aforesaid.*

26. It is also a trite law that a decision of any of the benches of the Hon'ble Tribunal shall have a binding effect on all of the other benches as well. In other words, the decision laid down by the Hon'ble Tribunal (West Zone, Pune) shall also be binding on this Hon'ble Tribunal (Principal Bench, Delhi). Therefore, this Hon'ble Tribunal ought to consider the

findings of ***Pradeep Indulkar (supra)*** and allow the present application filed by the Applicant. Reliance is placed on ***N. Kirubakaran, J & T.V. Thamilselvi, J W.P. No. 13266 of 2021.***

27. ***Thirdly***, R18 has failed to give any reply about the incidence with respect to the 2 (two) trees which have been cut/ felled 29/30.09.2022 at the behest of R18 (apart from general denial). The said incident was informed to the Hon'ble Tribunal by the Applicants during the oral submissions during the proceedings dated 21.12.2022 and also on 03.01.2022, (apart from being part of the Original Application itself) despite the same, R18 has clearly dodged the situation and have deliberately not answered the same.

28. It is to bring to the knowledge of this Hon'ble Tribunal that the bogus and false Reply of R18 does not give any details of the number of trees that were got pruned in Vasant Vihar. It is an admitted fact (also confirmed by the R18) that pruning was done by them. However, in the Reply which runs into 11 pages does not even mention the location of the trees that were illegally pruned by them, no mentioning on the photographs, no mentioning of category of trees/branches, no mentioning of names/ identity of individuals involved in the pruning.

29. ***Fourthly,*** the stand of the R18 that this Hon'ble Tribunal has no jurisdiction and/ or that no cause of action has arisen as no damage to the trees is caused and/ or that the Original Application is beyond Sections 14 and 15 of the National Green Tribunal Act, 2010 (**"NGT Act"**) worth no credence as this Hon'ble Tribunal has complete jurisdiction (in terms of NGT Act) under Sections 14 and 15 to try and decide any issue relating to the environment. Apart from the above, under Section 15 of the NGT Act read with National Green Tribunal (Practice and Procedure) Rules, 2011, this Hon'ble Tribunal has power to levy environmental compensation for causing damage to the environment.

30. ***Lastly***, the said Guidelines are not in conformity with the DPT Act which is the parent act. Although, Guidelines are stated to have been issued under the DPT Act but the contents of the Guidelines do not align with the parent statute. Section 8 of the DPT Act categorically states that *"…no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer*". On the other hand, Clause 5 of the Guidelines states that any pruning

below 15.7 cm girth size requires no permission (although has to be carried out by the civic agency only).

31. Hence, it is trite to submit that the R18 has overreached themselves and have deliberately neglected the due process of law. The interpretation derived by the R18 as has been stated in its Reply is erroneous and baseless. The Guidelines are to be read in conformity and in alliance of the parent act. It is a trite law that guidelines/ notifications cannot supersede the ambit/ provisions of the Act. Additionally, it is also trite law that all provisions that necessitate compliances/ permissions are to be given a strict interpretation under the parent statute/ Act and to be applied in conservative terms; Thereby necessitating the Guidelines to be read down to bring them within the ambit of the parent statute/ DPT Act.

32. It is trite law as affirmed by the Hon'ble Supreme Court of India in ***State Of U.P. & Ors vs Renusagar Power Co. & Ors. AIR 1988 SC 1737***, whereby it has been observed that "*...If the exercise of power is in the nature of subordinate legislation the exercise must conform to the provisions of the statute. All the conditions of the statute must be fulfilled.*" It is therefore submitted that the Guidelines are not in accordance with the provisions laid down in the DPT Act and draws

specific contradictions to Act. It is further submitted that the Guidelines cannot enlarge the meaning of a DPT Act. It is also a settled law that a notifications/ guidelines cannot supersede the parent act and in the present case, the said Guidelines clearly go beyond Section 8 of the DPT Act.

REJOINDER TO PARA-WISE REPLY TO PRELIMINARY OBJECTIONS

1. The contents of Para 1 of the preliminary objections are denied being false, misinterpreted and misleading. It is categorically denied that the Original Application is beyond the scheme and purpose of the act as no substantial question relating to environment is set out in the application by the Applicants and that the reliefs sought are not in accordance with section 15 of the NGT Act. It is further vehemently denied that the Applicants have failed to specify any actual environment harm or damage in its application or through the evidence. It is most respectfully submitted that the entire application filed by the Applicants is raising the substantial question of environment. The unlawful acts have been committed with a very lackadaisical approach and has impacted the environment. The averments made in the said para are entirely vague and have been

averred without any legal research. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

2. The contents of Para 2 of the preliminary objections are wrong, false and hence denied in verbatim. It is vehemently denied that under clause 5 of the said Guidelines, no permission is required up to 15.7 centimeters of girth. It is most respectfully submitted that it is mandatory to take permission in terms of the said Guidelines and the R18 couldn't have decided on its own that the branches have girth less than 15.7 centimeters. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

3. The contents of Para 3 of the preliminary objections are denied being false, bogus and misleading. It is wrong and denied that the Original Application filed by the Applicants and the accusations made therein against the R18 is bereft of any cause, facts and evidence. It is categorically denied that no particular/ specific harm or damage is shown to have been caused to the environment. It is also denied that

Annexure 12 is the only evidence in the form of photographs which are neither stamped, nor place marked and therefore does not comprise as evidence under the law. It is denied that certificate under section 65-B of the Indian Evidence Act, 1872 submitted by the Applicants along with the application does not satisfy the conditions in relation to the information and computer in question and therefore are not admissible in the said proceedings as evidence. It is submitted on behalf of the Applicants that the certificate filed by the Applicants along with the application is in conformity with the provisions of the Indian Evidence act, 1872 and hence the evidence filed by the Applicants are admissible in law. Without admitting it is submitted that the requirement of certificate under Section 65B of the Indian Evidence act, 1872 arises at the stage of Evidence and it can be filed even at that stage. It is further submitted that the onus shall be on the R18 to show and produce evidence before this Hon'ble Court that due approvals were taken by them, enlist the category of trees pruned by them, point out the locations of the trees harmed by them, as well as the number of trees which have fallen prey to the unlawful activity done by the R18. The onus of proof that the illegal pruning that was done by the R18 were only done of the trees/branches having girth less than 15.7 centimeters is on the R18. The averments made in the

Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

4. The contents of Para 4 of the preliminary objections are denied being vague, false, bogus and misleading. It is wrong and denied that no cause of action against the R18. It is vehemently denied that no case has been made out for any actual damage caused to the environment or that pruning of trees has led to death or destruction of the tree. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

5. The contents of Para 5 of the preliminary objections are wrong, false and hence are denied in verbatim. It is denied that the prayer made by the Applicants in the Original Application is beyond the scope and scheme of section 15 of the NGT Act. It is submitted on behalf of the Applicants that all the prayers sought by the Applicants which are from A to G are strictly within the purview of section 15 the NGT Act. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the

present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

6. The contents of Para 6 of the preliminary objections are denied being baseless, sham and unwarranted. It is categorically denied that it is evident from the prayer and pleading of the Applicants that there are no victims of pollution, and no environmental damage has been caused, therefore no restitution of environment has been prayed for. It is further vehemently denied that the prayer made in the application is *mala fide* and motivated, contradictory to the purpose of the act and not made in the interest of the environment or public. It is submitted that it is apparent on the face of the pleading as well as the documents filed by the Applicants that there has been a substantial damage to the environment because of the unlawful and unscientific pruning done at the behest of R18. The magnitude of such loss, harm and destruction can only be ascertained once a proper inspection has been done. More importantly, Applicant 1 is known and publicly acknowledged medical professional raising concerns on the pollution in Delhi and its ill-effects on the health of Delhites (especially children) since 2016/2017. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the

present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

7. The contents of Para 6 of the preliminary objections are denied being false and without any substance. It is denied that neither there was any threat to the environment nor exists any. The averments in the said paragraph are not based on any evidence or research. Further, it is unknown to the Applicants if the pruning after filing of the present application before this Hon'ble Tribunal is being undertaken by MCD or not. R18 be put to strict proof thereof to prove the same.

REJOINDER TO REPLY TO THE FACTS IN BRIEF

1-6 The contents of paras 1-6 of the Reply to the facts in brief are sham, bogus and specifically and vehemently denied. It is specifically denied that pruning was carried out as per law and under the active supervision of the of the appropriate authorities. It is further denied that no pruning of more than 15.7 centimeters girth was undertaken by the R18. It is further denied that no reply to alleged letter dated 01.12.2022 was received by the R18. It is also denied that complaint dated 28.10.2022 is not in the knowledge of the R18. It is vehemently denied that pruning was done with approvals or it was done bona fide.

The R18 is put to strict proof of all the above statements and be directed to file evidence in relation to the same.

It is specifically denied that pruning was not done by private contractor and R18 has only provided facility of skylift for carrying out pruning which was undertaken by under the supervision and control of appropriate authorities and in compliance of the DPT Act, as alleged. The said statements of R18 are completely against the WhatsApp communication dated 18.11.2022 **(pages 17-19 of Original Application)**, letter of R18 dated 21.11.2022 (**Annexure A-7 of Original Application**) and minutes of of R18 (date not available)annexed herewith as **Annexure- H**).

It is further denied that the Applicants have misconstrued any statement, as alleged. It is further denied that no trees were damaged in the process of pruning. It is specifically denied that every activity was carried out in a transparent manner. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

REJOINDER TO THE REPLY TO THE GROUNDS

1-5 The contents of paras 1-6 of the Reply to the grounds are misleading, bogus and hence denied. It is specifically denied that pruning was undertaken as

per law or that R18 was only giving ancillary services to the authorities. It is vehemently denied that woods/ lops/ tops are being removed by the MCD in their vehicle to their nursery. R18 is put to strict proof of the same. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

REJOINDER TO REPLY TO INTERIM PRAYER

It is specifically denied that the interim prayer made by the Applicants is infructuous or that the MCD has undertaken the work of pruning or that there exist no involvement of R18 in the same. The averments made in the Original Application and the preliminary submissions herein may be read as part and parcel of the present Rejoinder and the same are not repeated herein for the sake of brevity and to avoid repetition.

PRAYER

In light of the facts and submissions elaborated in the present Rejoinder along with the submissions made in the application, it is most respectfully prayed that this Hon'ble Tribunal may

a. Strike-off the Reply filed by R18 and allow the prayers sought by the Applicants in their Original Application.

Pass such other further order/s as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

APPLICANT NO. 1

APPLICANT NO. 2

APPLICANT NO. 3

THROUGH

ANU MONGA
ANANTLAW
ADVOCATE FOR THE APPLICANT
SOLICITORS AND ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI- 110049
MOBILE: (+91) 9811264474
EMAIL: ANU.MONGA@ANANTLAW.COM

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,

GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Prof. Dr. Sanjeev Bagai aged about 57 year, S/o Late Mr. M.K. Bagai, having its residence at 43 Poorvi Marg, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.
2. That the contents of the accompanying rejoinder are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying rejoinder may kindly be read as part of the present affidavit.

DEPONENT

who has signed in my presence

VERIFICATION

Verified at New Delhi on this 17 day of JAN 2023, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

NOTARY R.V. SINGH GOVT. OF INDIA

Solemnly affirmed before me, ... and explained ...

Notary Public, DELHI

17 JAN 2023

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,

GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Rajit Kumar aged about 70 year, having its residence at A-10/7, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 2 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.
2. That the contents of the accompanying rejoinder are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying rejoinder may kindly be read as part of the present affidavit.

Rajit Kumar
DEPONENT

I identify the deponent who has signed in my presence

VERIFICATION

Verified at New Delhi on this 11 day of [illegible] 2023, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

Rajit Kumar
DEPONENT

NOTARY R.V. SINGH Advocate Regn. No. 2282 Commission Expiration 24-10-2027 Area-Delhi GOVT. OF INDIA

Solemnly affirmed before me, read over & explained to the deponent

Notary Public, DELHI

17 JAN 2023

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,

GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Vivek Tandon aged about 59 year, having its residence at E-9/9, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 3 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.
2. That the contents of the accompanying rejoinder are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying rejoinder may kindly be read as part of the present affidavit.

DEPONENT

I identify the deponent/executant who has signed in my presence

VERIFICATION

Verified at New Delhi on this 17 JAN 2023 day of _____, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

NOTARY R.V. SINGH ... 24-10-2027 Area-Delhi GOVT. OF INDIA

Solemnly affirmed before me on this date & explained ...

Notary Public, DELHI

17 JAN 2023

ANNEXURE A

1251 681 672

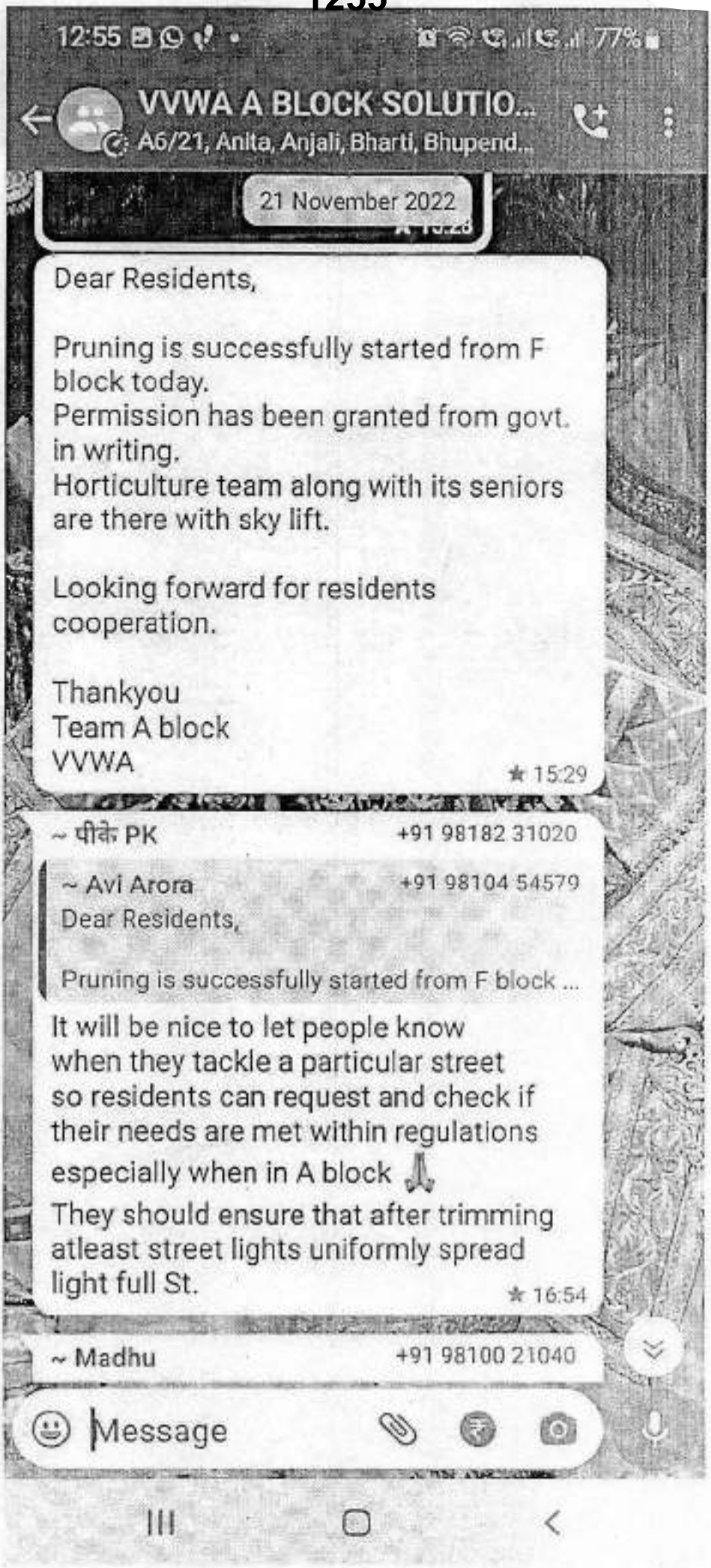



DL-1L
AD-8267

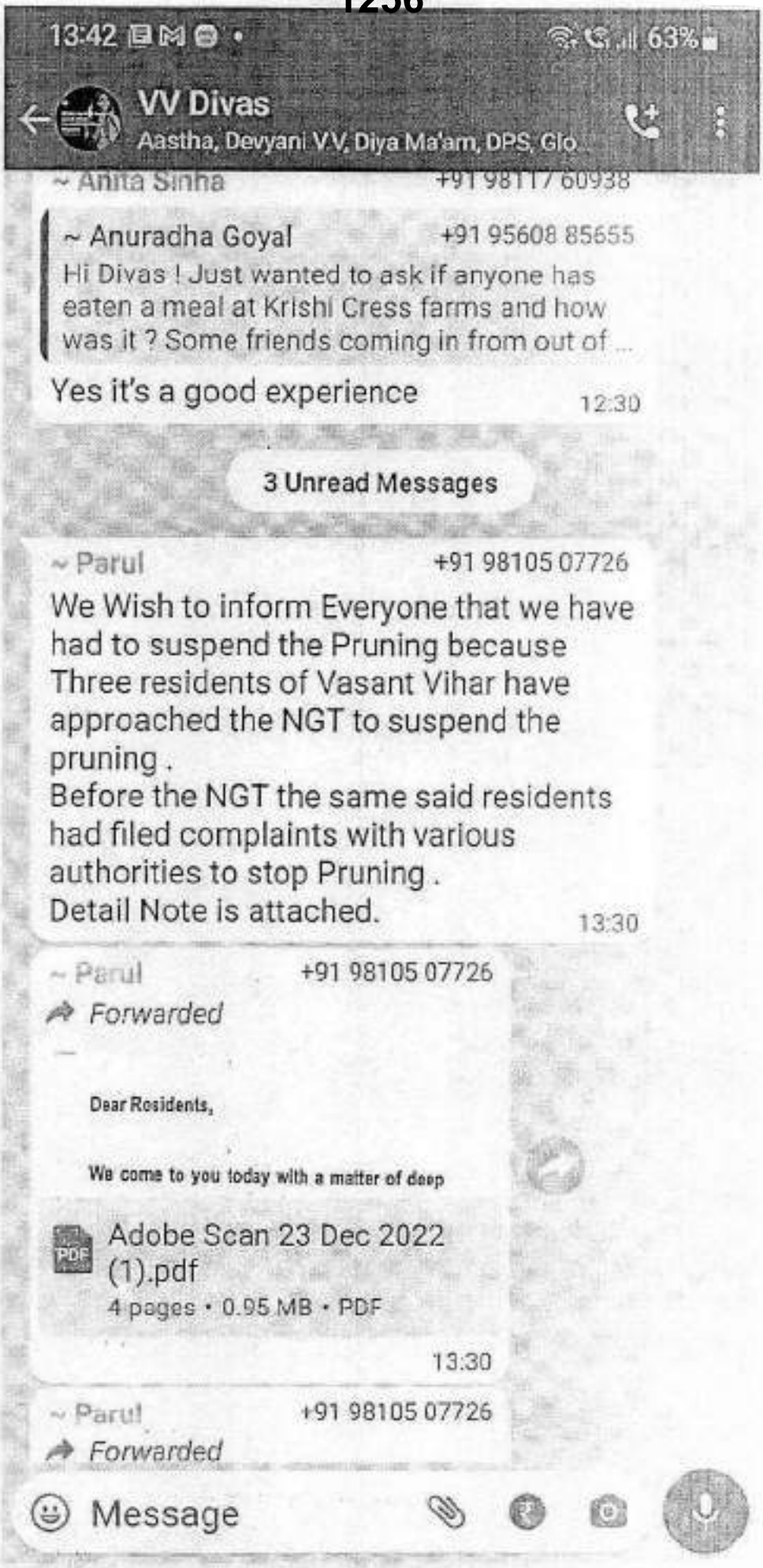

CARGO MOTORS
DL 1LA
D8267
TATA
DL 1L
AD-8267


46
684
46
675

21/11/22


12:55
77%
VVWA A BLOCK SOLUTIO...
A6/21, Anita, Anjali, Bharti, Bhupend...
21 November 2022
Dear Residents,
Pruning is successfully started from F block today.
Permission has been granted from govt. in writing.
Horticulture team along with its seniors are there with sky lift.
Looking forward for residents cooperation.
Thankyou
Team A block
VVWA
15:29
~ पीके PK
+91 98182 31020
~ Avi Arora
+91 98104 54579
Dear Residents,
Pruning is successfully started from F block ...
It will be nice to let people know when they tackle a particular street so residents can request and check if their needs are met within regulations especially when in A block
They should ensure that after trimming atleast street lights uniformly spread light full St.
16:54
~ Madhu
+91 98100 21040
Message

23/12/22


13:42
63%
VV Divas
Aastha, Devyani V.V, Diya Ma'am, DPS, Glo...
~ Anita Sinha +91 98117 60938
~ Anuradha Goyal +91 95608 85655
Hi Divas ! Just wanted to ask if anyone has eaten a meal at Krishi Cress farms and how was it ? Some friends coming in from out of ...
Yes it's a good experience
12:30
3 Unread Messages
~ Parul +91 98105 07726
We Wish to inform Everyone that we have had to suspend the Pruning because Three residents of Vasant Vihar have approached the NGT to suspend the pruning .
Before the NGT the same said residents had filed complaints with various authorities to stop Pruning .
Detail Note is attached.
13:30
~ Parul +91 98105 07726
Forwarded
Dear Residents,
We come to you today with a matter of deep
Adobe Scan 23 Dec 2022 (1).pdf
4 pages • 0.95 MB • PDF
13:30
~ Parul +91 98105 07726
Forwarded
Message

13:49 62%

VV Divas
only admins can send messages

~ Parul +91 98105 07726
Forwarded

Dear Residents,

We come to you today with a matter of deep

Adobe Scan 23 Dec 2022 (1).pdf
4 pages · 0.95 MB · PDF

13:45

~ Parul +91 98105 07726
Forwarded

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

(Under Section 14 and 18 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. ____ OF 2022

Adobe Scan 23 Dec 2022 (2).pdf
4 pages · 752 kB · PDF

13:45

Nidhi V.V.
Forwarded
Hi girls
Making the group for one way posts by admins so everyone may read above VVWA information. And it's not lost in promos and other msgs 13:46

Nidhi V.V. changed this group's settings to allow only admins to send messages to this group

Only admins can send messages

Dear Residents,

We come to you today with a matter of deep concern. This relates to a plaint filed in the National Green Tribunal (NGT) to derail and stall the PRUNING work that is going on.

Before we get into the details of the pruning matter, we wish to simply state at this point, that there is a group of people who are constantly making efforts to derail the work that VVWA is doing. We are today dealing with a plethora of cases that have been filed in various courts. We have had to answer several complaints filed with the Hon'ble Lt. Governor and the Police. These matters pertain to issues

which have already been settled in the various AGMs. Everyone is also aware of the hate messages that are regularly put out on WhatsApp groups. The complete details will be forwarded in due course. Residents have elected us to serve them, something we are striving to do at all times.

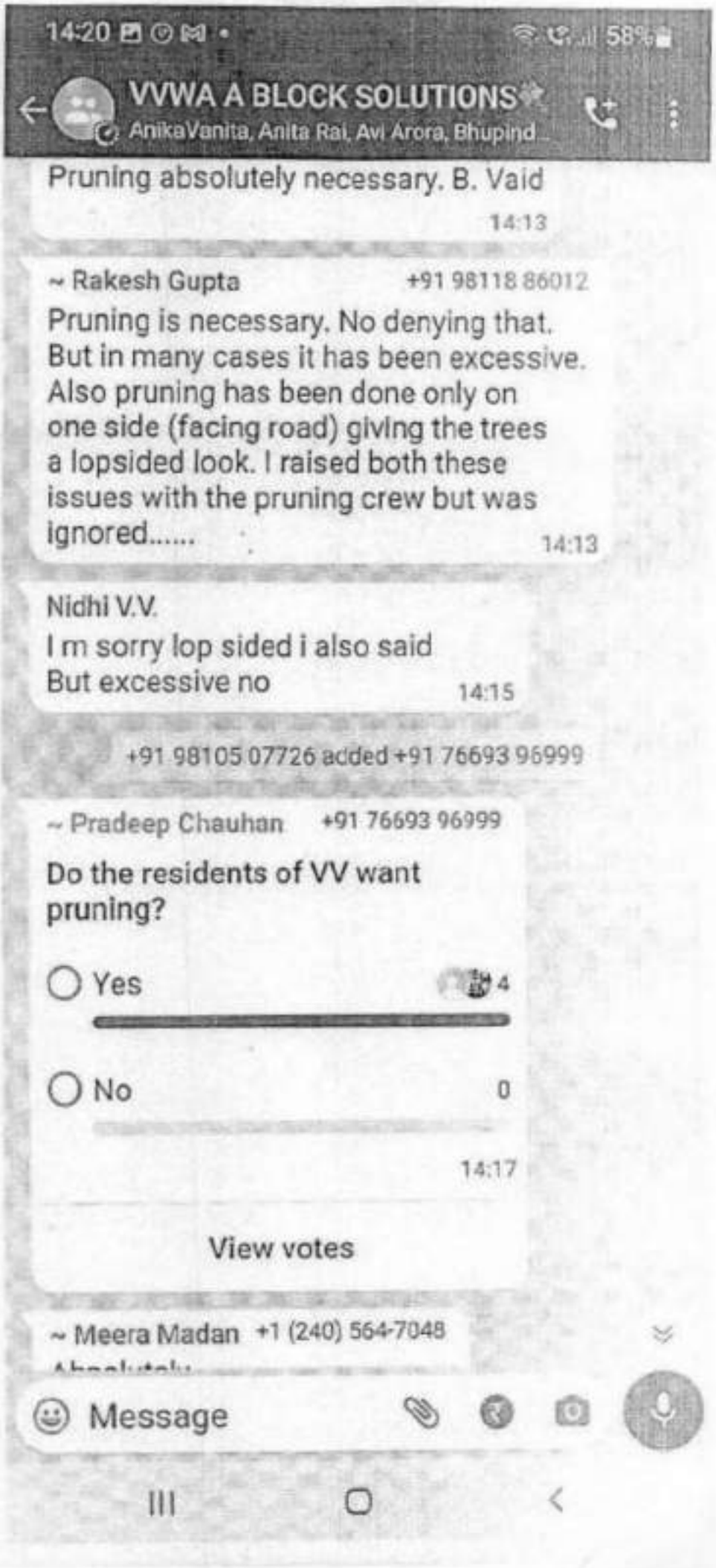
Coming to the question of pruning, we were shocked to learn that three individuals namely, Dr. Sanjeev Bagai, Mr. Rajat Kumar and Mr. Vivek Tandon have filed an application before the National Green Tribunal (NGT) stating that the pruning is being carried out in violation of law and to suspend it with immediate effect. During the hearing held on Wednesday, the

charge levied against VVWA is that instead of pruning trees, we were actually felling them. Everyone knows that this is not the case. Everyone knows that the provisions of the Forest Act and the guidelines thereof are being strictly followed and no compromise is being made in this respect.

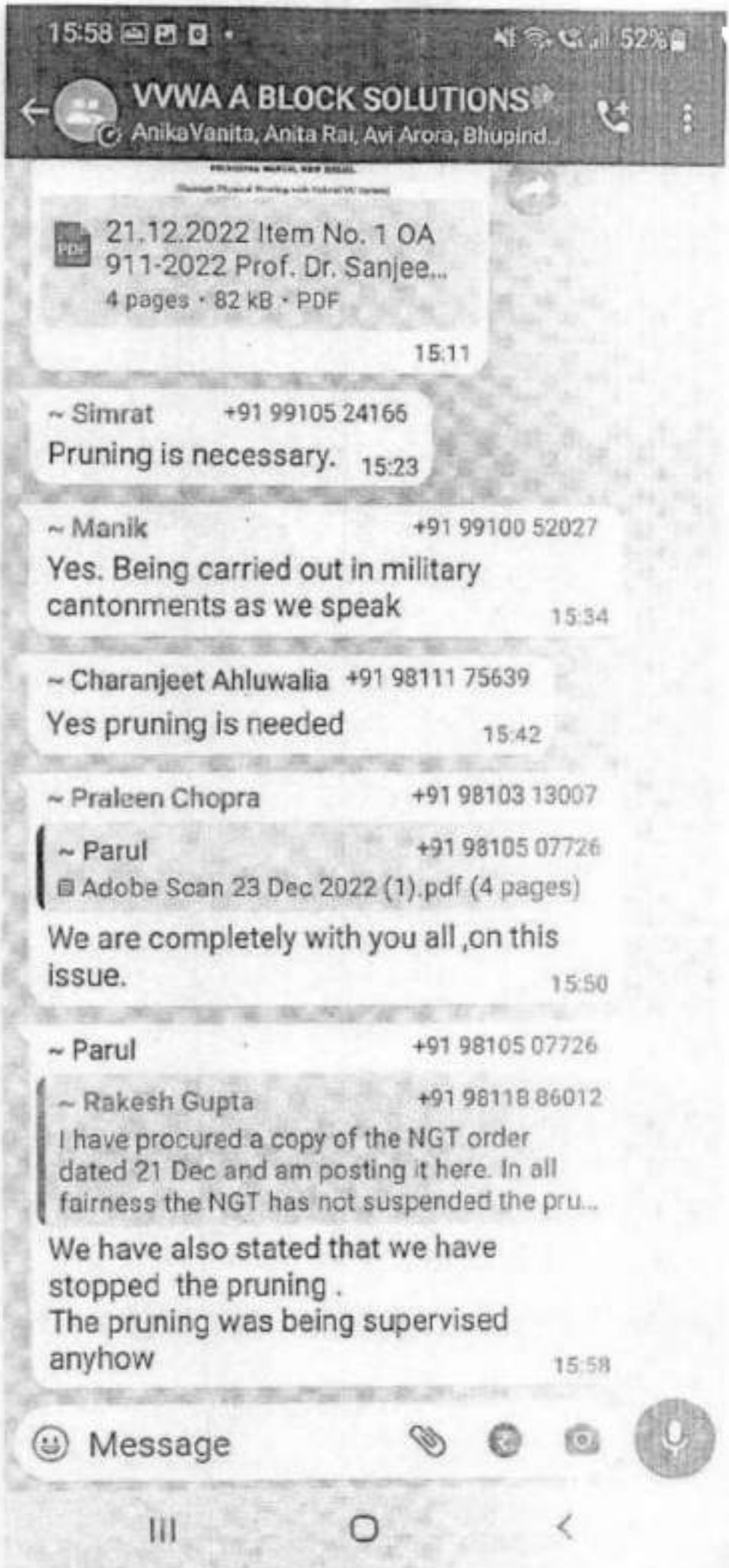
When the pruning was started in F-Block, one individual did his best to stall the process, even going to the extent of filing a Police complaint and asking the Police to tow away the Skylift. Complaints have been filed with PMO and Hon'ble LG asking them to stop the work. It should be.appreciated that this has led to precious time being wasted and has led to

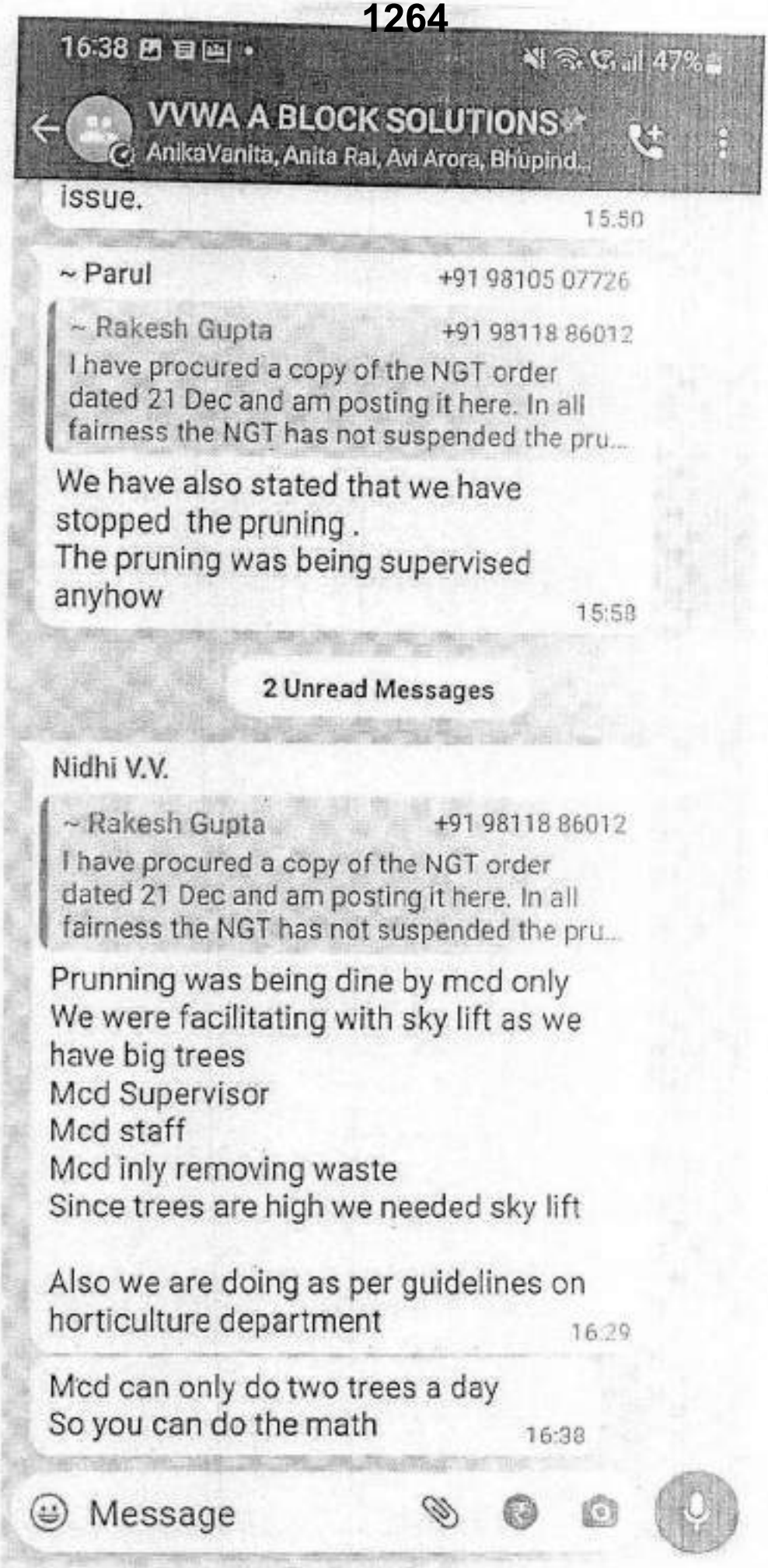
an unnecessary expense of VVWA funds, which could have been gainfully used for other developmental works.

Pruning is being carried out by VVWA in the larger interest of the residents. Pruning is an exercise which is essentially needed at this point to save our trees and also provide much needed winter sun. It would also be pertinent to mention that one of the Petitioners in the matter has had the tree in front of his house pruned. At this point, it is essential that all residents stand with VVWA and make their stand very clear that pruning is essentially required.


14:20
58%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
Pruning absolutely necessary. B. Vaid
14:13
~ Rakesh Gupta +91 98118 86012
Pruning is necessary. No denying that. But in many cases it has been excessive. Also pruning has been done only on one side (facing road) giving the trees a lopsided look. I raised both these issues with the pruning crew but was ignored.....
14:13
Nidhi V.V.
I m sorry lop sided i also said But excessive no
14:15
+91 98105 07726 added +91 76693 96999
~ Pradeep Chauhan +91 76693 96999
Do the residents of VV want pruning?
Yes 4
No 0
14:17
View votes
~ Meera Madan +1 (240) 564-7048
Message

23.12.2022


15:58
52%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
21.12.2022 Item No. 1 OA 911-2022 Prof. Dr. Sanjee...
4 pages · 82 kB · PDF
15:11
~ Simrat +91 99105 24166
Pruning is necessary. 15:23
~ Manik +91 99100 52027
Yes. Being carried out in military cantonments as we speak 15:34
~ Charanjeet Ahluwalia +91 98111 75639
Yes pruning is needed 15:42
~ Praleen Chopra +91 98103 13007
~ Parul +91 98105 07726
Adobe Scan 23 Dec 2022 (1).pdf (4 pages)
We are completely with you all ,on this issue. 15:50
~ Parul +91 98105 07726
~ Rakesh Gupta +91 98118 86012
I have procured a copy of the NGT order dated 21 Dec and am posting it here. In all fairness the NGT has not suspended the pru...
We have also stated that we have stopped the pruning .
The pruning was being supervised anyhow 15:58
Message



16:38 47%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

issue.

15:50

~ Parul +91 98105 07726

> ~ Rakesh Gupta +91 98118 86012
> I have procured a copy of the NGT order dated 21 Dec and am posting it here. In all fairness the NGT has not suspended the pru...

We have also stated that we have stopped the pruning .
The pruning was being supervised anyhow

15:58

2 Unread Messages

Nidhi V.V.

> ~ Rakesh Gupta +91 98118 86012
> I have procured a copy of the NGT order dated 21 Dec and am posting it here. In all fairness the NGT has not suspended the pru...

Prunning was being dine by mcd only
We were facilitating with sky lift as we have big trees
Mcd Supervisor
Mcd staff
Mcd inly removing waste
Since trees are high we needed sky lift

Also we are doing as per guidelines on horticulture department

16:29

Mcd can only do two trees a day
So you can do the math

16:38

Message

17/12/22

22:35 42%

VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...

Nidhi V.V.
Anything on A 10 will be done
We will not do vasant marg side till we have permission
As it is there r complaints from few residents so Mcd is very careful.
🙏
Pls understand
14:18

~ BARBARA MAHAJAN +91 93131 93094
These are on A10😋
14:19

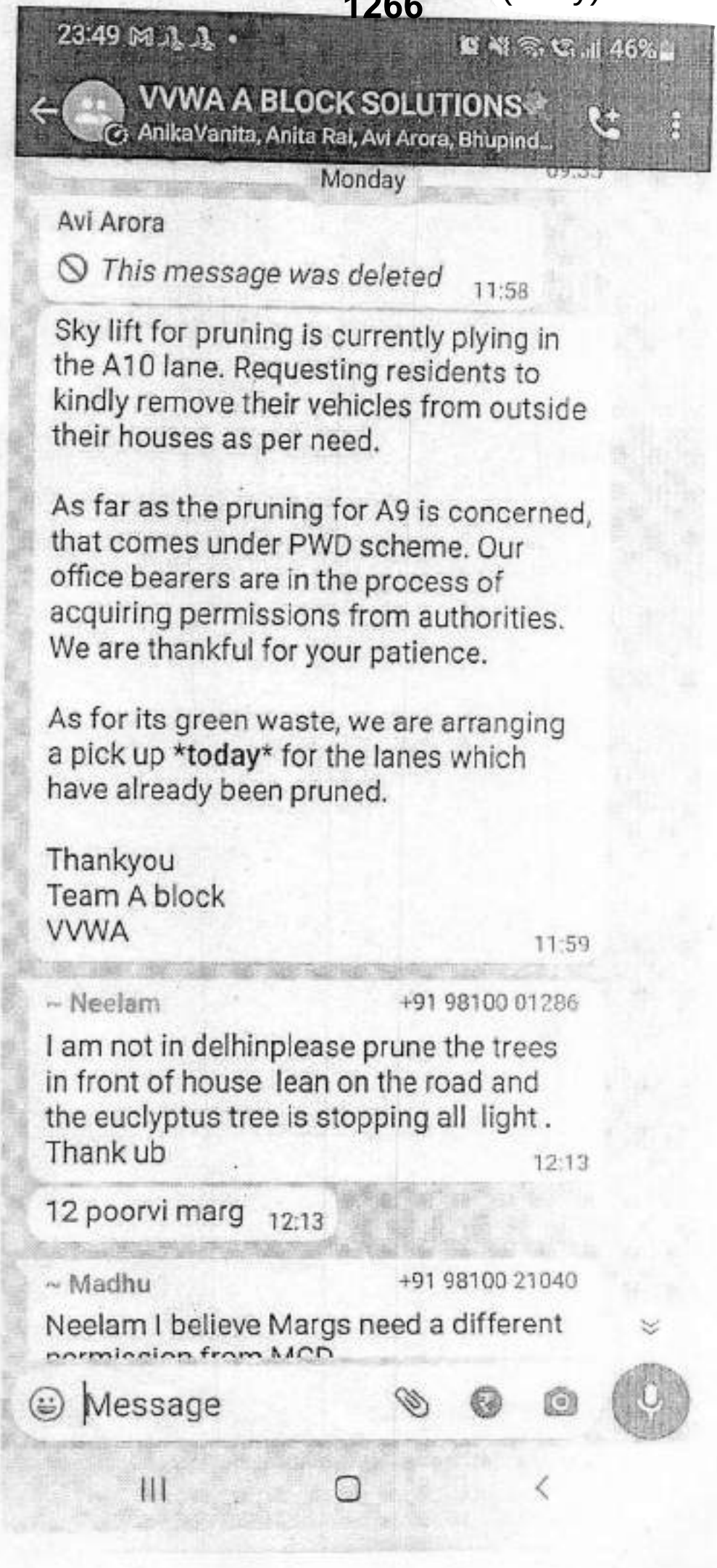
Nidhi V.V.
REQUEST RESIDENTS
PLEASE DO NOT CALL parul
Pls msg Avi n Me
We also have our works
We cannot take calls all the time
14:19

🙏
14:19

Some residents have been very rude and daunting on us
Pls note we also residents of vasant vihar not some govt officials
We have taken up this job as VOLUNTEERS only.
Holding public office doesn't give anyone right to shout or be rude.
🙏
We are hear to work together and for

Message

19/12/22



23:49 46%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

Monday

Avi Arora

This message was deleted 11:58

Sky lift for pruning is currently plying in the A10 lane. Requesting residents to kindly remove their vehicles from outside their houses as per need.

As far as the pruning for A9 is concerned, that comes under PWD scheme. Our office bearers are in the process of acquiring permissions from authorities. We are thankful for your patience.

As for its green waste, we are arranging a pick up ***today*** for the lanes which have already been pruned.

Thankyou
Team A block
VVWA 11:59

~ Neelam +91 98100 01286

I am not in delhinplease prune the trees in front of house lean on the road and the euclyptus tree is stopping all light . Thank ub 12:13

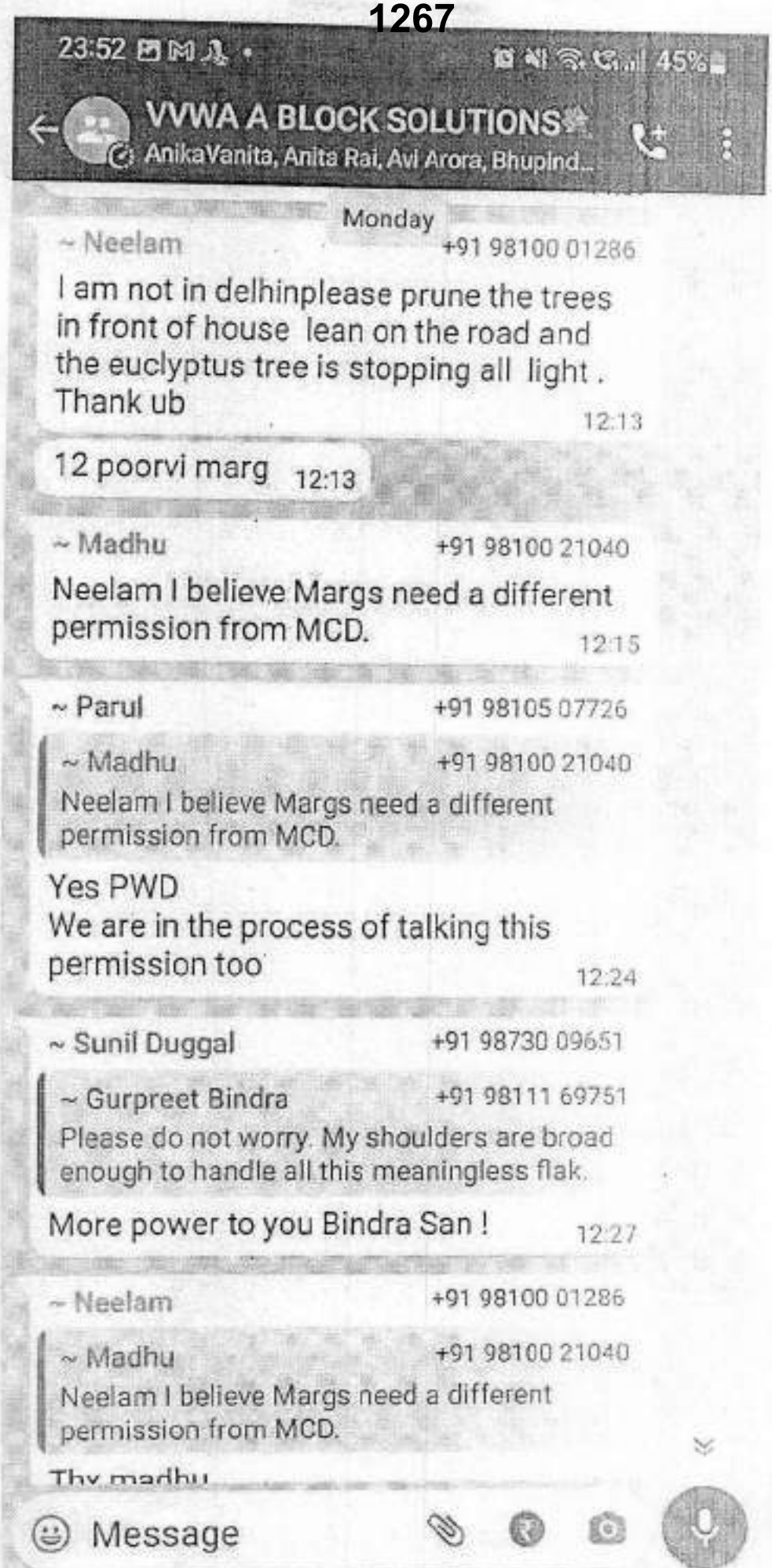
12 poorvi marg 12:13

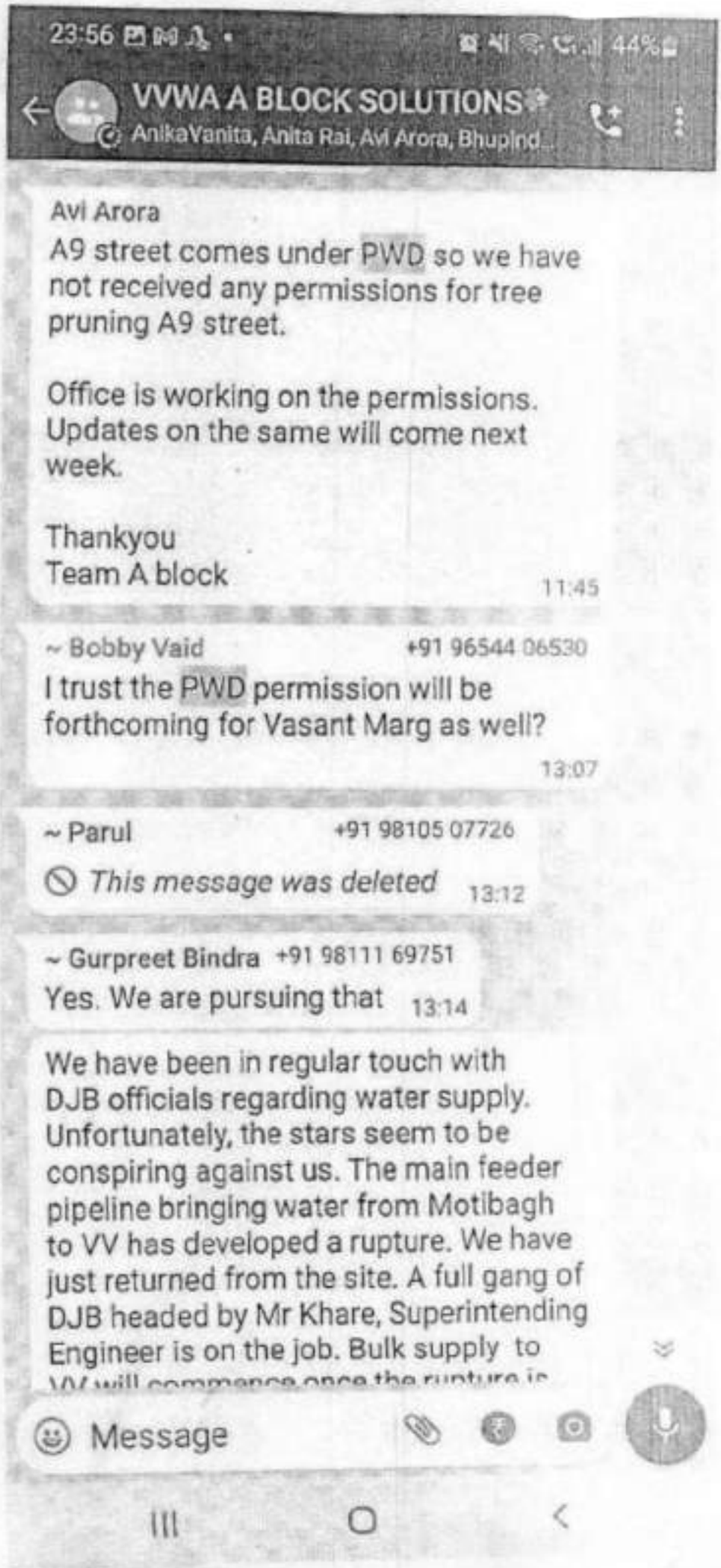
~ Madhu +91 98100 21040

Neelam I believe Margs need a different permission from MCD

Message

19/12/22


23:52
45%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
Monday
~ Neelam +91 98100 01286
I am not in delhinplease prune the trees in front of house lean on the road and the euclyptus tree is stopping all light . Thank ub
12:13
12 poorvi marg 12:13
~ Madhu +91 98100 21040
Neelam I believe Margs need a different permission from MCD.
12:15
~ Parul +91 98105 07726
~ Madhu +91 98100 21040
Neelam I believe Margs need a different permission from MCD.
Yes PWD
We are in the process of talking this permission too
12:24
~ Sunil Duggal +91 98730 09651
~ Gurpreet Bindra +91 98111 69751
Please do not worry. My shoulders are broad enough to handle all this meaningless flak.
More power to you Bindra San !
12:27
~ Neelam +91 98100 01286
~ Madhu +91 98100 21040
Neelam I believe Margs need a different permission from MCD.
Thx madhu
Message



23:56 44%

VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...

20/12/22

Avi Arora
A9 street comes under PWD so we have not received any permissions for tree pruning A9 street.

Office is working on the permissions. Updates on the same will come next week.

Thankyou
Team A block
11:45

~ Bobby Vaid +91 96544 06530
I trust the PWD permission will be forthcoming for Vasant Marg as well?
13:07

~ Parul +91 98105 07726
This message was deleted 13:12

~ Gurpreet Bindra +91 98111 69751
Yes. We are pursuing that 13:14

We have been in regular touch with DJB officials regarding water supply. Unfortunately, the stars seem to be conspiring against us. The main feeder pipeline bringing water from Motibagh to VV has developed a rupture. We have just returned from the site. A full gang of DJB headed by Mr Khare, Superintending Engineer is on the job. Bulk supply to VV will commence once the rupture is

Message

ANNEXURE H

VASANT VIHAR WELFARE ASSOCIATION

NEW DELHI

PRUNING OF TREES

Vasant Vihar has approximately 7000 trees. We receive complaints from residents requiring pruning everyday. The matter was taken up with MCD and it is obvious that they lack the resources to carryout these prunings continuously and completely. In order to serve our residents, it is necessary for VVWA to intervene and carryout pruning ourselves, like we had done in 2021.

It is proposed to engage a Skylift for the necessary period of 2-3 months. Shri Chander Pal who was previously employed with MCD till he retired, has been engged to carryout this pruning. Last time also, he had carried out the pruning. We are coordinating efforts with MCD for removal and processing of green waste. The approximate expenses are given below. It may be necessary for us to purchase a Trolley for carriage of green waste. The necessary quotation and prices are available for approval.

1.	Hire of Skylift - 3 months @ Rs.1,10,000/- p.m.		Rs.3,30.000
2.	Salary of Shri Chanderpal – 3 months @ Rs.20,000/-		Rs. 60,000
3.	Miscellaneous expenses, consumables, cartage of Green Waste etc.	LS	Rs.1,00,000
			Rs.4,90,000
		Say	Rs.5,00,000

Shredder on hire.
Wood- Pu day

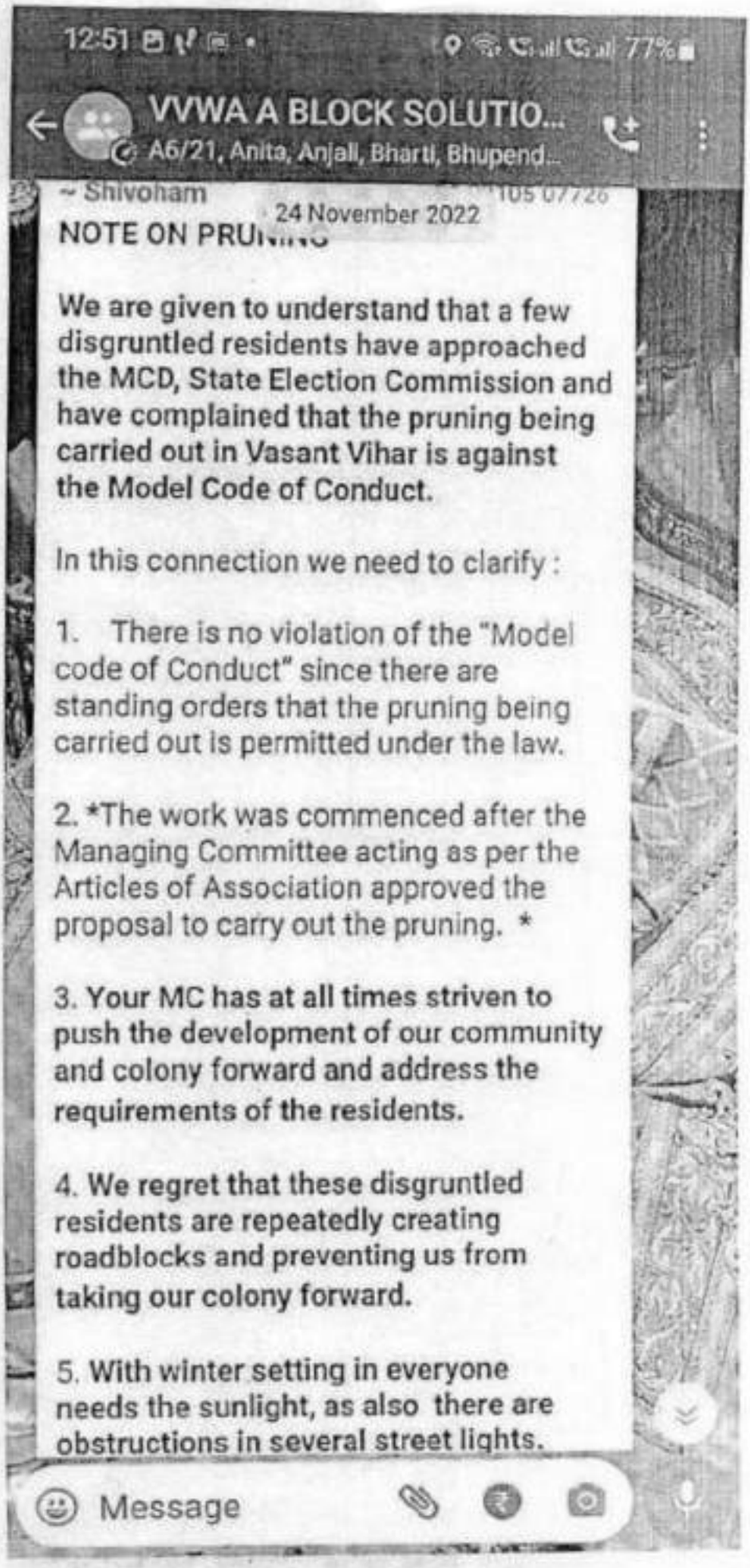
It is requested that approval be given for an expense of Rs.5,00,000/- (Rupees Five Lakhs only) for pruning and additionally for purchase of Trolley, if required.

16 Nos
50 Feet

PARUL GAUR
Director (Operations)

C-1
B-1
E-1
A-3

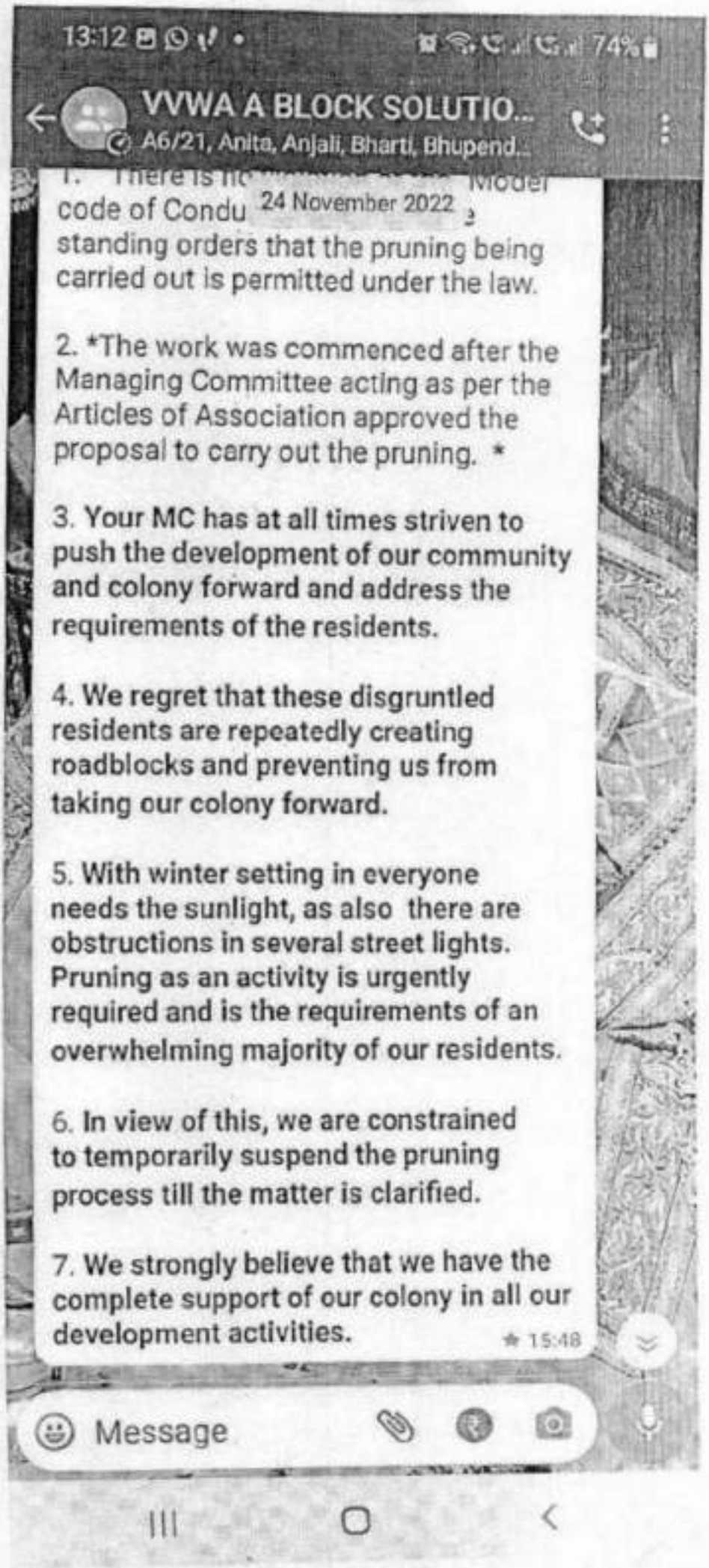
24/11/22


12:51
77%
VVWA A BLOCK SOLUTIO...
A6/21, Anita, Anjali, Bharti, Bhupend...
~ Shivoham
24 November 2022
NOTE ON PRUNING
We are given to understand that a few disgruntled residents have approached the MCD, State Election Commission and have complained that the pruning being carried out in Vasant Vihar is against the Model Code of Conduct.
In this connection we need to clarify :
1. There is no violation of the "Model code of Conduct" since there are standing orders that the pruning being carried out is permitted under the law.
2. *The work was commenced after the Managing Committee acting as per the Articles of Association approved the proposal to carry out the pruning. *
3. Your MC has at all times striven to push the development of our community and colony forward and address the requirements of the residents.
4. We regret that these disgruntled residents are repeatedly creating roadblocks and preventing us from taking our colony forward.
5. With winter setting in everyone needs the sunlight, as also there are obstructions in several street lights.
Message

1

701 692 63

24/11/22



(2)



22.12.2022

~ पीके PK +91 98182 31020

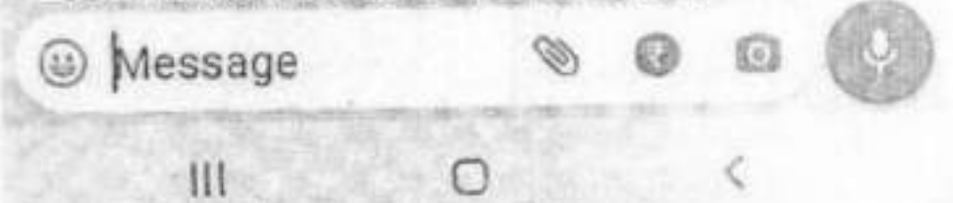
A walk on A10/A11 will tell you that this tree trimming contractor chanderpal is trimming as per his whims only and no rules or logic or with underhand dealings because some trees are barely trimmed and some were chopped 50% or more, he left trees in front of my house with almost no trimming but would not trim a branch or two hanging over the plot and in next half hour in next house A11/22 he chopped the tree right upto 40' height from all over to more than 60% and almost denuded it.

This exercise is futile if residents can't get trimmed; those branches of trees, troubling them especially when their association is bearing the expense.

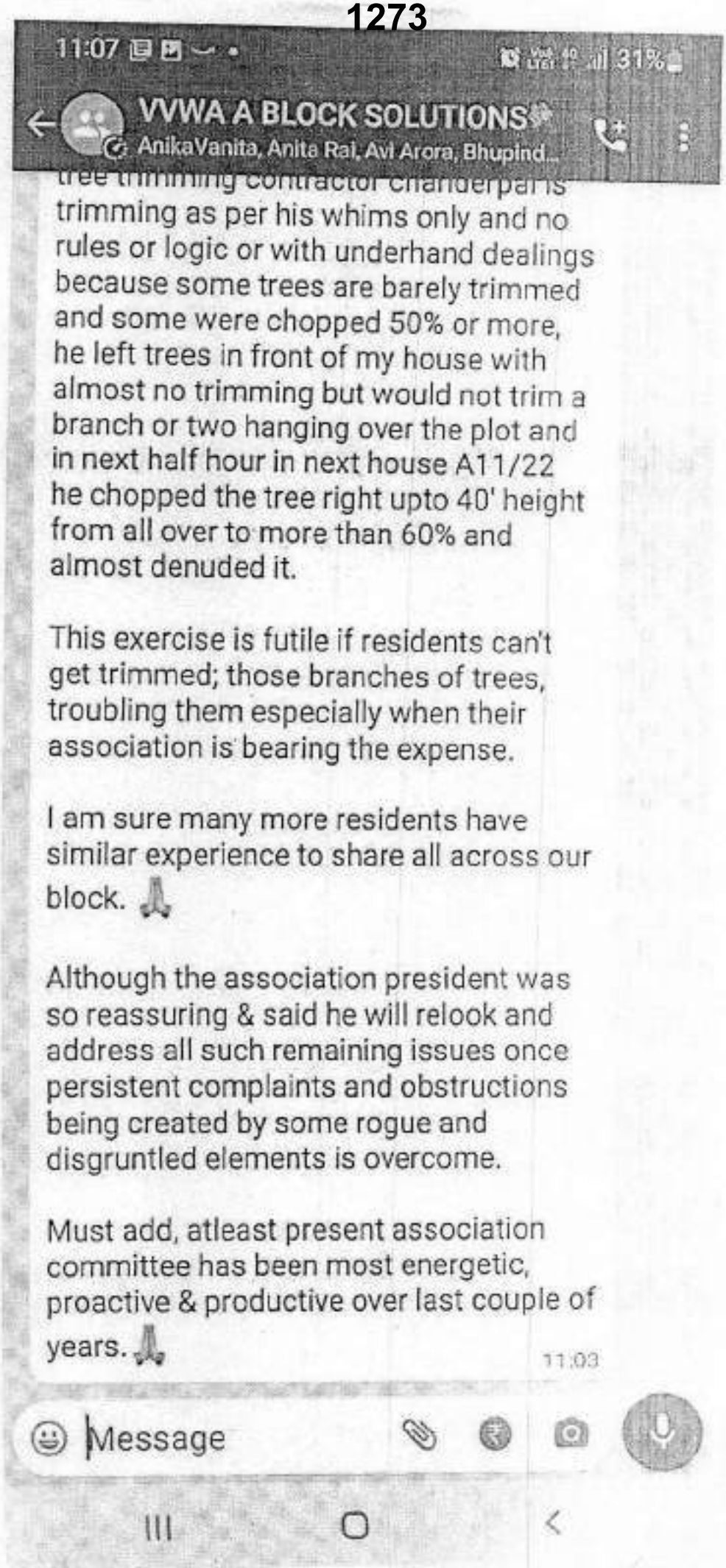
I am sure many more residents have similar experience to share all across our block. 🙏

Although the association president was so reassuring & said he will relook and address all such remaining issues once persistent complaints and obstructions being created by some rogue and disgruntled elements is overcome.

Must add, atleast present association committee has been most energetic,



(2)



11:07 31%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

tree trimming contractor chanderpal is trimming as per his whims only and no rules or logic or with underhand dealings because some trees are barely trimmed and some were chopped 50% or more, he left trees in front of my house with almost no trimming but would not trim a branch or two hanging over the plot and in next half hour in next house A11/22 he chopped the tree right upto 40' height from all over to more than 60% and almost denuded it.

This exercise is futile if residents can't get trimmed; those branches of trees, troubling them especially when their association is bearing the expense.

I am sure many more residents have similar experience to share all across our block. 🙏

Although the association president was so reassuring & said he will relook and address all such remaining issues once persistent complaints and obstructions being created by some rogue and disgruntled elements is overcome.

Must add, atleast present association committee has been most energetic, proactive & productive over last couple of years. 🙏

11:03

Message

3

11:30 29%

VVWA A BLOCK SOLUTIONS

+91 98182 31020 is typing...

I am sure many more residents have similar experience to share all across our block. 🙏

Although the association president ...
Read more

11:03

3 Unread Messages

Nidhi V.V.

Sir i am sorry to hear that ur not satisfied with what is being done .

As we now know-we cannot satisfy all
Despite me standing n getting the work done.

🙏

11:11

I had explained but in vain. 11:12

Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit back and relax
When i told you that we can only do as permiitted by law you call it whims and Fancy.

Everyone can stand in front of their house
But very few stand up for others 🙏

Message

(4)

11:47 27%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

11:11

I had explained but in vain. 11:12

Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit back and relax
When i told you that we can only do as permiitted by law you call it whims and Fancy.

Everyone can stand in front of their house
But very few stand up for others

11:14

~ Mina +91 98110 81508

Yes driving down A10 Street I also noted some trees not pruned properly at all.

11:31

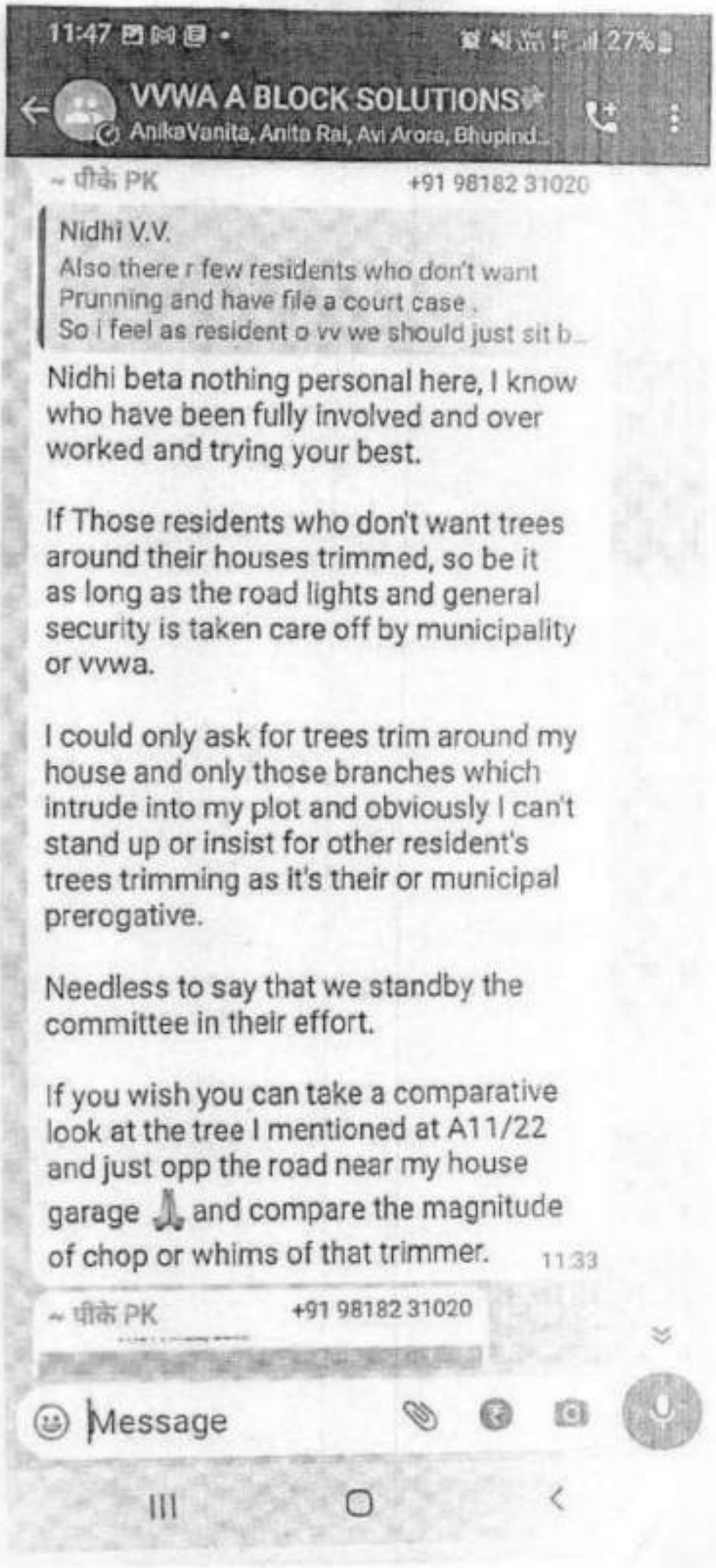
~ दीपे PK +91 98182 31020

> Nidhi V.V.
> Also there r few residents who don't want Prunning and have file a court case .
> So i feel as resident o vv we should just sit b...

Nidhi beta nothing personal here, I know who have been fully involved and over worked and trying your best.

If Those residents who don't want trees

Message


11:47
27%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
~ पीके PK
+91 98182 31020
Nidhi V.V.
Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit b...
Nidhi beta nothing personal here, I know who have been fully involved and over worked and trying your best.
If Those residents who don't want trees around their houses trimmed, so be it as long as the road lights and general security is taken care off by municipality or vvwa.
I could only ask for trees trim around my house and only those branches which intrude into my plot and obviously I can't stand up or insist for other resident's trees trimming as it's their or municipal prerogative.
Needless to say that we standby the committee in their effort.
If you wish you can take a comparative look at the tree I mentioned at A11/22 and just opp the road near my house garage 🙏 and compare the magnitude of chop or whims of that trimmer.
11:33
~ पीके PK
+91 98182 31020
Message

(6)

24/12/22

14:46 14%

VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...

~ Gurpreet Bindra +91 98111 69751
Good morning. Water supply to D and F blocks started at 5.30 am
06:06

~ Madhu Nagpal +91 97184 10930

> ~ Ashima +91 98100 66461
> I am Ashima from A 15/15. My house is in total darkness due to the huge trees on the road. Have sent a letter to Wrlfare and the n...

Definitely need pruning
06:17

~ Gautam Soni +91 99999 77283
Hardly any water in A-10/4 for the last few days.The situation is getting precarious and needs attention.Kindly look into the matter. Thanks
08:43

Nidhi V.V.

> ~ Shanti Sarup Sachdeva +91 98100 70950
> Human nature is such that when it is hot we want cold and when it is cold we want hot
> So it means Pruning must be done where it i...

Sir you must come down n see for your self
The prunner has been with horticulture for 20 more years.
We as reps have been over looking as these people are at it to fund faults
Anyone can come down n measure the size of branches that has been cut.
The horticulture mcd supervisor is there .
What else can we do
14:46

Message

24/12/22

15:24 8%

VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...

done. 14:58

Yashna Bahl
It's a selfless job that all volunteers are doing. Instead of pulling them down we should be the ones cheering for them. They have to manage VASANT VIHAR, which is not a small colony. So please put your self in their shoes and think before you write any remarks. Let's all be mindful. 15:07

~ BARBARA MAHAJAN +91 93131 93094

> Yashna Bahl
> It's a selfless job that all volunteers are doing. Instead of pulling them down we should be the ones cheering for them. They have to m...

I agree! 15:08

Nidhi V.V.

> Yashna Bahl
> It's a selfless job that all volunteers are doing. Instead of pulling them down we should be the ones cheering for them. They have to m...

And where were they last time when the same exercise happened
And the best part is that there hoses were donw and they had no issues
Once we progressed further they started finding faults. 🙏
And even if they had issue they would ha e called the reps and discussed 15:24

Message

24/12/22

16:14 20%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

many trees are top heavy and can be dangerous to security of life and objects .
With an MC approval and MCD cooperation and assistance the exercise is being carried on.
No one is going cutting trees .
When in requests to forest dept trees are not allowed to be cut , who in their right mind will chop trees
The whole exercise is being done with a MCD staff present and they are the ones clearing all green waste .
Would they not be the first ones to complain and object .

Today if residents need a service or have an issue , as a welfare organization we try our best or cover it .
Thanks to most of members and residents who support us by their continued subscription we can .
Is there a harm... Read more 15:41

Nidhi V.V.
And the problem is if we write anything or take there names as many if you have requested
We are filed with CRIMINAL DEFAMATION SUIT
They r just trying to find faults
I m sure this msg will also be screen shot n sent to them 16:13

Message





Address – Street B6/12, Vasant Vihar Date – 10.12.2022

[**Annexure A-12 of the OA]**



Address – Street A10, Vasant Vihar Date - 25.12.2022



Address – Street A-10, Vasant Vihar Date – 25.12.2022



Address – Street A-11, Vasant Vihar Date – 25.12.2022



Address – Street A-6, Vasant Vihar Date – 03.01.2023



Address – Street A-6, Vasant Vihar Date – 03.01.2023



Address – Street A-10, Vasant Vihar Date – 25.12.2022



Address – Street A-11/2, Vasant Vihar Date – 25.12.2022



Address – Street A-6, Vasant Vihar Date – 03.01.2023



Address – Opposite A-5/5A Next to 25 Palam Marg, Vasant Vihar Date – 03.01.2023



Address – Street A10, Vasant Vihar Date – 03.01.2023



Address – Street A-10/9, Vasant Vihar Date – 03.01.2023



Address – Street, 25, Palam Marg, Vasant Vihar Date – 03.01.2023

[Same location where trees were felled/ cut on 30.09.2022]

Annexure A-4 of the OA



Address - Street A-1, Vasant Vihar Date – 03.01.2023



Service E-mail Rejoinder on behalf of the Applicants to the Reply in OA No. 911 of 2022

Shubham Khanna <Shubham.khanna@anantlaw.com>

Tue 1/17/2023 3:38 PM

To: hellovvwa@gmail.com <hellovvwa@gmail.com>

Cc: Anu Monga <anu.monga@anantlaw.com>;Shobhit Sharma <shobhit.sharma@anantlaw.com>;Paritosh Dhawan <paritosh.dhawan@anantlaw.com>

1 attachments (15 MB)

Rejoinder on behalf on the Applicants to the Reply by R18.pdf;

Dear Sir/Ma'am

This is in reference to the matter - Prof. Dr. Sanjeev Bagai & Ors v. Department of Environment GNCTD & Ors. [O.A. No. 911 of 2022] which is listed before Hon'ble National Green Tribunal, New Delhi on 19.01.2023.

Please find attached Rejoinder filed by the Applicants to the Reply filed by you dated 02.01.2023 for your reference and necessary action/ compliance.

Best regards,

Shubham Khanna
Advocate

Mobile: +91 9883264866
E-mail: shubham.khanna@anantlaw.com

AnantLaw
Solicitors & Advocates
B-82, LGF
Gulmohar Park
New Delhi 110049
India

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BEFORE THE NATIONAL GREEN TRIBUNAL AT DELHI
PRINCIPAL BENCH

ORIGINAL APPLICATION NO. 911/2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. PETITIONER

VERSUS

DEPARTMENT OF ENVIRONMENT, GNCTD & ORS

RESPONDENT

N.D.O.H.: 09-01-2023

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1.	Short Status Report on behalf of Respondent No. 6/DDA	1-3
2.	Annexure R1: Photographs of the trees on Green strip GHPS at Vasant Vihar and (2) District Park at Vasant Vihar (Vasant Udhyan), taken on 14-01-2023	4-8
3.	Annexure R2: True Copy of Guidelines for pruning of tress under the Preservation of Trees Act, 1994	9-13
4.	Power of Attorney	14

FILED BY:



KRITIKA GUPTA | LATIKA MALHOTRA
Counsel for Respondent No. 6/DDA
Enrol No: | D/2750/2015
Chamber No. 155, Block I, High Court of Delhi
+91-8826331177 |kritika0504@gmail.com

New Delhi
Dated: 17-01-2023

BEFORE THE NATIONAL GREEN TRIBUNAL AT DELHI
PRINCIPAL BENCH

ORIGINAL APPLICATION NO. 911/2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. PETITIONER

VERSUS

DEPARTMENT OF ENVIRONMENT, GNCTD & ORS

SHORT STATUS REPORT ON BEHALF OF RESPONDENT NO. 6/DDA

I, R. Dayal Son of P.S. Meena aged about 47 years, working as Dy. Dir (Hort) office at Delhi Development Authority, INA, Vikas Sadan, New Delhi, do hereby solemnly affirm and state on oath as under:

1. That I am presently working as Dy Dir (Hort) ; and as such am duly authorised and competent to affirm the present Affidavit on behalf of the Respondent No. 1/DDA ("Answering Respondent").

2. That this Counter Affidavit has been drafted under my instructions and I say that the facts stated therein are based upon records of the case which I believe to be true and correct to the best of my knowledge and belief.

3. That the Respondent No.6 disputes and denies as false, frivolous and vexatious all claims, contentions, allegations and averments in the present petition contrary to anything stated or submitted in this Affidavit.

NOTARY ROOP SINGH Area - DELHI Regd. No. 19721 Valid upto 28-10-2025 GOVT OF INDIA

4. That the Respondent No. 6 craves leaves of this Hon'ble Court to reserve its liberty to file a detailed Affidavit during the course of the proceedings, if the need so arises.

5. That at the outset, the Ld. Tribunal is requested to take note of the following submissions of the Respondent No. 6/DDA-

a. The two parks at Vasant Vihar namely, - (1) Green strip GHPS at Vasant Vihar and (2) District Park at Vasant Vihar (Vasant Udhyan) fall within the jurisdiction of the Respondent No. 6/DDA. It is respectfully submitted that neither any illegal act of pruning, cutting, felling of trees has taken place in these two parks nor the Respondent No. 6/DDA has granted any permission to any person/party (such as Respondents No. 12,13,14,15,16,17 and 18) to undertake illegal act of pruning, cutting, felling of trees in these two parks. Photographs of the trees on Green strip GHPS at Vasant Vihar and (2) District Park at Vasant Vihar (Vasant Udhyan), taken on 14-01-2023 are annexed herewith as **Annexure R1 Colly**.

b. It is further clarified that any act of <u>pruning</u> of trees which have taken place in these two parks in the past has been as per the guidelines for pruning of trees under the Delhi Preservation of Trees Act issued by the Department of Forests and Wildlife, GNCTD. The Respondent No. 1/DDA has ensured that the pruning of the trees is undertaken in complete compliance of these guidelines and, upto 15.7 cm only. Such pruning was last conducted by the DDA in the two subject parks on 01-12-2022 under the supervision of

ROOP SINGH Area : DELHI Regd. No. 19721 Valid upto 26-2-2025 GOVT OF INDIA

Sectional Officer (Horticulture), DDA. True Copy of the Guidelines for pruning of tress under the Preservation of Trees Act, 1994, GNCTD is annexed herewith as **Annexure R2.**

16/01/23

DEPONENT

Dy. Director (Hort.-IV)
D.D.A. Sheikh Sarai Phase-I
New Delhi - 110017

VERIFICATION:

17 JAN 2023

Verified at New Delhi on this the 16 day of Jan 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

Identified the deponent/executant who has signed in my presence.

16/01/23

DEPONENT

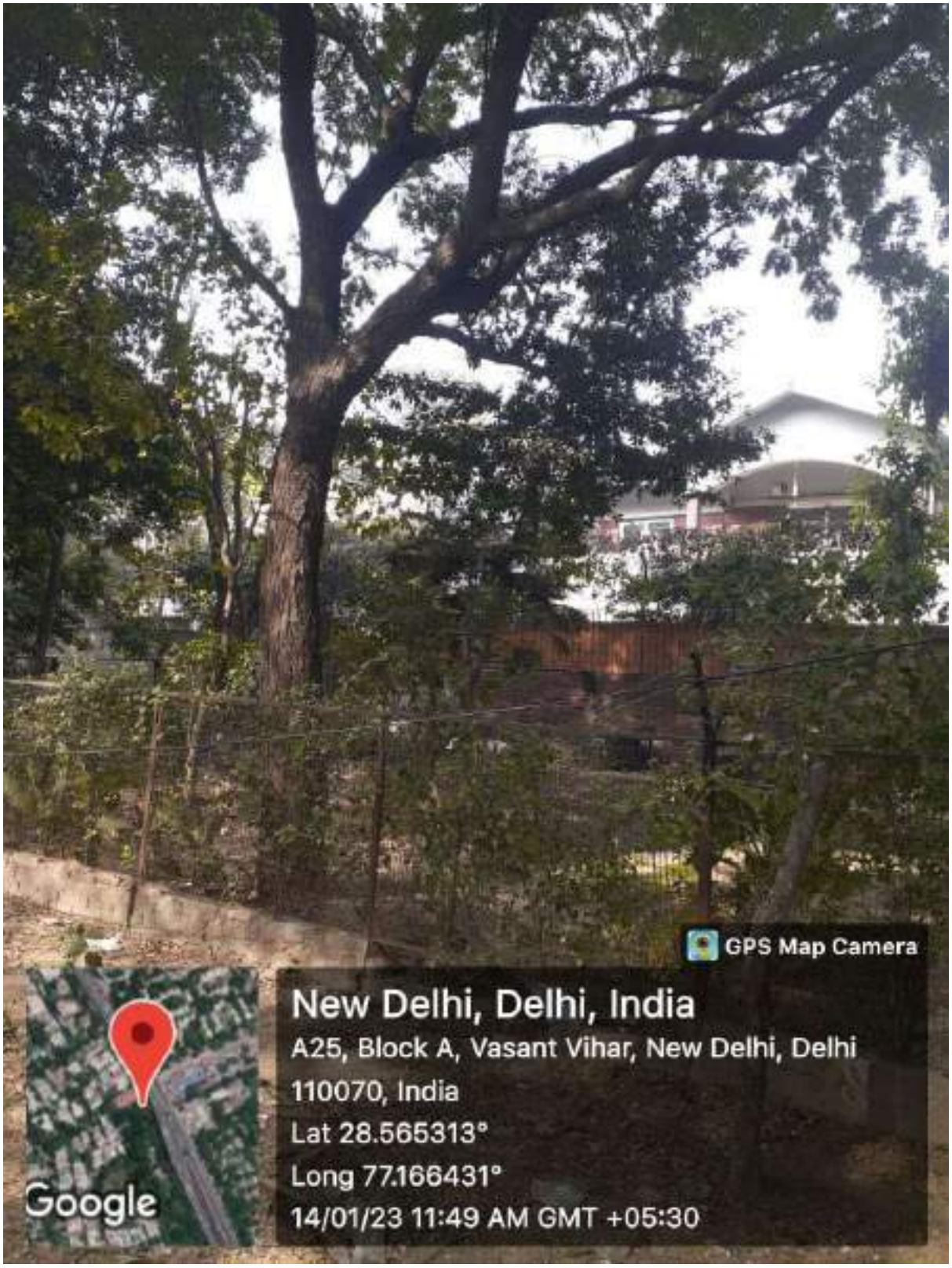
Dy. Director (Hort.-IV)
D.D.A. Sheikh Sarai Phase-I
New Delhi - 110017

NOTARY
ROOP SINGH
Area. DELHI
Regd No. 19721
Valid upto 26-2-2025
GOVT OF INDIA

17/1/23

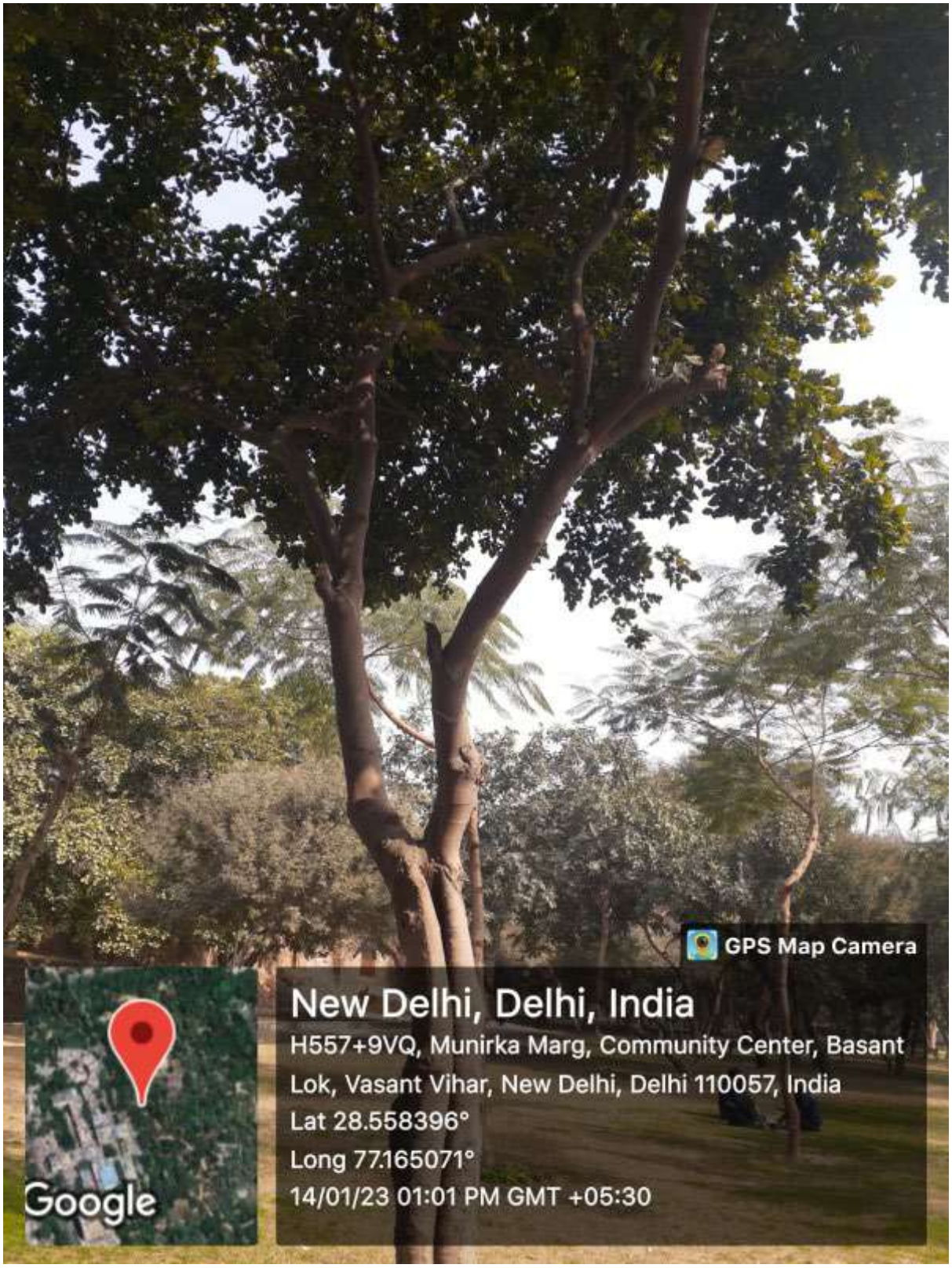
17 JAN 2023


GPS Map Camera
New Delhi, Delhi, India
1, Basant Lok, Vasant Vihar, New Delhi, Delhi
110057, India
Lat 28.558217°
Long 77.165411°
14/01/23 01:04 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
A25, Block A, Vasant Vihar, New Delhi, Delhi
110070, India
Lat 28.565313°
Long 77.166431°
14/01/23 11:49 AM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
A25, Block A, Vasant Vihar, New Delhi, Delhi
110070, India
Lat 28.565277°
Long 77.166394°
14/01/23 11:50 AM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
H557+HQM Vasant udyan, Basant Lok, Vasant Vihar, New Delhi, Delhi 110070, India
Lat 28.559°
Long 77.164877°
14/01/23 12:58 PM GMT +05:30
Google


GPS Map Camera
New Delhi, Delhi, India
H557+9VQ, Munirka Marg, Community Center, Basant Lok, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.558396°
Long 77.165071°
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Google

DEPARTMENT OF FORESTS & WILDLIFE
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P. ESATTE, NEW DELHI-110002

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated : 01/10/19

GUIDELINES
FOR PRUNING OF TREES
UNDER DELHI PRESERVATION OF TREES ACT, 1994

1. The Delhi Preservation of Trees Act, 1994 was enacted to safeguard the forest area in and around NCT of Delhi and to provide for preservation of trees. The Department of Forests & Wildlife, GNCTD has regulatory control for implementation of DPTA 1994 which prohibits felling or pruning/ head backing of trees.
2. The Sec.2 (h) of DPTA, 1994 states that "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bulldozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner as factors causing the death of a tree. Thus it would be apparent that its implied meaning does not appear to carry any implicit connotation that pruning of trees which do not cause damage or death of a tree could be termed as a Tree Offence.
3. In the light of above, general guidelines for pruning of trees are prescribed for adherence by all concerned, so that the trees grown with great care and precision over a period of several years are not pruned recklessly leading to their untimely death (which is an offence under Section 8 of DPTA, 1994) or result in reduction of green cover of Delhi which is an essential strategy to combat pollution.
4. Pruning means cutting off or removing dead or living parts or branches of a tree to improve shape or growth. It is a horticultural and silvicultural practice involving selective removal of parts of a plant, such as branches, buds, or roots. Reasons to prune plants include deadwood removal, shaping by controlling or directing growth, improving or maintaining health, reducing risk from falling branches, preparing nursery specimens for transplanting, etc. However, the pruning cut should not be too large so as to damage the tree.

5. For the purpose of clarity and transparency to the meaning of light and heavy pruning, following would constitute as above:

Term	Branches of girth size	Permission required or not	Remarks
Regular Pruning/ General Tending	Upto 15.7 cm.	No	May be got done by Civic Agencies at regular intervals
Light Pruning	Greater than 15.7 cm but less than and equal to 40 cm.	Required	From concerned Tree Officer on submission of prescribed Form B and other documents as prescribed in DPTA, 1994.
Heavy Pruning	Greater than 40 cm	Required	

6. The forest department does not get the trees felled or pruned/ head backed directly but only accords permission for the same to the owner of land on which the concerned tree is standing after due inspection/ investigation.

7. The actual pruning of the concerned tree/ trees is got done by Deputy Director (Hort.) of the MCDs/ NDMC/DDA/ PWD/CPWD (whoever is the land owning agency) of the concerned area or by the property owner himself/ herself.

8. For obtaining permission for felling or pruning/ head backing of trees, guidelines are in place for information to all and ease of Public/ Govt. agencies towards achieving their desired objective which are available on the department website "www.forest.delhigovt.nic.in".

9. If **Individuals/ General Public/ Society /RWAs** is desirous that any tree inside his house/premises is posing problems to him or the public and needs to be felled or pruned/ head backed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per merit of the case.

10. If the tree/trees for which felling or pruning/ head backing is required is standing on **Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual** and is posing problem to him, he has to apply for felling or pruning/ head backing of such tree on a simple piece of paper to the Deputy Director (Horti.) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.

11. It should neither be applied directly to concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti), as per merit of the case.

12. If a tree is standing on **govt. land but leaning on private land/ building** and is considered dangerous and likely to cause damage to life and property, it should be informed immediately with photograph by the concerned aggrieved person. Permission is granted for its felling or pruning/ head backing within 48 hours of inspection, as per merit of the case. In case permission/ any intimation to the contrary is not received within this time, the person can go ahead and fell or prune/head back the dangerous/ leaning tree and intimate the concerned Tree Officer (DCF) within 24 hours of such felling or pruning/ head backing.

13. There are three (3) Deputy Conservator of Forests (DCFs) who are designated as Tree Officers to look after the cases of tree felling or pruning/ head backing and accord permissions for the same, after inspections, as per merit of the case. Their respective jurisdictions in Delhi are shown in table below.

S.N.	Name of the Division	Name of the Revenue Districts	Name of the Sub-division
1.	North Forest Division	North	Model Town, Narela & Alipur
		North West	Rohini, Kanjhawala & Sarawasti Vihar.
		West	Punjabi Bagh, Patel Nagar & Rajouri Garden.
		North East	Seelampur, Yamuna Vihar & Karawal Nagar.
		East	Gandhi Nagar, Preet Vihar & Mayur Vihar.
		Shahdara	Shahdara, Seemapuri & Vivek Vihar.
		Central	Civil lines
2.	West Forests Division	South West	Dwarka, Najafgarh & Kapashera
		New Delhi	Chankyapuri, Delhi Cantt. & Vasant Vihar
3.	South Forest Division	South	Saket, Hauz Khas, Mehrauli
		South East	Defence Colony, Kalkaji & Sarita Vihar
		Central	Kotwali & Karol Bagh.

14 Pruning/ pollarding/ burning/ lopping/ applying arboricides or damaging a tree in any other manner would be considered as tree offence when, as per ocular estimation of such damage, the Tree Officer, in all his wisdom, holds that such act is likely to lead to the death of the tree, in near future.

15 If a tree standing on any govt. land/ road side/ private land/ building is considered dangerous and likely to cause damage to life or property, or hindrance to traffic signals, it should be pruned immediately by the concerned Civic Agency and informed to concerned Tree Officer within 24 hours and for which no permission is required from Tree Officer.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 Dated: 01/10/19

Copy to:

1. All DCFs for information
2. All DROs/ Forest Guards for information.
3. The Director (Hort) of all Civic Agencies viz. MCDs/ NDMC/ DDA/ PWD/ CPWD etc.
4. Notice Board
5. Programmer, Environment Department, GNCTD with a request to upload on the official web site of the Department.

Distribution:

1. Secretary to Hon'ble Minister (E&F), GNCTD for information.
2. PS to Principal Secretary (E&F), GNCTD for information.
3. PCCF/ HOD, GNCTD for information.

Deputy Conservator of Forests (HQ)/
Member Secretary (Tree Authority)

FORM 'B'

(See sub-rule (1) of rule 4)

The Tree Officer,

.....

.....

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village ..... and District ..... I furnish below the following details in support of my application:-

i. Applicant's name and address (In block letters).

ii. Name and address of the owner of the property (if different from applicant).

iii. Title of the applicant i.e., whether owner/occupant of the property, etc.

iv. Name of the village and khasra number of property.

v. Total area of the property with description of the boundaries.

vi. Total number of trees (specieswise) whose trunk or body is not less than 5cm in diameter at a height of 30cms from the ground and whose height is not less than one metre from the ground.

vii. The exact area (in sq. metres) from which felling of trees for which permit is sought (description of the boundaries).

viii. Total number of trees to be felled.

ix. Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details specieswise are.

Species	No.	Girth

x. Purpose for which the felling of trees are intended.

xi. Intended use of felled trees (e.g.) for sale, for domestic use, etc.

xii. Intended use of land after felling of trees.

xiii. Number and species of trees intended to be planted after felling (give details of arrangement for raising, planting and protecting trees).

xiv. Name /s and address/es of the owners/occupants adjoining property/ies.

2. I am enclosing an affidavit and below mentioned papers in support of my application.

DECLARATION

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place: .....
Date: .....

Applicant's Signature

Attested copies of:-

i. Property/occupancy documents.
ii. Plan of the property showing the khasra number.
iii. Enumeration list (duly signed by the applicant).
iv. Boundary list (duly signed by the applicant).
v. Latest jamabandi of land record issued by the Tehsildar.
vi. "No Objection Certificate" from the concerned local body (e.g.) MCD/N.D.M.C.
vii. "No Objection Certificate" from adjoining property owners.

(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)

I, ... aged.....years, resident of ..... (locality) village ....., wife/son/daughter of ..... do hereby solemnly affirm and declare as under:-

1. That I am the legal owner/occupant of the private property known as ..... situated at ..... village ..... bearing khasra number..... of ..... boundaries of which are as follows:-

East:
West:
North:
South:

2. That I have applied to the Tree Officer ..... for permission to fell ..... trees form the aforesaid property. All the trees have been numbered with paint.
3. That there is no other owner/occupant of this property of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation, if any, that may arise at any time in future regarding the ownership/ occupancy of the said future regarding the ownership/occupancy of the said property or the forest produce from the said property.

Deponent

Verification

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that nothing material has been concealed or omitted there from.

Verified at ..... this the ..... day of..... 20 .....

Deponent

(Source: The Delhi Preservation of Trees Rules, 1996)

1311

741

732

14

DELHI DEVELOPMENT AUTHORITY



POWER OF ATTORNEY

IN THIS COURT OF National Green Tribunal

O.A. No. 911 of 2022

Prof. Dr. Sanjeev Bajaj & Ors. in re :- ....Plff/App./Petitioner/Complaintant

VERSUS

Department of Environment, GNCTD & Ors. ....Defdt. of Resdt.

KNOW ALL to Whom these presents shall come that I/We Rameshwar Dayal Meena Dy. Director (Hort.) DDA

Delhi Development Authority on behalf of Delhi Development Authority the above named R.G./D.D.A.

do hereby appoint KRITIKA GUPTA (D/2750/15) & LATIKA MALHOTRA (D/2356/2018)

.....hereiafter called the Advocate(s) to be my/our Advocate(s) in the above noted case and authorise him/them :-

To act, appear and plead in the above noted case in this Court or in any other Court in which the same may be tried or heared and also in the appaliate Courts.

To sign, file, verify and present pleading, replications, appeals cross-objections, or petitions for executions, revision restoration, withdrawal, compromise or other petitions, replies, objections written statements, affidavits or other documents as may be deemed necessary or proper for the prosecution of the case in all its stages.

To file and take back documents and also withdraw unspent diet money or printing charges that may arise touching or in any manner relating to the said case.

To take out execution proceedings.

To deposit draw and receive : money cheques, and grant receipts therefor and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the Powers and authorities hereby conferred unto the Advocates whenever they think fit to do so and to sign the power of attorney on my/our behalf.

And I/we the undersigned do hereby agreed to ratify and confirm to acts done by the Advocates of their substitutes in the matter as my/our own acts, as if done me/us to all intents and purposes.

And I/we undertake that I/we or my duly authorised agent would appear in the court on all hearings and will inform the Advocates for appearance, when the case is called.

And I/we undersigned to hereby agree to hold the Advocate or their substitutes responsible for the result of the said case in consequence of their absence from the Court when the said case is called up for hearing, or for any negligence of the said Advocates or their substitutes.

And I/we the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up.

IN WITHNESS WHEREOF I/we do here unto set my/our hand to these present the contents of which have been understood by me/us this day of 20.

Accepted,

Advocate (KRITIKA GUPTA) (LATIKA MALHOTRA)

DELHI DEVELOPMENT AUTHORITY D/2356/2018 for DELHI DEVELOPMENT AUTHORITY

Vikas Sadan, New Delhi-23

D/2750/15

(Rameshwar Dayal Meena)

Identified

Dy. Director (Hort.-IV)

D.D.A. Sheikh Sarai Phase-I

New Delhi - 110017

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

I.A. NO _____ OF 2023
IN
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. …RESPONDENTS

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New Delhi
Date: .01.2023

ANNEXURE - 33

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

I.A. NO _____ OF 2023

IN
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. …RESPONDENTS

APPLICATION ON BEHALF OF THE APPLICANTS UNDER SECTION 19 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 READ WITH ORDER XXVI RULE 10A OF THE CODE OF CIVIL PROCEDURE, 1908 AND RULE 24 OF THE NATIONAL GREEN TRIBUNAL (PRACTICE AND PROCEDURE) RULES, 2011 FOR FORMATION OF JOINT/EXPERT COMMITTEE.

MOST RESPECTFULLY SHOWETH

1. That the present application is being filed by the Applicants without prejudice to any/all the rights and contentions of the Applicants.

2. That the captioned original application (**"Original Application"**) is pending before this Hon'ble Tribunal and the same is fixed for further proceedings on 19.01.2023. The contents of the Original

Application may be read as a part and parcel of the present application and the same are not being repeated herein for the sake of brevity and to avoid repetition.

3. The Applicants are filing the instant application under Section 19 of the National Green Tribunal Act, 2010 ("**NGT Act**") read with Order XXVI Rule 10A of the Code of Civil Procedure, 1908 ("**CPC**") and Rule 24 of the National Green Tribunal (Practice and Procedure) Rules, 2011 for formation of joint/ expert committee to carry out scientific investigation and submit the report to come to correct conclusion to find out measures to remedy pollution and environment. It is pertinent to mention that the prayers as prayed herein were also taken by the Applicants in the 'prayer for interim relief' in the Original Application.

4. It is pertinent to mention that even after passing of the order dated 03.01.2023 in the captioned matter, wherein it was specifically held by this Hon'ble Tribunal that *"13…further pruning of the trees, if considered necessary, be carried out by the concerned Civic Authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator*

of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994 by associating office bearers of the Vasant Vihar Residents Welfare…", Respondent No. 18 are carrying out pruning themselves without any personnel of concerned land owing agency, which said act of Respondent No. 18 is in blatant violation of the orders of this Hon'ble Tribunal.

5. Further, even Respondent No. 3 in its reply dated 16.01.2023 had submitted that in few places, excessive pruning has been carried out. Therefore, it has become just and necessary that an expert committee shall be formed to assist this Hon'ble Tribunal to know the correct factual position and details of trees excessively pruned by Respondent No. 18.

6. It is also important to note that Respondent No. 3 in its reply has submitted that inspections have been committed by him, however, no detailed inspections were ever carried which is evident from the fact that Applicants have placed on record (with rejoinder to the reply of Respondent No. 18 and rejoinder to the short affidavit of Respondent No. 4 and also in Original Application) certain photographs to demonstrate that many trees were pruned

excessively and as per the whims and fancies of Respondent No. 18.

7. Further, Respondent No. 3 in in its said reply dated 16.03.2023 has stated that during inspection in Vasant Vihar (Block-A) he found that regular pruning is being carried out having girth up to 15.71 centimetres. However, Respondent No. 3 completely failed to give any findings in its report that who was carrying out pruning because as per clause 7 of the guidelines bearing no. F.no.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 issued by Respondent No. 1 for pruning of trees ('**Guidelines**') under Delhi Preservation of Trees Act, 1994 (**"DPT Act"**), only the concerned land owning agency can carry out pruning.

8. Even, the report of Respondent No. 3 submitted with its reply dated 16.01.2023 do not whispers on the issue raised by Applicants that on 30.09.2022, certain trees (exact number is not known to the Applicants) were cut/felled in Vasant Vihar, without any prior approval and with (direct/ indirect) understanding/ consent of Respondent Nos. 12-17 and less than 50 meters away from the offices of Horticulture Inspector, MCD. Therefore, it has now become just and necessary that proper joint/ expert committee may

be formed and be directed to inspect all the blocks of Vasant Vihar (where pruning was conducted since 21.11.2022 till date) and submit its report so as to enable this Hon'ble Tribunal to come to correct conclusion to find out measures to remedy pollution and environment.

9. Respondent No. 6/ Delhi Development Authority has filed a short status report dated 17.01.2023 categorically stated in para 5(a) that *"neither any illegal act of pruning, cutting, felling of trees has taken place in these two parks nor the Respondent No. 6/DDA has granted any permission to any person/party (such as Respondent No. 12,13,14,15,16,17 and 18) to undertake illegal act of pruning, cutting, felling of trees in these two parks…"*. It has further been stated by Respondent No. 6 in para 5(b) that *"any act of pruning of trees which have taken place in these two parks in the past has been as per the guidelines for pruning of trees…The Respondent No. 1/DDA has ensured that the pruning of trees is undertaken in complete compliance of these guidelines and, upto 15.7 cm only…"*. However, it is most humbly submitted that the aforesaid stand of Respondent No. 6 is inaccurate, false, misleading and do not state the correct factual position with respect to cutting and felling of

trees in Vasant Vihar. It is important to note that at **page 5 and 6** of short status report, Respondent No. 6 has annexed 2 photographs of land parcel next to 25 Palam Marg, Vasant Vihar, stating that it undertook only pruning of trees in terms of the said Guidelines. Whereas, actually the correct position is that trees were cut/felled on the said land parcel (25 Palam Marg, Vasant Vihar) on 30.09.2022 (for which a complaint dated 28.10.2022 was filed by Applicant No. 1). The present photographs of the said land parcel, the photographs taken on 30.09.2022 and the google maps images of March 2022 (annexed as **Annexure-1**) clearly and unambiguously prove that cutting and felling of trees took place at land parcel next to 25 Palam Marg, Vasant Vihar, New Delhi and further proves that Respondent No. 6 is lying on oath either to cover up the illegal acts of Respondent No. 18 or to cover up their own action/ inaction.

10. In view of aforesaid facts and circumstances, it has become just and necessary that this Hon'ble Tribunal may form a joint/ expert committee to bring out the truth and further punish the guilty in terms of the DPT Act.

11. It is important to note that trees form an essential part of the environment and play a vital role in keeping the environment pollution free and protected from irreparable environmental changes like global warming, caused due to imbalance in environment. Moreover, trees aid to remove the pollutants and the harmful gases from the atmosphere and reduce the effect of such pollutants to the human bodies and therefore providing us with clean air to breathe. Therefore, pruning of such trees has to be done in a scientific manner and with utmost care (which has been time and again held by this Hon'ble Tribunal).

12. That it is submitted that unscientific pruning of trees leads to the poor appearance of the trees, that ultimately leaves a large wound that would need a long time to recover, and exposes the tree to infections (parasitic fungi) that decreases the tree's stability, resulting to fungal decay that can weaken the physical strength of the wood and may pose a danger to environment.

13. It is also important to note that even the photographs filed by the Applicants (at pages 110-114 of the Original Application) clearly show that the trees which were pruned had a girth size which was over than 15.7 centimeters. Apart from that, even after closely

looking at the photographs filed by the Respondent No. 18 itself (at page 18 of their Reply dated 02.01.2023) it is clear that the tree pruned (which the Respondent No. 18 claims to be less than 15.7 centimeters) is more than 15.7 centimeters. Even otherwise, it is important to note that 15.7 centimeters girth has no relevance as it is mandatory to take permission for pruning of trees in terms of the DPT Act.

14. That it will be pertinent to mention the ongoing case of *Avinash Vidrohi v. State of Himachal Pradesh* (Original Application No. 372 of 2022 filed before this Hon'ble Tribunal), whereby the applicant had submitted that the Public Works Department (PWD) conducted the pruning of all branches of almost 200 fruit bearing mango trees through a contractor without obtaining requisite permission from the forest department. This Hon'ble Tribunal took into account the genuine nature of the issues raised and took prompt action by stating that "*we are of the view that the factual position needs to be verified and remedial action is required to be taken on the basis thereof by the concerned Statutory Authorities. Accordingly, we constitute a Committee comprising representative of Regional Office of MoEF at Chandigarh, State PCB, 2 Principal*

Chief Conservator of Forests, Government of Himachal Pradesh and Deputy Commissioner, Una and direct the same to undertake site visits, look into the grievances of the applicant, verify the factual position and take remedial action in accordance with law by following due process within one month from the date of receipt of a copy of this order…". Therefore, the present Original Application having similar facts, in the interest of justice requires that a joint/ expert committee be formed by this Hon'ble Tribunal.

15. That the Hon'ble Supreme Court of India in *Kantha Vibhag Yuva Koli Samaj Parivartan Trust and Others v. State of Gujarat & Ors*. (2022 SCC OnLine SC 120) has held that "…*The role of an expert committee appointed by an adjudicatory forum is only to assist it in the exercise of adjudicatory functions by providing them better data and factual clarity*…". Therefore, taking into account the above noted case, it will be relevant to constitute a joint/ expert committee to dwell deep into the issue and present a detailed report with respect to the concerns raised by the Applicants qua the Original Application.

16. That the Applicants submit that the DPT Act was enforced to improve tree protection by regulating tree pruning, allowing for the

planting of a suitable number of trees, and requiring the responsible authority to adhere to the DPT Act's guidelines, therefore the formation of a joint/ expert committee will enable this Hon'ble Tribunal to have a clear picture on the conducts of Respondent No. 18 and land owning agencies. The formation of a joint/ expert committee in the present case in necessary because the fact-finding exercise in the present dispute is complex, requires technical support may also require the committee to conduct field visits to provide accurate data for proper adjudication of the present case.

PRAYER

In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass the following orders:

A. form a joint/ expert committee;

B. direct the joint/ expert committee to carry out inspection/ investigation and give a detailed report with respect to felling, cutting and pruning of trees in Vasant Vihar; and

`

Pass such other further order/s as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

APPLICANT NO. 1

APPLICANT NO. 2

APPLICANT NO. 3

THROUGH

ANU MONGA
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BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

IA NO ___ OF 2023 IN ORIGINAL APPLICATION NO. 911 0F 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Prof. Dr. Sanjeev Bagai aged about 57 year, S/o Late Mr. M.K. Bagai, having its residence at 43 Poorvi Marg, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

DEPONENT

I identify the deponent/executant who has signed in my presence

VERIFICATION

Verified at New Delhi on this 17 day of JAN 2023, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

R.V. SINGH
Advocate
Regn. No. 2202
Commission
Expires on
24-10-2027
Area-Delhi
GOVT. OF INDIA

Solemnly affirmed before me, read over & explained to the deponent.

Notary Public, DELHI

17 JAN 2023

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

IA NO ___ OF 2023 IN ORIGINAL APPLICATION NO. 911 0F 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Rajit Kumar aged about 70 year, having its residence at A-10/7, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

Rajit Kumar

DEPONENT

I identify the deponent/executant who has signed in my presence

VERIFICATION

Verified at New Delhi on this 17 day of JAN 2023, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

Rajit Kumar

DEPONENT

NOTARY R.V. SINGH Advocate Regn.No.2282 Commission Expire on 24-10-2027 Area-Delhi GOVT. OF INDIA

Solemnly affirmed before me, read over & explained to the deponent

Notary Public, DELHI

17 JAN 2023

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

IA NO ___ OF 2023 IN ORIGINAL APPLICATION NO. 911 0F 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Vivek Tandon aged about 59 year, having its residence at E-9/9, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

Vivek Tandon
DEPONENT

who has signed in my presence

VERIFICATION

Verified at New Delhi on this 17 day of JAN 2023, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

NOTARY R.V. SINGH Advocate Regn No. 2282 Commission Expire on 24-10-2027 Area-Delhi GOVT. OF INDIA

Vivek Tandon
DEPONENT

Solemnly affirmed before me, read over & explained to the deponent

Notary Public, DELHI
17 JAN 2023

ANNEXURE-1

PHOTOGRAPHS OF 25 PALAM MARG, VASANT VIHAR, NEW DELHI DATED MARCH 2022






Google


Google

PHOTOGRAPHS OF 25 PALAM MARG, VASANT VIHAR, NEW DELHI DATED 30.09.2022







PHOTOGRAPH OF 25 PALAM MARG, VASANT VIHAR, NEW DELHI DATED 03.01.2023






DL-1L
AD-8267


CARGO MOTORS
DL 1LA
D8267
TATA
DL 1L
AD-8267

1336

757

766 757



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Solicitors & Advocates

31.01.2023

By HAND/ COURIER/ SPEED POST/ E-MAIL

The Secretary, PWD
12th Floor,
MSO Building, IP Estate
New Delhi 110002

Department of Environment,
Govt. of NCT of Delhi,
Through Its Principal Secretary,
(Environment & Forest),
6th Level, C-Wing, IP Estate,
Delhi Secretariat, Delhi – 110002

Deputy Conservator of Forest,
West Forests Division (Tree Officer)
Govt. Of NCT of Delhi,
Mandir Road,
Central Ridge Reserve Forest
New Delhi – 110092

Deputy Director,
Department of Horticulture,
Public Works Department,
Govt. of NCT Of Delhi,
R. R. Line Old Building Ring Road
New Delhi – 110010

Subject: **Pruning of Trees on PWD land (government land) in Vasant Vihar by Vasant Vihar Welfare Association**

Respected Sir/ Ma'am,

1. We write under instructions and on behalf of our clients Prof. Dr Sanjeev Bagai, Mr. Rajit Kumar and Mr. Vivek Tandon.

2. This has reference to pruning of trees in Vasant Vihar, which recommenced on 16 January 2023 and was being done using a 'sky-lift/ Truck' bearing number DL1LA D8267 (driven by one Mr. Subhash). The actual pruning of trees was

being undertaken by Mr. Chanderpal (a private contractor engaged by Vasant Vihar Welfare Association); who clarified that the pruning is being undertaken under instruction from Vasant Vihar Welfare Association and the payments towards the same is also being made by Vasant Vihar Welfare Association. On 30 January 2023 the pruning of trees was undertaken at Street A-5 (MCD land), using the above mentioned 'sky-lift' and by Mr. Chanderpal.

3. **Further, on 31 January 2023, the pruning of trees was being undertaken, by the same team (i.e. Mr. Chanderpal) using the same 'sky-lift' at Street A-9, which falls within the jurisdiction of Public Works Department/ PWD.**

4. Therefore, it is abundantly clear that the pruning of trees, on government land (belonging to MCD and PWD) was being undertaken by a private person/ body and not by MCD and/ or PWD (on their own).

5. In this regard, you are requested to kindly clarify whether the sky-lift bearing number DL1LA D8267 and Mr. Chanderpal were engaged by PWD?

6. Also, whether any communication/ letter was sent by PWD to Vasant Vihar Welfare Association seeking financial assistance and men-power for pruning of trees?

7. Can any private body/ person prune trees on government/ public land, without consent/ approval from the appropriate land-owning agency?

8. Please appreciate that the same will help us in ensuring that the pruning is being undertaken by the appropriate land-owing agencies (directly).

9. In case, the pruning has not been undertaken by your officers directly (using PWD resources), you are requested to initiate appropriate steps (as mandated under laws including Section 22 of the Delhi Preservation of Trees Act, 1994) and inform all the relevant agencies.

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10. We look forward to receiving your prompt response on the above.

Best regards,

Anu Monga
Partner

B-83, LGF
Gulmohar Park
New Delhi 110049
Mobile: 98112 64474
E-mail: *anu.monga@anantlaw.com*

Copy to:

1. Commissioner of Police,
   Office of The Commissioner Of Police,
   Jai Singh Road,
   New Delhi-110001

2. Vasant Vihar Welfare Association
   Kalyan Kendra, 9, Paschimi Marg
   Vasant Vihar
   New Delhi 110057

3. The Commissioner
   Municipal Corporation of Delhi
   DR. S.P.M. Civic Centre, Minto Road
   New Delhi – 100002

4. The Dy. Commissioner
   Municipal Corporation of Delhi
   South Zone
   Green Park
   New Delhi

5. The Dy. Director Horticulture
   Municipal Corporation of Delhi
   South Zone
   Green Park
   New Delhi

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Solicitors & Advocates

31.01.2023

By HAND/ COURIER/ SPEED POST/ E-MAIL

The Commissioner
Municipal Corporation of Delhi
DR. S.P.M. Civic Centre, Minto Road
New Delhi – 100002

The Dy. Commissioner
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

The Dy. Director Horticulture
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

Deputy Conservator of Forest,
West Forests Division (Tree Officer)
Govt. Of NCT of Delhi,
Mandir Road,
Central Ridge Reserve Forest
New Delhi – 110092

Subject: Pruning of Trees in Vasant Vihar by Vasant Vihar Welfare Association

Respected Sir/ Ma'am,

1. We write under instructions and on behalf of our clients Prof. Dr Sanjeev Bagai, Mr. Rajit Kumar and Mr. Vivek Tandon.

2. This has reference to pruning of trees in Vasant Vihar, which recommenced on 16 January 2023 and was being done using a 'sky-lift/ Truck' bearing number DL1LA D8267 (driven by one Mr. Subhash). The actual pruning of trees was being undertaken by Mr. Chanderpal (a private contractor engaged by Vasant Vihar Welfare Association); who clarified that the pruning is being undertaken

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under instruction from Vasant Vihar Welfare Association and the payments towards the same is also being made by Vasant Vihar Welfare Association. On 16 January 2023, while the pruning was being undertaken none of MCD employees/ Choudhary was present to supervise the pruning.

3. On 30 January 2023 the pruning of trees was undertaken at Street A-5, using the above mentioned 'sky-lift' and by Mr. Chanderpal.

4. Further, on 31 January 2023, the pruning of trees was being undertaken, by the same team (i.e. Mr. Chanderpal) using the same 'sky-lift' at Street A-9 (which falls within the jurisdiction of Public Works Department/ PWD).

5. Therefore, it is abundantly clear that the pruning of trees, on government land (belonging to MCD and PWD) was being undertaken by a private person/ body and not by MCD and/ or PWD (on their own).

6. In this regard, you are requested to kindly clarify whether the sky-lift bearing number DL1LA D8267 and Mr. Chanderpal were engaged by MCD?

7. Also, whether any communication/ letter was sent by MCD to Vasant Vihar Welfare Association seeking financial assistance and men-power for pruning of trees?

8. Can any private body/ person prune trees on government/ public land, without consent/ approval from the appropriate land-owning agency?

9. Please appreciate that the same will help us in ensuring that the pruning is being undertaken by the appropriate land-owing agencies (directly).

10. In case, the pruning has not been undertaken by your officers directly (using MCD resources), you are requested to initiate appropriate steps (as mandated under laws including Section 22 of the Delhi Preservation of Trees Act, 1994) and inform all the relevant agencies.

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11. We look forward to receiving your prompt response on the above.

Best regards,

Anu Monga
Partner

B-82, LGF
Gulmohar Park
New Delhi 110049
Mobile: 98112 64474
E-mail: *anu.monga@anantlaw.com*

Copy to:

1. Department of Environment,
   Govt. of NCT of Delhi,
   Through Its Principal Secretary,
   (Environment & Forest),
   6th Level, C-Wing, IP Estate,
   Delhi Secretariat, Delhi – 110002

2. Deputy Director,
   Department of Horticulture,
   Public Works Department,
   Govt. of NCT Of Delhi,
   R. R. Line Old Building Ring Road
   New Delhi – 110010

3. Commissioner of Police,
   Office of The Commissioner Of Police,
   Jai Singh Road,
   New Delhi-110001

4. Vasant Vihar Welfare Association
   Kalyan Kendra, 9, Paschimi Marg
   Vasant Vihar
   New Delhi 110057

ANNEXURE - 36







Outlook Search Teams call

ANNEXURE - 37

From: Anu Monga <anu.monga@anantlaw.com>
Sent: Tuesday, February 7, 2023 2:25 PM
To: dcfwest.gnctd@gov.in <dcfwest.gnctd@gov.in>; singh.anilkr@nic.in <singh.anilkr@nic.in>; vcdda@dda.org.in <vcdda@dda.org.in>; pcdda-hort@dda.gov.in <pcdda-hort@dda.gov.in>; pspwd@nic.in <pspwd@nic.in>; commissioner@mcd.nic.in <commissioner@mcd.nic.in>; adhsouthzone.mcd@gmail.com <adhsouthzone.mcd@gmail.com>
Cc: Shobhit Sharma <shobhit.sharma@anantlaw.com>
Subject: Cutting/ Felling of Trees in Vasant Vihar, next to 25 Palam Marg in Vasant Vihar

7 February 2023

Deputy Conservator of Forest,
West Forests Division (Tree Officer)
Govt. Of NCT of Delhi,
Mandir Road,
Central Ridge Reserve Forest
New Delhi – 110092

The Secretary
Public Works Department
Government of NCT
12th Floor,
MSO Building, IP Estate
New Delhi 110002

Department of Environment,
Govt. of NCT of Delhi,
Through Its Principal Secretary,
(Environment & Forest),
6th Level, C-Wing, IP Estate,
Delhi Secretariat, Delhi – 110002

The Vice Chairman
Delhi Development Authority
New Delhi

Deputy Director,
Department of Horticulture,
Public Works Department,
Govt. of NCT Of Delhi,
R. R. Line Old Building Ring Road
New Delhi – 110010

The Commissioner
Municipal Corporation of Delhi
DR. S.P.M. Civic Centre, Minto Road
New Delhi – 100002

The Dy. Commissioner
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

The Dy. Director Horticulture
Municipal Corporation of Delhi
South Zone
Green Park
New Delhi

Subject: Cutting/ Felling of Trees in Vasant Vihar, next to 25 Palam Marg, on PWD/ DDA/ MCD land (government land) in Vasant Vihar

Respected Sir/ Ma'am,

1. We write under instructions and on behalf of our clients Prof. Dr Sanjeev Bagai, Mr. Rajit Kumar and Mr. Vivek Tandon.

2. This present complaint is in continuation to the earlier complaint filed by Prof. Dr. Sanjeev Bagai on 28/ 31 October 2022 regarding felling/ cutting of trees next to 25 Palam Marg/ Horticulture Office of Municipal Corporation of Delhi and also part of the Original Application No 911/ 2022 before the Hon'ble National Green Tribunal ("**NGT**"). The said complaint is attached with this email for your ready reference and the contents of which are self-explanatory.

3. In accordance with the directions/ order of the Hon'ble NGT, we are reiterating the facts/ complaint relating to cutting of trees in Vasant Vihar; however the same is in addition to provisions of Section 22 of the Delhi Preservation of Trees Act, 1994, under which the land owning agency or local police officials are required to report the same to the DCF and also without prejudice to the rights available to our clients under the laws of India.

4. In order to assist the relevant authorities, we are attaching few additional photos and videos, taken on 30 September 2022, when the trees were being cut/ felled. We are also attaching few photos from Google Maps (of March 2022) and present photos to show the missing trees. You may also note that at the time of felling of trees, Mr. Tyagi/ Horticulture Officer/ Mali/ Chaudhary was also present at the site. It is submitted that the "faint voice in the video" who is being told to ensure that cut trees are not taken away is Mr. Tyagi himself. The comparison of attached pictures (including from Google Maps March 2022 to September 2022 to January 2023) shall also show missing trees and the change in landscape.

5. Accordingly, cutting of trees, 50 meters away from MCD/ Horticulture office/ nursery and in the presence of MCD employee, could not have been possible without the involvement of some residents of Vasant Vihar and the its RWA - Vasant Vihar Welfare Association.

6. You are requested to look into the same and take steps as mandated under the applicable laws. The DCF is also empowered to initiate the enquiry on suo-moto basis. This is not a personal issue concerning the complainants and the same is only to ensure that the green cover in Vasant Vihar is not depleted by illegal acts/ actions of certain individuals.

Regards,

Anu Monga
Advocate

Anu Monga
Partner

Mobile: +91 98 11 26 4474
E-mail: anu.monga@anantlaw.com

AnantLaw
Solicitors & Advocates
A-2/2
Vasant Vihar
New Delhi 110057
India

ANNEXURE - 38

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

I.A. No._____ of 2023

IN
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

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THROUGH

ANU MONGA
ANANTLAW
ADVOCATE FOR THE APPLICANT
SOLICITORS AND ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI- 110049
MOBILE: (+91) 9811264474
EMAIL: ANU.MONGA@ANANTLAW.COM

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
IA NO _____ OF 2023
IN
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:
PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

APPLICATION ON BEHALF OF THE APPLICANTS UNDER SECTION 340 READ WITH SECTION 195(1)(B) OF THE CODE OF CRIMINAL PROCEDURE, 1973.

PRELIMINARY OBJECTIONS AND SUBMISSIONS

1. That the captioned original application (**"Original Application"**) is pending before this Hon'ble Tribunal and the same is fixed for further proceedings on 19.01.2023. The contents of the Original Application may be read as a part and parcel of the present application and the same are not being repeated herein for the sake of brevity and to avoid repetition.

2. That the present application is being filed without prejudice to any/all the rights and contentions of the Applicants.

3. The Applicants are filing the instant application seeking initiation of proceedings under Section 340 of the Code of Criminal Procedure, 1973 ("**CrPC**") against Respondent No. 18/ Vasant Vihar Welfare Association ("**R18**"/ "**VVWA**") for knowingly, wilfully, deliberately and intentionally making false and incorrect statements (mentioned hereinunder) before this Hon'ble Tribunal, supported by affidavit on oath with a view to prejudice and interfere with the due course of judicial proceedings; to obstruct the administration of justice and to deceive this Hon'ble Tribunal.

4. That by making false statement on oath, R18 is illegally trying to cover up/ hide their illegal acts carried out by R18.

5. R18, with clear oblique motive to mislead this Hon'ble Tribunal has approached this Hon'ble Tribunal with unclean hands, as it had knowingly, wilfully and purposely made repeated incorrect and false statements (blatantly lied) in its reply dated 02.01.2023 (**"R18 Reply"**) to the said Original Application.

6. R18 Reply is accompanied with a resolution dated 28.12.2022 at page 20 which claims that in terms of Clause 31 of Memorandum of Association the 'office bearers' of R18 authorised R13/ President of VVWA (i.e Mr. G.S. Bindra) to sign and file the R18 Reply. It is important to bring to the notice of this Hon'ble Tribunal that even the said claim is completely false as in terms of Clause 31 of the said Memorandum of Association only 'managing committee' of R18 have power to authorise any person to sue or be sued on behalf of R18; and not 'office bearers' as is being claimed in R18 Reply Copy of the Memorandum of Association is annexed herewith as **Annexure-1**.

7. For ease of reference, Clause 31 of R-18's "Memorandum/ Rules of the Association" is extracted as under:

> *"Legal Action: The association may sue or be sued in the name of the Secretary of the Association, and, in default of such determination, in the name of such person as shall be appointed by the Managing Committee for the occasion."*

It is further clarified that "Managing Committee" (**"MC"**) of R18 by virtue the same "Memorandum of the Association" are detailed under Clause 5 read with Clause 6 and include office bearers (that is, President, Vice-President, Secretary, Joint Secretary and Treasurer) of R18 and all block level representatives (that is, 2 members from each of the blocks i.e. A, B, C, D, E and F). Collectively the five (5) office bearers and twelve (12) block representatives constitute the Managing Committee of R18.

8. The false statements that are part of R18 Reply are demonstrated in the below table for ready reference:

I. R18 issued contradictory statements/ letters/ applications with respect to pruning of trees being undertaken by R18 itself. However, R18 Reply mentions: 1) pruning is being undertaken by R18 under supervision of MCD; 2) pruning is being undertaken by MCD and PWD; and 3) pruning is being undertaken by MCD with support from R18	
R18 REPLY	**Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7**

Para I(7) page 4 of R18 Reply *"The pruning is being undertaken by the Municipal Corporation of Delhi in compliance of order dated 21.12.2022 of this Hon'ble Tribunal."* **Para II(2) page 5 of R18 Reply** *"The pruning had been done within the boundary of law and under the supervision and control of the appropriate authorities."* **Para III(2) page 5 of R18 Reply** *"It is stated that no pruning of more than 15.7 cm was undertaken by the answering Respondent"* **Para III(3) page 6 of R18 Reply** *"3...It is reiterated that pruning was done with the approval and under the control and supervision of the concerned authorities..."* **Para III(4) page 6 of R18 Reply** *"... pruning which was undertaken under the supervision and control of the appropriate authorities..."* **Para IV(2) page 9 of R18 Reply** *"It is again reiterated that the activity of pruning undertaken by the Respondent No.5 was as per law and under the active supervision and control of the concerned authorities and its officers."*	**WhatsApp message dated 18.11.2022** **[Annexure A-3 Colly to Original Application]** *"...We had been following up the matter with MCD, but they do not have the means to carry out pruning at this scale. SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES"* *"...1. VVWA has engaged the services of a skylift on hire charges. Chandrapal who recently retires from MCD, has been engaged to carry out the pruning"...* *"5. The work shall be supervised by the block representatives and they may be contacted for any issue."* **WhatsApp message dated 21.11.2022** **[Annexure 2 herein]** *"Dear Residents, Pruning is successfully started from F block today. Permission has been granted from govt. in writing. Horticulture team along with its seniors are there with sky lift"* **R18 Letter dated 01.12.2022 to R3/ DCF** **[Annexure R-1 of Reply to Original Application]** *"...we are carrying out pruning of our trees in Vasant Vihar..."*

Para IV(3) page 10 of R18 Reply *"...it is reiterated that pruning was undertaken under the active supervision and control of the concerned authority and ancillary services were facilitated by the Respondent No. 18."* **Para V page 11 of R18 Reply** *"...pursuant to the order dated 21.12.2022 passed by this Hon'ble Tribunal, the Municipal Corporation Delhi has undertaken the work of pruning and there exists no involvement of the Respondent No. 18 in the same."*	*"...in no case would the pruning be greater than 15.5 cms be carried out"* **R18 Notice to residents dated 23.12.2022** **(Annexure 3 Colly herein)** *"...Pruning is being carried out by VVWA in the larger interest of the residents..."* **WhatsApp message dated 23.12.2022 of R18 MC member** ***(after the first hearing before the Hon'ble NGT)*** **[Annexure-4 Colly herein]** *"Pruning was being dine by mcd only* *We were facilitating with sky lift as we have big trees"* **Short affidavit of R4** **PARA 7** *"That as per record of the department, the said regular pruning has been undertaken/ carried out w.e.f 21/11/2022 till 20/12/2022 under the supervision of the said officers."*

II. R18 issued contradictory statements/ letters/ applications with respect to permission granted/ awaited for pruning of trees. However, R18 Reply mentions: 1) pruning is being undertaken with the approval; 2) no approval required for pruning.	
R18 REPLY	**Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7**
Para I(2) page 2 of R18 Reply *"...For pruning upto 15 cms of grith, no permission is required."* **Para III(3) page 6 of R18 Reply** *"3...It is reiterated that pruning was done with the approval and under the control and supervision of the concerned authorities..."* **Para IV(2) page 9 of R18 Reply** *"...for regular pruning/ general trending up to 15.7 cm, no permission is required..."* **Para IV(2) page 9 of R18 Reply** *"...pruning is not in violation of any model of conduct and for pruning of up to 15.7 cms, no permission is also required to be taken ..."*	**Letter dated 21.11.2022, to R7/ Asst Director Horticulture, MCD** **[Annexure A-7 of Original Application]** *"...The matter has been discussed at various levels of MCD and there is no ambiguity on the issue that pruning needs to be carried out."* *"...we would request you to give us permission to carry this out."* **WhatsApp message dated 17.12.2022** **[Annexure-5 herein]** *"Anything on A 10 will be done We will not do vasant marg side till we have permission..."* **WhatsApp message dated 19.12.2022** **[Annexure-6 Colly herein]** *"As far as pruning for A9 is concerned, that comes under PWD scheme. Our office bearers are in the process of acquiring permissions from authorities."*

	"Yes PWD we are in process of talking this permission" **WhatsApp messages dated 20.12.2022** **[Annexure-7 herein]** *"A9 street comes under PWD so we have not received any permissions for tree pruning A9 street.* *Office is working on the permissions. Updates on the same will come next week."* **Another message** *"Yes. We are pursuing that"*

III. R18 issued contradictory statements/ letters/ applications with respect to hiring private contractor to carry out pruning. However, R18 Reply mentions private contractor was not undertaking pruning	
R18 REPLY	**Communications by R18 to residents of Vasant Vihar**
Para III(4) page 6 of R18 Reply *"4...it is denied that pruning was undertaken by private contractor. Respondent No. 18 had only provided the facility of the skylift for carrying out the work of pruning which was undertaken under the supervision and control of the appropriate authorities..."* 3rd line at Page 7: *"...it is categorically denied that huge amount of money was being spent on private contractors for this purpose."* **Para III(6) page 8 of R18 Reply**	**WhatsApp message dated 18.11.2022** **Annexure-3 to Original Application** *"...We had been following up the matter with MCD, but they do not have the means to carry out pruning at this scale. SO VVWA HAS DECIDED TO STEP IN AND CARRY OUT THE PRUNING THEMSELVES"* *"...1. VVWA has engaged the services of a skylift on hire charges. Chandrapal who recently retires from MCD, has been engaged to carry out the pruning"...*

"It is denied that any private agency was involved for any illegal or unlawful activity by the answering Respondent." **Para IV(3) page 10 of R18 Reply** *"It is denied that pruning was carried on by private contractors by the Respondent No.18..."* **Hon'ble NGT's Order dated 3.01.2022 Mr. GS Bindra admitted before this Hon'ble Tribunal that VVWA/ R18 paid for pruning. This statement recorded in NGT's order is at variance with R18 Reply under affidavit before this Hon'ble Tribunal –** *"Para 9...on earlier occasions also pruning was done on requests made by residents as per decision taken in the meetings of office bearers of the above association including applicant no.3 and expenses for the same were borne by the above said association"*	*"8. The expenses on the whole exercise shall be met out of the money collected from the yearly Subscriptions"* **R18's minutes (annexed as Annexure-8 herein)** *"It is proposed to engage a Skylift for the necessary period of 2-3 months. Shri Chander Pal who was previously employed with MCD till he retired has been engaged to carryout this pruning..."* **R18's Letter to R7 dated 21.11.2022 [Annexure A-7 of the Original Application]** *"VVWA is in the process of arranging a Trolley to handle the green waste. We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis. The entire expense for the exercise will be borne by VVWA."*

IV. R18 issued contradictory statements/ letters/ applications with respect to suspension of pruning owing to letters sent by the Applicants. However, R18 Reply mentions that the pruning was not suspended on 24.11.2022	
R18 REPLY	**Communications by R18 to residents of Vasant Vihar and**

	other government agencies including R3, R7
Para III(4) page 7 of R18 Reply *"4...It is however denied that pruning was suspended on 24.11.2022 on the plea that few residents had raised concerns regarding prior approval of pruning of trees..."*	**WhatsApp message dated 24.11.2022** **[Annexure-9 herein]** *"...6. In view of this, we are constrained to temporarily suspend the pruning process till the matter is clarified."* **WhatsApp message dated 25.11.2022** **Annexure A-9 of Original Application** *"Pruning of trees has just recommenced."*

V.	**R18 issued contradictory statements/ letters/ applications with respect to pruning undertaken from 21.11.2022 is less than 15.7 cms in girth size.** However, R18 Reply fails to mention that several trees were felled/ cut and the same was fully known to R13 i.e. the signatory of R18 Reply.
R18 REPLY	**Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7**
Para III(2) page 5 of R18 Reply *"...no pruning of more than 15.7 cms was undertaken by the answering Respondent..."*	**Letter dated 01.12.2022 sent to R3 and R7** **(Annexure R-1 of the Reply)** *"...in no case would the pruning be greater than 15.5 cms be carried out"* **WhatsApp messages dated 22.12.2022 from residents of vasant vihar – complaints on excessive and lopsided pruning**

	[Annexure-10 Colly herein] *"A walk on A10/A11 will tell you that this tree trimming contractor Chanderpal is trimming as per his whims only and no rules or logic or with underhand dealings because some trees are barely trimmed and some were chopped 50% or more, he left trees in front of my house with almost no trimming but would not trim a branch or two hanging over the plot and in next half hour in next house A11/22 he chopped the tree right upto 40' height from all over to more than 60% and almost denuded it."* *"Yes driving down A10 Street I also noted some trees not pruned properly at all."* **WhatsApp message dated 23.12.2022 – complaints on excessive and lopsided pruning [Annexure-4 Colly herein]** *"Pruning is necessary. No denying that.* *But in many cases it has been excessive"* **Reply to above message by R12/MC of R18** *"I m sorry lop sided i also said But excessive no"*

12

VI. **R18 issued contradictory statements/ letters/ applications with respect to handling/ shredding of the green waste.** However, R18 Reply states that the green waste is being removed by MCD.	
R18 REPLY	**Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7**
Para IV(3) page 10 of R18 Reply *"...It is also submitted that all the wood/ lops/ tops that are created by the pruning, are being removed by Municipal Corporation of Delhi in their vehicles to their nursery for onward use as they deem fit and as per the norms and rules..."*	**R18's minutes (annexed as Annexure-8 herein)** *"It may be necessary for us to purchase a trolley for carriage of green waste. The necessary quotation and prices are available for approval.* *...* *Shredder on hire – 4000/= per day"* **R18's Letter to R7 dated 21.11.2022** **[Annexure A-7 of the Original Application]** *"VVWA is in the process of arranging a Trolley to handle the green waste. We are also arranging a Shredder on hire so that there is no build up of green waste. In the long term, VVWA will fund the purchase of Shredder on permanent basis. The entire expense for the exercise will be borne by VVWA."* **WhatsApp message dated 19.12.2022** **[Annexure-6 Colly herein]**

13

	"...As for its green waste, we are arranging a pick-up for today for the lanes, which have already been pruned." **WhatsApp message dated 24.12.2022** **[Annexure-11 Colly herein]** *"...The whole exercise is being done with a MCD staff present and they are the ones clearing all green waste."* **Short affidavit of R4** **Para 7** *"That as per record of the department, the said regular pruning has been undertaken/ carried out w.e.f 21/11/2022 till 20/12/2022 under the supervision of the said officers."*

9. R18 is lying on oath is also substantiated from their own stand taken in **para 2 page 6** of R18 Reply, wherein the R18 firstly denies that the complaint dated 28.10.2022 (made by Applicant No. 1 for illegal cutting of trees in Vasant Vihar at the behest of R18) is in their knowledge and at the same time goes on to state that *"...the purported police complaint filed vide diary number 78775 with the Vasant Vihar Police Station is under investigation."*. It is very strange that if R18 was not aware about

14

any police complaint dated 28.10.2022 then how come they came to know that there is an investigation underway; which is being conducted by the Vasant Vihar Police Station. The above statement part of R18 Reply are reflective of their deliberate and *mala fide* intention to conceal material facts from this Hon'ble Tribunal only to escape from their liabilities for causing loss to the environment.

10. The unlawful conduct of R18 also fortifies from the fact that R18 is circulating false letter and misleading even the Residents of Vasant Vihar by false WhatsApp messages (dated 23.12.2022) that "*three residents of Vasant Vihar have approached the NGT to suspend pruning*" (Annexure-3 Colly herein). Since no order of suspension of pruning was ever passed by this Hon'ble Tribunal, the said misleading statements knowingly made by R18 clearly shows that R18 has scant respect towards the orders of this Hon'ble Tribunal.

11. The changing of facts and misuse by R18 has amounted to disturbing the purity of law and damaging the serenity of the stream of justice and interferes in the administration of justice

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thereby performing acts of perjury and doing so continuously and with impunity.

12. Evidently on the basis of material on record/ aforesaid false statement on oath before this Hon'ble Tribunal and perusal of aforesaid detailed description in this application clearly prove that, R18 is liable to be prosecuted and punished for committing perjury by intentionally giving false affidavit.

13. The aforesaid facts and circumstances, irrefutably proves that R18, mischievously to defeat the ends of justice had lied on oath before this Hon'ble Tribunal only to prevent their illicit acts from unwrapping.

14. Apart from getting convicted under Section 340 CrPC, as aforesaid, R18 is also liable to be prosecuted for criminal contempt of court as it is a settled principle of law that a false statement made on affidavit before the court quite apart from attracting the penal consequences referred to under Section 340 CrPC. also amounts to criminal contempt since it undisputedly impedes the administration of justice.

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15. R18 is a body who has no fear of law and has deliberately made false and contradictory statements on oath. Various courts, including this Hon'ble Tribunal has held time and again that anyone who takes recourse to fraud or if anything is done with oblique motive, the same interferes with the administration of justice.

16. It is an inflexible requirement of law that every statement made must be true to the extent that it must be verified and correct to the knowledge of the person making it. R18 had shrewdly made incorrect, false and deceptive statements of fact on oath, with impunity.

17. It is also a settled proposition of law that a person is under a legal obligation to verify the allegations of fact made in the pleadings and if the person verifies falsely, he comes under the clutches of law. Hon'ble Courts across India in a plethora of judgments have held that that contumacious falsehoods by unscrupulous litigants have been eating into the vitals of the judicial system and ought to be put down firmly.

17

18. Therefore, it is expedient in the interest of justice that R18 must be booked for such falsehood(s) by initiating proceedings under Section 340 of the CrPC for committing perjury else the whole purpose of filing of affidavit on oath duly accompanied by the verification clause will get defeated.

19. That this Hon'ble Tribunal has power to try and decide the present application in view of Section 195 (1)(b) of CrPC and Rule 24 of the National Green Tribunal (Practices and Procedure) Rules, 2011.

PRAYER

It is therefore, prayed in the interest of justice that this Hon'ble Tribunal may graciously be pleased to allow the present application and:

a) Conduct a preliminary inquiry and pass direction to initiate proceedings for Perjury under Section 340 of the CrPC against office bearers/ managing committee of R18 (involved in the act of perjury) for intentionally and deliberately making false and incorrect statements before this Hon'ble Tribunal;

18

(b) Pass such other further order/s as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

APPLICANT NO. 1

APPLICANT NO. 2

APPLICANT NO. 3

THROUGH

ANU MONGA
ANANTLAW
ADVOCATE FOR THE APPLICANT
SOLICITORS AND ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI- 110049
MOBILE: (+91) 9811264474
EMAIL: ANU.MONGA@ANANTLAW.COM

19

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Prof. Dr. Sanjeev Bagai aged about 57 year, S/o Late Mr. M.K. Bagai, having its residence at 43 Poorvi Marg, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

DEPONENT

VERIFICATION

Verified at New Delhi on this 13 day of JAN 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

13 JAN 2023

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BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Rajit Kumar aged about 70 year, having its residence at A-10/7, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

Rajit Kumar
DEPONENT

VERIFICATION

Verified at New Delhi on this 7 day of JAN, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

I identify the deponent (executant) who has signed in my presence

Rajit Kumar
DEPONENT

Solemnly affirmed before me, read over & explained to the deponent

Notary Public, Delhi

13 JAN 2023

21

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2022

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GOVT. OF NCT OF DELHI & ORS. ...RESPONDENTS

AFFIDAVIT

I, Vivek Tandon aged about 59 year, having its residence at E-9/9, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Applicant No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

NOTARY GOVT. OF INDIA R.V. SINGH Advocate Regn.No.2282 Commission Expire on 24-10-2027 Area-Delhi

Vivek Tandon

DEPONENT

I identify the deponent(s) who has signed in my presence

VERIFICATION

Verified at New Delhi on this 13 JAN 2023 day of _____, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

Vivek Tandon

DEPONENT

Solemnly affirmed before me, read over & explained to the deponent

Notary Public, DELHI

13 JAN 2023

ANNEXURE-1 22

VASANT VIHAR WELFARE ASSOCIATION

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MEMORANDUM OF ASSOCIATION

RULES AND BYE-LAWS
(as amended upto 28-09-1997)

KALYAN KENDRA
9, PASCHIMI MARG, VASANT VIHAR,
NEW DELHI-110057

23

Scanned with CamScanner

PART 1

MEMORANDUM OF
VASANT VIHAR WELFARE ASSOCIATION
VASANT VIHAR, NEW DELHI-110057

Registration No. 5082

Dated : August 8, 1971 and May 28, 1983

Name, Registered Office and Aims and Objects of the Association.

1. **Name of the Association :**

   The name of the Association is 'Vasant Vihar Welfare Association.

2. **Registered Office :**

   The Registered Office of the Association is situated at Kalyan Kendra, 9, Paschimi Marg, Vasant Vihar, New Delhi-110057.

3. **Aims and Objects :**

   The aims and objects of the Association, which is a non-political and non-sectarian organisation, are :

   (i) To promote social, economic, cultural and educational welfare of the residents and institutions of Vasant Vihar in general and members of the Association, including institutional members, in particular.

   (ii) To secure provision of civic amenities and improvemnts therein with the help of Government, Delhi Municipal Corporation and other local authorities as well as voluntary organisations.

   (iii) To inculcate the habit of fellow-feeling and brotherhood and to undertake welfare activities like, amongst other, provision of the club, cooperative stores and medical,

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1-25 40

f) If he is convicted of an offence involving moral turpitude.

g) If he indulges in an activity considered by the Managing Committee as undesirable or deterimental to the interest of the Association

h) If he accepts any whole-time or part-time paid employment under the Association.

4. **Management of the Association :**

The management of the Association and its affairs shall vest in a Managing Committee which will have full control and management of the funds and properties, movable or immovable, acquired by or in the name of the Association.

4. The income and property of the Association, howsoever derived, shall be applied solely towards promotion of the objects of the Association as set forth in the alms and objects of the Association and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus, profit or in any other manner to any of the members of the Association.

5. **The Managing Committee :**

The Managing Committee shall consist of seventeen members, all of whom shall be elected in a General Meeting as indicated in para 6 below. Vacancies in the Managing Committee caused during the term of the committee shall be filled by the next highest vote getter in the last elections and in the absence of such a person by the Managing Committee itself from amongst the members of the Association.

25

6. Office Bearers & Members :

(a) The General Body shall elect biennially in July the following office bearers and members:

(i) -President

(ii) Vice-President

(iii) Secretary

(iv) Joint Secretary

(v) Treasurer

(b) Two members from each of the blocks viz. A,B,C,D, E & F to be elected only by the members residing in the respective Blocks.

7. In case the election does not take place in July for any reason whatsoever, the office bearers and members of the Managing Committee of the previous year shall continue to act as such until fresh election takes place but not beyond the month of September following.

8. The office bearers shall exercise such powers and perform such duties as are prescribed under these rules and bye-laws or as may be entursted to them by the General Body or the Managing Committee.

9. The Managing Committee shall meet at least once a month for the transaction of business. The quorum for such meeting shall be six members of the Managing Committee. The Secretary or Joint Secretary of the Govt. Servants Co-operative House Building Society Ltd., Vasant Vihar, will be a special invitee to each meeting of the Managing Committee in case he is not already a member of that committee. Questions aris-

Scanned with CamScanner

26

its affairs shall be referred to the principal Court of Origina Civil Jurisdiction of the district in which the chief building c the Association is situated and the Court shall make suc order in the matter as it shall deem requisite.

Provided that the Association shall not be dissolved unless three-fourth of the members shall have expressed a wish for such dissolution by their votes delivered in person or by proxy at General Body meeting convened for the purpose.

Provided further that whenever any government is a member of, a contributor to, or otherwise interested in the Association,the Association shall not be dissolved without the consent of the government of the State of registration.

30. If upon the dissolution of the Association there shall remain, after the satisfaction of all its debts and liabilities, any property what-so-ever, the same shall not be paid to or distributed among the members of the Association or any of them, but shall be given to some other Association having same or simila objects to be determined by the votes of not less than three-fourth of the members present personally at the time of the dissolution, or in default thereof, by such court as aforesaid.

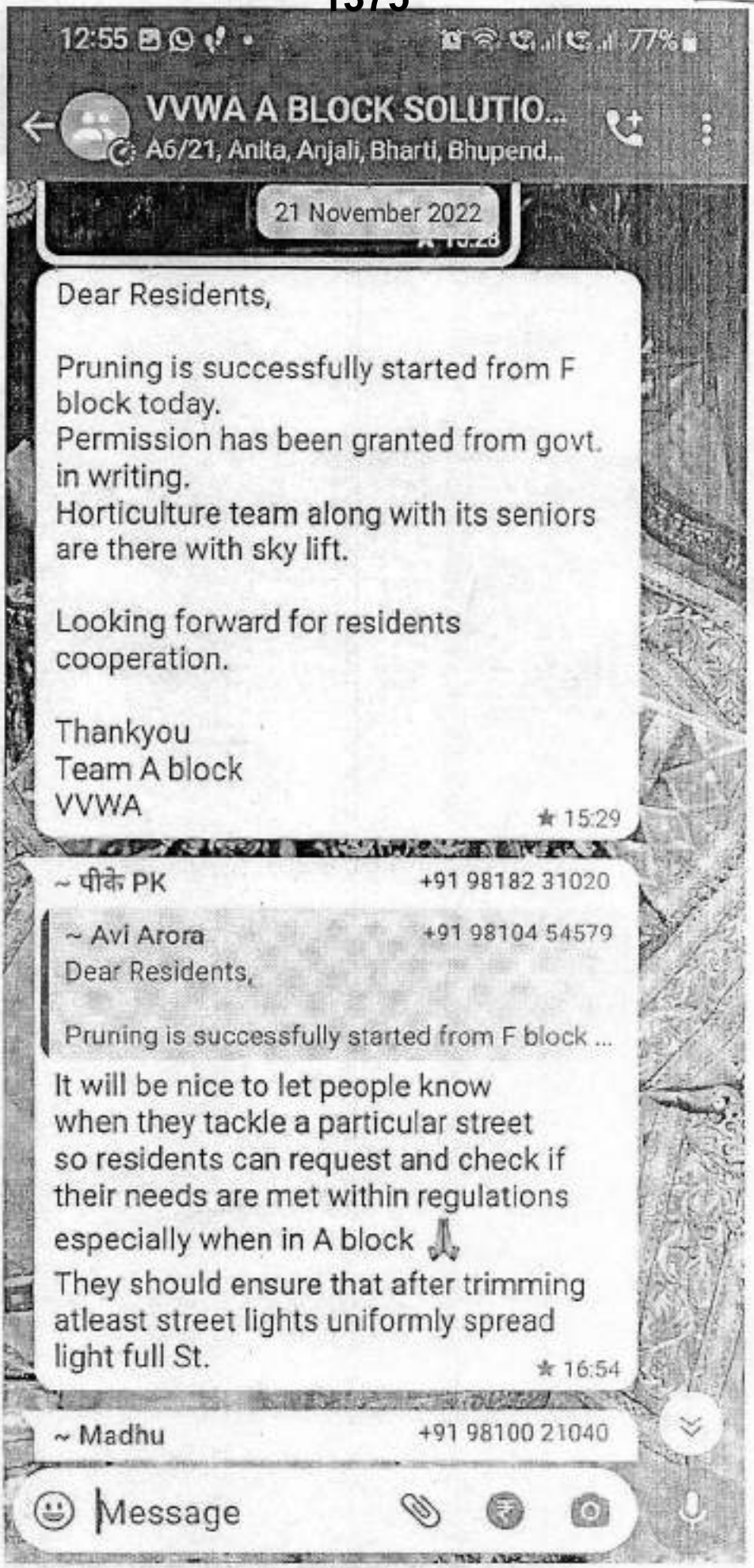
31. **Legal Action :**

The Association may sue or be sued in the name of the Secretary of the Association, and, in default of such determination, in the name of such person as shall be appointed by the Managing Committee for the occasion.

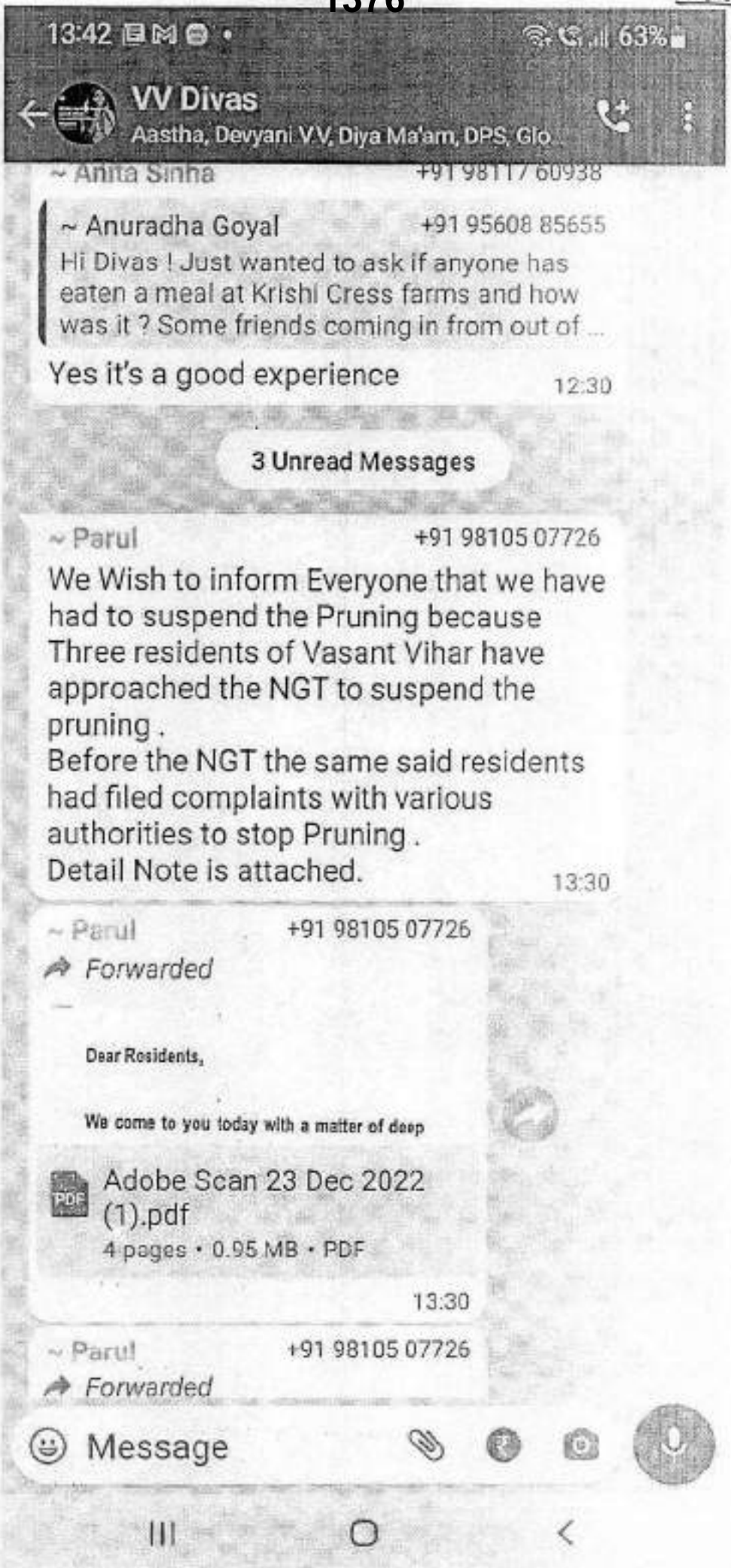
32. **Societies Registration Act :**

All the provisions of the Societies Registration Act XXI of 1860 (Punjab Amendment Act, 1957) as extended to the National Capital Territory of Delhi will apply to this Association.

ANNEXURE 2 796
805
27
21/11/22



Annexure-3 (Colly) 28
23/12/22



29

13:49 62%

VV Divas
only admins can send messages

~ Parul +91 98105 07726
Forwarded

Dear Residents,

We come to you today with a matter of deep

Adobe Scan 23 Dec 2022 (1).pdf
4 pages · 0.95 MB · PDF

13:45

~ Parul +91 98105 07726
Forwarded

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI

(Under Section 14 and 18 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. ____ OF 2022

Adobe Scan 23 Dec 2022 (2).pdf
4 pages · 752 kB · PDF

13:45

Nidhi V.V.
Forwarded
Hi girls
Making the group for one way posts by admins so everyone may read above VVWA information. And it's not lost in promos and other msgs 13:46

Nidhi V.V. changed this group's settings to allow only admins to send messages to this group

Only admins can send messages

30

Dear Residents,

We come to you today with a matter of deep concern. This relates to a plaint filed in the National Green Tribunal (NGT) to derail and stall the PRUNING work that is going on.

Before we get into the details of the pruning matter, we wish to simply state at this point, that there is a group of people who are constantly making efforts to derail the work that VVWA is doing. We are today dealing with a plethora of cases that have been filed in various courts. We have had to answer several complaints filed with the Hon'ble Lt. Governor and the Police. These matters pertain to issues

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which have already been settled in the various AGMs. Everyone is also aware of the hate messages that are regularly put out on WhatsApp groups. The complete details will be forwarded in due course. Residents have elected us to serve them, something we are striving to do at all times.

Coming to the question of pruning, we were shocked to learn that three individuals namely, Dr. Sanjeev Bagai, Mr. Rajat Kumar and Mr. Vivek Tandon have filed an application before the National Green Tribunal (NGT) stating that the pruning is being carried out in violation of law and to suspend it with immediate effect. During the hearing held on Wednesday, the

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charge levied against VVWA is that instead of pruning trees, we were actually felling them. Everyone knows that this is not the case. Everyone knows that the provisions of the Forest Act and the guidelines thereof are being strictly followed and no compromise is being made in this respect.

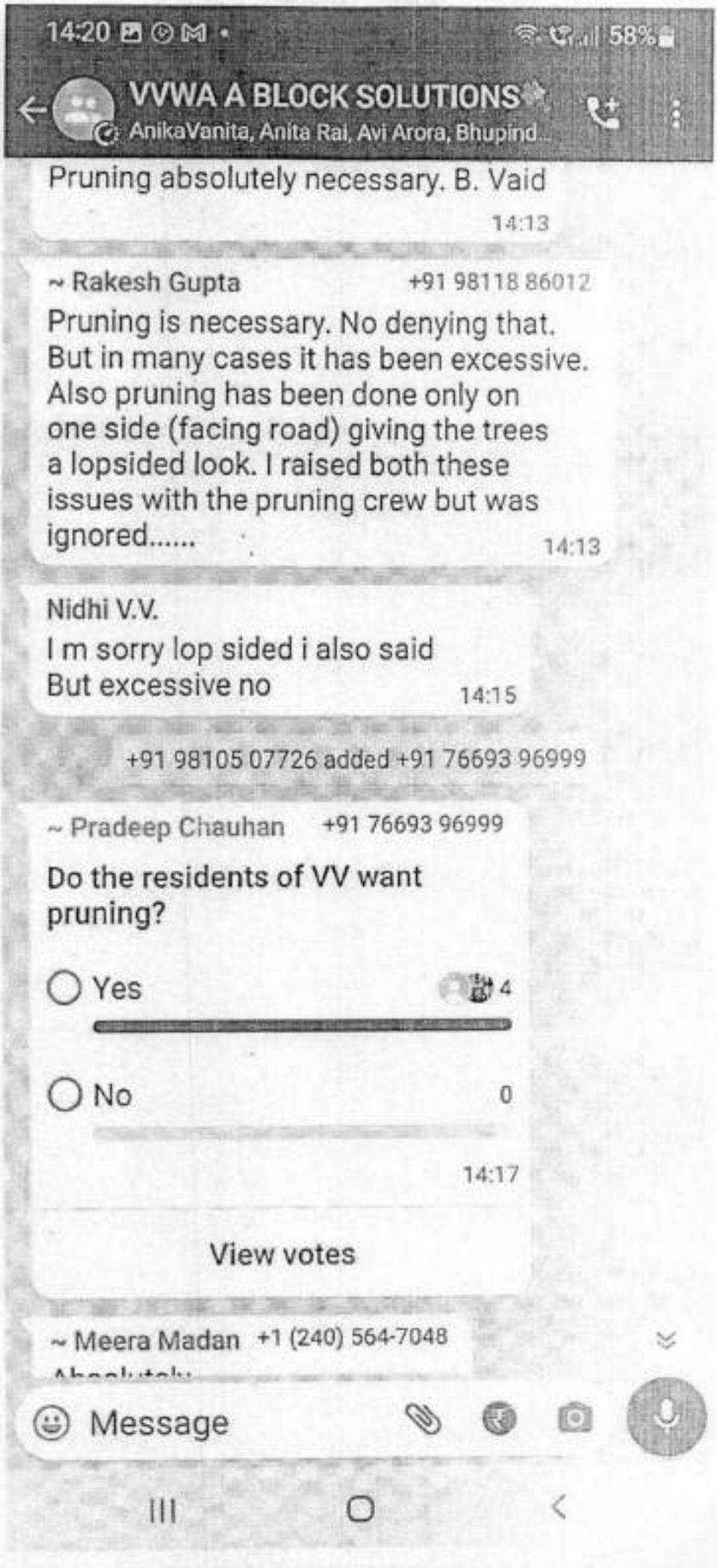
When the pruning was started in F-Block, one individual did his best to stall the process, even going to the extent of filing a Police complaint and asking the Police to tow away the Skylift. Complaints have been filed with PMO and Hon'ble LG asking them to stop the work. It should be.appreciated that this has led to precious time being wasted and has led to

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an unnecessary expense of VVWA funds, which could have been gainfully used for other developmental works.

Pruning is being carried out by VVWA in the larger interest of the residents. Pruning is an exercise which is essentially needed at this point to save our trees and also provide much needed winter sun. It would also be pertinent to mention that one of the Petitioners in the matter has had the tree in front of his house pruned. At this point, it is essential that all residents stand with VVWA and make their stand very clear that pruning is essentially required.

34


14:20
58%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
Pruning absolutely necessary. B. Vaid
14:13
~ Rakesh Gupta +91 98118 86012
Pruning is necessary. No denying that. But in many cases it has been excessive. Also pruning has been done only on one side (facing road) giving the trees a lopsided look. I raised both these issues with the pruning crew but was ignored.....
14:13
Nidhi V.V.
I m sorry lop sided i also said But excessive no
14:15
+91 98105 07726 added +91 76693 96999
~ Pradeep Chauhan +91 76693 96999
Do the residents of VV want pruning?
Yes 4
No 0
14:17
View votes
~ Meera Madan +1 (240) 564-7048
Message

23.12.2022

35

15:58 52%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

PRINCIPAL BENCH, NEW DELHI

(Through Physical Hearing with Hybrid VC Option)

21.12.2022 Item No. 1 OA 911-2022 Prof. Dr. Sanjee...
4 pages · 82 kB · PDF
15:11

~ Simrat +91 99105 24166
Pruning is necessary. 15:23

~ Manik +91 99100 52027
Yes. Being carried out in military cantonments as we speak 15:34

~ Charanjeet Ahluwalia +91 98111 75639
Yes pruning is needed 15:42

~ Praleen Chopra +91 98103 13007

> ~ Parul +91 98105 07726
> Adobe Scan 23 Dec 2022 (1).pdf (4 pages)

We are completely with you all ,on this issue. 15:50

~ Parul +91 98105 07726

> ~ Rakesh Gupta +91 98118 86012
> I have procured a copy of the NGT order dated 21 Dec and am posting it here. In all fairness the NGT has not suspended the pru...

We have also stated that we have stopped the pruning .
The pruning was being supervised anyhow 15:58

Message

36

16:38 47%

VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...

issue.
15:50

~ Parul +91 98105 07726

> ~ Rakesh Gupta +91 98118 86012
> I have procured a copy of the NGT order dated 21 Dec and am posting it here. In all fairness the NGT has not suspended the pru...

We have also stated that we have stopped the pruning .
The pruning was being supervised anyhow
15:58

2 Unread Messages

Nidhi V.V.

> ~ Rakesh Gupta +91 98118 86012
> I have procured a copy of the NGT order dated 21 Dec and am posting it here. In all fairness the NGT has not suspended the pru...

Prunning was being dine by mcd only
We were facilitating with sky lift as we have big trees
Mcd Supervisor
Mcd staff
Mcd inly removing waste
Since trees are high we needed sky lift

Also we are doing as per guidelines on horticulture department
16:29

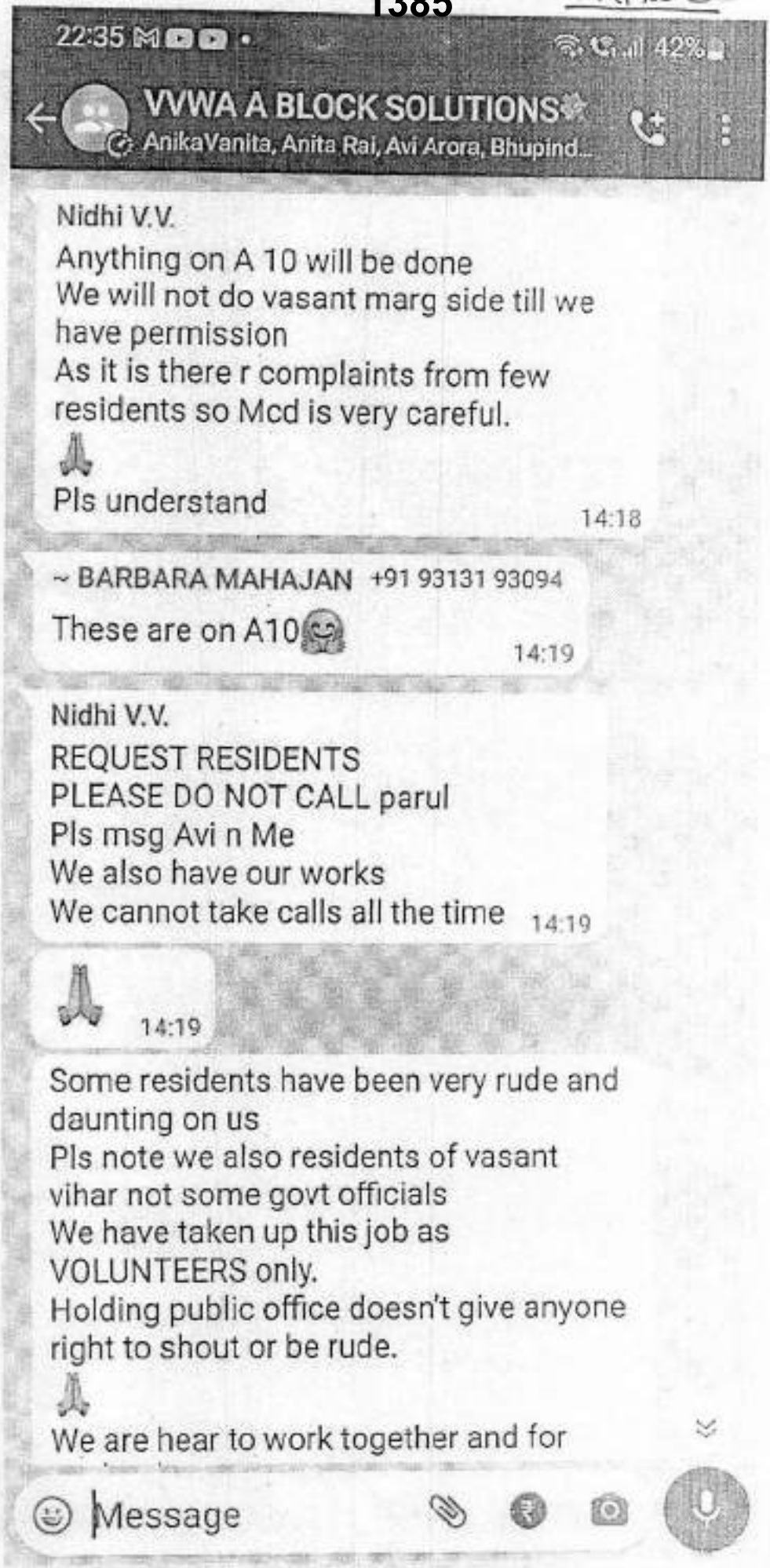
Mcd can only do two trees a day
So you can do the math
16:38

Message

Annexure-5

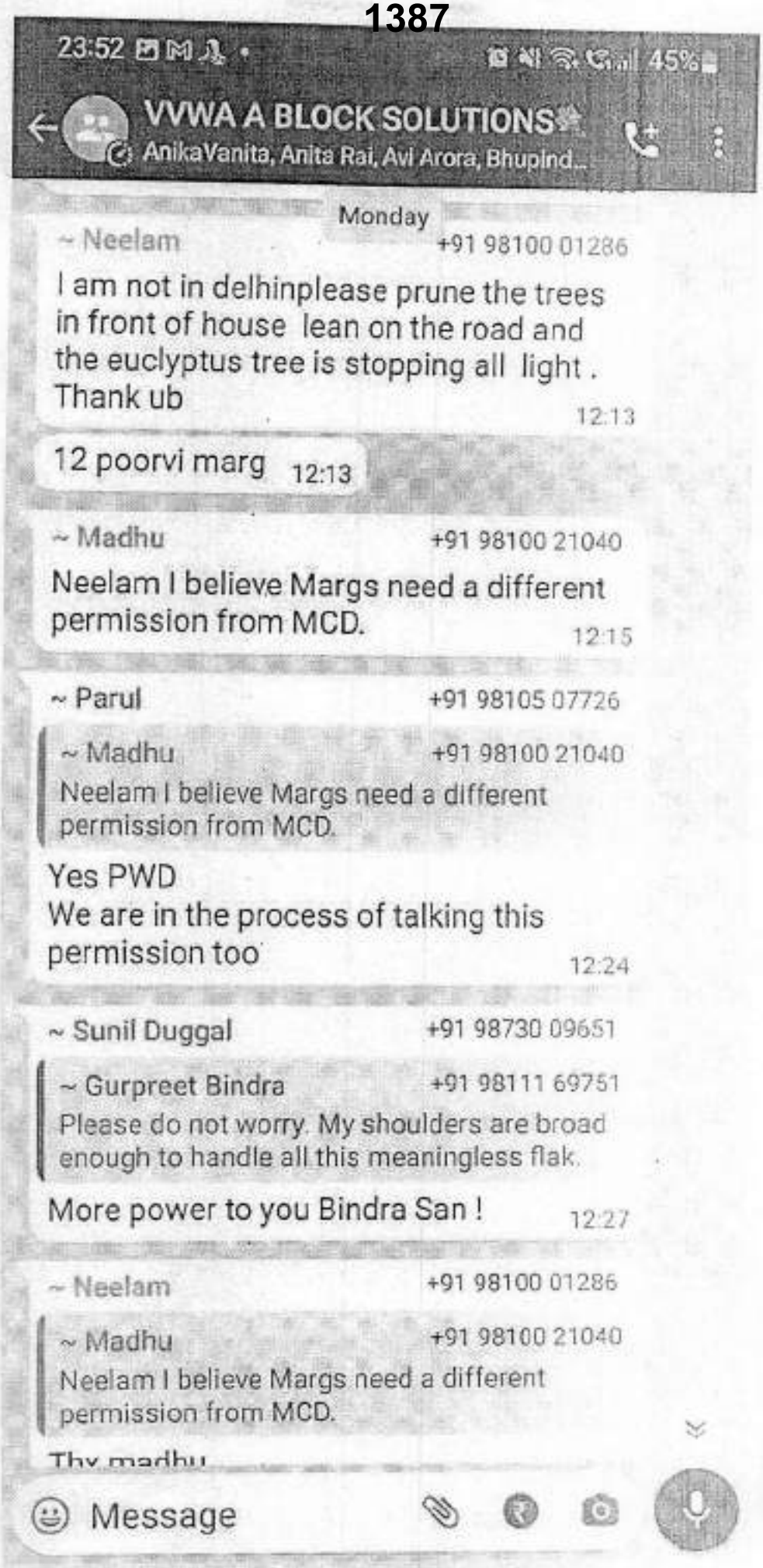
37

17/12/22




23:49
46%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
Monday
Avi Arora
This message was deleted 11:58
Sky lift for pruning is currently plying in the A10 lane. Requesting residents to kindly remove their vehicles from outside their houses as per need.
As far as the pruning for A9 is concerned, that comes under PWD scheme. Our office bearers are in the process of acquiring permissions from authorities. We are thankful for your patience.
As for its green waste, we are arranging a pick up *today* for the lanes which have already been pruned.
Thankyou
Team A block
VVWA
11:59
~ Neelam +91 98100 01286
I am not in delhinplease prune the trees in front of house lean on the road and the euclyptus tree is stopping all light . Thank ub
12:13
12 poorvi marg 12:13
~ Madhu +91 98100 21040
Neelam I believe Margs need a different
Message

39
19/12/22



23:52 45%

VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...

Monday

~ Neelam +91 98100 01286

I am not in delhinplease prune the trees in front of house lean on the road and the euclyptus tree is stopping all light . Thank ub

12:13

12 poorvi marg 12:13

~ Madhu +91 98100 21040

Neelam I believe Margs need a different permission from MCD.

12:15

~ Parul +91 98105 07726

> ~ Madhu +91 98100 21040
> Neelam I believe Margs need a different permission from MCD.

Yes PWD
We are in the process of talking this permission too

12:24

~ Sunil Duggal +91 98730 09651

> ~ Gurpreet Bindra +91 98111 69751
> Please do not worry. My shoulders are broad enough to handle all this meaningless flak.

More power to you Bindra San !

12:27

~ Neelam +91 98100 01286

> ~ Madhu +91 98100 21040
> Neelam I believe Margs need a different permission from MCD.

Thx madhu

Message

40

20/12/22



Avi Arora

A9 street comes under PWD so we have not received any permissions for tree pruning A9 street.

Office is working on the permissions. Updates on the same will come next week.

Thankyou
Team A block

11:45

~ Bobby Vaid +91 96544 06530

I trust the PWD permission will be forthcoming for Vasant Marg as well?

13:07

~ Parul +91 98105 07726

This message was deleted 13:12

~ Gurpreet Bindra +91 98111 69751

Yes. We are pursuing that 13:14

We have been in regular touch with DJB officials regarding water supply. Unfortunately, the stars seem to be conspiring against us. The main feeder pipeline bringing water from Motibagh to VV has developed a rupture. We have just returned from the site. A full gang of DJB headed by Mr Khare, Superintending Engineer is on the job. Bulk supply to VV will commence once the rupture is

Message

ANNEXURE-8

819 810

41

VASANT VIHAR WELFARE ASSOCIATION

NEW DELHI

PRUNING OF TREES

Vasant Vihar has approximately 7000 trees. We receive complaints from residents requiring pruning everyday. The matter was taken up with MCD and it is obvious that they lack the resources to carryout these prunings continuously and completely. In order to serve our residents, it is necessary for VVWA to intervene and carryout pruning ourselves, like we had done in 2021.

It is proposed to engage a Skylift for the necessary period of 2-3 months. Shri Chander Pal who was previously employed with MCD till he retired, has been engged to carryout this pruning. Last time also, he had carried out the pruning. We are coordinating efforts with MCD for removal and processing of green waste. The approximate expenses are given below. It may be necessary for us to purchase a Trolley for carriage of green waste. The necessary quotation and prices are available for approval.

1.	Hire of Skylift - 3 months @ Rs.1,10,000/- p.m.		Rs.3,30.000
2.	Salary of Shri Chanderpal – 3 months @ Rs.20,000/-		Rs. 60,000
3.	Miscellaneous expenses, consumables, cartage of Green Waste etc.	LS	Rs.1,00,000
			Rs.4,90,000
		Say	Rs.5,00,000

Shredder on hire.
Wood- Pu day

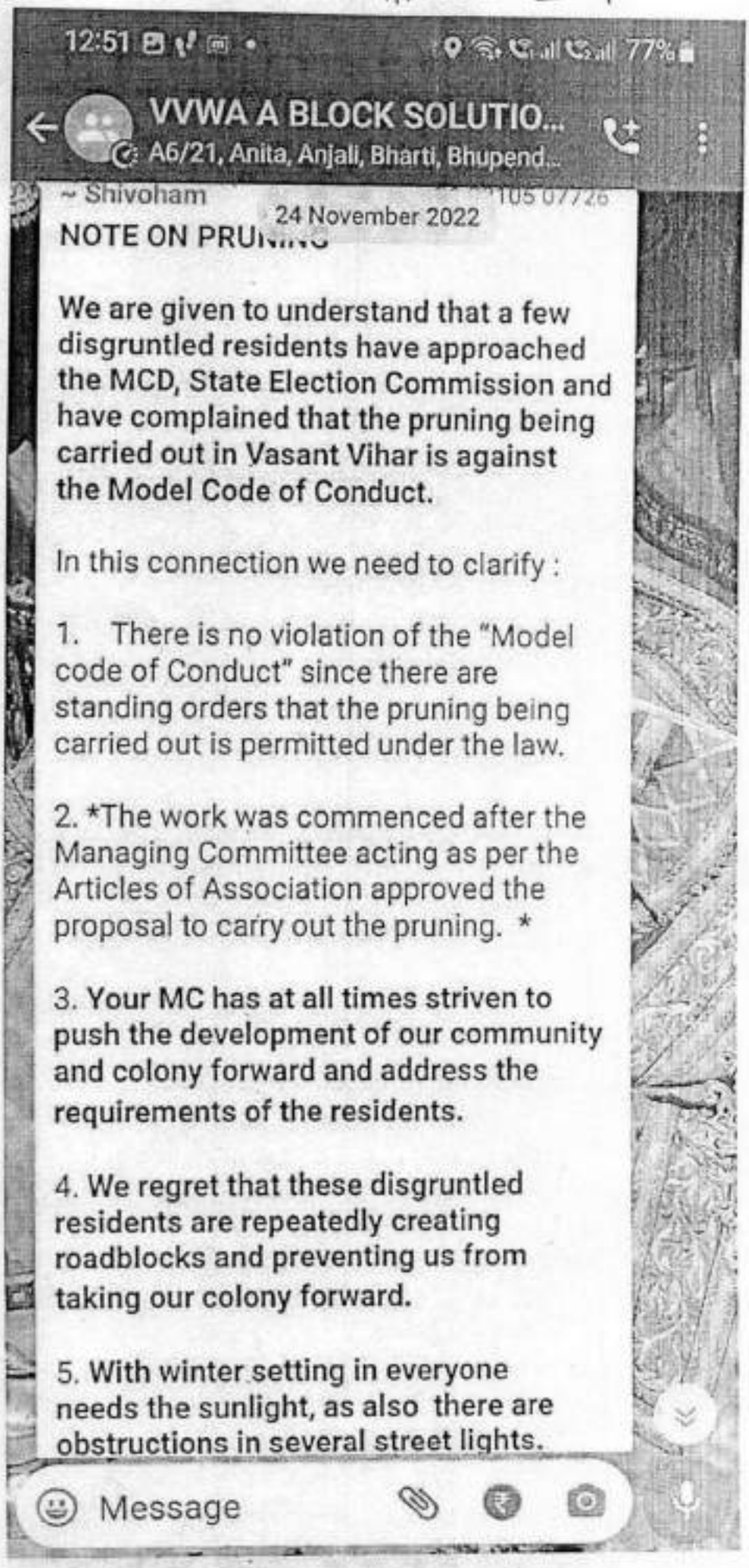
It is requested that approval be given for an expense of Rs.5,00,000/- (Rupees Five Lakhs only) for pruning and additionally for purchase of Trolley, if required.

16 Mtrs
30 Feet

PARUL GAUR
Director (Operations)

C-1
B-1
E-1
A-3

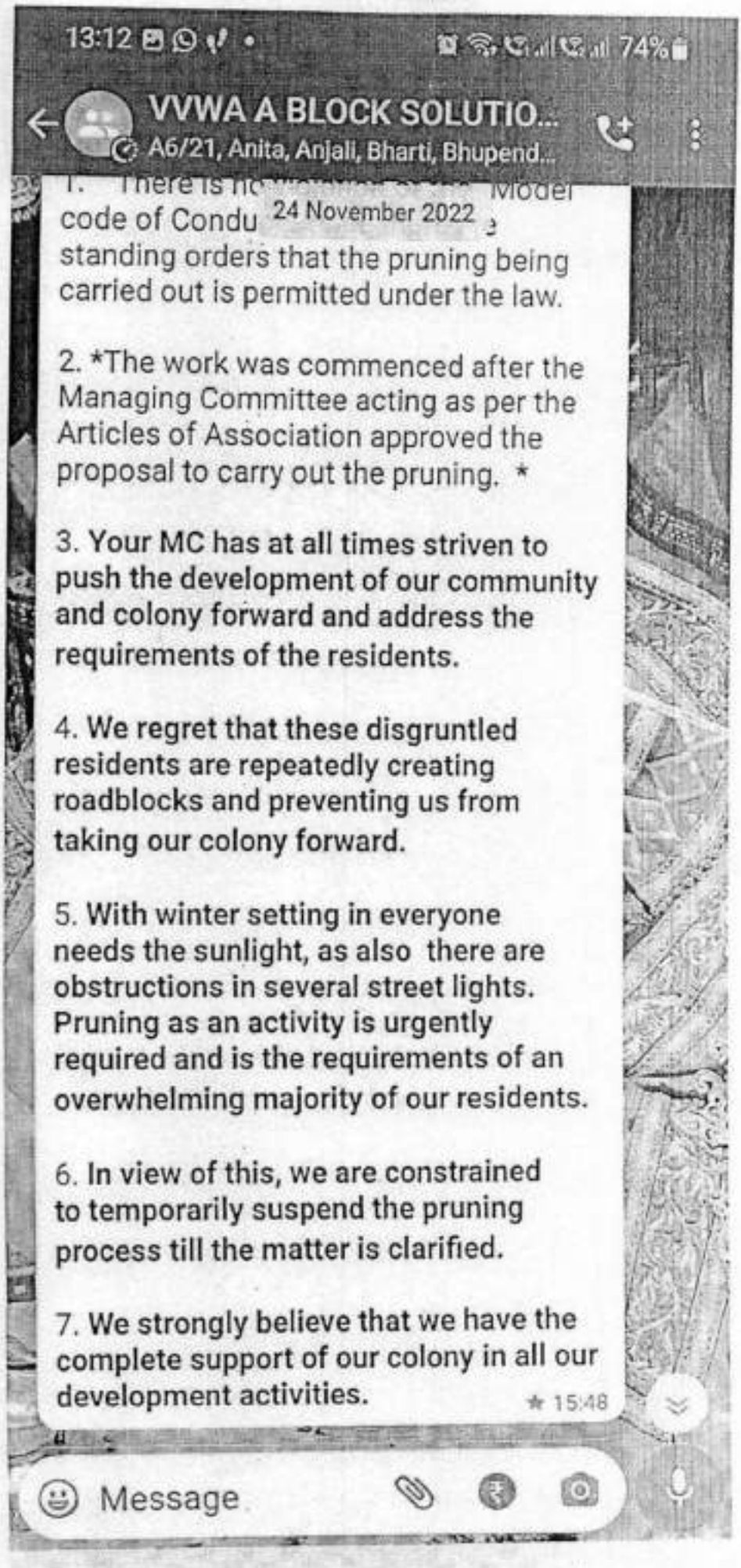
42
24/11/22


12:51
77%
VVWA A BLOCK SOLUTIO...
A6/21, Anita, Anjali, Bharti, Bhupend...
~ Shivoham
24 November 2022
NOTE ON PRUNING
We are given to understand that a few disgruntled residents have approached the MCD, State Election Commission and have complained that the pruning being carried out in Vasant Vihar is against the Model Code of Conduct.
In this connection we need to clarify :
1. There is no violation of the "Model code of Conduct" since there are standing orders that the pruning being carried out is permitted under the law.
2. *The work was commenced after the Managing Committee acting as per the Articles of Association approved the proposal to carry out the pruning. *
3. Your MC has at all times striven to push the development of our community and colony forward and address the requirements of the residents.
4. We regret that these disgruntled residents are repeatedly creating roadblocks and preventing us from taking our colony forward.
5. With winter setting in everyone needs the sunlight, as also there are obstructions in several street lights.
Message

1

821
42-
24/11/22

812



(2)



44

22.12.2022

~ पीके PK +91 98182 31020

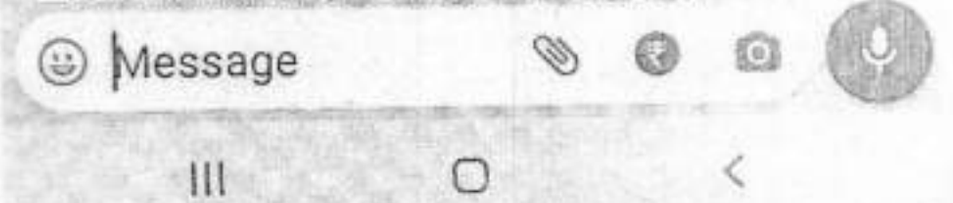
A walk on A10/A11 will tell you that this tree trimming contractor chanderpal is trimming as per his whims only and no rules or logic or with underhand dealings because some trees are barely trimmed and some were chopped 50% or more, he left trees in front of my house with almost no trimming but would not trim a branch or two hanging over the plot and in next half hour in next house A11/22 he chopped the tree right upto 40' height from all over to more than 60% and almost denuded it.

This exercise is futile if residents can't get trimmed; those branches of trees, troubling them especially when their association is bearing the expense.

I am sure many more residents have similar experience to share all across our block. 🙏

Although the association president was so reassuring & said he will relook and address all such remaining issues once persistent complaints and obstructions being created by some rogue and disgruntled elements is overcome.

Must add, atleast present association committee has been most energetic,



(2)

45



tree trimming contractor chanderpal is trimming as per his whims only and no rules or logic or with underhand dealings because some trees are barely trimmed and some were chopped 50% or more, he left trees in front of my house with almost no trimming but would not trim a branch or two hanging over the plot and in next half hour in next house A11/22 he chopped the tree right upto 40' height from all over to more than 60% and almost denuded it.

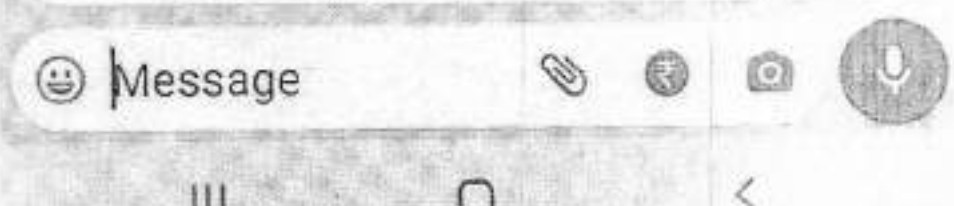
This exercise is futile if residents can't get trimmed; those branches of trees, troubling them especially when their association is bearing the expense.

I am sure many more residents have similar experience to share all across our block. 🙏

Although the association president was so reassuring & said he will relook and address all such remaining issues once persistent complaints and obstructions being created by some rogue and disgruntled elements is overcome.

Must add, atleast present association committee has been most energetic, proactive & productive over last couple of years. 🙏

11:03



3

46

11:30 29%

VVWA A BLOCK SOLUTIONS

+91 98182 31020 is typing...

I am sure many more residents have similar experience to share all across our block. 🙏

Although the association president ...
Read more

11:03

3 Unread Messages

Nidhi V.V.

Sir i am sorry to hear that ur not satisfied with what is being done .

As we now know-we cannot satisfy all
Despite me standing n getting the work done.

🙏

11:11

I had explained but in vain. 11:12

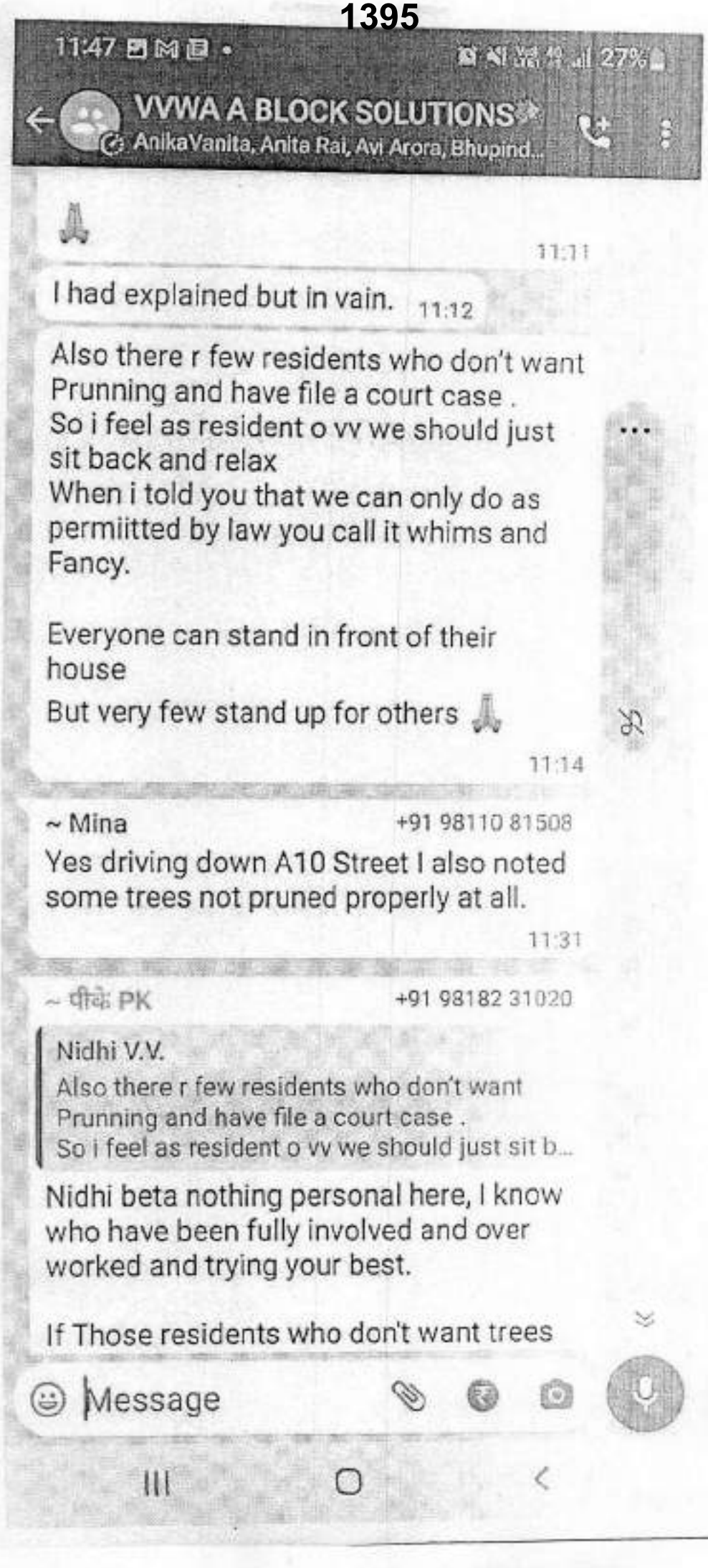
Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit back and relax
When i told you that we can only do as permiitted by law you call it whims and Fancy.

Everyone can stand in front of their house
But very few stand up for others 🙏

Message

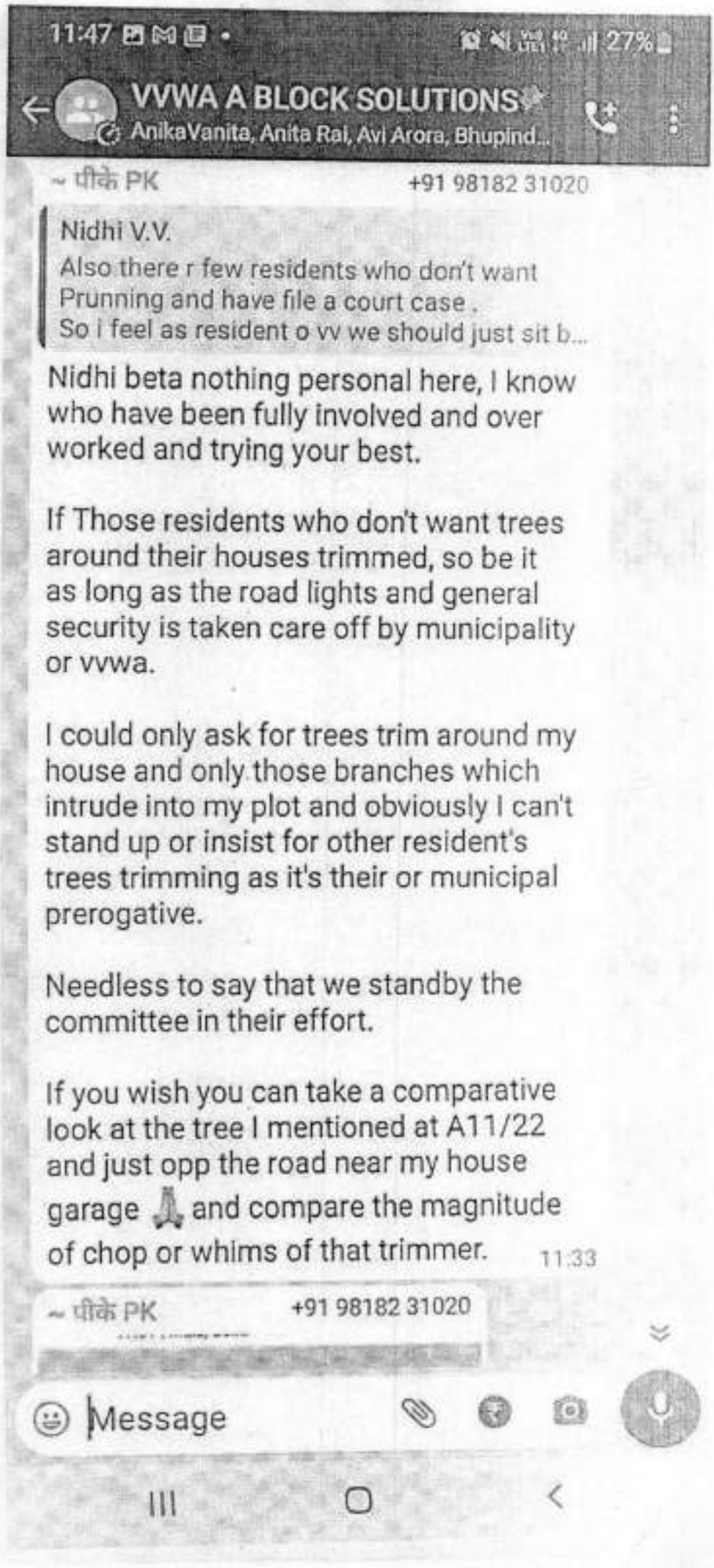
4

47


11:47
27%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
11:11
I had explained but in vain. 11:12
Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit back and relax
When i told you that we can only do as permiitted by law you call it whims and Fancy.
Everyone can stand in front of their house
But very few stand up for others
11:14
~ Mina +91 98110 81508
Yes driving down A10 Street I also noted some trees not pruned properly at all.
11:31
~ दीपे PK +91 98182 31020
Nidhi V.V.
Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit b...
Nidhi beta nothing personal here, I know who have been fully involved and over worked and trying your best.
If Those residents who don't want trees
Message

5

48


11:47
27%
VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...
~ पीके PK
+91 98182 31020
Nidhi V.V.
Also there r few residents who don't want Prunning and have file a court case .
So i feel as resident o vv we should just sit b...
Nidhi beta nothing personal here, I know who have been fully involved and over worked and trying your best.
If Those residents who don't want trees around their houses trimmed, so be it as long as the road lights and general security is taken care off by municipality or vvwa.
I could only ask for trees trim around my house and only those branches which intrude into my plot and obviously I can't stand up or insist for other resident's trees trimming as it's their or municipal prerogative.
Needless to say that we standby the committee in their effort.
If you wish you can take a comparative look at the tree I mentioned at A11/22 and just opp the road near my house garage and compare the magnitude of chop or whims of that trimmer.
11:33
~ पीके PK
+91 98182 31020
Message

(6)

ANNEXURE-11 COLLY

827

818

49

24/12/22



58
24/12/22

15:24 8%

VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...

done. 14:58

Yashna Bahl
It's a selfless job that all volunteers are doing. Instead of pulling them down we should be the ones cheering for them. They have to manage VASANT VIHAR, which is not a small colony. So please put your self in their shoes and think before you write any remarks. Let's all be mindful. 15:07

~ BARBARA MAHAJAN +91 93131 93094

> Yashna Bahl
> It's a selfless job that all volunteers are doing. Instead of pulling them down we should be the ones cheering for them. They have to m...

I agree! 15:08

Nidhi V.V.

> Yashna Bahl
> It's a selfless job that all volunteers are doing. Instead of pulling them down we should be the ones cheering for them. They have to m...

And where were they last time when the same exercise happened
And the best part is that there hoses were donw and they had no issues
Once we progressed further they started finding faults. 🙏
And even if they had issue they would ha e called the reps and discussed 15:24

Message

51
24/12/22

16:14 20%

VVWA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...

many trees are top heavy and can be dangerous to security of life and objects .
With an MC approval and MCD cooperation and assistance the exercise is being carried on.
No one is going cutting trees .
When in requests to forest dept trees are not allowed to be cut , who in their right mind will chop trees
The whole exercise is being done with a MCD staff present and they are the ones clearing all green waste .
Would they not be the first ones to complain and object .

Today if residents need a service or have an issue , as a welfare organization we try our best or cover it .
Thanks to most of members and residents who support us by their continued subscription we can .
Is there a harm... Read more 15:41

Nidhi V.V.
And the problem is if we write anything or take there names as many if you have requested
We are filed with CRIMINAL DEFAMATION SUIT
They r just trying to find faults
I m sure this msg will also be screen shot n sent to them 16:13

Message

IN THE HIGH COURT OF DELHI AT NEW DELHI

EXTRAORDINARY CIVIL WRIT JURISDICTION

CIVIL MISCELLANEOUS NO. _____ OF 2023

IN

WRIT PETITION (CIVIL) NO. _____ OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT,
GNCTD & ORS. …RESPONDENTS

APPLICATION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 ON BEHALF OF THE PETITIONERS FOR AD-INTERIM STAY OF THE IMPUGNED ORDER DATED 19.01.2023 AND AD-INTERIM STAY OF THE PROCEEDINGS BEFORE THE HON'BLE NGT

MOST RESPECTFULLY SHOWETH

1. The Petitioners are filing the accompanying Writ Petition herein under Articles 226 and 227 of the Constitution of India assailing the order dated 19.01.2023 ("**Impugned Order**") passed by the Hon'ble National Green Tribunal, Principal Bench ("**NGT**") in original application No. 911 of 2022 (**"Original Application"**) titled as

Prof. Dr. Sanjeev Bagai and ors. vs Department of Environment, GNCTD & Ors. The contents of the captioned Writ Petition may be read as part and parcel of the present application and the same are not repeated herein for the sake of brevity and to avoid repetition. The Original Application has been listed before the Hon'ble NGT on 10.03.2023.

2. The Impugned Order contains an error of law apparent on the face of record and is in excess of jurisdiction as it *firstly,* fails to appreciate that in terms of Section 8 of Delhi Preservation of Trees Act, 1994 (**"DPT Act"**) 'cutting/ felling' includes pruning/ pollarding, ; *Secondly,* in terms of DPT Act permission is to be mandatorily taken to carry out pruning on government land; and *thirdly,* only land-owning agencies viz. Municipal Corporation of Delhi (**"MCD"**), Delhi Development Authority (**"DDA"**), Public Works Department (**"PWD"**) can carry out pruning on its own land. In other words, no private person/ entity can undertake pruning of the government land.

3. The Impugned Order is beyond jurisdiction as in effect it allows private parties/ persons/ entities to carry out pruning of trees on government land (i.e. the land owned by MCD, DDA and PWD), without requiring to obtain any approval/ permission from any authority.

4. Further, the Impugned Order is repugnant to substantive provisions of the DPT Act and its general purpose and therefore suffers from substantive and procedural *ultra vires* - as it allows land-owning agencies (bound by established procedure), to NOT follow the manner prescribed under the DPT Act. The Impugned Order also allows the land-owning agencies to seek financial assistance and man-power for pruning of trees, on discretionary and arbitrary basis and in derogation of all applicable laws/ rules/ regulations governing the said land owning agencies, from private parties, residents, resident welfare association(s), without appreciating that the pruning of trees has to be undertaken by the land-owning agencies on their own (using their own resources), as the residents (including the petitioners) pay heavy property taxes and other direct and indirect taxes to the landowning agencies, state and central government.

5. It is further submitted that the Impugned Order was passed in excess of jurisdiction as the Hon'ble NGT has casted scurrilous aspersions (reflecting bias of Hon'ble NGT) on the bona fide of the Petitioners by merely relying on the unproved statement of counsel for Respondent No. 18. Hon'ble NGT did not take into consideration that the interim relief sought (as well as repeated oral submissions) by the Petitioners and explicitly prayed for the pruning of trees to be

undertaken by MCD/ DDA/ PWD i.e. land-owning agencies. The Hon'ble NGT ignored the intention of the legislation (for inspection and approval) is cardinal for insuring, scientific pruning of trees, which in turn is critical for the health and long-life of trees.

6. The Hon'ble NGT by trivialising the issue of pruning of trees, ignored that the pressure on lungs and hearts of residents of Delhi, constantly exposed to toxic levels of pollution due to reduced green cover; ended up suffering multi-fold with the onset of covid infections, thereby leading to further deterioration in lung-heart conditions of all residents of Delhi.

7. The Impugned Order is also in violation of principles of natural justice (**"PNJ"**) as it was passed without examining and taking into consideration the submissions, documents, reply of Respondent No. 18, rejoinder of Petitioners to the reply of Respondent No. 18 thereby being in violation of the doctrine of fair hearing. The Hon'ble NGT did not appreciate the environmental impact because of excessive and lop-sided pruning of trees.

8. It is hereby submitted that the Impugned Order further fails to address an important issue that the land-owning agencies are trying to take advantage of their own wrong, as they *firstly* chose not to undertake pruning of trees in Vasant Vihar on their own; and

secondly did not object to/ restrain/ stop Respondent No. 18 (through a private contractor and skylift) from pruning of trees (around 7000 trees on its land); and *thirdly* wish to (purposefully/ wilfully) ignore/ turn blind eye to excessive/ lop-sided pruning of trees in Vasant Vihar (resulting into depletion of green cover in Vasant Vihar).

9. It is vehemently submitted that the Impugned Order was passed by not complying with the mandatory provisions of law as the Hon'ble NGT failed to undertake/ direct a preliminary enquiry in accordance with Section 340 of the Code of Criminal Procedure, 1973 ("**Cr.P.C.**"), as Respondent No. 18 statements before the Hon'ble NGT were in contradiction to its reply affidavit and records as available before the Hon'ble NGT; (effectively allowing Respondent No. 18 (through Respondent No. 13 to Respondent No. 17) to play fraud on court/ Hon'ble NGT only to mislead/ misguide and obtain favourable order/s. Therefore the Impugned Order was passed with non-application of mind as the Hon'ble NGT while passing the Impugned Order has not taken into consideration the basic facts not disputed by the Respondent No. 18 (even though argued by Petitioners) that Respondent No. 18 has not denied that they were carrying out pruning in Vasant Vihar through a private contractor and which was (at least) continuing until 31.01.2023 (directly undertaken by the Respondent No. 18).

10. It will be pertinent to submit that the Hon'ble NGT by mechanically passing an unreasoned Impugned Order (though running in 27 pages) has dismissed the application of Petitioners under Section 340 of Cr.P.C. **("Application")**. The Impugned Order is unreasoned as *firstly,* it gives no reason for dismissal apart from casting aspersion on the bona fide of the Petitioners by simply relying upon the oral statement of Respondent No. 18 (*which was in derogation of the record reflecting Petitioner No. 1 as an environment-enthusiast since 2008*) and *secondly,* does not disclose as to how the judgments (relied upon by the Petitioners) are not applicable to the facts of the case (except holding that the facts are different). Because of the aforesaid scurrilous aspersions, various messages by Respondent No. 13/ Mr. GS Bindra and Respondent No. 14/ Ms. Parul Gaur are being circulated in numerous WhatsApp groups (of residents of Vasant Vihar) saying that strictures have been passed by Hon'ble NGT against the Petitioners. On 29.01.2023, Respondent No. 13/ Mr. GS Bindra (mobile number 98111 69751) wrote on "*VV 'A' Block Resident Grp*" and Respondent No. 14/ Mrs. Parul Gaur (mobile number 98105 07726) wrote on "*VVWA A Block Solutions*" (few of the official WhatsApp groups created by managing committee members of Respondent No. 18/ VVWA):

> *"... 1. A case of perjury and contempt was filed against President VVWA. It has been dismissed with the contempt it deserves'...*
> *2. Please see para 26, where strictures have been passed against Dr. Bagai and his associates. His antecedents and motives lie exposed...*
> *4. Pruning will continue"*

11. It is submitted that the aforesaid unsubstantiated observations in the Impugned Order leading to such kind of WhatsApp messages has made the life of Petitioners very difficult especially affected their right life and dignity (as enshrined under Article 21 of the Constitution of India).

12. It is submitted that the Hon'ble NGT has failed to address *inter-alia* the following issues (a) whether any person/ entity/ body (other than the landowning agencies) undertake pruning of trees on its own, without seeking any approval from any authority; (b) whether in terms of the DPT Act, any approval is required to prune trees especially on the government land; (c) whether excessive/ lop-sided pruning of trees (with/ without approval) can lead to loss of green cover and have an impact on the environment; (d) whether the complaint regarding cutting/ felling of trees, by a vigilant citizen, if made with the landowning agency and police are sufficient (in terms of Section 22 of the DPT Act) or can he/ she be directed to separately approach and file a complaint with the Deputy Conservator of Forests; (e) whether landowning agencies be directed to take money

and man-power from residents for pruning of trees on government land; (f) whether the applicants/ petitioners have sufficiently shown their bona fide by (repeatedly) writing to landowning agencies, police etc. regarding excessive/ illegal pruning of trees in Vasant Vihar (despite severe backlash from Respondent Nos. 12 to 18); and (g) whether landowning agencies (MCD, DDA and PWD) are incapable/ lack resources to prune trees in Vasant Vihar (which in turn shall ensure that pruning of trees is undertaken as per applicable laws and in a scientific manner and without any involvement of Respondent No. 18 (as it has no locus to undertake pruning of trees on its own)).

13. It is submitted that irreparable loss will be caused to the Petitioners reputation/ bonafide if the operations of the Impugned Order is not stayed; and additionally, if the proceedings before the Hon'ble NGT are not stayed till the time the issues/questions of law as highlighted above are not addressed by this Hon'ble Court, the excessive/ illegal/ lop-sided pruning of trees, cutting and felling of trees will diminish the green cover especially in Vasant Vihar and will allows the same practice to be followed by other private individuals/ persons/ associations across Delhi (in other words, any person will be able to prune trees on government land – without requiring any approval/ permission).

14. The Petitioners submit that no prejudice will be caused to the Respondents if the present application is allowed and the Impugned Order and the proceedings before the Hon'ble NGT are stayed. That the present Application is being filed bona fide and in good faith and is therefore liable to be allowed forthwith by this Hon'ble Court.

PRAYER

In view of the above mentioned facts and circumstances of the case, the Petitioners respectfully pray that this Hon'ble Tribunal may be pleased to:

A. Pass an ad-interim order/ direction staying the operations of the Impugned Order dated 19.01.2023 passed by the Hon'ble NGT in original application No. 911 of 2022 titled as *Prof. Dr. Sanjeev Bagai and ors. vs Department of Environment, GNCTD & Ors*;

B. Pass an ad-interim order/ direction staying the proceedings of the Hon'ble NGT in original application No. 911 of 2022 titled as *Prof. Dr. Sanjeev Bagai and ors. vs Department of Environment, GNCTD & Ors*; AND/ OR

Pass such other further order(s) as this Hon'ble Court may deem fit and necessary in the interest of justice.

PETITIONER NO. 1

PETITIONER NO. 2

PETITIONER NO. 3

ATTESTED
Notary Public Delhi
28 JAN 2023

ANU MONGA
ADVOCATE FOR THE PETITIONERS
ANANTLAW
SOLICITORS & ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI- 110049
MOBILE NO. +91- 9811264474
E-Mail: anu.monga@anantlaw.com

New Delhi
/01/2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
CM NO. OF 2023
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Prof. Dr. Sanjeev Bagai S/o Late Mr. MK Bagai aged about 57 year, having its residence at 43, Poorvi Marg, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying Application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying Application may kindly be read as part of the present affidavit.

NOTARY R.V. SINGH Advocate Regn.No. 2282 Commission Expiry 24-10-2027 Area-Delhi GOVT. OF INDIA

DEPONENT

VERIFICATION

Verified at New Delhi on this 16 day of FEB 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

I identify the deponent who has signed in my presence

Identified by Shri/Smt/Km. S/o,W/o,D/o Sh. R/o. has solemnly affirmed before me at Delhi on 16 FEB 2023 that the contents of the affidavit which have been read over & explained to him/her are true & correct to his/me knowledge

Notary Public, Delhi 16 FEB 2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
C.M. NO. OF 2023
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Rajit Kumar son of Lt. B.D. Kumar aged about 70 year, having its residence at A-10/7, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 2 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying Application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying Application may kindly be read as part of the present affidavit.

DEPONENT

VERIFICATION

Verified at New Delhi on this 16 day of FEB 2023, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

NOTARY 66 R.V. ... Advocate Regn.No.2282 Commission Expire on 24-10-2027 Area-Delhi GOVT. OF INDIA

I Identify the deponent who has signed in my presence

DECLARED THAT THE DEPONENT
S/o./W/o./D/o. ...
Identified by Shri/Smt. ...
has solemnly affirmed before me at Delhi
on 16 FEB 2023 66
that the contents of ... which have been
read over & explained to him/her are true & correct
to his/me knowledge

Notary Public, Delhi

16 FEB 2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
C.M. NO OF 2023
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Vivek Tandon S/o Lt. Sh. O.C. Tandon aged about 59 year, having its residence at E-9/9, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 3 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

DEPONENT

VERIFICATION

Verified at New Delhi on this 16 day of FEB 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

NOTARY R.K. SINGH Advocate Regn.No.2282 Commission Expire on 24.10.2027 Area-Delhi GOVT. OF INDIA

I identify the deponent/executant who has signed in my presence

CERTIFIED THAT THE DEPONENT Shri/Smt/Km.. S/o.W/o.D/o Sh. ..R/o.. identified by Shri/Smt has solemnly affirmed before me at Delhi on 16 FEB 2023 that the contents of the affidavit which have been read over & explained to him/her are true & correct to his/her knowledge

Notary Public Delhi 16 FEB 2023

IN THE HIGH COURT OF DELHI AT NEW DELHI

EXTRAORDINARY CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT

GNCTD & ORS. …RESPONDENTS

APPLICATION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908, SEEKING EXEMPTION FROM FILING CERTIFIED COPIES AND CLEAR TYPED COPIES OF ANNEXURES, AND NOTARISED AFFIDAVITS.

MOST RESPECTFULLY SHOWETH

1. The Petitioners are filing the accompanying Writ Petition against the Respondents. The Petitioners submit that the contents of the accompanying Writ Petition may be read as a part and parcel of the present Application and contents thereof are not being repeated herein for the sake of brevity.

2. The Petitioners submit that the original/ certified copies of the annexures annexed with the accompanying Writ Petition are readily not available with the Petitioners. The Petitioners are filing true copies of the annexures. However, the Petitioners

undertake to file the certified/ original copies of the annexures as and when directed to do so by this Hon'ble Court. In these circumstances, the Petitioners crave leave from this Hon'ble Court to exempt the Petitioners from filing certified copies of annexures along with typed copies and/ or with proper margins and/ or original annexure(s).

3. The present Application is being filed bona fide, in good faith and in the interest of justice.

PRAYER

In the facts and circumstances explained above and in the interest of justice, it is humbly prayed that this Hon'ble Court may kindly be pleased to:

A. Exempt the Petitioners from filing certified copies of annexures along with typed copies and/ or with proper margins and/or original annexure(s) and take on record certain dim / illegible pages;

B. Exempt the Petitioners from filing notarised affidavits, and

Pass such other further order(s) as this Hon'ble Court may deem fit and necessary in the interest of justice.

PETITIONER NO. 1

PETITIONER NO. 2

PETITIONER NO. 3

NOTARY R.V. SINGH Advocate Regn.No.9282 Commission Expires on 24.09.2027 Distt. Delhi GOVT. OF INDIA

ATTESTED
Notary Public Delhi
28 JAN 2023

ANU MONGA
ADVOCATE FOR THE PETITIONERS
ANANTLAW
SOLICITORS & ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI- 110049
MOBILE NO. +91- 9811264474
E-Mail: anu.monga@anantlaw.com

New Delhi
/01/2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
CM NO. OF 2023
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Prof. Dr. Sanjeev Bagai S/o Late Mr. MK Bagai aged about 57 year, having its residence at 43, Poorvi Marg, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying Application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying Application may kindly be read as part of the present affidavit.

NOTARY R.V. SINGH Advocate Regn. No. 582 Commission Expire on 24-10-2027 New Delhi GOVT. OF INDIA

DEPONENT

VERIFICATION

Verified at New Delhi on this ___ day of 16 FEB 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

I identify the deponent who has signed in my presence

CERTIFIED THAT THE DEPONENT
Shri/Smt./Kum. ...
S/o.W/o.D/o Sh. ... R/o. ...
Identified by Shri/Smt. ...
has solemnly affirmed before me at Delhi on 16 FEB 2023 that the contents of ... which have been read out & explained to him/her are true & correct to his/her knowledge.

Notary Public, Delhi 16 FEB 2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
C.M. NO. OF 2023
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Rajit Kumar son of Lt. B.D. Kumar aged about 70 year, having its residence at A-10/7, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 2 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying Application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying Application may kindly be read as part of the present affidavit.

Rajit Kumar
DEPONENT

VERIFICATION

Verified at New Delhi on this 16 FEB 2023 day of ____, 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

Rajit Kumar
DEPONENT

NOTARY P.V. SINGH Advocate Regn. No. 2282 Govt. of India Expires on 21-10-2027 Area-Delhi
67
I identify the deponent who has signed in my presence
16 FEB 2023
CERTIFIED THAT THE DEPONENT has solemnly affirmed before me on 16 FEB 2023 that the contents of this affidavit which have been read over & explained to him/her are correct to his/her knowledge
67
16 FEB 2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
C.M. NO. OF 2023
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Vivek Tandon S/o Late Sh. OC Tandon aged about 59 year, having its residence at E-9/9, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 3 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying Application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying Application may kindly be read as part of the present affidavit.

I Identify the deponent who has signed in my presence

NOTARY P. SINGH Advocate Regn.No.2262 Commission Expire on 24-10-2027 Area-Delhi GOVT. OF INDIA

DEPONENT

VERIFICATION

Verified at New Delhi on this ___ day of 16 FEB 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. ....
S/o,W/o,D/o Sh. ....
Identified by Shri/Smt. ....
has solemnly affirmed before me at Delhi on 16 FEB 2023 at ....
that the contents of the affidavit which have been read over & explained to him/her are true & correct to his/me knowledge

Notary Public, Delhi 16 FEB 2023

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY CIVIL WRIT JURISDICTION
CIVIL MISCELLANEOUS NO. OF 2023
WRIT PETITION (CIVIL) NO. OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. …PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT
GNCTD & ORS. …RESPONDENTS

APPLICATION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908, SEEKING PERMISSION TO FILE LENGTHY SYNOPSIS AND LIST OF DATES.

MOST RESPECTFULLY SHOWETH

1. The Petitioners are filing the accompanying Writ Petition against the Respondents. The Petitioners submit that the contents of the accompanying Writ Petition may be read as a part and parcel of the present Application and contents thereof are not being repeated herein for the sake of brevity.

2. The Petitioners submit that the present case involves a complex set of facts and a number of significant events. Several events had taken place post the filing of the Original Application bearing No. 911 of 2022 before the Hon'ble NGT. These

factors necessitate the filing of a lengthy synopsis and list of dates, in excess of the prescribed page limits for the same, in the accompanying Writ Petition.

3. In light of the above, the Petitioners are constrained to file the instant Application seeking permission to place on record before this Hon'ble Court a lengthy synopsis and list of dates in the accompanying Writ Petition.

4. The Application is essential for effective adjudication of the instant Writ Petition

5. The present Application is filed *bona fide*, in good faith and in the interest of justice.

PRAYER

In light of the facts and circumstances explained above and in the interest of justice, it is humbly prayed that this Hon'ble Court may kindly be pleased to:

A. Take on record long synopsis and list of dates in the accompanying Writ Petition; AND

Pass such other further order(s) as this Hon'ble Court may deem fit and necessary in the interest of justice.

PETITIONER NO. 1

PETITIONER NO. 2

PETITIONER NO. 3

ANU MONGA
ADVOCATE FOR THE PETITIONERS
ANANTLAW
SOLICITORS & ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI- 110049
MOBILE NO. +91- 9811264474
E-Mail: anu.monga@anantlaw.com

New Delhi
/ /2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Prof. Dr. Sanjeev Bagai aged about 57 year, S/o Late Mr. M.K. Bagai, having its residence at 43 Poorvi Marg, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 1 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying application may kindly be read as part of the present affidavit.

DEPONENT

VERIFICATION

Verified at New Delhi on this ___ day of 16 FEB 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

NOTARY R.V. SINGH Advocate Regn.No.2262 Commission Expire on 24-10-2027 Area-Delhi GOVT. OF INDIA

I Identify the deponent who has signed in my presence

SOLEMNLY AFFIRMED THAT THE DEPONENT
Shri/Smt./Km. .....
S/o,W/o,D/o Sh. ..... R/o. .....
Identified by Shri/Smt. .....
has solemnly affirmed before me at Delhi
on. 16 FEB 2023 Nos ..... 62 ...
that the contents of the affidavit which have been
read over & explained to him/her are true & correct
to his/me knowledge

Notary Public, Delhi 16 FEB 2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
C.M. NO. OF 2023
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Rajit Kumar son of Lt. B.D. Kumar aged about 70 year, having its residence at A-10/7, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 2 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying Application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying Application may kindly be read as part of the present affidavit.

NOTARY R.K. SINGH Advocate Regn. No.2282 Commission Expire on 24-10-2027 Area-Delhi GOVT. OF INDIA

DEPONENT

VERIFICATION

Verified at New Delhi on this ___ day of 18 FEB 2023 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

I identify the deponent who has signed in my presence

Shri/Smt. ..... S/o,W/o,D/o Sh. ..... R/o..... Identified by Shri/Smt. ..... has solemnly affirmed before me on 18 FEB 2023 at DLH that the contents of the affidavit which have been read over & explained to him/her are true & correct to his/me knowledge

Notary Public, Delhi 18 FEB 2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
C.M. NO. OF 2023
W.P. (C) NO OF 2023

IN THE MATTER OF:

PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Vivek Tandon S/o Late Sh. OC Tandon aged about 59 year, having its residence at E-9/9, Vasant Vihar, New Delhi-110057, do solemnly state and affirm as under:

1. That I am a citizen of the country and Petitioner No. 3 in the present case and I am fully conversant with the facts and circumstances of the present case. I am therefore competent to depose to the present affidavit.

2. That the contents of the accompanying Application are true and correct to my knowledge and the submissions made herein are on the basis of the legal advice received by me and are believed to be true and correct. No part of it is false and nothing material has been concealed therefrom. The accompanying Application may kindly be read as part of the present affidavit.

DEPONENT

VERIFICATION

Verified at New Delhi on this 16 FEB 2023 day of ..., 2023 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

DEPONENT

NOTARY R.V. SINGH Advocate Regn. No. 2002 Commission Expire on 24-10-2027 Area-Delhi GOVT. OF INDIA 69

I identify the deponent who has signed in my presence

Identified by ... has solemnly affirmed on 16 FEB 2023 that the contents of the ... which have been read over & explained to him/her are true & correct to his/me knowledge

69

Notary Public, Delhi 16 FEB 2023

IN THE HIGH COURT OF DELHI, AT NEW DELHI
W.P. (C) NO. OF 2023

IN THE MATTER OF:
PROF. DR. SANJEEV BAGAI & ORS. ...Petitioners

v.

DEPARTMENT OF ENVIRONMENT
GNCTD & ORS ...Respondents

VAKALATNAMA

ANANT LAW
Solicitors & Advocates
B-82, LGF, Gulmohar Park, New Delhi - 110049
Email: anu.monga@anantlaw.com
Mob. 98112 64474 (Anu Monga)
(Anu Monga) (Enrolment No D/1456/2006)

KNOW ALL to whom these presents shall come that we, the Petitioners residents of Vasant Vihar New Delhi- 110057 do hereby appoint **Ms. Anu Monga, Mr. Shobhit Sharma, Mr. Paritosh Dhawan, Mr. Shubham Khanna (Advocates),** Anant Law Solicitors & Advocates, B-82, LGF, Gulmohar Park, New Delhi 110049 Mobile: 9811264474 Email: anu.monga@anantlaw.com; anu.monga@anantlaw.com (hereinafter called the Advocate) to be my Advocates in the above noted case and authorize her/them:-

1. To act, appear plead in the above noted case in before this Hon'ble High Court at New Delhi in which the same may be tried or heard.
2. To sign, file verify and present petition, submissions, pleadings, reply to notices, replications, objections or petitions for executions, review, revision, restorations or other petition, replies, objections or affidavits or other documents as maybe deemed necessary or proper for the prosecution of the said case in all its stages.
3. To file and take back documents.
4. To do all other acts and things which may be necessary to be done for the progress and in the course of this case and hearing of the case.
5. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the attorney on my behalf.

And we the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I/We or my/our duly authorised agent would appear in this Hon'ble High Court at New Delhi in all proceedings inter-alia hearings.

And that this Vakalatnama supersedes (any) previously filed Vakalatnama in this matter.

And I/We the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate would be entitled to the same. The fee settled is only for the above case in this Hon'ble High Court of Delhi, at New Delhi.

IN WITNESS WHEREOF we do hereunto set my/our hand to those presents the contents of which have been understood by us this day of 2023.

Signature.....
Name ANU MONGA
Advocate
Enrolment No D/1456/2006

Signature
Name: Sanjeev Bagai
Client
Signature identified by

Signature
Name.....
Advocate

ANANT LAW

D/2835/2019.

D/4354/2016

KAR/2652/2021

Advance Service - Prof. Dr. Sanjeev Bagai & Ors. vs Department of Environment GNCTD & Ors.

Shubham Khanna <Shubham.khanna@anantlaw.com>

Sun 2/19/2023 6:16 PM

To: hellovvwa@gmail.com <hellovvwa@gmail.com>;ddachambers@yahoo.com <ddachambers@yahoo.com>;clomcdhq@gmail.com <clomcdhq@gmail.com>;dcfwestgnctd@gov.in <dcfwestgnctd@gov.in>;cpwddgw@nic.in <cpwddgw@nic.in>;standincounselgnctd@gmail.com <standincounselgnctd@gmail.com>;ssen@delhi.gov.in <ssen@delhi.gov.in>

Cc: Anu Monga <anu.monga@anantlaw.com>;Shobhit Sharma <shobhit.sharma@anantlaw.com>;Paritosh Dhawan <paritosh.dhawan@anantlaw.com>

1 attachments (15 MB)

Prof. Dr. Sanjeev Bagai vs Dept. of Environment GNCTD & Ors. - Writ Petition.pdf;

Dear Sir/Ma'am

Attached please find the writ petition filed by Petitioners before the Hon'ble High Court of Delhi. Please consider this as an advance service.

Regards,

Shubham Khanna
Advocate

Mobile: +91 9883264866
E-mail: shubham.khanna@anantlaw.com

AnantLaw
Solicitors & Advocates
B-82, LGF
Gulmohar Park
New Delhi 110049
India

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Advance Service - Prof. Dr. Sanjeev Bagai & Ors. vs Department of Environment GNCTD & Ors.

Shubham Khanna <Shubham.khanna@anantlaw.com>

Mon 2/20/2023 11:40 AM

To: ddachamberhc@yahoo.com <ddachamberhc@yahoo.com>;solicitor6@gmail.com <solicitor6@gmail.com>;clomsdmc@gmail.com <clomsdmc@gmail.com>;dcfwest.gnctd@gov.in <dcfwest.gnctd@gov.in>

Dear Sir/Ma'am

Attached please find the writ petition filed by Petitioners before the Hon'ble High Court of Delhi. Please consider this as an advance service.

Regards,

Best
Shubham Khanna
Advocate

Mobile: +91 9883264866
E-mail: shubham.khanna@anantlaw.com

AnantLaw
Solicitors & Advocates
B-82, LGF
Gulmohar Park
New Delhi 110049
India

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Advance Service - Prof Dr. Sanjeev Bagai vs Department of Environment GNCTD & Ors.

Shubham Khanna <Shubham.khanna@anantlaw.com>

Tue 2/21/2023 11:36 AM

To: standingcounselgnctd@gmail.com <standingcounselgnctd@gmail.com>;mcdhq@gmail.com <mcdhq@gmail.com>;birajamahapatra@gmail.com <birajamahapatra@gmail.com>

Dear Sir/Ma'am

Attached please find the writ petition filed by Petitioners before the Hon'ble High Court of Delhi. Please consider this as an advance service.

Regards,

Best
Shubham Khanna
Advocate

Mobile: +91 9883264866
E-mail: shubham.khanna@anantlaw.com

AnantLaw
Solicitors & Advocates
B-82, LGF
Gulmohar Park
New Delhi 110049
India

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Advance Service - Prof Dr. Sanjeev Bagai & Ors vs Department of Environment & Ors

Shubham Khanna <Shubham.khanna@anantlaw.com>

Tue 2/21/2023 11:43 AM

To: clomcdhq@gmail.com <clomcdhq@gmail.com>

Dear Sir/Ma'am

Attached please find the writ petition filed by Petitioners before the Hon'ble High Court of Delhi. Please consider this as an advance service.

Regards,

Best
Shubham Khanna
Advocate

Mobile: +91 9883264866
E-mail: shubham.khanna@anantlaw.com

AnantLaw
Solicitors & Advocates
B-82, LGF
Gulmohar Park
New Delhi 110049
India

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IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2023

IN THE MATTER OF:
PROF. DR. SANJEEV BAGAI & ORS. ...PETITIONERS

VERSUS

DEPARTMENT OF ENVIRONMENT, GNCTD & ORS. ...RESPONDENTS

AFFIDAVIT OF SERVICE

I, Advocate Subham Khanna, aged about 25 years, S/o Sh. Brijesh Khanna, having office at B-82, LGF, Gulmohar Park, New Delhi – 110049 do solemnly affirm and declare as under:

1. That I am the counsel for the Petitioners in the above captioned matter and am well conversant with the facts of the case and am competent to swear this affidavit.

I say that service has been effected to the Respondents on the following e-mail IDs:

- Respondent No. 1/ Department of Environment GNCTD - standingcounselgnctd@gmail.com
- Respondent No. 2,4,7 and 8/ Offices of MCD - closdmc@gamil.com and solicitor6@gmail.com
- Respondent No. 3/ DCF - dcfwest.gnctd@gov.in
- Respondent No. 6/ DDA – ddachamberhc@yahoo.com and ddachambers@yahoo.com

- Respondent No. 5/PWD – cpwddgw@nic.in
- Respondent No. 8/DPCC – ssenv@delhi.gov.in
- Respondent No. 10 & 11/ Police – cp.bsbassi@nic.in
- Respondent No. 12-18 – hellovvwa@gmail.com

3. That a scanned copy of the present writ petition has been served to them from the email id shubham.khanna@anantlaw.com

4. That the contents of the present affidavit are true and correct to the best of knowledge and belief and also as per the record available with the counsel of the Petitioner.



DEPONENT

VERIFICATION

Verified at New Delhi on this 20th day of February, 2023 that the contents of the above affidavit are true and correct to my knowledge and nothing material has been concealed therefrom

I identify the deponent/executant who has signed in my presence

DEPONENT



20 FEB 2023

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2023

IN THE MATTER OF:
PROF. DR. SANJEEV BAGAI & ORS. …PETITIONERS
VERSUS
DEPARTMENT OF ENVIRONMENT,
GNCTD & ORS …RESPONDENTS

CERTIFICATE

I Anu Monga, advocate for the Petitioners hereby certify that complete court record of the Original Application filed before the National Green Tribunal in OA No. 911 of 2022 titled as "*Prof. Dr. Sanjeev Bagai & Ors. vs Department of Environment GNCTD & Ors*" has been filed in the present writ petition.



ANU MONGA
ADVOCATE FOR THE PETITIONER
ANANTLAW
SOLICITORS & ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI- 110049
MOBILE NO. +91- 9811264474
E-Mail: anu.monga@anantlaw.com

NEW DELHI
DATE: 20.02.2023

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2023

IN THE MATTER OF:
PROF. DR. SANJEEV BAGAI & ORS. …PETITIONERS
VERSUS
DEPARTMENT OF ENVIRONMENT,
GNCTD & ORS …RESPONDENTS

CERTIFICATE

I Anu Monga, advocate for the Petitioners hereby certify that as per the knowledge of the undersigned there are no pending proceedings arising out of the Impugned Order dated 19.01.2023 passed by the Hon'ble National Green Tribunal in Original Application No. 911 of 2022 titled as "*Prof. Dr. Sanjeev Bagai & Ors. vs Department of Environment GNCTD & Ors*".



ANU MONGA
ADVOCATE FOR THE PETITIONER
ANANTLAW
SOLICITORS & ADVOCATES
B-82, LGF, GULMOHAR PARK
NEW DELHI- 110049
MOBILE NO. +91- 9811264474
E-Mail: anu.monga@anantlaw.com

NEW DELHI
DATE: 20.02.2023

$~53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 2317/2023 and CM APPL. 8779/2023, 8780/2023, 8781/2023**

PROF DR SANJEEV BAGAI & ORS. ..... Petitioners

Through: Mr. Vivek Sibal, Sr. Adv. with Ms. Anu Monga, Mr. Shobhit Sharma, Mr. Paritosh Dhawan, & Mr. Shubham Khanna, Advs. (M: 9650812708)

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS. ..... Respondents

Through: Mr. Anupam Srivastava, ASC, GNCTD and Mr. Vasuh Misra, Adv. for R-1, 3, 5, 10 & 11. (M: 9730845755)

Ms. Divya Prakash Pandey, Adv. for Rs-2, 4 & 8. (M:9818077123)

Mr. Arun Birbal and Mr. Sanjay Singh, Advs. for DDA. (M: 9958118327)

Ms. Ekta Mehta and Ms. Akanksha Agrawal, Advocates for R-18.

CORAM:
JUSTICE PRATHIBA M. SINGH

O R D E R

% 22.02.2023

1. This hearing has been done through hybrid mode.

2. Considering the fact that the issues raised in the present petition are in respect of the Delhi Preservation of Trees Act, 1994 and the order dated 19th January, 2023 passed by the NGT, let the present writ be listed before Hon'ble Justice Najmi Waziri.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 28/11/2023 at 00:22:46

3. Subject to the orders of Hon'ble the Chief Justice, list before the said Bench on 1st March, 2023.

PRATHIBA M. SINGH, J.

FEBRUARY 22, 2023
dk/sk

This is a digitally signed order.
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$~12 (SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2317/2023, CM APPL. 8779/2023 & CM APPL. 8781/2023

PROF DR SANJEEV BAGAI & ORS. ..... Petitioners

Through: Mr. Vivek Sibal, Sr. Adv. with Ms. Anu Monga, Mr. Shobhit Sharma, Mr. Paritosh Dhawan and Mr. Shubham Khanna, Advocates.

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS. ..... Respondents

Through: Mr. Kailash Vasdev, Sr. Advocate with Ms. Ekta Mehta, Ms. Akanksha Agrawal and Ms. Shagun Sabharwal, Advocates for R-18.
Mr. Anupam Srivastava, ASC, GNCTD and Mr. Vasuh Misra, Adv. for R-1, 3, 5, 10 and 11.
Mr. Shourya Dasgupta, Advocate for Mr. Shadan Farasat, ASC GNCTD for Tree Authority.
Ms. Divya Prakash Pandey, Advocate for Rs-2, 4 and 8.
Mr. Arun Birbal and Mr. Sanjay Singh, Advocates for DDA.
Ms. Sakshi Popli, Advocate for DPCC/R-9.
Mr. Aditya N. Prasad, Advocate *(Amicus Curiae)*

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% 01.03.2023

The hearing has been conducted through hybrid mode (physical and

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virtual hearing).

CM APPL. 8780/2023 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed-off.

CM APPL. 8781/2023 (Permission to file lengthy synopsis and list of dates)

3. For the reasons mentioned in the application, it is allowed.
4. The application stands disposed-off.

W.P.(C) 2317/2023 & CM APPL. 8779/2023

5. Issue notice. The learned counsel named above accepts notice on behalf of the respondents.
6. This petition impugns the order dated 19.01.2023 in Original Application No. 911/2022 passed by the National Green Tribunal ('NGT'), whereby it has held that:

> *"32. In the meanwhile, further pruning of the trees, if considered necessary, be carried out by the concerned Civic Authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994."*

7. The genesis of this order was the desire of the RWA-Vasant Vihar to prune certain trees in the colony. They made representations to the Municipal Corporation of Delhi and the Tree Officer, but nothing worthwhile came forth, so they approached the NGT which has passed the aforesaid order.

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8. Mr. Vivek Sibal, the learned Senior Advocate for the petitioners submits that the Delhi Preservation of Trees Act, 1994, provides statutory protection to trees in Delhi, the essential part of the preservation is that a tree should not be damaged in a manner, which would impede its growth or otherwise severely affect its re-growth and re-generation impossible. Referring to the photographs attached to the petition, he submits that quite a few trees have been lopped-off thereby causing extensive damage to them and setting back the greenery by a decade or a decade and a half, in certain areas of the colony. He further submits that approximately 800 trees have been pruned/lopped-off in the colony and it is well nigh impossible for the Tree Officer to have inspected all of them or to have ensured that trees with branches of less than 15.7 cms in circumference only have been cut. There were no tools or equipment for the Tree Officer to have so measured or ensured. He further submits that Guidelines referred to by the Tree Officer and relied upon by the RWA-Vasant Vihar are contrary to the Act itself. The Guidelines cannot overreach or undermine the statute. Therefore, insofar as they undermine the statute, they are *ultra-vires*.

9. According to the learned Senior Advocate for the petitioners, there can be no occasion for measuring a branch of 15.7 cm in circumference. The Act defines tree as under:

> *"2(i) "tree" means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than five centimetres in diameter at a height of thirty centimetres from the ground level and is not less than one metre in height from the ground level;"*

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10. In other words, any woody plant which has a height of 30 cm and a trunk diameter of not less than 5 cm is considered a 'tree' and is to be protected under the Act. The pruning etc. would have to be only with strict permission of the Tree Officer and not on general Guidelines. Once a 'woody plant' gets classified as a tree, any alteration to its body or being will have to be in terms of the procedure prescribed under section 9 of the Act. That procedure has not been followed in the present case; therefore, according to the learned Senior Advocate for the petitioners the entire process, adopted towards pruning of trees, is illegal.

11. A more detailed assessment of the activity done by the RWA needs to be carried out. Further pruning in the area concerned has to be stopped right-away. In the circumstances, this court appoints Mr. Aditya N. Prasad, Advocate, who is present in court as *Amicus Curiae* to assess the situation at site and assist the court. A copy of the petition be supplied to him. Let the learned *Amicus Curiae* be assisted at the site by the Tree Officer, Deputy Director (Horticulture) South Zone, SHO- Vasant Vihar, Deputy Director (Horticulture), PWD, Executive Engineer, PWD, Deputy Director (Horticulture), MCD of the area concerned, Deputy Director (Horticulture) DDA along with the petitioners and/or their representatives on 05.03.2023 at 10:00 a.m at the MCD Office, Block-A, Vasant Vihar**.** Extensive photographs and a report, in this regard, shall be filed by the Tree Officer as well as the Municipal Corporation. A copy of the same shall be supplied to the learned counsel for the parties and also to the

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learned *Amicus Curiae*. A fresh affidavit shall be filed by the Tree Officer in terms of what he may notice at the site and further orders, as may be necessary, too shall be issued by the Tree Officer.

12. The learned *Amicus Curiae* states that he is a counsel in CONT.CAS(C) 778/2021 in which the Petitioner No.1 has moved an application for impleadment. However, neither the petitioners nor any of the parties have any objection to the appointment of Mr. Aditya N. Prasad as *Amicus Curiae*. He further submits that the Guidelines were framed by the Tree Authority; therefore, they would be a necessary party in the present case. In view of the above, the Tree Authority is impleaded as R-19.

13. Issue notice. The learned counsel named above accepts notice on behalf of the newly impleaded R-19. Let Amended Memo of Parties be filed before the next date.

14. Reply be filed by the parties and relevant records of the Tree Authority qua the Guidelines too be brought to the court on the next date.

15. List on 10.03.2023.

16. In view of the above, further pruning in the area shall be kept in abeyance.

17. The learned counsel for the parties submits that they will request for an adjournment of the case listed on 10.03.2023 before the NGT.

NAJMI WAZIRI, J

MARCH 1, 2023
SS

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$~1(SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2317/2023 & CM APPL. 8779/2023

PROF DR SANJEEV BAGAI & ORS. ..... Petitioners

Through: Mr. Vivek Sibal, Sr. Adv. with Ms. Anu Monga, Mr. Shobhit Sharma, Adv, Mr. Paritosh Dhawan and Mr. Shubham Khanna, Advocates.

Mr. Aditya N. Prasad, Advocate. (Amicus Curiae)

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS. ..... Respondents

Through: Mr. Divya Prakash Pandey, SC for R-2, R-4 & R-8.
Ms. Kritika Gupta and Ms. Vaishnavi Tiwari, Advocates for R-6/DDA.

Mr. Shadan Farasat, ASC, GNCTD.

Mr. Anupam Srivastava, ASC, GNCTD.

Ms. Sakshi Popli, Advocate for R-9.

Ms. Ekta Mehta and Ms. Akanksha Agrawal, Advocate for R-18.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% 10.03.2023

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The Hon’ble Bench has not assembled today.

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2. Re-notify on 20.03.2023.

BY ORDER

COURT MASTER

MARCH 10, 2023/RW

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2317/2023 & CM APPL. 8779/2023

PROF DR SANJEEV BAGAI & ORS. ..... Petitioners

Through: Mr. Vivek Sibal, Sr. Adv. with Ms. Anu Monga, Mr. Shobhit Sharma, Mr. Paritosh Dhawan, Mr. Nimit Saigal, Ms. Parul Parmar Ms. Kriti and Mr. Shubham Khanna, Advocates.
Mr. Aditya N. Prasad, Advocate *(Amicus Curiae).*

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS. ..... Respondents

Through: Mr. Anupam Srivastavam ASC GNCTD with Mr. Vasuh Misra, Advocate for R-1,3,4, 10 and 11.

Ms. Kritika Gupta, Ms. Vaishnavi Tiwari, Advocates for DDA with Mr. Vikash, Assistant Director and Mr. Prahlad, Sectional Officer.

Ms. Sakshi Popli, Advocate for DPCC.

Mr. Divya Prakash Pande, SC for MCD.

Ms. Ekta Mehta and Ms. Akanksha Agrawal, Advocates for R-18.

Ms. Hrishika Jain and Mr. Aman Naqvi, Advocates for Mr. Shadan Farasat, ASC GNCTD.

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CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% 20.03.2023

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The learned Senior Advocate for the petitioners submits that the observations made in paragraph 26 of the impugned order are causing prejudice to the fair name of petitioner no.1, as these observations are now being circulated on social media, as if to represent to people at large, that petitioner no.1 had a score to settle with the Resident Welfare Association ('RWA'). R-1submits that his objective was only to highlight and ensure that i) the residential colony conserves and preserves its greenery and ii) a scientific method is applied for pruning of trees, wherever it is deemed necessary by the authority concerned. He, therefore, seeks that reference and circulation of the said paragraph on social media be curtailed.
2. The learned counsel for RWA submits that the RWA could not and does not have any animus against the petitioner no. 1.
3. The learned *Amicus Curiae* has filed a detailed report along with photographs. A copy of the same has been supplied to the learned counsel for the parties. Let it be looked into by the respondents and comprehensive remedial measures be initiated promptly.
4. The learned *Amicus Curiae* says that the Inspection Report filed by the Tree Officer is erroneous inasmuch as it refers to damaged roots of 4 trees in Block A, and 9 trees in Block B of Vasant Vihar Colony, because the trees have already been felled and only their stumps are

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remaining. Therefore, the euphemistic reference to them as "damaged" is to ignore the stark reality. Photographs annexed to the report shows the stumps being excavated from the earth. Let the Tree Officer look into the matter and initiate appropriate measures within four days.

5. The learned Senior Advocate for the petitioners submits that the Tree Officer has thus far inspected only around 100-150 trees. Let the remaining trees be inspected by the Tree Officer, preferably in the next three days and a report in this regard be filed before the next date. Thereafter, the Delhi Development Authority would start developing its land into a dense green area. The Tree Officer shall also place on record a videography of the digging up of the land/sites, wherever it is apprehended that trees has been felled illegally.
6. Nothing has been done by the Corporation in compliance of the previous orders of this court. Remedial measures apropos conservation and preservation of the colony's green areas, in particular its trees, have to be initiated on an urgent basis. This cannot be to anyone's detriment. Let an affidavit by the Zonal Deputy Commissioner, MCD, be filed within seven days, failing which the Deputy Commissioner shall be present in court on the next date.
7. Re-notify on 29.03.2023.

NAJMI WAZIRI, J

MARCH 20, 2023
SS

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2317/2023 & CM APPL. 8779/2023

PROF DR SANJEEV BAGAI & ORS. ..... Petitioners

Through: Mr. Vivek Sibal, Sr. Advocate with Ms. Anu Monga, Mr. Shobhit Sharma, Mr. Paritosh Dhawan, Mr. Shubham Khanna and Mr. Nimit Saigal, Advocates.

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS. ..... Respondents

Through: Mr. Anupam Srivastava, ASC,GNCTD along with Mr. Vasuh Misra, Advocates for R-1, 3 & 5 (GNCTD)

Ms. Sakshi Popli, Advocate for R-1.

Ms. Kritika Gupta, Advocate for R-6/DDA.

Ms. Ekta Mehta and Ms. Akanksha Agrawal, Advocates for R-18.

Mr. Divya Prakash Pande, Standing Counsel for MCD.

Mr. Aditya N. Prasad, Advocate. (*Amicus Curiae*)

Mr. Inder Bir Singh Alag, Sr. Advocate with Mr. Sameer Vashisht, ASC, GNCTD.

Mr. Parth Vibhu, Advocate for Mr.

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Sameer Vashisht, ASC (Civil), GNCTD.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% 29.03.2023

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The learned counsel for the Department of Forests seeks time to file an affidavit in terms of the Inspection/Survey Report prepared by the DCF concerned.
2. At his request, re-notify on 11.04.2023.

NAJMI WAZIRI, J

MARCH 29, 2023
RW

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$~2 (SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2317/2023 & CM APPL. 8779/2023

PROF DR SANJEEV BAGAI & ORS. ..... Petitioners

Through: Mr. Vivek Sibal, Sr. Adv. with Ms. Anu Monga, Mr. Rahul Goel, Mr. Shobhit Sharma and Mr. Paritosh Dhawan, Advocates.

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS. ..... Respondents

Through: Ms. Kritika Gupta, Advocate for DDA with Mr. Vikash, AD Horticulture and Mr. Parhlad, SO, Horticulture.
Mr. Anupam Srivastava, ASC, GNCTD and Mr. Vasuh Misra, Adv. for R-1, 3, 5.
Mr. Shadan Farasat, ASC GNCTD for Tree Authority.
Ms. Divya Prakash Pandey, Advocate for MCD.
Ms. Sakshi Popli, Advocate for DPCC/R-9.
Mr. Aditya N. Prasad, Advocate *(Amicus Curiae).*
Ms. Ekta Mehta and Ms. Akanksha Agrawal, Advocates for R-18.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% 11.04.2023

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1. The learned counsel for DDA refers to the compliance affidavit apropos the extensive work undertaken by them towards restoration of its park and for creation of a dense green area within the residential colony for the benefit of the residents and the city as a whole. The photographs are reproduced hereunder:

BEFORE



AFTER



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WORK OF PLANTATION IN PROGRESS ON 28-03-2023





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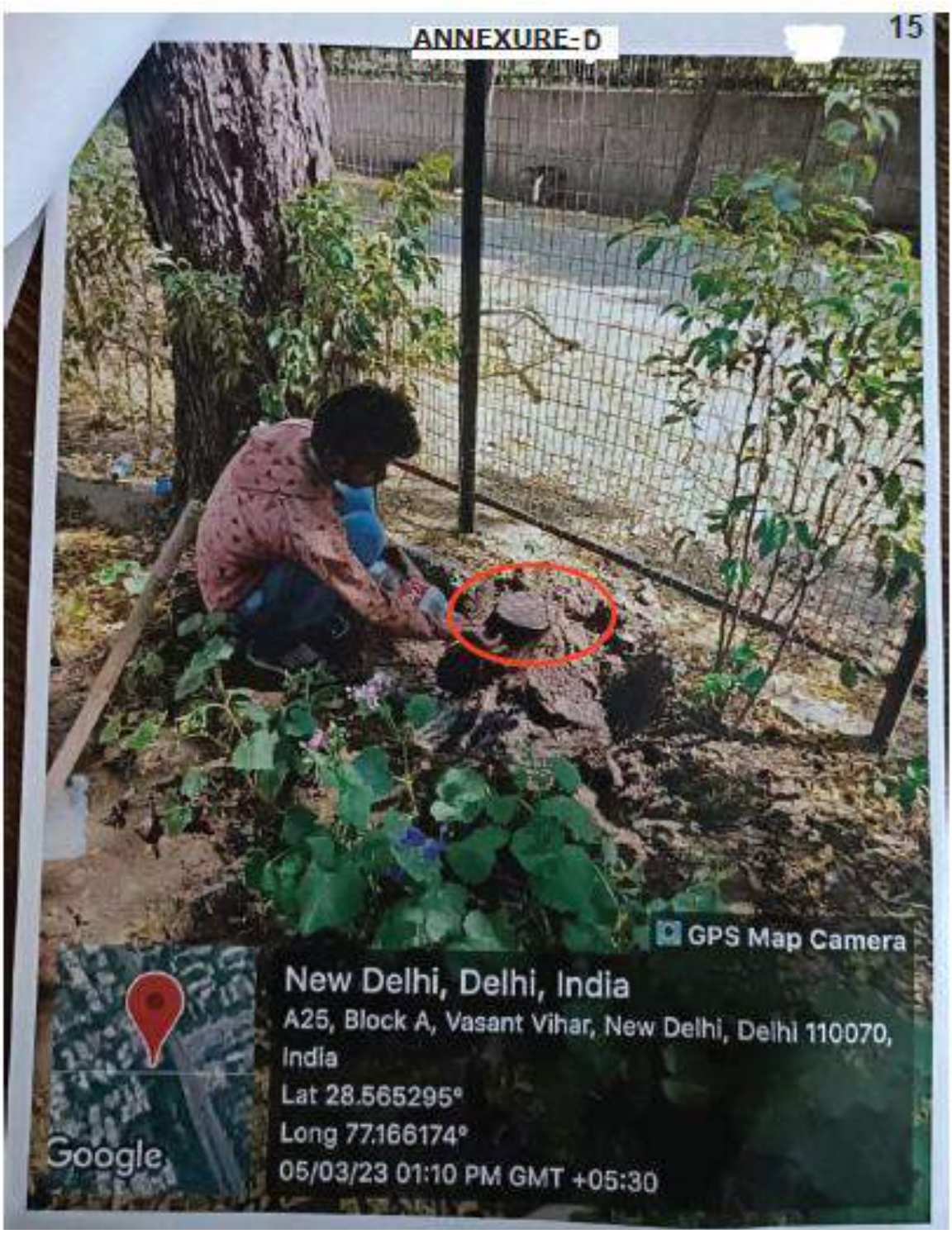
2. She further submits that extensive digging-up was done to facilitate the Tree Officer in finding out the number of fully grown trees which were cut from the ground level and have been covered up with mud to hide the damage caused to the environment. She also submits that DDA is alive to its duty of creating and maintaining the said park and a protective fence of barbed wire up to a height of 5 ft will be erected around the park. Let the same be done and a Status Report be filed after 6 months.
3. The DCF(West) has inspected the site and an affidavit has been filed to the effect that he surveyed the colony and found that the damage to the environment has been caused as under:

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S.No.	*Block*	*Total Trees as per MCD*	*Felled*	*Pruned*	*Pruned more than 15.71 cms*
1.	*A*	*1005*	*08*	*209*	*29*
2.	*B*	*598*	*09*	*09*	*06*
3.	*C*	*430*	*0*	*0*	*0*
4.	*D*	*599*	*01*	*181*	*61*
5.	*E*	*787*	*0*	*0*	*0*
6.	*F*	*490*	*0*	*69*	*27*
Total		*3909*	*18*	*468*	*123*

4. In effect, branches of 123 trees have been pruned beyond the permissible limits of 15.71 cms as per the guidelines and 18 trees have been felled without any reason. Otherwise in all 468 trees have been pruned. Indeed, the Tree Officer says that the pruning and felling continued even after the notice dated 24.03.2023 was issued by him to the President, Vasant Vihar Welfare Association, Deputy Director Horticulture MCD, President of Vasant Vihar Club House, Petitioner No.1 and Forestor, West Forest Division. In order to get a sense of the extensive damage caused to the environment which has laid bare, the otherwise green cover, which was to the benefit of all residents and visitors to the residential colony, some photographs are reproduced hereunder:

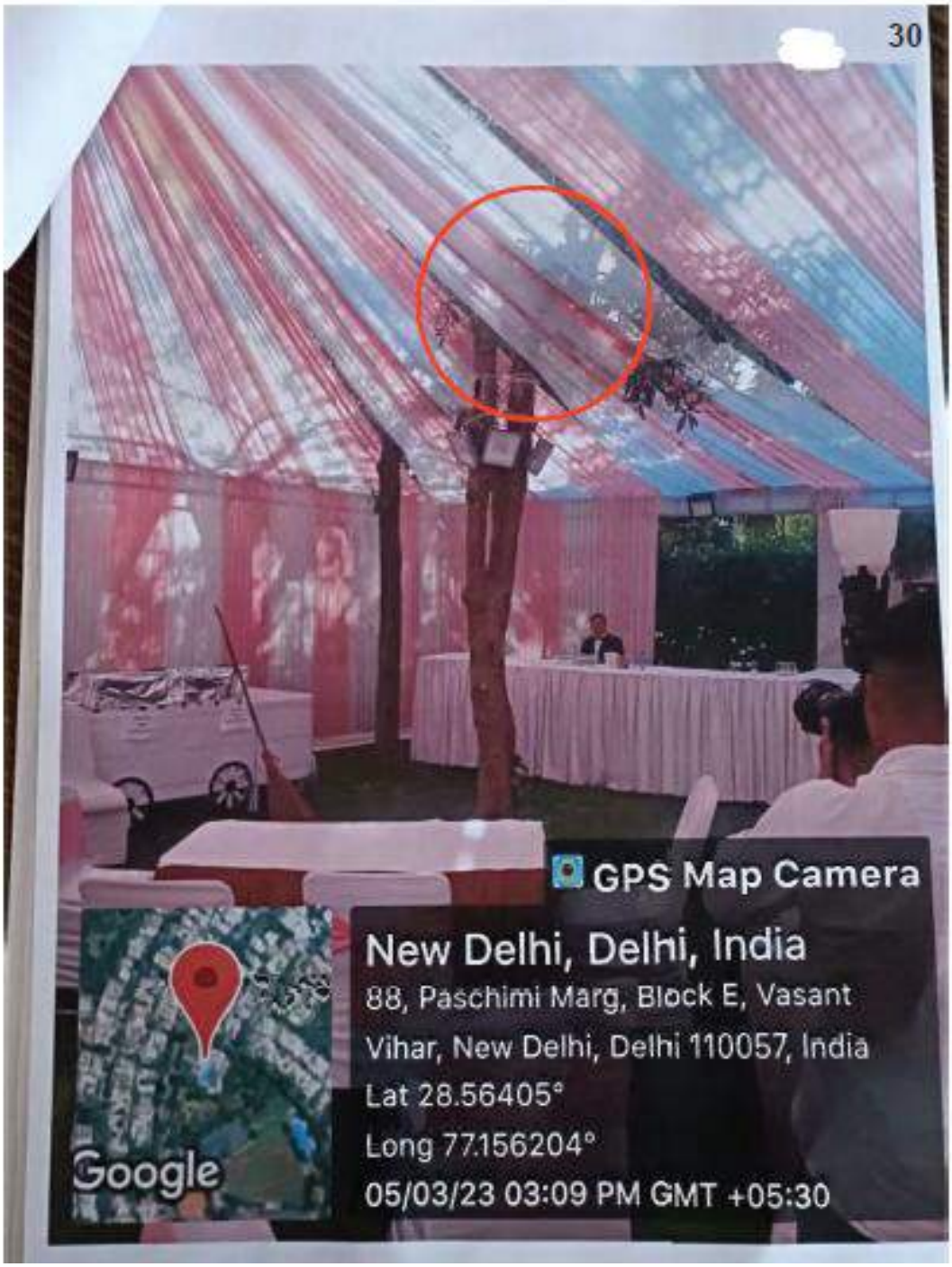
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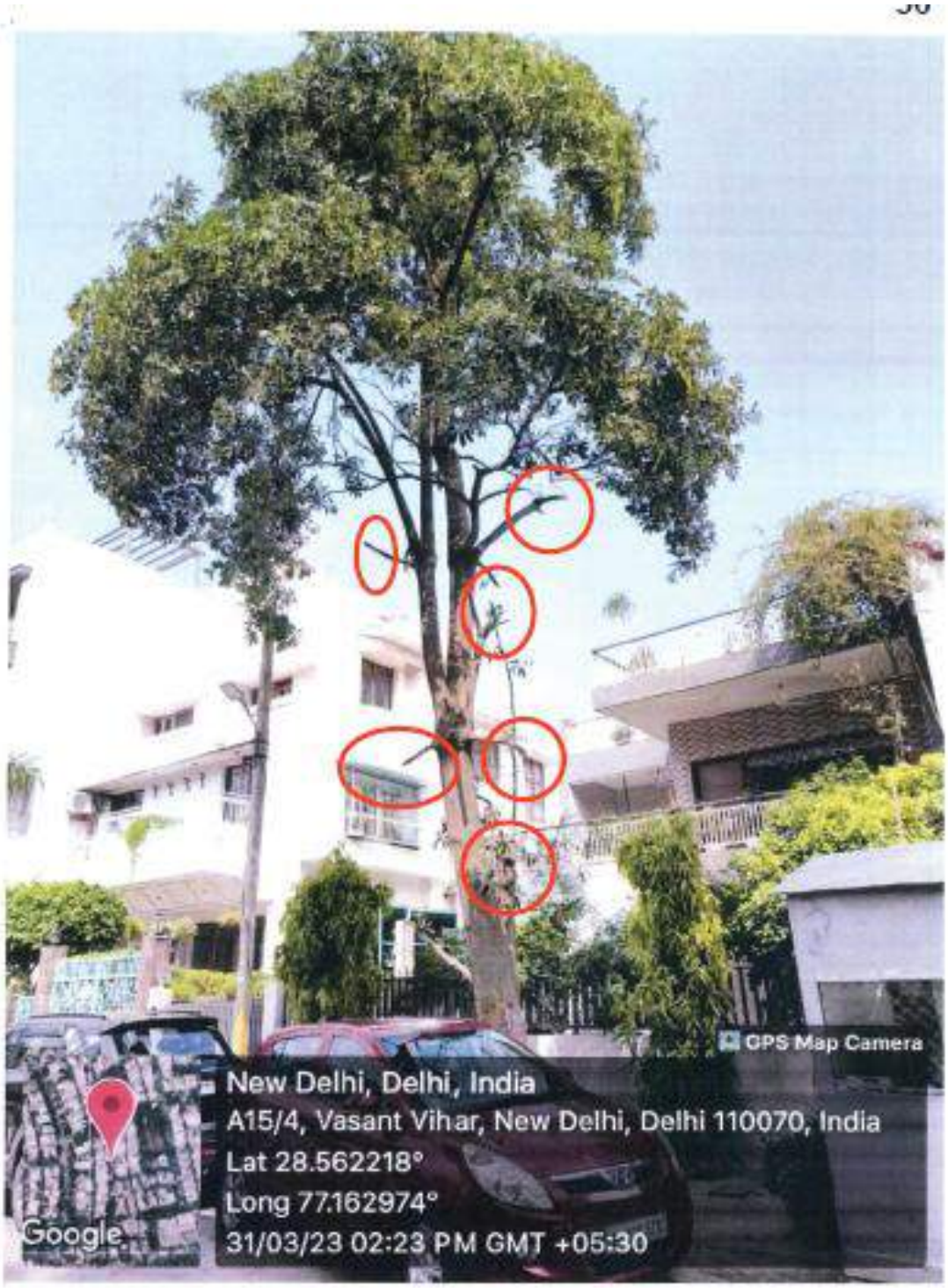
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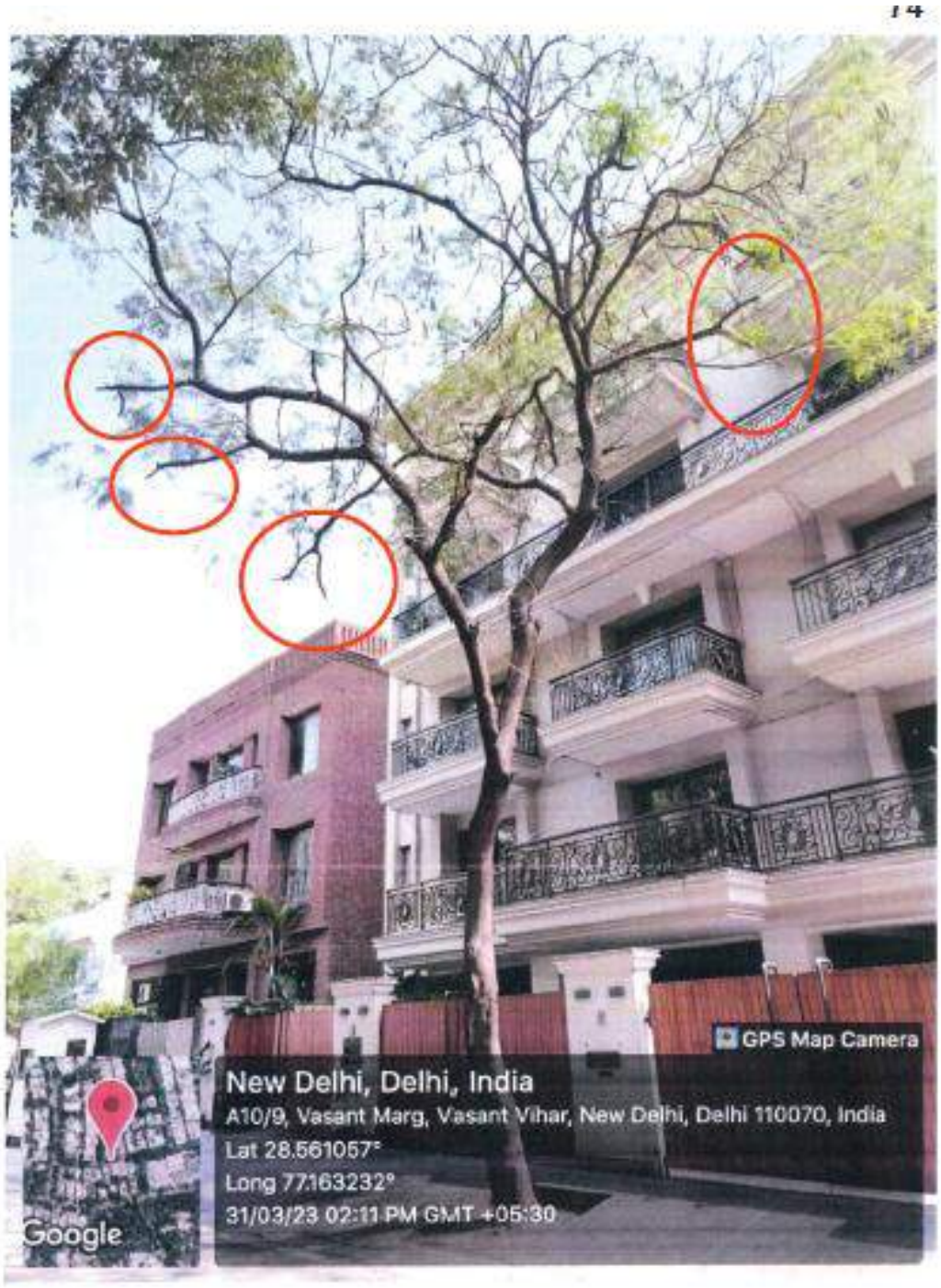
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5. The DCF says that requisite statutory proceedings are underway. Let the same be completed within a period of two months from today. The next date of hearing before the DCF is tomorrow i.e. 12.04.2023. The learned counsel for the parties submit that they will assist the DCF in every way possible to have the matter disposed-off and reach a final conclusion at the earliest. Let the proceedings be completed and brought to a logical end.

6. Mr. Vivek Sibal, the learned Senior Advocate for the petitioners submit that the guidelines are in contravention of the statute itself because insofar as the tree is protected under section 2(i) read with 2(h) of the Delhi Preservation Of Trees Act, 1994 ('Act'), Act no cutting or pruning will be permitted unless each tree is examined and a reason is given for the pruning. The procedure for obtaining permission, in this regard, has been detailed in section 9 of the Act which reads as under:

> *"9. Procedure for obtaining permission to fell, cut, remove or dispose of, a tree:-*
>
> *(1) Any person desiring to fell or remove or otherwise dispose of, by any means, a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of such documents as may be prescribed in support of ownership over the land, the number and kind of trees to be cut, their girth measure at a height of 1.85 metres from ground level and the reasons therefore, copy of sajra showing clearly the site and khasra numbers of the property.*
>
> *(2) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for*

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reasons to be recorded in writing, refuse permission:

Provided that such permission may not be refused if the tree-

(i) is dead, diseased or wind fallen; or

(ii) is silviculturally mature, provided it does not occur on a steep slop; or

(iii) constitutes a danger to life or property; or

(iv) constitutes obstruction to traffic; or

(v) is substantially damaged or destroyed by fire, lightening, rain or other natural causes; or

(vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof, or any part thereof for bone fide use for fuel, fodder, agricultural implements or other domestic use.

(3) The Tree Officer shall give his decision within sixty days from the date of receipt of the application:

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.

(4) If the Tree Officer fails to communicate his permission on request within the period specified under sub-section (3), the permission referred to in section 8, shall be deemed to have been granted.

(5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed."

7. *Prima-facie* the court is of the view that the rationale of applying the circumference of a tree to that of a branch is misapplication of law. Surely, the tree is different from its branches. Therefore, damage cannot be permitted to a tree except in terms of section 9 of the Act. Such extension of the definition of a tree to its branches is unjustified.

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8. The issues raised in this petition concern the validity of the guidelines issued by the Forest Department. Mr. Shadan Farasat, the learned ASC for GNCTD seeks and is granted 10 working days to file a response to the same.
9. Since no further orders are required to be passed apropos DDA in this regard, Ms. Kritika Gupta, the learned counsel for DDA is appointed as the Court Commissioner to ensure the upkeep of the area for the next three years.
10. Re-notify on 20.04.2023.

NAJMI WAZIRI, J

APRIL 11, 2023
SS

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$~2(SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2317/2023 & CM APPL. 8779/2023

PROF DR SANJEEV BAGAI & ORS. ..... Petitioners

Through: Mr. Vivek Sibal, Sr. Advocate with Mr. Rahul Goel, Ms. Anu Monda, Mr. Shobhit Sharma and Mr. Paritosh Dhawan, Advocates.

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS. ..... Respondents

Through: Mr. Aditya N. Prasad, Advocate (*Amicus Curaie)*
Mr. Anupam Srivastava, ASC GNCTD with Mr. Vasuh Misra, Advocate for R-1,3 and 5.
Ms. Kritika Gupta, Advocate for DDA.
Ms. Ekta Mehta and Ms. Akanksha Agrawal, Advocates for R-18.
Mr. Shourya Dasgupta, Advocate for Mr. Shadan Farasat, ASC GNCTD.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% 20.04.2023

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The Hon'ble Bench has not assembled today.
2. Renotify on 25.04.2023.

BY ORDER

COURT MASTER

APRIL 20, 2023
SS

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$~4 (SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2317/2023 & CM APPL. 8779/2023

PROF DR SANJEEV BAGAI & ORS. ..... Petitioners

Through: Mr Vivek Sibal, Senior Advocate with Ms Anu Monga, Mr Rahul Goel, Mr Shobhit Sharma and Mr Paritosh Dhawan, Advocates for petitioners.
Mr Aditya N. Prasad, Advocate (*Amicus Curiae*).

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS.

..... Respondents

Through: Mr Anupam Srivastava, ASC, GNCTD/R-1,3 & 5 with Mr Vasuh Misra, Advocate.
Mr Shadan Farasat, ASC, GNCTD/Forest Department.
Ms Kritika Gupta, Advocate for DDA (M:8826331177).
Mr Divya Prakash Pande, SC for MCD.
Ms Sakshi Popli, Advocate for DPCC.
Ms Ekta Mehta and Ms Akanksha Agrawal, Advocate for R-18.
Ms. Kritika Gupta, Advocate for DDA.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% 25.04.2023

The hearing has been conducted through hybrid mode (physical and virtual hearing).

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1. Mr. Vivek Sibal, the learned Sr. Advocate for the petitioners submits that the observation against the petitioner by the NGT is unwarranted and unjustified insofar as the matter being pursued by him before the NGT was actuated by personal vendetta. He submits that there is nothing in the order to warrant the said observation. The subsequent Report of the *amicus curiae* shows that 468 trees were cut and extensively pruned. Indeed, many trees were cut and their stumps were hidden under the earth. The Report shows large scale damage of the ecology in Vasant Vihar Colony and it is this extensive denudation of the green cover which prompted the petitioner to seek legal remedies. Therefore, the pursuit of legal remedies by the petitioner cannot be considered as being actuated by ulterior motives.
2. The petitioners draw the court's attention to the order dated 23.03.2023, which has observed as under:

   "...3. All proceedings relating to statutory rights, liabilities and obligations would be expected to be conducted in a procedure that is ex-facie fair and transparent. However, as is noticed in the present case and the learned counsel for the petitioner refers to other cases as well, that ordinarily when a complaint is made about damage to or felling of a tree, the complainant is hardly ever notified or intimated apropos the progress/result of the proceedings, if any initiated in relation thereto. There can be no dispute that a complainant would be required to be heard apropos complaint made or otherwise be kept informed throughout the proceedings. The Counter-affidavit dated 20.02.2023 of the GNCTD reads as under:

   "....
   4) It is submitted that in connection to Prayer Clause (b) of the Writ Petition (C) 12271/2022, only the Government of NCT of Delhi is empowered to issue the guidelines/directions which

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are to be issued under the provisions of section 33 of the Delhi Preservation of Trees Act, 1994.

5) It is submitted that in compliance of the directions passed by the Hon'ble Court, the Department is formulating a standard operating procedure for the approval of the Govt. of NCT of Delhi for effective adjudication of registered tree offence in accordance with mandate laid down under the Delhi Preservation Tree Act, 1994.

6) It is submitted that the SOP shall include (a) the 'Cognizance Phase' for elucidating the manner in which offences are to be received for effective adjudication of complaints (b) the 'Trial Phase' for conducting examination/cross-examination of evidences, reports, submissions of the parties and (c) the 'Judgement Phase' for pronouncement of orders and appeals thereto u/s 14 of the DPTA, 1994.

7) It is submitted that the SOP shall be issued within one month after seeking approval of Govt. of NCT of Delhi."

3. The petitioners state that pruning of trees is not in terms of the guidelines. Therefore, it would be expected that the DCFs and the Tree Officers shall observe due caution in granting fresh permission for pruning of trees, while relying upon the extant guidelines. Mr Shadan Farasat, the learned ASC, GNCTD/Forest Department seeks and is granted a week's time to obtain instructions and to bring the relevant documents on record.
4. At request, renotify on 10.05.2023.

NAJMI WAZIRI, J

APRIL 25, 2023/*rw/rd*

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7(SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2317/2023 & CM APPL. 8779/2023

PROF DR SANJEEV BAGAI & ORS. ..... Petitioners

Through: Mr. Vivek Sibal, Sr. Advocate with Ms. Anu Monga, Mr. Rahul Goel, Mr. Shobhit Sharma and Mr. Paritosh Dhawan, Advocates.
Mr Aditya N. Prasad, Advocate (*Amicus Curiae*)

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS. ..... Respondents

Through: Mr Anupam Srivastava, ASC, GNCTD/R-1,3 & 5 with Mr Vasuh Misra, Advocate.
Mr Shadan Farasat, ASC, GNCTD/Forest Department.
Ms Kritika Gupta, Advocate for DDA (M:8826331177).
Mr Divya Prakash Pande, SC for MCD.
Ms Sakshi Popli, Advocate for DPCC.
Ms Ekta Mehta and Ms Akanksha Agrawal, Advocate for R-18 in 7.
Ms. Kritika Gupta, Advocate for DDA.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% 10.05.2023

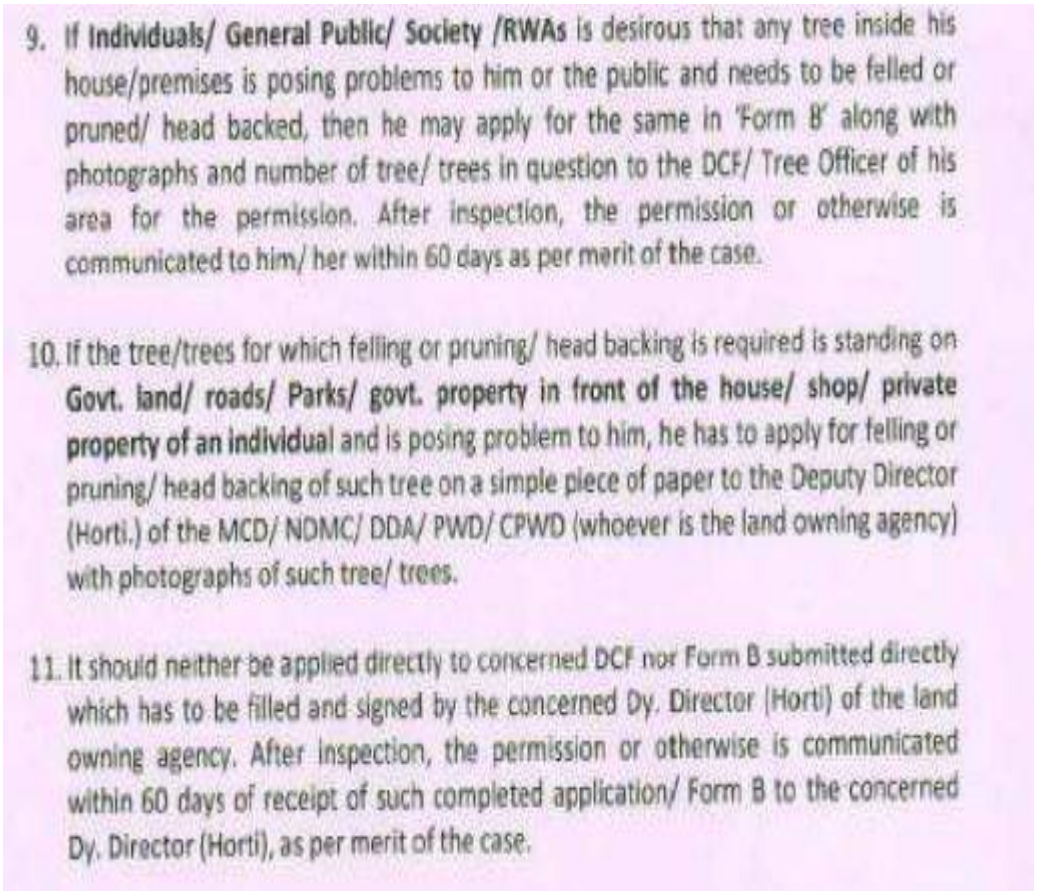
The hearing has been conducted through hybrid mode (physical and

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virtual hearing).

1. Apropos the court's directions in orders dated 11.04.2023 and 25.04.2023 to the Department of Forests ('DoF'), GNCTD, the latter has not responded to the issues apropos prudence and the validity of the Guidelines issued by it regarding pruning/cutting of trees in Delhi. The learned ASC, GNCTD, says that he is yet to receive complete instructions in this regard.

2. Be that as it may, over two months have gone by and the Tree Authority seems unmoved by the court's order. The guidelines provide, *inter alia*, as under:



9. If **Individuals/ General Public/ Society /RWAs** is desirous that any tree inside his house/premises is posing problems to him or the public and needs to be felled or pruned/ head backed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per merit of the case.

10. If the tree/trees for which felling or pruning/ head backing is required is standing on **Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual** and is posing problem to him, he has to apply for felling or pruning/ head backing of such tree on a simple piece of paper to the Deputy Director (Horti.) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.

11. It should neither be applied directly to concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti), as per merit of the case.

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3. With each redevelopment of a house or building, abutting city streets, if applications are moved by the land-owning agency such as the PWD, DDA, Municipal Corporation of Delhi, Cantonment Board, etc. for cutting of trees in front of private houses, in order to facilitate construction of new building/houses, and permission to cut the trees is granted simply on the averment that the trees were coming in the way of reconstruction, then sooner or later the city will be bereft of tree-lined avenues and a large part of its green cover. In a way this would be a creeping legalised genocide of trees and Delhi would soon resemble nothing but a mass of concrete. Paragraphs 9 and 10 of the aforesaid guidelines are *ex facie* incongruent with the provisions of the Delhi Preservation of Trees Act, 1994. In case there is an exigency for cutting down trees for large public projects or if it is absolutely necessary to cut down trees on a private entity's application, it will require the Tree Officer to personally inspect the site, assess the situation, apply his mind and if required, permit the cutting of a tree but only after having first exhausted all possibility of saving the tree and ensuring its transplantation, along with compensatory afforestation.

4. Guidelines are only a handbook, a course of action, process, practice for the authorities and the people to comply with the law. Sections 8 and 9 of the Delhi Preservation of Trees Act, 1994 govern pruning of trees. They read as under:

> *"8. Restrictions on felling and removal of trees.-*
> *Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no person shall fell or remove or dispose of any tree or forest*

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produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer:
Provided that if the tree is not immediately felled, there would be grave danger to life or property or traffic, the owner of the land may take immediate action to fell such tree and report the fact to the Tree Officer within twenty-four hours of such felling.

9. Procedure for obtaining permission to fell, cut, remove or dispose of, a tree.-

(1) Any person desiring to fell or remove or otherwise dispose of, by any means, a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of such documents as may be prescribed in support of ownership over the land, (he number and kind of trees to be cut, their girth measure at a height of 1.85 metres from ground level and the reasons therefor, copy of sajra showing clearly the site and khasra numbers of the property.

(2) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing, refuse permission: Provided that such permission may not be refused if the tree-

(i) is dead, diseased or wind fallen; or
(ii) is silviculturally mature, provided it does not occur on a steep slop; or
(iii) constitutes a danger to life or property; or
(iv) constitutes obstruction to traffic; or
(v) is substantially damaged or destroyed by fire, lightening, rain or other natural causes; or
(vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof, or any part thereof for bone fide use for fuel, fodder, agricultural implements or other domestic use.

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(3) The Tree Officer shall give his decision within sixty days from the date of receipt of the application: Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.

(4) If the Tree Officer fails to communicate his permission on request within the period specified under sub-section (3), the permission referred to in section 8, shall be deemed to have been granted.

(5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed."

5. Therefore the guidelines cannot dilute the strict mandate of the statute.

The aforesaid clause 5 of the guidelines reads as under:-

5. For the purpose of clarity and transparency to the meaning of light and heavy pruning, following would constitute as above:

Term	Branches of girth size	Permission required or not	Remarks
Regular Pruning/ General Tending	Upto 15.7 cm.	No	May be got done by Civic Agencies at regular intervals
Light Pruning	Greater than 15.7 cm but less than and equal to 40 cm.	Required	From concerned Tree Officer on submission of prescribed Form B and other documents as prescribed in DPTA, 1994.
Heavy Pruning	Greater than 40 cm	Required	

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6. On 11.04.2023, the following order was passed:

> *1. The learned counsel for DDA refers to the compliance affidavit apropos the extensive work undertaken by them towards restoration of its park and for creation of a dense green area within the residential colony for the benefit of the residents and the city as a whole. The photographs are reproduced hereunder:*

BEFORE



AFTER



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WORK OF PLANTATION IN PROGRESS ON 28-03-2023





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2. *She further submits that extensive digging-up was done to facilitate the Tree Officer in finding out the number of fully grown trees which were cut from the ground level and have been covered up with mud to hide the damage caused to the environment. She also submits that DDA is alive to its duty of creating and maintaining the said park and a protective fence of barbed wire up to a height of 5 ft will be erected around the park. Let the same be done and a Status Report be filed after 6 months.*
3. *The DCF(West) has inspected the site and an affidavit has been filed to the effect that he surveyed the colony and found that the damage to the environment has been caused as under:*

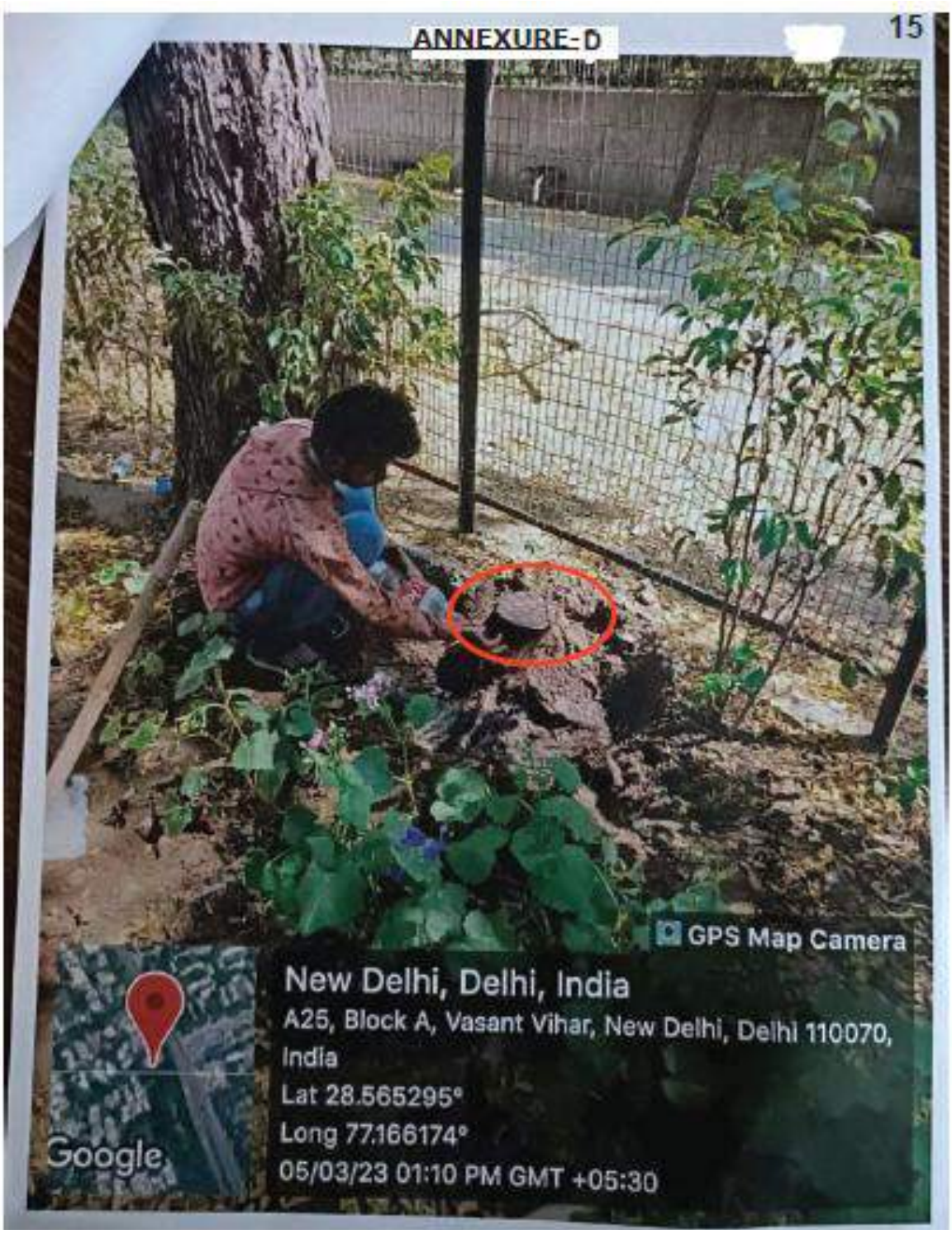
S.No.	***Block***	***Total Trees as per MCD***	***Felled***	***Pruned***	***Pruned more than 15.71 cms***
1.	*A*	*1005*	*08*	*209*	*29*

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2.	*B*	*598*	*09*	*09*	*06*
3.	*C*	*430*	*0*	*0*	*0*
4.	*D*	*599*	*01*	*181*	*61*
5.	*E*	*787*	*0*	*0*	*0*
6.	*F*	*490*	*0*	*69*	*27*
Total		*3909*	*18*	*468*	*123*

4. In effect, branches of 123 trees have been pruned beyond the permissible limits of 15.71 cms as per the guidelines and 18 trees have been felled without any reason. Otherwise in all 468 trees have been pruned. Indeed, the Tree Officer says that the pruning and felling continued even after the notice dated 24.03.2023 was issued by him to the President, Vasant Vihar Welfare Association, Deputy Director Horticulture MCD, President of Vasant Vihar Club House, Petitioner No.1 and Forestor, West Forest Division. In order to get a sense of the extensive damage caused to the environment which has laid bare, the otherwise green cover, which was to the benefit of all residents and visitors to the residential colony, some photographs are reproduced hereunder:

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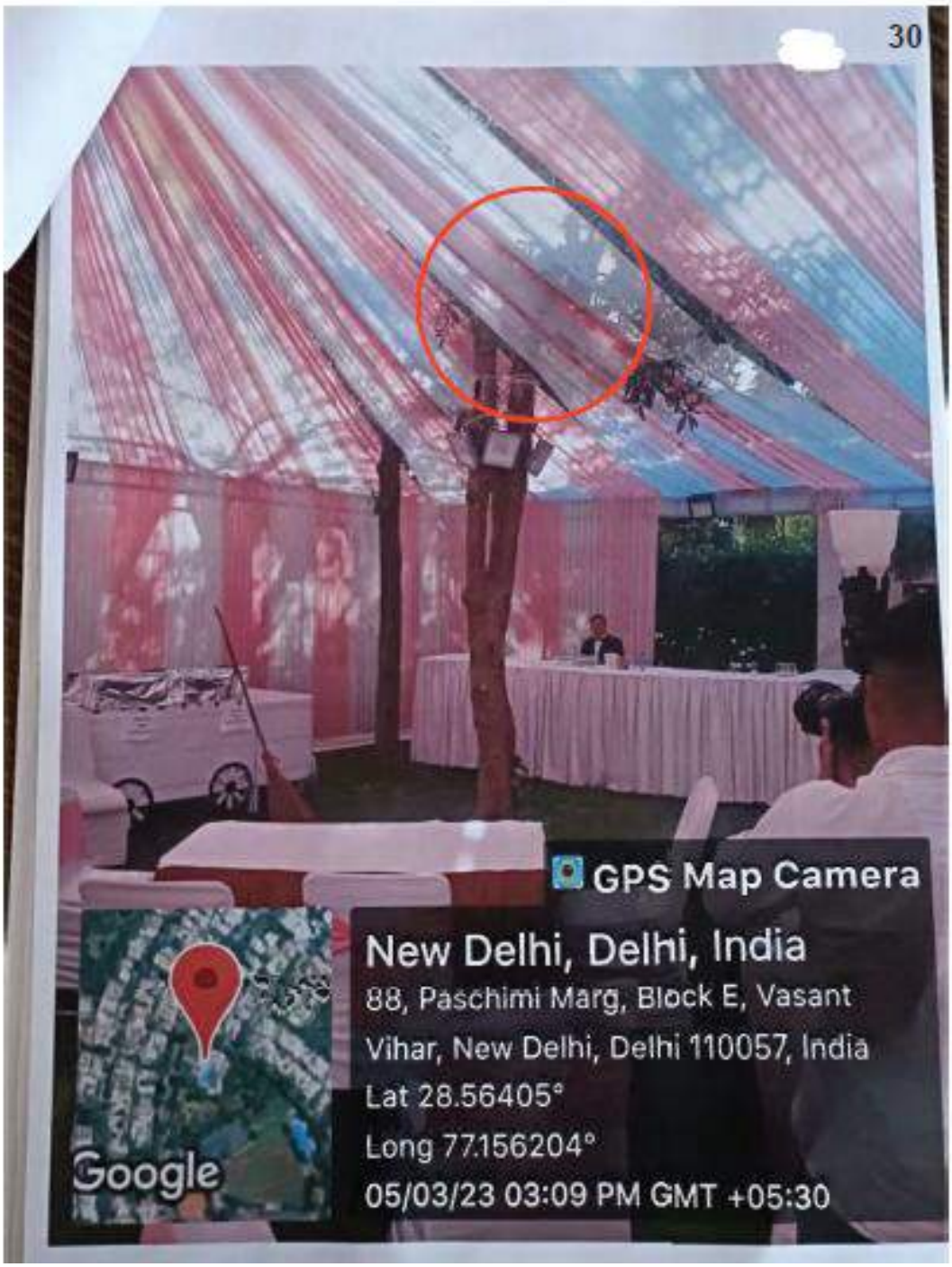


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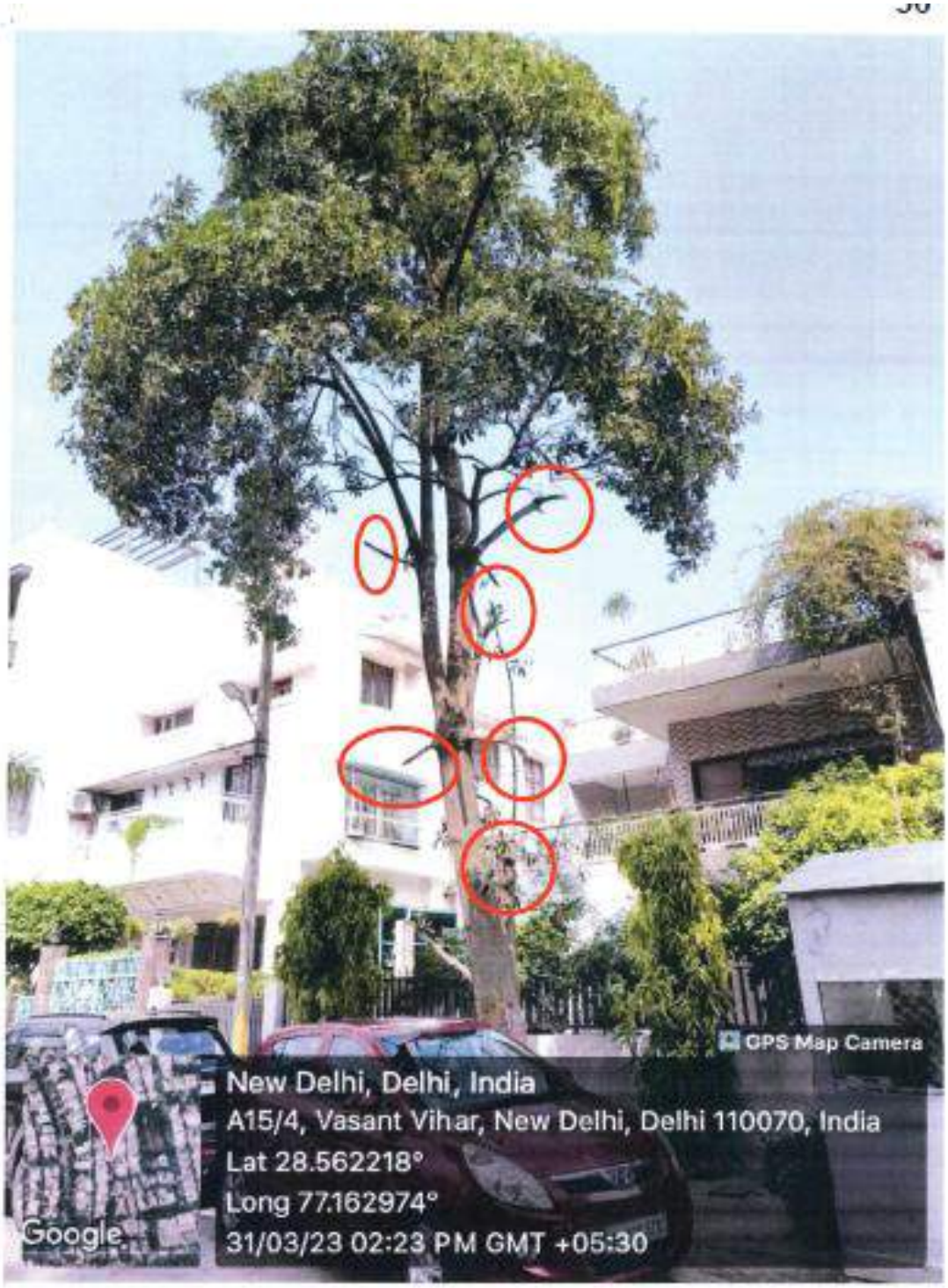
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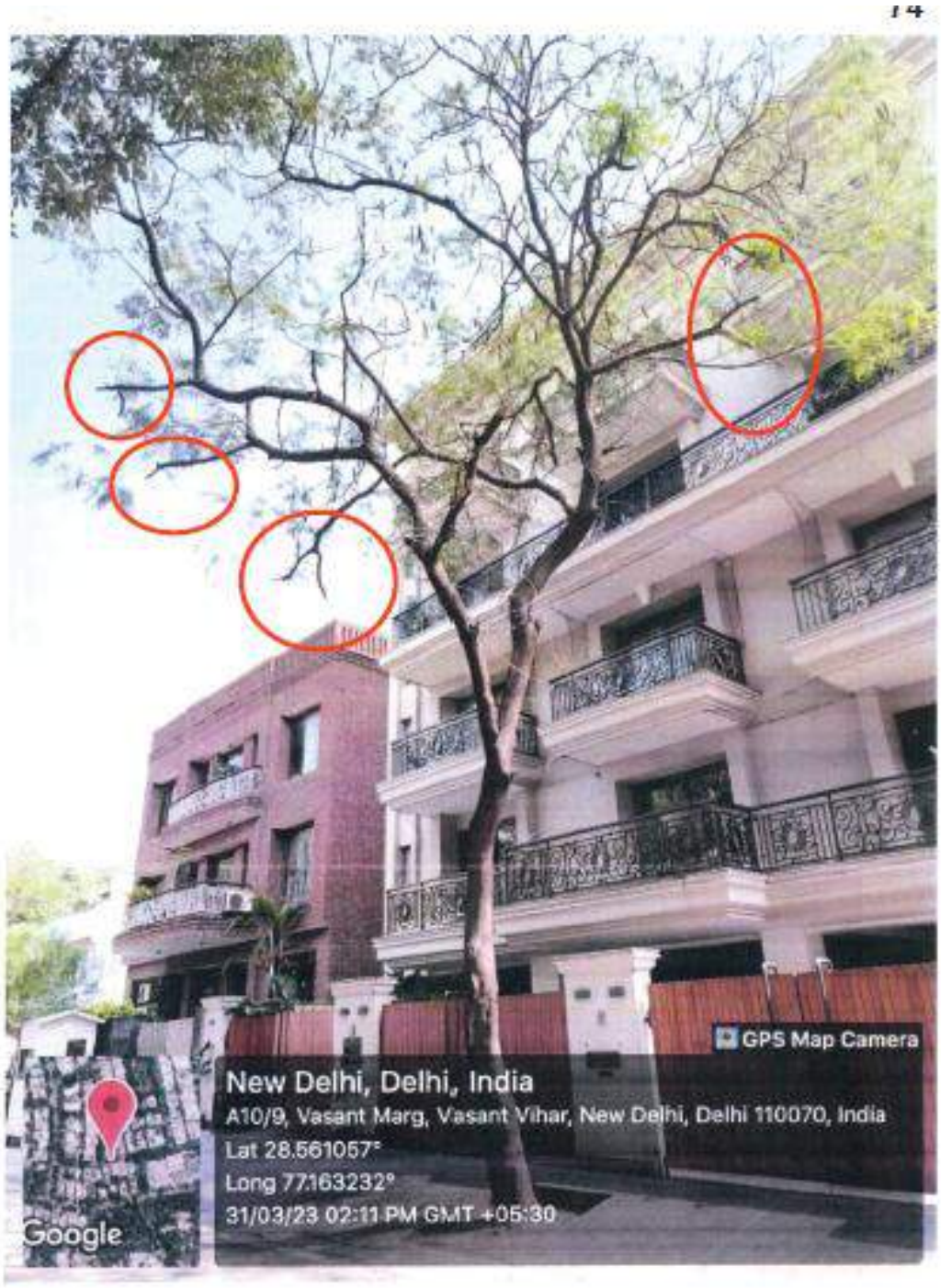
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5. *The DCF says that requisite statutory proceedings are underway. Let the same be completed within a period of two months from today. The next date of hearing before the DCF is tomorrow i.e. 12.04.2023. The learned counsel for the parties submit that they will assist the DCF in every way possible to have the matter disposed-off and reach a final conclusion at the earliest. Let the proceedings be completed and brought to a logical end.*
6. *Mr. Vivek Sibal, the learned Senior Advocate for the petitioners submit that the guidelines are in contravention of the statute itself because insofar as the tree is protected under section 2(i) read with 2(h) of the Delhi Preservation Of Trees Act, 1994 ('Act'), Act no cutting or pruning will be permitted unless each tree is examined and a reason is given for the pruning. The procedure for obtaining permission, in this regard, has been detailed in section 9 of the Act which reads as under:*

> *"9. Procedure for obtaining permission to fell, cut, remove or dispose of, a tree:-*
>
> *(1) Any person desiring to fell or remove or otherwise dispose of, by any means, a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of such documents as may be prescribed in support of ownership over the land, the number and kind of trees to be cut, their girth measure at a height of 1.85 metres from ground level and the reasons therefore, copy of sajra showing clearly the site and khasra numbers of the property.*
>
> *(2) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing, refuse permission:*
>
> *Provided that such permission may not be refused if the tree-*
>
> *(i) is dead, diseased or wind fallen; or*
> *(ii) is silviculturally mature, provided it does not occur on a steep slop; or*
> *(iii) constitutes a danger to life or property; or*

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(iv) constitutes obstruction to traffic; or
(v) is substantially damaged or destroyed by fire, lightening, rain or other natural causes; or
(vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof, or any part thereof for bone fide use for fuel, fodder, agricultural implements or other domestic use.

(3) The Tree Officer shall give his decision within sixty days from the date of receipt of the application:

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.

(4) If the Tree Officer fails to communicate his permission on request within the period specified under sub-section (3), the permission referred to in section 8, shall be deemed to have been granted.

(5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed."

7. *Prima-facie the court is of the view that the rationale of applying the circumference of a tree to that of a branch is misapplication of law... Therefore, damage cannot be permitted to a tree except in terms of section 9 of the Act. Such extension of the definition of a tree to its branches is unjustified.*
8. *The issues raised in this petition concern the validity of the guidelines issued by the Forest Department. Mr. Shadan Farasat, the learned ASC for GNCTD seeks and is granted 10 working days to file a response to the same..".*
9. *Since no further orders are required to be passed apropos DDA in this regard, Ms. Kritika Gupta, the learned counsel for DDA is appointed as the Court Commissioner to ensure the upkeep of the area for the next three years."*

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10. On 25.04.2023, *inter alia*, the following order was passed:

> *"...*
> *2.The petitioners draw the court's attention to the order dated 23.03.2023, which has observed as under:*
> *"...3. All proceedings relating to statutory rights, liabilities and obligations would be expected to be conducted in a procedure that is ex-facie fair and transparent. However, as is noticed in the present case and the learned counsel for the petitioner refers to other cases as well, that ordinarily when a complaint is made about damage to or felling of a tree, the complainant is hardly ever notified or intimated apropos the progress/result of the proceedings, if any initiated in relation thereto. There can be no dispute that a complainant would be required to be heard apropos complaint made or otherwise be kept informed throughout the proceedings. The Counter-affidavit dated 20.02.2023 of the GNCTD reads as under:*
> *"....*
> *4) It is submitted that in connection to Prayer Clause (b) of the Writ Petition (C) 12271/2022, only the Government of NCT of Delhi is empowered to issue the guidelines/directions which are to be issued under the provisions of section 33 of the Delhi Preservation of Trees Act, 1994.*
> *5) It is submitted that in compliance of the directions passed by the Hon'ble Court, the Department is formulating a standard operating procedure for the approval of the Govt. of NCT of Delhi for effective adjudication of registered tree offence in accordance with mandate laid down under the Delhi Preservation Tree Act, 1994.*
> *6) It is submitted that the SOP shall include (a) the 'Cognizance Phase' for elucidating the manner in which offences are to be received for effective adjudication of complaints (b) the 'Trial Phase' for*

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conducting examination/cross-examination of evidences, reports, submissions of the parties and (c) the 'Judgement Phase' for pronouncement of orders and appeals thereto u/s 14 of the DPTA, 1994.

7) It is submitted that the SOP shall be issued within one month after seeking approval of Govt. of NCT of Delhi."

3.The petitioners state that pruning of trees is not in terms of the guidelines. Therefore, it would be expected that the DCFs and the Tree Officers shall observe due caution in granting fresh permission for pruning of trees, while relying upon the extant guidelines. Mr Shadan Farasat, the learned ASC, GNCTD/Forest Department seeks and is granted a week's time to obtain instructions and to bring the relevant documents on record."

11. In view of the preceding discussion, Clause 5 which permits the regular pruning tending of branches of girth size upto 15.7cms without reference to the Tree Officer, does not find any approval in the Act. *Prima facie* this part of the Guidelines is incongruous with the statutory requirements, as mandated in sections 8 and 9 of the Delhi Preservation of Trees Act, 1994.

12. Therefore, to ensure that there is no felling of trees for the asking or of chopping of large branches of trees at will to reduce them to a mere pole-like entity (as noted in the photograph at page 15 supra), clause 5 of the Guidelines shall not be given effect to till the next date. It is hoped that the Tree Authority will respond to the notice by then.

13. Renotify on 24.05.2023.

NAJMI WAZIRI, J

MAY 10, 2023/*rd*

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$~7 (SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2317/2023 & CM APPL. 8779/2023

PROF DR SANJEEV BAGAI & ORS ..... Petitioners

Through: Mr Vivek Sibal, Senior Advocate with Ms Anu Monga, Mr Rahul Goel, Mr Shobhit Sharma, Ms Darul Parmar, Mr Paritosh Dhawan and Mr Nimit Saigal, Advocates (M: 9811264474).

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS. ..... Respondents

Through: Mr Aditya N. Prasad, Advocate (*Amicus Curiae*).

Ms Kritika Gupta, Ms Vaishnavi Tiwari, Advocates for DDA (M:9691093115).

Mr Anupam Srivastava, ASC, GNCTD with Mr Vasuh Misra, Advocates.

Mr Shadan Farasat, ASC, GNCTD/Forest Department with Mr Amit Anand, DCF (HQ.).

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% 24.05.2023

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. Mr Vivek Sibal, the learned Senior Advocate for the petitioners states to the best of his information that there is no progress in respect of the six notices issued by the DCF apropos the illegal felling of trees in

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Vasant Vihar Colony, New Delhi. He refers to this court's order dated 10.05.2023. Let the DCF file a progress report apropos the same.

2. The learned *Amicus Curiae* draws the court's attention to para 3 of the order dated 10.05.2023, which reads as under:-

"...3. With each redevelopment of a house or building, abutting city streets, if applications are moved by the land-owning agency such as the PWD, DDA, Municipal Corporation of Delhi, Cantonment Board, etc. for cutting of trees in front of private houses, in order to facilitate construction of new building/houses, and permission to cut the trees is granted simply on the averment that the trees were coming in the way of reconstruction, then sooner or later the city will be bereft of tree-lined avenues and a large part of its green cover. In a way this would be a creeping legalised genocide of trees and Delhi would soon resemble nothing but a mass of concrete. Paragraphs 9 and 10 of the aforesaid guidelines are ex facie incongruent with the provisions of the Delhi Preservation of Trees Act, 1994. In case there is an exigency for cutting down trees for large public projects or if it is absolutely necessary to cut down trees on a private entity's application, it will require the Tree Officer to personally inspect the site, assess the situation, apply his mind and if required, permit the cutting of a tree but only after having first exhausted all possibility of saving the tree and ensuring its transplantation, along with compensatory afforestation..."

3. The court's attention is drawn by Mr. Aditya Prasad, the learned counsel for the petitioner in CONT.CAS(C) 660/2020 to orders being passed by the Tree Officer in a number of applications regarding felling of trees as well as for non-grant of hearing to a complainant in W.P. (C) 12271/2022. He submits that this is an exercise which needs to be streamlined and remedied, therefore, it would be in the fitness of things that the Tree Officers undergo administrative training at the Delhi Judicial Academy.

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4. The learned ASC, GNCTD/Forest Department/R-19 seeks some more time to obtain instructions apropos pruning of trees.
5. At request, renotify on 29.05.2023.
6. Interim order, if any, to continue.

NAJMI WAZIRI, J

MAY 24, 2023/*rd*

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2023:DHC:4171

$~6(SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on : 29.05.2023

\+ W.P.(C) 2317/2023 & CM APPL. 8779/2023

PROF DR SANJEEV BAGAI & ORS. ..... Petitioners

Through: Mr. Vivek Sibal, Sr. Advocate with Ms. Anu Monga, Mr. Rahul Goel, Mr. Shobhit Sharma, Ms. Parul Parmar and Mr. Paritosh Dhawan, Advocates.

versus

DEPARTMENT OF ENVIRONMENT GOVT OF NCT OF DELHI THROUGH ITS PRINCIPAL SECRETARY (ENVIRONMENT AND FOREST) & ORS. ..... Respondents

Through: Mr. Shadan Farasat, ASC for GNCTD with Ms. Mreganka Kukreja, Advocate.
Mr. Aditya N. Prasad *(Amicus Curiae)* and Mr. Harsh Vardhan, Advocate.
Mr. Anupam, Srivastava, ASC GNCTD with Mr. Vasuh Misra, Advocates for R-1, 3 and 5.
Ms. Sakshi Popli, Advocate for DPCC.
Mr. Divya Prakash Pande, SC for MCD.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (ORAL)

The hearing has been conducted through hybrid mode (physical and virtual hearing).

2023:DHC:4171

1. At joint request, the petition is taken up for disposal.
2. This writ petition impugns the order dated 19.01.2023 passed by the National Green Tribunal ('NGT') in Original Application No. 911/2022. Mr. Vivek Sibal, the learned Senior Advocate for the petitioners seeks directions apropos the procedure adopted for pruning of trees under the Delhi Preservation of Trees Act, 1994 ('DPT Act') and the Guidelines for Pruning of Trees dated 01.10.2019 ('Guidelines'). The latter have been framed under the Delhi Preservation of Trees Rules, 1996.
3. He submits that the impugned order permitting pruning of trees, on the basis of the Guidelines is erroneous because such pruning is permitted without prior approval of and without even a site inspection or assessment of the tree(s) concerned by the relevant authority namely, the Tree Officer/Deputy Conservator of Forests ('DCF'). The Guidelines and the impugned order permit private parties/entities to prune trees even on land owned by the government (i.e. the MCD, DDA and PWD).
4. He refers to the judgment dated 16.03.2017 passed by the NGT (Western Zone) Bench, Pune in *Mr. Pradeep Indulkar vs. Municipal Corporation for the City of Thane and Ors.* in Application No. 157/2016 which has analysed a similar provision of law, regarding pruning of trees, under The Maharashtra (Urban Areas) Protection and Preservation Of Trees Act, 1975, and has discussed the issue as under:

> *"...*
> *13. The plants are thus inalienable component of*

'environment'. It is well known that plants, particularly, the trees, contribute generously to the environment in terms of maintaining delicate environmental balance, particularly, in terms of ambient air quality, and provide succor and shelter to other living creatures. The preamble to the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, reveals that the Act has been enacted to make better provisions for trees in the urban areas in the State by regulating felling of trees and providing for plantation of adequate number of new trees in those areas. The Act recognizes need for making better provisions for protection and Preservation of trees in the urban areas in the State in the face of growing urbanization and industrialization accompanied with indiscriminate felling of large number of trees in the urban areas. Thus, the object of this enactment to protect and preserve trees needs to be kept in mind while interpreting its provisions. It is correct that 'preservation of trees' as per Section 2(c) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, includes 'other operations of survival and propagation of trees' and term "trimming or pruning" is nowhere defined in the said Act, but going by the Dictionary meaning 'trimming/pruning' involves 'cutting' as can be seen from the relevant text in the Oxford Dictionary of English, 3rd Edition, quoted hereunder:

Prune: verb [with obj] trim a tree, shrub, or bush) by cutting away dead or overgrown branches or stems, especially to increase fruitfulness and growth. Cut away (a branch or stem) in this way prune back the branches. Reduce the extent of (something) by removing superfluous or unwanted parts: the workforce was pruned. Remove (superfluous or unwanted parts) from something: Eliot deliberately pruned away details. Trim: verb (trim, trimming, trimmed) [with obj] 1. Make (something) neat or of the required size or

form by cutting away irregular or unwanted parts;

14. Section 2(c) of the said Act defines the phrase to 'fell a tree' in the following words: Section 2 .... (c) "to fell a tree" includes burning or cutting or [in any way damaging a tree;] On summarizing this definition, one can easily perceive that any act of damaging a tree amounts to felling of a tree. If trimming/pruning of a tree is done without taking a decision as to what wanted and unwanted parts of the tree are and what would be good or bad for proper growth and/or survival of the tree, it will do harm/danger than good to the tree. It is, therefore, essential before trimming/pruning is done to take an informed decision as to whether such trimming/pruning would in any way damage the tree and to what extent the tree can be trimmed or pruned without causing such damage.

15. The extracts of scientific literature produced before us by the Applicant points out, that trimming is a most common activity that is undertaken routinely on ornamental trees for maximizing their benefits. Vide Ex. 'N1' a literature on assay titled as 'Pruning Mature Trees'. This literature further suggests that over pruning is dangerous inasmuch as it is one of the worst and most common mistake in tree maintenance vide Ex. 'N-1'. Reading of excerpts from the literature produced on 'Pruning Do's and Don'ts', 3rd edition, (Ex 'K-1') makes available the following material observations: "Regardless of the state of life, there is no harm in removing the portion of branches that are dead, broken, spilt, dying, diseased, or rubbing against each other. However, indiscriminately removing branches with live foliage can reduce tree health and encourage development of weak structure. Anytime live branches are removed, some live wood transitions to non-living wood behind even a well-executed pruning cut. This

must be balanced against the improved structure that results from structural pruning. Removing a few small diameter branches typically has little effect". Dangers of over Pruning: 1. Large or Profuse Cuts Lead to Decay Any cut made on a tree is a wound that must be healed. The fewer cuts made the better, smaller cuts throughout the tree's life are better than large cuts that should have been made many years ago when the tree was small. One large poorly made cut or too many cuts in the wrong places can ruin a tree for life.

...

17. Section 8 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, stipulates restrictions on felling of trees in following terms: 8. (1) On and after the date on which this Act is brought into force in any urban area, notwithstanding any custom, usage, contract or law for the time being in force, no person shall fell any tree or cause any tree to be felled in any land, whether of his ownership or otherwise, (2) If [any person, including an officer of the urban local authority or an officer of the State Government or the Central Government, proposes] to fell a tree, he shall apply in writing to the [Tree Authority] for permission in that behalf. The application shall be accompanied by 3[the description of the tree and] a site plan, indicating the position of the tree required to be felled and the reasons therefore. [(3) (a) On receipt of such application, the Tree Authority shall cause the Tree Officer to personally inspect the tree and hold enquiry and submit a report to the Tree Authority within a period of thirty days from the date of receipt of such application. Adequate public notice shall be given by the Tree Officer by advertising in local newspapers as well as by affixing a notice on a conspicuous part of the tree that is required to be fell. Thereafter, the Tree Authority may give permission with or without conditions or refuse it, within a period

of sixty days from the date of receipt of the application. However, no tree shall be felt until fifteen days after such permission is given: Provided that, no such permission shall be refused if, in the opinion of the Tree Authority, the tree is dead, or diseased or wind-fallen, or it constitutes a danger to life or property, or obstructs traffic; and if any objection is received against such permission, the matter shall be placed before the Tree Authority for reconsideration, and a decision shall be taken within two weeks after giving a hearing to the person who has raised the objection. (b) A report of permissions granted by the Tree Authority for felling trees shall be submitted at least once in six months to the concerned urban local authority in whose jurisdiction the Tree Authority is functioning. (4) If the Tree Authority fails to inform the applicant of its decision within sixty days, from the date of the receipt of the application by it, or if the receipt of the application has been acknowledged by it within this period, from the date of acknowledgement of the receipt of the application, the permission applied for shall be deemed to have been granted. (5) Where permission to fell a tree is granted [Tree Authority] may grant it subject to the condition that the applicant shall plant another tree of the same or other [suitable local species] on the same site or other suitable place within thirty days from the date the tree is felled, or such extended time as the Tree Officer may allow in this behalf situated within that urban area, except with the previous permission of the Tree Officer. 18. In clear and unambiguous terms the law lays down that "no person shall fell a tree or cause any tree to be felled in any land whether of his ownership or otherwise situate within that urban area except with previous permission of the Tree Officer" and if any person including an Officer of the Urban Local Authority, State Govt. or Central Govt. proposes to fell a tree, he shall apply in writing to the Tree Authority for permission in that

behalf. An elaborate procedure to deal with such Application is prescribed by law in the manner aforesaid. Nowhere have we found under the said Act any provision exempting the Tree Officer to give a go-by to the said provisions of law for the purposes of felling of trees which includes, in our opinion, trimming/pruning of the trees whether in routine or otherwise.

19. The public streets vest in the Corporation Respondent No.1 by virtue of Section 202 of the Maharashtra Municipal Corporations Act, 1949 and as such it is for Respondent No.1 Corporation which is an Urban Authority as per Section 2(g) of Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 to move an Application for the purposes of felling a tree on the public street, which includes its trimming/pruning as aforesaid to the Tree Authority for permission in that behalf...."

5. The said judgment also held the Municipal Corporation, Thane and the Tree Officer liable to pay environmental compensation and directed that some costs be paid. It also directed, *inter alia*, as under:

"22...
3.Respondent No.1 shall take necessary steps to ensure that census of trees adopting modern technology in digitized framework with geo tagging is duly completed within a reasonable period.

4.Respondent No.1 Thane Municipal Corporation shall evolve the procedure for dealing with the proposals of tree felling, including trimming/pruning of trees and maintaining its record keeping in view the procedure suggested by the Pune Municipal Corporation (PMC) in ***PIL No.93 of 2009 (Deepak Balkrishna Vahilkar***

and Anr. v. The State of Maharashtra and Ors.) *within two (2) months..."*

6. The learned Senior Advocate for the petitioner states that of the four directions passed by the NGT, directions (1) and (2) were set aside and the direction (3) and (4) were upheld by the Supreme Court by order dated 30.09.2019 passed in Civil Appeal No. 8946/2017. The Supreme Court's order reads, *inter alia,* as under:-

> *"...We uphold directions Nos. 3 and 4 by which Municipal Corporation was directed to evolve a fair procedure to deal with the proposal of felling of trees including trimming and pruning of trees. However, directions 1 and 2 are set aside in the facts and circumstances of the case..."*

7. The court agrees with the petitioner's contention that the methodology and rationale of the order of the NGT in *Mr Pradeep Indulkar v. Municipal Corporation for the City of Thane* should be applied in the present case as well and NGT directions nos. 3 and 4, as upheld by the Supreme Court be followed and adopted for Delhi as well. GNCTD should evolve a fair procedure to deal with the proposal for felling of trees, including their trimming and pruning.

Analysis:

8. Section 8 of the Act prohibits felling of trees in Delhi, except by express prior permission of the Tree Officer. Under the Act, permission for felling, cutting or removal of the trees is granted by the Tree Officer on an application made under section 9. The said section stipulates that permission would not be refused in the

six circumstances enumerated therein. The grant of permission envisages the examination of: i) the trees at the site i.e. obtaining a prior view; ii) assessing the overall and specific situation obtaining at the site and thereafter iii) application of mind by the Tree Officer. In effect, for each such permission/application, a proper assessment would need to be carried out at the site.

9. Currently, application for such felling of trees is made in accordance with Rule 4 of the Guidelines. The format prescribed in Form-B requires the applicant to specify for each tree which is sought to be felled: i) its girth measured at a height of 1.35 metres from ground level, ii) the intended use of felled trees, iii) the purpose of land after felling of trees, as well as iv) appreciation of the species-wise number of trees existing at the site, amongst others. For verification of the detailed data as is to be provided in terms of the prescribed format, it would require the Tree Officer to visit the site and assess the factual position.

10. There may be occasions where rare species of trees may be sought to be felled. The more solitary a tree, the greater its significance. Therefore, the responsibility of protecting and nurturing the solitary tree is far greater upon the Tree Officer and the authorities concerned. A tree is a living being. It must be given, at least a "last look" and accorded a final inspection before a decision is taken to permit its felling or sanctioning extensive amputation of its live branches. In this regard, this court has noted and directed, in its order dated 28.04.2022 in Cont.Cas(C) 851/2021, *inter alia*, as under:-

"*...7. The previous order shows that the Tree Officer has permitted a fully grown tree to be cut down. It was possibly about 25-30 years age having a girth of roughly 200 cms. It was abutting the road and a private land as seen in the photographs. For some reason, the Tree Officer chose not to see reason in retaining the fully-grown tree, which had been a part of the neighbourhood for decades and added to the ambience and the environment. He has permitted the cutting down of the tree. The Tree Officer will explain whether he inspected the site and assessed the tree before granting permission to cut it. It has to be borne in mind that permission is sought under the Delhi Tree Preservation Act, in which "preservation" of trees is the primary objective. The Tree Officer is repository of public faith and trust, that trees which form an essential part of people's lives are not allowed to be cut needlessly or wantonly. The statutory duty cast upon the Tree Officer necessarily requires assessment of the necessity to cut a tree for the project for which the permission is sought. A site visit would be prudent. The shortage of Tree-Officers, necessary support staff, cannot be an excuse for granting permission for cutting down trees in the city. The adverse environmental impact of such denudation is all too well-known. Compensatory afforestation if at all carried out, on the fringes of the city, far-removed from the congested areas of human habitation, where the sole decades-old-tree once stood as a carbon-sump-cum-fresh oxygen generator-cum-shade provider-cum-visual respite from the ever increasing concretization; the geographically distant and nascent compensatory plantation can hardly be of any respite or actual compensation. In any case, it will take decades for the compensatory forests to be of any reckonable benefit. In this capital city with its ever-bourgeoning populating, the cacophony of voices and rampant commercialization of every other street - robbing the residents of the familiar ambience of their residential neighbourhood, the ever-increasing motor-*

vehicular traffic, the choking air-pollution and the ever-creeping concretization, trees hold out as welcome and assuring living entities of hope, sanity, environmental redemption and even companionship. The more solitary the tree, the greater its significance. Therefore, the responsibility of protecting and nurturing the solitary tree is far greater upon the Tree Officer and the authorities concerned. Photographs of remnants of the cut tree are reproduced hereunder:




BEAUTY SOLUT







8. In the circumstances, it would be appropriate that the Tree Officer(s) give due consideration to transplantation of each tree which is sought to be cut, before granting any further permission for cutting of trees. This would entail inspection of the trees which are sought. The reason for grant or denial of permission would have to be spelt out in the order of the Tree Officer along with photographs of each tree."

11. Since section 9(2) of the Act mandates upon the Tree Officer to inspect the tree and conduct an enquiry as may be requisite, a visit to the site is imperative for assessing the situation comprehensively. In this regard, the court has observed on 10.05.2023 as under:

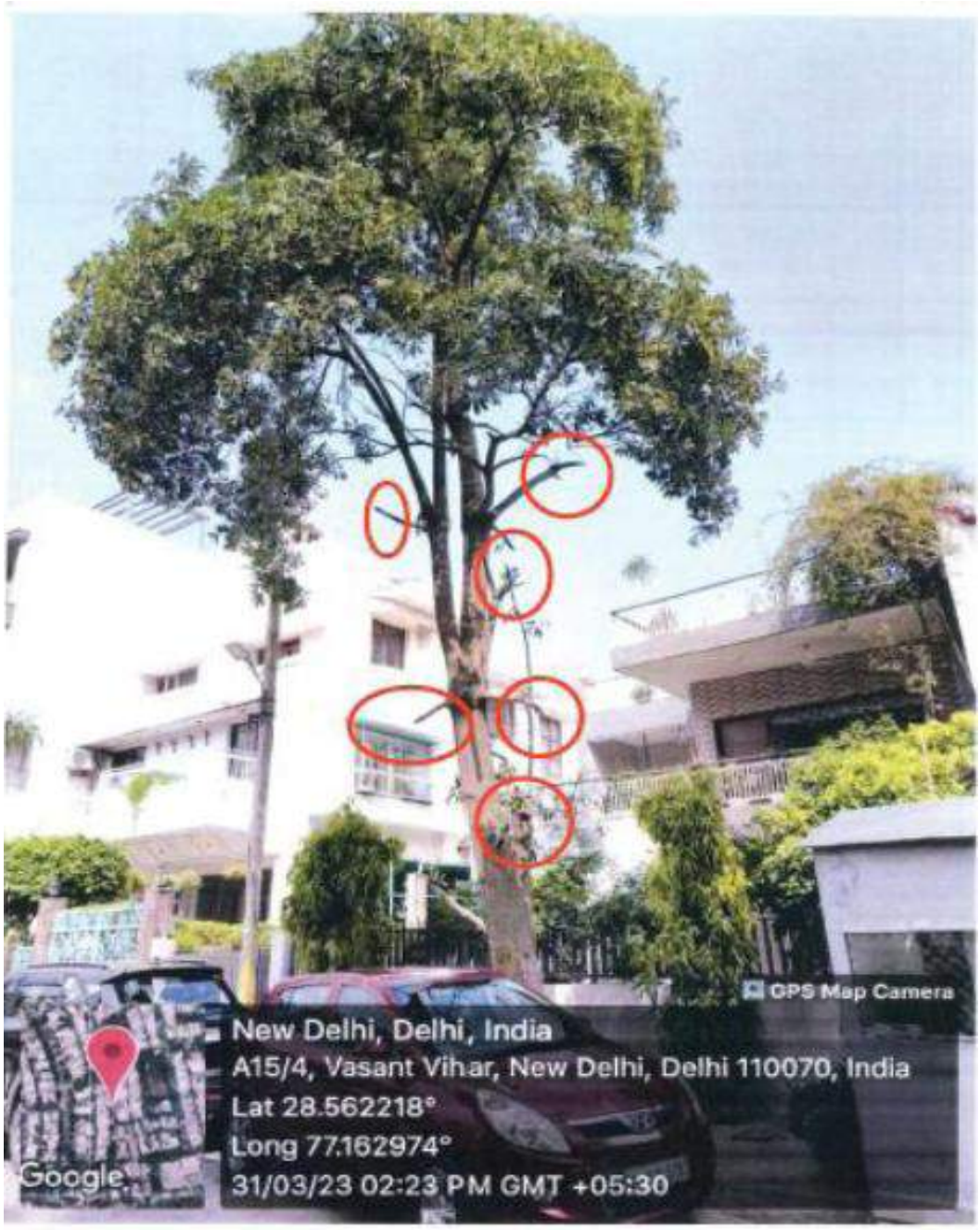
> *"3.With each redevelopment of a house or building, abutting city streets, if applications are moved by the land-owning agency such as the PWD, DDA, Municipal Corporation of Delhi, Cantonment Board, etc. for cutting of trees in front of private houses, in order to facilitate construction of new building/houses, and permission to cut the trees is granted simply on the averment that the trees were coming in the way of reconstruction, then sooner or later the city will be bereft of tree-lined avenues and a large part of its green cover. In a way this would be a creeping legalised genocide of trees and Delhi would soon resemble nothing but a mass of concrete. Paragraphs 9 and 10 of the aforesaid guidelines are ex facie incongruent with the provisions of the Delhi Preservation of Trees Act, 1994. In case there is an exigency for cutting down trees for large public projects or if it is absolutely necessary to cut down trees on a private entity's application, it will require the Tree Officer to personally inspect the site, assess the situation, apply his mind and if required, permit the cutting of a tree but only after having first exhausted all possibility of saving the tree and ensuring its transplantation, along with compensatory afforestation"*
>
> (Emphasis supplied)

12. Section 33 of the DPT Act, gives powers to the Government to give directions, general or special, to the Tree Officers and other

officers, regarding the discharge of their functions and for effectively carrying out actions in support of the objectives of the Act. The Guidelines for Pruning of Trees are essentially an informal administrative handbook to assist the Officers of Department of Forests and Wildlife. They are not a part of any statute. They do not carry a statutory flavour or character. The sole objective of the DPT Act, is preservation of trees. The granting of permission for cutting, girdling, lopping, pollarding, etc. of trees is to be strictly regulated and such permission is not to be granted for the asking. Yet the Guidelines permit cutting/pruning of branches of trees having a girth/circumference upto 15.7 cms. How did this figure come about? What is the scientific basis for reaching that figure? What is the justification for applying the same thickness of branches to all species of trees in Delhi? Some trees may have slim trunk girth. For such specific species and otherwise too, the entire tree could well be wantonly pruned to reduce to a mere pole-like structure, as has been done to some trees in this case. Photographs of some instances of *ex facie* unjustified pruning were reproduced in the previous order dated 11.04.2023, they are reproduced hereunder too:-

79


GPS Map Camera
New Delhi, Delhi, India
A-13/1, Block A, Vasant Vihar, New Delhi, Delhi 110057, India
Lat 28.564349°
Long 77.163477°
31/03/23 02:41 PM GMT +05:30
Google



13. How can there be justification for such pruning? These are glaring examples of misuse of the generous permission granted under the Guidelines to prune trees/tree branches having a girth upto 15.7 cms. Had the Tree Officer been accorded an occasion

to inspect these trees before they were pruned, perhaps the hapless trees would not have suffered their current fate. Was it examined or ascertained by the Tree Officer or for that matter by any authority, whether the branches of the many trees which were pruned, were dead, diseased, dying, split, broken or constituted a threat to life or property or obstructed traffic? Was it ascertained whether the extensive and possibly indiscriminate, cutting of branches with 'live foliage' would not adversely affect the health of the trees? Was it examined, ascertained or estimated that the trees had been or could be over-pruned? If the answer to the last question is in the affirmative, then the sequiter dangers that would afflict the health and life of the fully-grown trees should have been minimized. Was it inspected if there was concretization around the tree-trunk, which could be affecting or had compromised their health and stability, therefore, the pruning of such trees would neither be advisable nor prudent? The answer to all these fundamental and relevant questions is in the negative. The Guidelines ride roughshod over all these concerns and grant a general permission for pruning of tree branches having a girth of upto 15.7 cms. The occasion to the Tree Officer to inspect or assess the health of the trees, the necessity or justification for pruning has been sought to be scuttled and taken away by the Guidelines. What is the scientific methodology employed to measure that the pruning was done only upto a girth 15.7 cms and not beyond, is not known or specified. Evidently, it is a mere guesswork. An estimation. The Guidelines are not a statutory

enactment or an amendment of the statute. They cannot abridge the mandate of the statute. Even a Regulation or Rule, which are creatures of a statute cannot limit, undo or transgress the powers, objective and mandate of the statute itself.

Conclusion:

14. Under the Act there is no sanction for the 15.7 cms girth of a tree branch to be cut. Therefore, this figure is incongruous with the statutory requirements as mandated under sections 8 and 9 of the DPT Act. The so-called permission granted under the Guidelines seek to over-reach the statute. The Guidelines, are in conflict with the DPT Act, they are arbitrary and illegal. Consequently, the permission for pruning, presumed to be or granted under the Guidelines would be of no consequence and shall always be *non-est*. Therefore, the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer are hereby set aside. The only permission that can be granted for pruning, etc. is under section 9 of the Act.

15. In view of the above, no pruning of trees will be permitted in Delhi except in accordance with the DPT Act. It will be open to the respondents to frame guidelines and/or rules as may be requisite.

16. As regards, the petitioner's reservations apropos the personal observations about him in the impugned order, the court is of the view that in the light of substantive orders having been passed in this petition, the personal observations stand superseded and

would be of no relevance. They stand expunged. The learned counsel for the petitioner says, upon instructions, that in view of the above, he would seek to withdraw his petition before the NGT. The petitioner would always have the liberty to pursue all remedies as may be available to him in law.

17. As regards the complaints and specific grievances in this case, the learned counsel for the Tree Officer submits that he has received instructions as well as copies of the record of the proceedings on various dates before the Tree Officer. He assures the court that the matters will be expeditiously proceeded with in accordance with law.

18. In W.P (C) 12271/2022 titled *Rajiv Dutta vs. GNCTD & Ors.*, this court had directed that complainants and public spirited persons who bring to the notice of the Tree Officer, DCF, any harm to trees or breach of statute or would be "*required to be heard apropos complaint made or otherwise be kept informed throughout the proceedings…"*. There should be no denial of natural justice in proceedings initiated before the Tree Officer. Therefore, apropos the conduct of *quasi*-judicial proceedings, imparting of refresher courses, to the Tree Officers, DCF would be of some assistance. The GNCTD is directed to arrange refresher training courses as maybe requisite, which would also cover the conduct of hearings through hybrid mode, e-filing of petitions, replies, etc., for the benefit of Tree Officers, DCF and other Officers of the Department, at the Delhi Judicial Academy, within four weeks of receipt of this order.

19. The petition stands disposed-off in terms of the above.

NAJMI WAZIRI, J

MAY 29, 2023
SS/rd

HIGH COURT OF DELHI
सत्यमेव जयते

GOVT. OF N.C.T. OF DELHI
DEPARTMENT OF FOREST & WILDLIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS (WEST)
WEST FOREST DIVISOION: MANDIR LANE: NEW DELHI-60
Tel No- 011 23361879: E: Mail: - dcfwest.gnctd@gov.in

F. 2(304)/DCF (W)/Tree Offence/ID-127/2022-23/8595-98 **Dated:** 31/10/23

BEFORE THE DEPUTY CONSERVATOR OF FORESTS/ TREE OFFICER

WEST FOREST DIVISION, NEW DELHI

IN THE MATTER OF:

ILLEGAL CUTTING OF 09 NUMBER OF TREES IN FRONT OF H. NO. B 6/11, B BLOCK VASANT VIHAR, NEW DELHI – 110057

DISPOSAL ORDER

PARTIES PRESENT

VVWA:	Sh. G. S. Bindra, President VVWA
	Smt. Mridula Murgai, Director Administration, VVWA
	Smt. Ekta Mehta, Legal Counsel for VVWA
H. No. B 6/11, Vasant Vihar	Sh. Lakhmichand, Legal Counsel for M/s Sharp Classes Pvt. Ltd., Mr. Kulvinder Pal Singh Bhatia, the Director of M/s Onset Construction, along with Ms. Sukhvinder Kaur Bedi
Sanjeev Bagai:	Sh. Paritosh, Legal Counsel for Sh. Sanjeev Bagai
	Sh. Shobit, Legal Counsel for Sh. Sanjeev Bagai
	Ms. Anu Monga, Legal Counsel for Sh. Sanjeev Bagai
	Sh. Rahul Goel, Legal Counsel for Sh. Sanjeev Bagai

1. A hearing was convened on 25.10.2023, concerning a case duly registered under the Delhi Preservation of Trees Act, 1994. The case pertains to the unauthorized felling of 9 trees located in front of House Number B 6/11, B Block, Vasant Vihar, New Delhi – 110057.

2. No representative from the Municipal Corporation of Delhi (MCD) was present at the hearing.

3. In accordance with the court's previous order, the legal counsel of the owner of House Number B 6/11, B Block, Vasant Vihar, New Delhi – 110057, shared relevant documents with the legal representatives of Mr. Sanjeev Bagai via electronic mail. However, the legal counsel of Mr. Sanjeev Bagai noted that no documents related to the compounding of the case were transmitted to them.

4. The legal counsel of the owner of House Number B 6/11, B Block, Vasant Vihar, New Delhi – 110057, was granted a final opportunity to submit the compounding affidavit as per oral submission request to compound the case was made in the previous hearing dated 17.10.2023 in physical form to the office of the West Forest Division. Consequently, the legal counsel of the owner of House Number B 6/11, B Block, Vasant Vihar, New Delhi – 110057, submitted the compounding affidavit on 25.10.2023 in the office of the West Forest Division.

5. The Tree Officers thereby instructed the legal counsel of the owner of House Number B 6/11, B Block, Vasant Vihar, New Delhi – 110057, to submit the compounding fee, totalling Rs. 5,40,000/- (Rupees Five Lakhs Forty Thousand Only), through a Demand Draft made payable in the name of the "Deputy Conservator of Forests (West)". This payment is to be made within 01 week from issuance of this order in the office of the West Forest Division.

6. The Municipal Corporation of Delhi (MCD) is directed to promptly undertake the planting of 90 trees in lieu of the 09 trees felled in the present case, which must belong to native species and have a minimum height of 6 feet. These trees are to be meticulously planted within the extent of Vasant Vihar, accompanied by the installation of metal Tree Guards for their protection. This tree planting exercise is to be executed within the forthcoming month. The MCD is further obligated to provide a bi-monthly report at intervals of every two months to the office of the West Forest Division. This report must comprehensively detail the survival rate and the health status of the planted trees, and this reporting obligation is to extend over a duration of one year.

7. The case stands disposed off.

(ABHINAV KUMAR)
DY. CONSERVATOR OF FOREST
WEST FOREST DIVISION

To,

1. Sh. Kulvinder Pal Singh Bhatia H. No. B 6/11, B Block, Vasant Vihar, New Delhi – 110057.
2. The President, Vasant Vihar Welfare Association, Kalyan Kendar, 9 Poorvi Marg, Vasant Vihar, New Delhi-110057.
3. The Deputy Director Horticulture, MCD, Green Park, New Delhi-110016 with directions to present before me on the above said date and time.

Copy to:

1. Sh. Sanjeev Bagai, R/o 43, Poorvi Marg, Vasant Vihar, New Delhi – 110057.

(ABHINAV KUMAR)
DY. CONSERVATOR OF FOREST
WEST FOREST DIVISION

GOVT. OF N.C.T. OF DELHI
DEPARTMENT OF FOREST & WILDLIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS (WEST)
WEST FOREST DIVISION: MANDIR LANE: NEW DELHI-60
Tel No- 011 23361879: E: Mail: - dcfwest.gnctd@gov.in

F. 2(304)/DCF (W)/Tree Offence/ID-132/2022-23/ 8539-44 Dated: 31/10/23

BEFORE THE DEPUTY CONSERVATOR OF FORESTS/ TREE OFFICER

WEST FOREST DIVISION, NEW DELHI

IN THE MATTER OF:

ILLEGAL CUTTING OF 06 NUMBER OF TREES AT A 1 STREET, DDA LAND, NEAR HOUSE NO. 25 A, VASANT VIHAR, NEW DELHI - 110057

DISPOSAL ORDER

PARTIES PRESENT

VVWA:	Sh. G. S. Bindra, President VVWA
	Smt. Mridula Murgai, Director Administration, VVWA
	Smt. Ekta Mehta, Legal Counsel for VVWA
Nagendra Nangia:	Sh. Vishal Kumar, Legal Counsel for Sh. Nagendra Nangia
	Ms. Shikha Mittal, Legal Counsel for Sh. Nagendra Nangia
DDA:	Sh. Vikas Mahala, Assistant Director, Horticulture DDA
Sanjeev Bagai:	Sh. Paritosh, Legal Counsel for Sh. Sanjeev Bagai
	Sh. Shobit, Legal Counsel for Sh. Sanjeev Bagai
	Ms. Anu Monga, Legal Counsel for Sh. Sanjeev Bagai
	Sh. Rahul Goel, Legal Counsel for Sh. Sanjeev Bagai

1. In the matter before the court, a hearing was convened on 25.10.2023, concerning a case registered pursuant to the provisions of the Delhi Preservation of Trees Act, 1994. The case centres around the unauthorized felling of 8 trees and the pruning of 1 tree located at A 1 Street, within the territorial confines of the DDA Land, adjacent to House Number 25 A, Vasant Vihar, New Delhi – 110057. It has come to the court's attention that a previous notice indicated a figure of 6 trees, which was subsequently revealed to be a typographical error. The accurate and verified number of trees involved in this matter is indeed 8. Additionally, it is noted that file numbers 132 and 135 have been consolidated for the issuance of this final order.

2. In accordance with the prior directive issued during the last hearing, all pertinent documents were shared by the legal representatives of Mr. Sanjeev Bagai with the legal representatives of Mr. Nagendra Nangia via Email on 19.10.2023. It was contended by the legal representatives of Mr. Nagendra Nangia that the documents were delivered to them in the evening of the 19.10.2023, and based on that, the affidavit was filed in the court of the Tree Officer and copy of the same was served to legal representatives of Mr. Sanjeev Bagai via email on 24.10.2023 and the physical copy of the same was shared in the court of Tree Officer on 25.10.2023.

3. After affording all relevant parties a comprehensive opportunity for hearing and conducting a thorough examination of the arguments and evidence presented, this Court is firmly of the view that the land in question falls within the purview of the Delhi Development Authority (DDA). As such, it is categorically determined that the DDA is legally obligated to discharge its statutory duty in safeguarding the trees located on the aforementioned land, notwithstanding any prior encroachments that may have transpired prior to the examination conducted by the Amicus Curiae appointed by the Honorable High Court.

4. In light of the submissions proffered by the VVWA, contending that the land does not fall within their jurisdiction, it is imperative to underscore that the absence of jurisdiction does not absolve the VVWA of their ethical and moral obligation to preserve the trees within their geographical precinct.

5. The legal representatives of owner of House Number 25 A, Palam Marg, Vasant Vihar, New Delhi – 110057, have orally submitted to compound the case and they are hereby accorded a final opportunity by the Tree Officer to undertake the process of compounding the alleged violation. The Compounding Affidavit has been submitted by the owner of H. No. 25 A, Palam Marg, Vasant Vihar, New Delhi – 110057 in the office of West Forest Division. The compounding fee of Rs. 5,00,000/- (Rupees Five Lakhs

Only) has been imposed upon the owner of H. No. 25 A, Palam Marg, Vasant Vihar, New Delhi – 110057 and owner of H. No. 25 Palam Marg, Vasant Vihar, New Delhi – 110057.

6. It is of paramount importance to emphasize that the compounding fee, as prescribed, shall be evenly apportioned and distributed among the owner of House Number 25 A, Palam Marg, Vasant Vihar, New Delhi – 110057, and House Number 25, Palam Marg, Vasant Vihar, New Delhi – 110057, in equal shares and it shall be deposited in the office of West Forest Division via Demand Draft in the favour of "Deputy Conservator of Forests (West)" within 01 week from date of issuance of this order.

7. The VVWA and the DDA are individually and explicitly directed, with unwavering commitment to ecological preservation, to expeditiously and diligently undertake the planting of 50 trees each. These trees must be thoughtfully selected from native species and must have a minimum height of 6 feet. This arboreal undertaking is to be conducted within the extent of Vasant Vihar, contributing to the enhancement of the green cover in the area.

8. In order to ensure the enduring safety and vitality of these newly planted trees, it is imperative that the installation of metal Tree Guards is executed by the VVWA and DDA for the explicit purpose of safeguarding each individual tree. The planting and meticulous guarding of these trees are to be carried out with the utmost diligence within a precise period of two months from the date of issuance of this order. Timeliness and meticulous execution are of the essence in this endeavor.

9. Furthermore, both the VVWA and the DDA are directed to furnish, without omission or delay, a bi-monthly report at intervals of every two months to the office of the West Forest Division. These reports are to be meticulously documented and shall serve as a comprehensive record, attesting to the vitality and health status of the trees. This reporting obligation is to extend over a duration of one year, providing a comprehensive record of the evolution and longevity of these cherished green constituents.

10. The case stands disposed off.

(ABHINAV KUMAR)
DY. CONSERVATOR OF FOREST
WEST FOREST DIVISION

To,

1. The President, Vasant Vihar Welfare Association, Kalyan Kendar, 9 Poorvi Marg, Vasant Vihar, New Delhi-110057 with directions to present before me on the above said date and time.
2. The Deputy Director Horticulture Division IV, DDA, 415-416, Pocket C, Shiekh Sarai Phase 1, New Delhi – 110017 with directions to present before me on the above said date and time.
3. Sh. Romesh Chopra, H. No. 25A, Palam Marg, Vasant Vihar, New Delhi – 110057 with directions to present before me on the above said date and time.
4. Sh. Nagendra Nangia R/o B-124, Sarvodya Enclave New Delhi – 110017 with directions to present before me on the above said date and time.
5. Sh. Kiranjit Singh, R/o H. No. 25 Palam Marg, Vasant Vihar, New Delhi – 110057 with directions to present before me on the above said date and time.

Copy to:

1. Sh. Sanjeev Bagai, R/o 43, Poorvi Marg, Vasant Vihar, New Delhi – 110057.

(ABHINAV KUMAR)
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F. 2(304)/DCF (W)/Tree Offence/ID-133/2022-23/8536-38 Dated: 31/10/23

BEFORE THE DEPUTY CONSERVATOR OF FORESTS/ TREE OFFICER

WEST FOREST DIVISION, NEW DELHI

IN THE MATTER OF:

ILLEGAL PRUNING OF TREES IN DIFFERENT BLOCKS OF VASANT VIHAR NEW DELHI – 110057

DISPOSAL ORDER

PARTIES PRESENT

VVWA:	Sh. G. S. Bindra, President VVWA
	Smt. Mridula Murgai, Director Administration, VVWA
	Smt. Ekta Mehta, Legal Counsel for VVWA
Sanjeev Bagai:	Sh. Paritosh, Legal Counsel for Sh. Sanjeev Bagai
	Sh. Shobit, Legal Counsel for Sh. Sanjeev Bagai
	Ms. Anu Monga, Legal Counsel for Sh. Sanjeev Bagai
	Sh. Rahul Goel, Legal Counsel for Sh. Sanjeev Bagai

1. On 25.10.2023, a hearing was convened, relating to a case duly registered under the Delhi Preservation of Trees Act, 1994, concerning the unlawful pruning of trees in various Blocks of Vasant Vihar, New Delhi – 110057.

2. No representative from the Municipal Corporation of Delhi (MCD) was in present at the hearing.

3. The legal representatives of Mr. Sanjeev Bagai brought to the court's attention that no order for a hearing, dated 31.05.2023 and other mentioned dates, were shared with them by the Tree Officer, as directed by the Hon'ble High Court of Delhi. In response, the Tree Officer stated that no such orders were issued for the hearing referred to in the emails from the legal representatives of Mr. Sanjeev Bagai.

4. It was also contended by the legal representatives of Mr. Sanjeev Bagai that VVWA had disseminated false information among the residents of Vasant Vihar, suggesting that they possessed government written permission for the pruning of trees.

5. Moreover, the legal representatives of Mr. Sanjeev Bagai emphasized that, as per Section 23 of the Delhi Preservation of Trees Act 1994, the Managing Committee of VVWA is liable for the offence relating to the illegal pruning of trees.

6. On the other hand, the legal counsel for VVWA contended that no formal complaint had been lodged with the Tree Officer regarding the unlawful pruning of trees in Vasant Vihar. Thus, it was asserted that the current proceedings lacked a basis.

7. According to the legal counsel for VVWA, the guidelines pertaining to the matter were considered "Non Est" in light of the order dated 29.05.2023 issued by the Hon'ble High Court of Delhi. Consequently, the argument was posited that if the guidelines no longer exist, the offense of pruning ceases to be applicable, and also there is no mention of pruning as an offense under the Delhi Preservation of Trees Act, 1994.

8. The legal counsel for VVWA also noted the copy of the Affidavit filed by the Municipal Corporation of Delhi (MCD) in the previous hearing was not shared with them.

9. Additionally, the legal counsel for VVWA contended that the pruning exercise was conducted in good faith for the benefit of VVWA residents, with no personal gain associated with the pruning of trees.

10. After affording all relevant parties a thorough hearing, this court is of the opinion that an offence has indeed been committed by VVWA. VVWA was provided with a final opportunity to compound the case concerning the illegal pruning of 123 trees, which they have declined due to insufficient funds to pay the compounding fee. Consequently, in light of the hearing, the Tree Officer hereby directs the lodging of an FIR for the illegal

pruning of 123 trees in various blocks of Vasant Vihar and the initiation of legal proceedings against VVWA for their involvement in the illegal pruning of these 123 trees in Vasant Vihar in the respective police station within which the area lies.

11. Further, VVWA and MCD are directed to promptly undertake the planting of 2460 trees (1230 each), which must belong to native species and have a minimum height of 6 feet. These trees are to be meticulously planted within the vicinity of Vasant Vihar, accompanied by the installation of metal Tree Guards for their protection. This tree planting exercise is to be executed within 03 months. The VVWA and MCD are further obligated to provide a bi-monthly report at intervals of every two months to the office of the West Forest Division. This report must comprehensively detail the survival rate and the health status of the planted trees, and this reporting obligation is to extend over duration of two year.

12. This case is hereby disposed off.

(ABHINAV KUMAR)
DY. CONSERVATOR OF FOREST
WEST FOREST DIVISION

To,

1. The President, Vasant Vihar Welfare Association, Kalyan Kendar, 9 Poorvi Marg, Vasant Vihar, New Delhi-110057.
2. The Deputy Director Horticulture, MCD, Green Park, New Delhi-110016 with directions to present before me on the above said date and time.