

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 175/2021**

IN THE MATTER OF:

Naharpur Residents Welfare
Association (Regd)

... Applicant

Versus

Deputy Conservator of Forests
And Tree Officer (North) & Ors.

... Respondents

I N D E X

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FILED BY:

NEW DELHI
DATED: 13.06.2025


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GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
2ND FLOOR, A-BLOCK, VIKAS BHAWAN
I.P. ESTATE, NEW DELHI-02
Email: dcfpm.gnctd@delhi.gov.in

F. No.1(2760)/Legal/HQ/25-26/ 1972 - 76

Dated: 14.05.2025

To,

- | | |
|---|---|
| <p>1. The Tree Officer (South) /
Deputy Conservator of Forests,
South Forest Division, GNCTD.</p> <p>2. The Tree Officer (North) /
Deputy Conservator of Forests,
North Forest Division, GNCTD.</p> | <p>3. The Tree Officer (Central) /
Deputy Conservator of Forests,
Central Forest Division, GNCTD.</p> <p>4. The Tree Officer (West) /
Deputy Conservator of Forests,
West Forest Division, GNCTD.</p> |
|---|---|

(With reference to your Letter F. NO.
01/DCF (N)/LEGAL -MISC/2023 -
24/128 - 31 dated 05.05.2025.)

Sub: Advisory issued in compliance of the Orders of the Hon'ble National Green Tribunal in the matter of O.A. No. 175/2021 titled as Naharpur Resident Welfare Association (Regd.) Vs Deputy Conservator of Forests & Tree Officer (West) & Ors.

Dear Sir / Ma'am,

Vide Orders dated 18.10.2024 and 28.04.2025 in the matter of O.A. No. 175/2021 titled as Naharpur Resident Welfare Association (Regd.) Vs Deputy Conservator of Forests & Tree Officer (West) & Ors. the Hon'ble NGT has directed the concerned authorities to take action to prevent mechanical compounding of the offences concerning illegal felling of trees in Delhi. In this regard, the following provisions of the Delhi Preservation of Trees Act (DPTA), 1994 are reiterated for the Tree Officers:

1. The **Chapter VI** of the Delhi Preservation of Trees Act (DPTA), 1994 deals with the '**Penalties and Procedure**' pertaining to any offences committed under Delhi Preservation of Trees Act (DPTA), 1994 related to illegal tree felling / pruning. It is submitted that there are appropriate provisions under the said Act for the prosecution of the offenders / violators. The Act empowers the Tree Officer to arrest without warrant (Section 18) and seize their property / tools used for commission of the

offence (Section 15 and 16) and impose penalty in form of imprisonment and / or fine (Section 24). In this regard, it has been directed to establish a Prosecution Cell in the 04 Forest Divisions for effective monitoring of tree offences and prosecution of the cases vide Circular F.No.(2585)/Legal/HQ/2022-23 Part(1)/1227B dated 21.05.2024.

2. Also, Section 31 of the Delhi Preservation of Trees Act (DPTA), 1994 invests the Tree Officers with certain powers.

“31. Investing Trees Officer with certain powers.-

(1) The Government may, by notification, invest the Tree Officers and other officers with all or any of the following powers, namely:

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

(b) powers of a civil court to compel the attendance of witness and the production of documents and material objects;

(c) power to issue a search warrant under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

(d) power to hold enquiries into offence under the, Act and in the course of such inquiry to receive and record evidence;

(e) power to take possession of property under the Act;

(f) power to direct release of property or withdrawal of charges; and

(g) power to require any person to plant tree or trees of suitable species in adequate numbers on any land owned or occupied by him.”

3. It is pertinent to note that the Section 20 of the Delhi Preservation of Trees Act (DPTA), 1994 is crucial to prevent commission of any offence under the said Act.

“20. Power to prevent commission of offence.-Every Tree Officer or his subordinates or any Forest, Revenue or Police Officer shall prevent and may interfere, for the purpose of preventing the commission of any offence under this Act.”

And the Section 22 of the Delhi Preservation of Trees Act (DPTA), 1994 may also be referenced as below:

“22. Contravention of Act to be reported by certain officers.-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.”

Therefore, assistance of Police and Revenue Officers may also be sought for the prosecution of the violators as they are duty-bound under Section 20 and 22 of the Delhi Preservation of Trees Act (DPTA), 1994 to report and take all reasonable measures to prevent any contravention of the said Act.

4. Also, the Section 21 of the DPTA, 1994 empowers a Tree Officer to compound any offence committed under the said Act.

“21. Power to compound offence.-

(1) The Government may, by notification empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forest

(a) to compound any offence committed under this Act on payment of-

(i) a sum not exceeding rupees ten thousand by way of composition for the offence which such person is suspected to have committed; and

(ii) the value of timber and other produce, if any, from the tree in respect of which the offence has been committed;

(b) to release any property seized or liable to confiscation, on payment of the value thereof as estimated by such officer and the amount determined 'as payable for composition of the offence, as of ordered by the Tree Officer or any Forest Officer, as the case may be.

(2) On the payment of such sums or such value or both, as the case may be, to such officer, the property seized and the offender, if in custody, shall be released and no further proceeding shall be taken against such offender or property.”

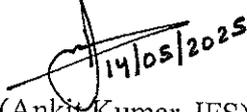
5. Further, vide the Minutes of the review meeting held under the Chairmanship of Secretary (E&F) issued vide No. F.8(193)CF/TA/07-08/DPTA-Branch/5485-89 dated 15.03.2017, it was decided “regarding imposition of maximum penalty while

compounding of the offence cases booked under Delhi Preservation of Trees Act (DPTA), 1994 conveyed vide No.F.8(224)/08/CF/Meetings/Vol.1/8339-45 dated 7.1.2011". Also, "it was decided that pending amendment in the Delhi Preservation of Trees Act, 1994 and in order to deter illegal tree felling/ pruning without obtaining proper permissions and to safeguard public interest, the offence cases related to pruning and felling of petty nature be considered for compounding by imposition of composition fee Rs. 60,000 (minimum) for each tree felled and Rs. 20,000 (minimum) for each tree pruned." Therefore, it is inferred that the compounding by imposition of composition fee is to be considered for offences of illegal tree felling / pruning of petty nature and the minutes only states the minimum composition fee for compounding which can be enhanced on case-to-case basis as per seriousness of the offence and as per the facts of case presented before the Tree Officer and along with other appropriate provisions of the DPTA, 1994.

6. Also, it is stressed that the Standard Operating Procedure (SOP) for dealing with the tree offence under the Delhi Preservation of Trees Act (DPTA), 1994 (as prepared by the Petitioner) has been implemented as an interim measure in compliance of the directions of Hon'ble High Court in the matter of W.P. (C) 12271/2022 titled as Rajiv Dutta vs. GNCTD & Ors. vide Circular F.No.(2585)/Legal/HQ/2022-23 Part(1)/1223 dated 21.05.2024. The Quick Response Mechanism has also been established at Division-levels for effective monitoring, immediate reporting and requisite action in respect of Tree Offences under DPTA, 1994.

In respect to the above facts and circumstances, I am directed to reiterate that the Tree Officers must adhere to the provisions of the Delhi Preservation of Trees Act, 1994 and SOP for dealing with the tree offence issued as interim measure and various Court Orders, administrative orders / circulars while dealing with any offence committed related to illegal tree felling / pruning. Further, any offences committed under the Delhi Preservation of Trees Act (DPTA), 1994 must be dealt with strictly on case-to-case basis and not with a general yardstick in a casual manner.

This is issued with the approval of PCCF/HOD.


14/05/2025
(Ankit Kumar, IFS)

Dy. Conservator of Forests (P&M)

Enclosures: As above.

Copy to:

1. Principal Secretary, (E&F).
2. PCCF/HoD, Department of Forest & Wildlife, GNCTD.
3. CCF, Department of Forest & Wildlife, GNCTD.
4. CF, Department of Forest & Wildlife, GNCTD.


(Ankit Kumar, IFS)

Dy. Conservator of Forests (P&M)

DOCUMENT 2

GOVT. OF NCT OF DELHI
DEPARTMENT OF FORESTS AND WILDLIFE
OFFICE OF THE DY. CONSERVATOR OF FORESTS (NORTH)
ALIPUR, BAKTHAWARPUR ROAD, BAKOLI
DELHI-110036

F.No.23/DCF(N)/Tree Offence/ 2023-24/ 587- 90

Date: 09.05.2025

ORDER

The present case is regarding illegal felling of two (02) trees without permission at E - 4/99, Sec - 07, Naharpur, Rohini, Delhi - 110085.

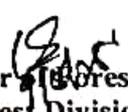
In view of submission dated 18.05.2023 made by S.I : P.P. Giri (Delhi Police) a F.I.R dated 16.05.2023 has been registered vide F.I.R. No. 0324 by P.S: North Rohini under the provisions of Sec 8 and Sec 24 of the Delhi Preservation of Trees Act, 1994.

Consequently, a criminal case vide Cr. Case No: 6331/2024 had been registered apropos to abovementioned F.I.R No: 324/2023 P.S: North Rohini and is pending before the court of Ld. Judicial Magistrate First Class - 03 NW/Rohini.

In view of the above facts and circumstances of the present case it is directed that the present case be moved for prosecution under Sec - 24 of the Delhi Preservation of Trees Act, 1994 before the court of Ld. Judicial Magistrate First Class - 03 NW/Rohini.

To: -

1. Sh. Pawan Kumar Dutta Add: H.no. A - 1/301, Keshavpuram Delhi -110035
2. Sh. Lalit Saini (Complainant) Add: H.no. 56, Naharpur, Sector - 7, Rohini, Delhi
3. S.H.O: S.I :P.P.Giri (I.O on behalf of Delhi Police) Add: P.S: North Rohini, Sec - 7, Rohini, Delhi
4. The Ahlmad of Ld. Judicial Magistrate First Class - 03 NW/Rohini (for kind information and to put up with judicial file)


Dy. Conservator of Forests
North Forest Division
GNCTD

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)

(मारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (जिला): ROHINI (DELHI) P.S.(थाना): NORTH ROHINI Year(वर्ष): 2023 FIR No(प.ग.रि.नं.):0324 Date : 16/05/2023
2. Act(s)(अद्विचम): Section(s)(भाग(एँ)):
- DELHI TREES CONSERVATION ACT 1994 8/24
3. Occurrence of Offence (अपराध की घटना):
(a) Day(दिन): Date From(दि. तक से): Date To(दिनांक तक):
Time Period (समय) Time From (समय से): Time To (समय तक):
(b) Information received at P.S.(थाना जहां सूचना प्राप्त हुई Date(दिनांक): 16/05/2023 Time 22:27 hrs
(c) General Diary Reference (रोजानामचा Entry No.(प्रविष्टि) 124A Date/Time 16/05/2023 22:27
4. Type of Information (सूचना का Written
5. Place of Occurrence (घटनास्थल):
(a) Direction and Distance from P.S (थाना से दूरी और N/A, 1.5 Km(s)
(b) Address(पता): ,NAHARPUR ROHINI, DELHI
(c) In case, Outside the limit of the Police Station (यदि थाना सीमा के बाहर है):
Name of P.S.(थाना का नाम): District(ज़िला):
Beat No(बीट सं.): 08
6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):
(a) Name(नाम): LALIT SAINY (S/O) SH PREM SAINY Nationality (राष्ट्रीयता): INDIA
(b) Date/Year of Birth (जन्म तिथि 1988 Date of Issue (जारी करने की तिथि Place of Issue (जारी करने का
(c) Passport No.(पासपोर्ट सं.): Date of Issue (जारी करने की तिथि Place of Issue (जारी करने का
(d) Occupation NOT KNOWN
(e) Address(पता): H.NO- 56, NAHARPUR , DELHI, NORTH ROHINI, ROHINI, DELHI, INDIA,
7. Details of Known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary)(जात/ सदिग्ध /अजात
का पुरे विवरण सहित वर्णन
8. Reason for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):
NO DELAY
9. Particulars of the properties stolen/involved (attach separate sheet if necessary):
Sl.No. (क्र.सं.) Property Type(Description) Est. Value(Rs.)(मूल्य (रु मे))
- 10 Total value of property stolen (चोरी हुई सम्पत्ति का कुल
11 Inquest Report / U.D. Case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण नं., यदि कोई

12 F.I.R. Contents (attach separate sheet, if required) (प्रथम सूचना रिपोर्ट तबत):

श्री मान थाना अध्यक्ष नार्थ रोहिणी थाना दिल्ली मान्यतर निवेदन यह है कि मैं ललित रौनी मकान नंबर 56 नाहारपुर में रहता हूँ। हमारे गांव के चोरो तरफ 400-500 विशाल और बहुत पुराने पेड़ खड़े हैं जिसको बचाने के लिए नाहारपुर (RWA) द्वारा माननीय सुप्रीम कोर्ट में केस चल रहा है लेकिन फिर भी अवैध रूप से पेड़ों को काटा जा रहा है। नया उदाहरण प्लॉट नम्बर 99ई/4 सैक्टर 7 में दो पेड़ों को काट दिया गया। जिसका मालिक पवन कुमार है। हमने 112 नम्बर पर फोन पर शिकायत दर्ज करवाई। थाने में पुलिस व वन विभाग के अधिकारी भी मौका मुआवना कर पेड़ों के फोटो खींच कर ले गए हैं। इस प्लॉट का मालिक पहले भी कई पेड़ों को काटने और पेड़ों की जड़ों में तेजाब डालकर सुखाने का अपराधी है। जिसकी शिकायत 2019 में की हुई है। जिसका केस अलग से फोरेस्ट वन विभाग में भी चल रहा है। किन्तु फिर भी यह आपने पट की धोरा टिखाकर बार-बार यह पेड़ काटने का अपराध करता रहा है। आप से निवेदन करते हैं पवन कुमार दत्ता सुपुत्र श्री राम किशोर लाल दत्ता रिहाइश ए-1/301 केशव पुरम दिल्ली - 110085 पर रहता है इस पर सख्त से सख्त कार्यवाई करने की कृपा करें। धन्यवाद SD English Lalit Saini 16/5/23 ललित सैनी सुपुत्र श्री प्रेम सैनी मकान नम्बर 56 नाहारपुर मोबाइल नंबर 9891710710 Attested SI PP Giri PS North Rohini Dt 16/05/2023 Respected DO PS North Rohini with reference to DD No 44A. I departed dated 16/05/2023, it is submitted that on receipt of PCR Call Vide DD No 44A. I departed alongwith HC Hoshiyar No 1334/RD and Ct. Kanha Ram No 2058/RD and reached on spot and found that two medium size trees were found standing in premises of plot No -99,E-4 Sec-7 Rohini ,Delhi and also found that one of the tree have started to wither . During further course of enquiry it was found that both the trees had been cut half from midway and then were wrapped by white Colour Plastic bag Further Photographs of the Scene of Crime were taken by HC Hosiyar NO- 1334/RD and during further course of enquiry only mobile number of the owner of above mentioned plot could be received as 8287561012 when if tried to make contact with the owner of the plot for confirmation of his name and address then he didn't picked up the call and when he could be countacted, the owner of the above mentioned plot disclosed his name as pawan but didn't disclosed his address so the PCR Call Vide DD NO- 44A dated 14/05/2023 Left pending- During further course of enquiry, the complainant Lalit Sainy S/o Sh. Prem Sainy R/o- H.No- 56, Naharpur , Delhi Submitted a writther complaint with disclosing of name and address of the owner of the above mentioned plot and on basis of PCR Call, Statement of the Complainant and prelime enquiry, it has been made out an offence U/S 8/24 of Delhi preservation of Tree Act so it is requested to register a case U/S 8/24 Delhi preservation of tree Act and provide a copy of FIR to me. I am busy in investigation. Date & time of incident- Not known Place of incident - Naharpur Rohini, Delhi Date & time of producing Tehrir 16/05/2023 at 22:20 hrs SD English P P Giri PS- North Rohin Dt- 16/05/2023 पुलिस कार्यवाही इस प्रकार है कि एक Complaint Hindi/English लिखित Endosement by SI P.P Giri No-D-6914 साहब द्वारा CASE REGISTER कराने के लिए मन HC/DO को दरपेश प्राप्त हुई। जो complaint की प्राप्ती पर मन HC/DO ने FIR No. 324/2023 U/S 8/24 Delhi preservation of tree Act का CCTNS Opp. Ct Subhash No-1090/8RD से Feed CCTNSकरा करके Computerised Copy FIR व असल लेख by order जनाब SHO साहब हवाले SI P.P Giri No-D-6914 की गई जो आगे की कार्यवाही अम्ल में लायेगें। सभी कागजात बजरिये डाक अफसरान साहब को बजरिये डाक भिजवाये जायेंगे। submitted By HC/DO

District KOHNAJUDH

P.S. NORTH BHOINI

Year 2023 FIR No. 0021

Date 16/05/2023

13 Action Taken Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2:

(की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि किया गया अपराध पट. म. 2 में उल्लेख प्राप्त के तहत है):

(i) Registered the case and took up the

(प्रकरण दर्ज किया गया और जांच के लिए लिया

(ii) Directed (Name of the I.O.) (जांच अधिकारी का नाम PREM PRAKASH GIRI

No.(सं.): 16190720

to take up the investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) OR

OR (के कारण इकार किया गया)

(iii) Refused investigation due to (जांच के

(iv) Transferred to P.S.(name)(थाना):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित)

District(जिला):

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the free of cost : (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी) :

R.O.A.C.(आर.ओ.ए.सी.):

Signature of Officer

14 Signature / Thumb Impression
of the Complainant / Informant:

(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

Name(नाम): MANJU

Rank (पद): HC (HEAD CONSTABLE)

No.(सं.): 28106807

15 Date and Time of despatch to the court:
(अदालत में प्रेषण की तिनांक और समय):