

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH, NEW DELHI****Original Application No 779/2024**

**Report of the Joint Committee constituted in compliance to Hon'ble NGT order dated 27.01.2025 in O.A No. 779 of 2024 in the matter of Dinesh Gupta Vs State of Punjab & Ors.**

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**1.0 Background and the Directions of Hon'ble National Green Tribunal**

The Hon'ble National Green Tribunal, Principal Bench order dated 27.01.2025 in O.A. 779/2024 in the matter of Dinesh Gupta Vs State of Punjab & Ors regarding the applicant has made allegation about illegal felling of more than 100 green trees during the construction of vehicular underpass on NH-54 from KM stone 43.000 to km stone 44.200 specially in area of Sohal Village, Taluka and District Gurdaspur and Violation of Supreme Court's Judgement on Liner Project passed in Civil Appeal Nos. 1628-1629 of 2021: Noble M. Paikada V Union of India.

**The Hon'ble National Green Tribunal in the Order dated 27.01.2025 has issued Directions as under:**

**Para-03:** The report dated 13.12.2024 has been filed by Deputy Commissioner, Gurdaspur. The enclosed Enquiry Report with the report of Deputy Commissioner, Gurdaspur is not the Report by the Three Member Joint Committee.

**Para-04:** We find that the DC, Gurdaspur has changed the composition of Joint Committee, and NHAI which is alleged to be one of the Violators, has been included in that Committee.

**Para-05:** We also find that DFO Gurdaspur has filed a report but in that report, the number of trees which have been cut has not been disclosed. Learned Counsel appearing for DFO, Gurdaspur is not in a position to assist the Tribunal. Hence, we require the DFO, Gurdaspur to appear on the next date of hearing and assist the Tribunal.

**Para-05:** Since, the report has been received from the Joint Committee constituted by the Tribunal, therefore, we direct the District Magistrate, Gurdaspur to do the needful in terms of the order dated 14.10.2024 and submit the report of joint Committee.

## **2.0. Compliance of the orders of Hon'ble National Green Tribunal:**

### **2.1 Composition of the Joint Committee:**

In Compliance of The Hon'ble NGT, vide order dated 27.01.2025, District Magistrate constituted a Joint Committee comprising **District Magistrate, Gurdaspur**, the representatives of the **PCCF, Mohali** and the representatives of the **RO, MoEF&CC, Chandigarh**, to conduct a site visit and collect relevant information to verify the facts raised by the applicant. The committee is comprised of following members was composed:

- ❖ Tehsildar (Representative of the District Magistrate, Gurdaspur act as the nodal agency)
- ❖ Sh. N K Dimri, Technical Officer (Grade-I), Regional Office, MoEF&CC Chandigarh (Representative from MoEF&CC Chandigarh)
- ❖ Sh. Atal Kumar Divisional Forest Officer (DFO) Gurdaspur, (Representative of PCCF, Mohali)

The Joint Committee carried out a site visit on April 9, 2025, to verify the facts, assess the extent of illegal tree cutting.

## **3.0 Introduction of NHAI**

NHAI has been established under the National Highways Authority of India Act, 1998 with the main objective of developing, maintain and managing highways in the country as entrusted/vested by the Central Government. NHAI undertakes projects related to the development of National Highways at various locations all over India. These projects are formulated and implemented according to policy guidelines of the Govt. for meeting the growing needs of the road transport in the country.

The NHAI proposes the Department of **Punjab** state to take up the plantation project implementation period from 24.12.2019 to 23.12.2024 along Km. 16.60 to

Km.80.00 of National Highway land of NH 54. Forest Department **Punjab** is the government agency for carrying out the plantation activity in the state and it has sufficient expertise and infrastructure to take up plantations of this magnitude.

The Forest Department from the 24th day of month December & year 2019 take over the management of the said lands for the purpose of plantations of suitable trees of native as well as commercial species, The said lands shall not be deemed to be or declared as "Protected Forest" or "Reserved Forest" or any Other 'Forest' Category under Indian Forest Act 1927. However, the said land will be managed in accordance with this agreement as per terms and conditions agreed upon both Forest Department and NHAI. (Copy of MOU attached as Annexure-I.)

**4.1 Allegation: Illegal felling of more than 100 green trees during the construction of vehicular underpass on NH-54 from KM stone 43.000 to km stone 44.200 specially in area of shoal Village, Taluka and District Gurdaspur and Violation of Supreme Court's Judgement on Liner Project passed in Civil Appeal Nos. 1628-1629 of 2021: Noble M. Paikada V Union of India.**

It would be worth mentioning here that the old road was 33 meters, after diversion of forest land vide Govt. of India letter No. F.No.8-17/2010-FC dated 18-oct-2010 (copy attached as Annexure-II) now road is 60 meter. Land was acquired by NHAI from the left side upto 19.50 meters and from the right side upto 7.50 meters from the landowners. As per the report sought by the Tribunal in the application and it was found that 1651 plants were cut down by NHAI Km. 42.960 to Km. 44.100 B/s from Non-Forest area (Range officer Report attached as Annexure-III). These ornamental plants, bamboos and Kadamb plants etc. were planted in the land acquired by NHAI from the landowners during the year 2020-21.

#### **6.0 Conclusions:**

Members of Joint Committee constituted by Deputy Commissioner, Gurdaspur in connection with the said case (vide letter no. End. No. 5071-74/MA/MC5 dated 07.04.2025, attached as Annexure-IV) inspected the site mentioned by the applicant from NH-54 km 43.000 to 44.200. As per the report sought by the Tribunal in the application and it was found that 1651 plants were cut down by NHAI Km. 42.960 to Km. 44.100 B/s from Non Forest area. No

requisite Permission under Van (Sanrakshan Evam Samvardhan) Adhiniyam], 1980 was required and compensatory measures were not proposed as per MOU. These ornamental plants, bamboos and Kadamb plants etc. were planted in the land acquired by NHAI from the landowners during the year 2020-21. This plantation was done by the Forest Department as per the MOU (Copy attached as Annexure-I).

The above factual report of the Joint Committee, submitted in compliance with the orders of the Hon'ble NGT, is presented for consideration and may kindly be taken on record. The Joint Committee shall abide by any further directions of the Hon'ble NGT in this matter.

**7.0 Joint Committee:**(As per order of the Hon'ble NGT Principal Bench, New Delhi dated 27.01.2025)

Name & Designation	Organizations /Institutes / Departments	Signature
Tehsildar Gurdaspur, District Gurdaspur Sh- RESHAM SINGH	(Representative of the District Magistrate, Gurdaspur (Act as the Nodal agency)	
Sh. Atal Kumar, Divisional Forest Officer (DFO), Gurdaspur	Forest Department (Representative of PCCF, Mohali)	
Sh. N.K Dimri, Technical Officer, RO, Chandigarh	Regional Office, MoEF&CC Chandigarh (Representative from MoEF&CC Chandigarh)	

## NHAI AND STATE FOREST DEPARTMENT FOR PLANTATION ON NHAI LANDS

(TO BE EXECUTED THROUGH REGIONAL OFFICERS OF STATE FOREST DEPARTMENTS AND NHAI)

This Agreement made this 24<sup>th</sup> day of month December & year 2019 between the Presidents of Union of India acting through Project Director, PIU Jalandhar, National Highways Authority of India having its registered office at 5&6 Sector 10, Dwarka New Delhi 110075 (hereinafter called the NHAI which term shall include the successors) of the one part.

And

The Forest Department,.....*Punjab*.....state having its registered office at *S.ec. 6.B, S.A.S. Nagar* (hereinafter called the Forest Department which term shall include his successors of the other part). The agreement will be signed between the concerned Project Director, Project Implementation Unit of NHAI or any officer authorized by Regional Officer concerned (not below the rank of project director) & the concerned Forest officer (not below the rank of DFO) having jurisdiction over the project the site.

Whereas

1. NHAI has been established under the National Highways Authority of India Act, 1998 with the main objective of developing, maintaining and managing highways in the country as entrusted/vested by the Central Government.
2. NHAI undertakes projects related to the development of National Highways at various locations all over India. These projects are formulated and implemented according to policy guidelines of the Govt. for meeting the growing needs of the road transport in the Country.
3. Forest Department, *Punjab*..... is the government agency for carrying out the plantation activity in the state and it has sufficient expertise and infrastructure to take up plantations of this magnitude.
4. The NHAI proposes to the Forest Department of *Punjab* state to take up the plantation project implementation period from 24.12.2019 to *31.12.2020*

Now this agreement witnesses and the parties hereby agree as follows:

1. The Forest Department shall from the 24<sup>th</sup> day of month December & year 2019 take over the management of the said lands for the purpose of plantations of suitable trees of native as well as commercial species. The said lands shall not be deemed to be or declared as "Protected Forest" or "Reserved Forest" or any other 'Forest' category under Indian Forest Act 1927. However, the said land will be managed in accordance with this agreement as per terms and conditions agreed upon by both the Forest Department and NHA.
2. State Forest Department through their local authorities and workers will be responsible for plantation of tree and shrub species and maintain spacing between ROW to ROW and Plant to Plant for implementation of approved Green Highways Projects (GHPs) as enclosed (A copy of the project to be annexed) following the Green Highways Policy 2015 and **IRC SP-21 2009 Guidelines and other** guidelines as agreed upon in project formulation and implementation during project period. The State Forest Department will also take care for protection of the plantations and trees, fencing, boundary pillars etc.
3. NHA will release funds to Forest Department according to NHA OM No 464 dated 19.07.17 as following payment schedule of project period subject to submission of Utilization certificate.



S. No.	Stage of implementation	Payment schedule (% of Project Cost)
1	Zero year (mobilization of advance after signing of agreement)	50%
2	First year (after planting work)	10%
3	Second year (Post plantation Management maintenance, casualty replacement etc)	10%
4	Third year (maintenance, casualty replacement etc)	10%
5	Fourth year (plantation maintenance)	10%
6	Fifth year (plantation maintenance)	10%
	<b>Total:</b>	<b>100%</b>

4. NHAI will bear the cost escalation, if not included in project, due to increase in minimum daily wages notified from time to time by competent authorities of the State Government.
5. Forest Department will ensure that the survival of plants should be nearly 90% at the time of handing over the plantation to NHAI. Average height of the plants should not be less than height achieved by the same species growing naturally in that area, except for the reasons beyond human control.
6. Rates suggested in the project are for budgeting purpose. Amount unutilized in one item may be utilized for another item within overall budget limit.
7. The certificate of utilization of funds along with number of trees/plants surviving will be provided to NHAI after every six 'month.
8. All instructions issued by the NHAI and advisories issued in this matter by the authorities of the NHAI regarding road visibility, planting along inside of curves, minimum distance of planting line from the road, measure for the safety of road shall be strictly followed by the Forest Department while

*[Handwritten signature]*

*[Handwritten signature]*

planning the plantation program. The choice of species of plant, modes of plantation, cultural operations employed in management and protection of plantation and imposition of reasonable restriction of inter cropping on plantation tree, grazing, burning of grass etc. will be determined by the Forest Department, as per the National Green Highways Policy 2015, IRC Guidelines and applicable rules of the state.

9. NHAI shall hand over the said land to Forest Department free from all encumbrances and encroachments. An inventory of trees already growing on said land shall be jointly taken by NHAI and Forest Department at the time of handing over land to Forest Department and these trees will continue to be of NHAI. Felling of such trees can be done by NHAI in accordance with relevant Rules/Acts applicable if any, in respect of that area. Revenue from these trees will accrue to NHAI only.
10. Forest Department will use the said land made over only for plantation or for a purpose ancillary there to. However plant nurseries may be developed for developing seedlings for plantations on said land undertaken by the Forest Department. No permanent structure shall, however, be built on such land. NHAI reserves the right to site inspection from time to time.
11. The ownership of the land shall remain vested in the NHAI as here to, and only management thereof will be handed over to the Forest Department for plantation purpose.
12. After raising the plantation, the State Forest Department shall maintain an inventory of all trees on the said land. The abstract of the enumerated trees will be shared with NHAI for information and record.
13. The NHAI shall be entitled and permitted to utilize earth for repairs and formations, to cut branches of trees and also to execute works required for normal functioning of the National Highways in consultation with the concerned Divisional Forest Officer/ Forest Ranger or authority designated to do so by the Forest Department on the said land. The NHAI shall decide the nature of such works and no compensation shall be paid by the NHAI.

14. The NHAI may resume the said lands or any part thereof at any time, without payment of any compensation to the Forest Department. The Forest Department will remove trees from such land or part of land on NHAI's request, or will give permission to NHAI to remove trees.
15. The NHAI staff would be free to carry out their normal work in connection with maintenance of National Highways, they shall not be prevented while moving in the performance of their duties on such lands.
16. Forest Department will be competent to deal any damage or loss of plantation/trees by other than NHAI officials, according to the provisions of the applicable acts and rules of the state.
17. Forest Department will be given possession of land free from all encumbrances. In case of encroachment on such land, the NHAI authorities shall get it vacated and fix boundary pillars before handing over.
18. This MoU will be applicable with effect from the date it is signed by both parties.

The essence of this MOU is to implement the plantation activity in the most effective manner using the expertise, knowledge and resources of both the organizations in furtherance of their common objectives.

This MoU signed on by the Authorized Officer of concerned State Forest Department and Project Director, PIU Jalandhar, NHAI of the day of 24<sup>th</sup> of month December & year 2019

  
 (...Jarnail Singh PFS...)  
 State Forest Department DFO Gurdaspur.  
 Place: Jalandhar.  
 Date: 24/12/19

  
 (Y.P.S. Jadon)  
 Project Director  
 Place: Jalandhar  
 Date:

**F-12** 8-17/2010-FC  
 Government of India  
 Ministry of Environment and Forests  
 (F.C. Division)

Paryavaran Bhawan,  
 CGO Complex, Lodhi Road,  
 New Delhi-110003.  
 Dated: 18<sup>th</sup> October, 2010

To

*MY*  
 The Financial Commissioner (Forests) and  
 Secretary to the Government of Punjab,  
 Forests & Wildlife Preservation Department,  
 Chandigarh.

**Sub:** Diversion of 137.6075 ha of forest land for four/six lanning of NH-15 from Pathankot to Amritsar Km. 6.0082 to 98.050 for widening of existing road to four / six lane along with construction of bus / truck lay byes, service roads etc. and also for Utility corridor for shifting of Electric lines / Telecommunication lines / Water supply lines etc under the jurisdiction of forest division & distt. Gurdaspur & Amritsar, Punjab.

Sir,

I am directed to refer to Government of Punjab's letter no. FCA/1980/4374-4129/3631 dated 27.1.10 on the above mentioned subject, wherein prior approval of the Central Government for the diversion of 137.6075 ha of forest land for four/six lanning of NH-15 from Pathankot to Amritsar Km. 6.0082 to 98.050 for widening of existing road to four / six lane along with construction of bus / truck lay byes, service roads etc. and also for Utility corridor for shifting of Electric lines / Telecommunication lines / Water supply lines etc under the jurisdiction of forest division & distt. Gurdaspur & Amritsar, Punjab, was sought, in accordance with section-2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted under Section-3 of the said Act, stage-I approval for the said proposal was granted vide this Ministry's letter of even number dated 16<sup>th</sup> June, 2010 and consequently corrigendum dated 15<sup>th</sup> September, 2010 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Punjab vide letter no. FCA 1980/4374/21623 dated 17.9.10, approval of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 137.6075 ha of forest land for four/six lanning of NH-15 from Pathankot to Amritsar Km. 6.0082 to 98.050 for widening of existing road to four / six lane along with construction of bus / truck lay byes, service roads etc. and also for Utility corridor for shifting of Electric lines / Telecommunication lines / Water supply lines etc under the jurisdiction of forest division & distt. Gurdaspur & Amritsar, Punjab, subject to the following conditions:-

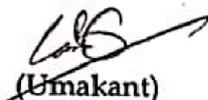
1. Legal status of the forest land being diverted shall remain unchanged.

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113

2. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
3. All the funds received from the User Agency under the project shall be transferred to in Account No. 344901010070202 of the Union Bank of India, Sunder Nagar Branch, New Delhi-110003.
4. Trees shall be felled only when it becomes necessary and that too under strict supervision of State Forest Department, and at the cost of the project.
5. No labour camps shall be established on forest land.
6. The User Agency shall provide fuel-wood preferably alternate fuel to the labourers working at the site to avoid damage/felling of trees.
7. The forest land shall not be used for any purpose other than that specified in the proposal.
8. All other conditions proposed by the State Government of Punjab at the time of submission of the proposal to the Central Government shall be applicable.
9. The State Forest Department should establish chowki at the cost of the User Agency at points to be decided by the State Forest Department.
10. Any other conditions that the CCF (Central), Regional Office, Chandigarh and the State Government may impose from time to time for the protection and improvement of flora and fauna in the forest area shall be applicable.
11. The State Government shall plant long rotation trees all along the stretch on either side of the road as per provisions of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation) after completion of construction of the project highway. The plantation shall include Shesham, Arjun, Jamun, Semul, Peepal, Bargad, Neem, Mango, etc.
12. All other conditions under different rules, regulations and guidelines including environmental clearance and the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 shall be complied with before transfer of forest land.

Yours faithfully,

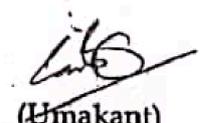


(Umakant)

Assistant Inspector General of Forests  
Telefax: 011-24363974

Copy to:-

- 
1. The Principal Chief Conservator of Forests, Government of Punjab, Chandigarh.
  2. The Nodal Officer, Forest Department, Government of Punjab, Chandigarh.
  3. The Conservator of Forests (Central), Regional Office, Chandigarh.
  4. User Agency.
  5. Monitoring Cell, FC Division, MoEF, New Delhi.
  6. Guard file.



(Umakant)

Assistant Inspector General of Forests

Issued  
19/10/08



(Annexure - III) 114

Number:- 164

Date:- 07/04/2025

From:- Forest Range officer  
Gurdaspur.

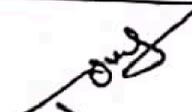
To:- Divisional Forest officer,  
Gurdaspur.

Subject:- Regarding the report sought by National Green Tribunal regarding National Highway-54

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In connection with the above subject, it is written to you that the report sought by NGT regarding the plants planted in NH 54 km 42.960 -44.100 is sent for further action on the following proforma.

Sr. No.	Km	Plantation Year	No. of plants planted.	No. of plants felled from area of National Highway	Plants standing in forest area from Km 43.945 to 44.045 R/s	Plants in standing in National Highway Area	No. of balance plants standing
1	42.960-44.100 B/s	2020-21	2023	1651	118	254	372

  
Forest Range Officer,  
Gurdaspur.

  
Divisional Forest Officer  
Gurdaspur Forest Division  
Gurdaspur

OFFICE OF DEPUTY COMMISSIONER, GURDASPUR (M.A BRANCH)	115 	ਅੰਕੜ 115 ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ, ਗੁਰਦਾਸਪੁਰ
		(ਫੋਟਕਲ ਸਾਖਾ)
Email: <a href="mailto:dcofficegurjaspur@gmail.com">dcofficegurjaspur@gmail.com</a> Phone No: 01874-247500		ਈ-ਮੇਲ: <a href="mailto:dcofficegurjaspur@gmail.com">dcofficegurjaspur@gmail.com</a> ਫੋਨ ਨੰ.: 01874-247500

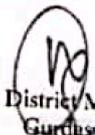
To,  
Tehsildar  
Gurdaspur.

No: 5070 MAMCS Dated: 7/4/2025

**Subject: To Conduct spot inspection and submit enquiry report by 09.04.2025 in compliance of the order dated 14.10.2024 & 27.01.2025 of NGT, New Delhi in OA. 779/2014 Dinesh Gupta VS Punjab State.**

With reference to the orders issued by the Hon'ble NGT dated 14.10.2025 and 27.01.2025 in the subject-cited case, I would like to bring to your knowledge that tribunal has formed a joint committee comprising of representatives of PCCF, Punjab, RO, MoEF&CC, Chandigarh and District Magistrate, Gurdaspur. District Magistrate, Gurdaspur will act as a nodal agency.

In this Regard, I appoint you as the representative of District Magistrate, Gurdaspur to conduct spot inspection with other representatives of the joint committee by 09.04.2025 and submit joint inspection report accordingly in English language with a stamp of each member on it. District Forest Officer Gurdaspur, will act as a convener in this.

  
Addl. District Magistrate,  
Gurdaspur.

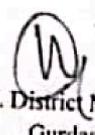
End. No. 507174/MAMCS

DATED 7/4/2025

Copy of the above is forward to the following:-

1. Principal Chief Conservator of Forests, Punjab Forest Complex, Sector 68, SAS Nagar
2. Regional officer, Ministry of Environment, Forest & Climate Change, Chandigarh
3. District Forest Officer, Gurdaspur (94172-22388) representative of PCCF, Punjab
4. Sh. N.K. Dimri Technical Officer (G-1), (91584-03666) representative of RO, MoEF&CC, Chandigarh.

for information and necessary action, please.

  
Addl. District Magistrate,  
Gurdaspur.