

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 237/2025

In the matter of

Narender Kumar

...Applicant

Versus

State of Haryana & Ors.

...Respondent(s)

Index

S.no.	Particular	Page no.
1.	Rejoinder on behalf of the applicant to the replies filed by respondent nos. 7, 9, 12 and 13.	1-12
2.	<u>Annexure A1/1</u> True Copy of Order Passed by Hon'ble Supreme Court in MC Mehta Vs UOI	13-29

Applicant

Through Counsel

Date 06.07.2026

Place New Delhi



Tarun Cummra (ADVOCATE)

C 143, Lajpat Nagar- II, New

Delhi-110024,

Mobile No. 8287474556 E-mail:

cummra3@gmail.com

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**REJOINDER/OBJECTIONS ON BEHALF OF THE APPLICANT TO
THE REPLIES FILED BY RESPONDENT NOS. 7, 9, 12 AND 13****Most Respectfully Showeth:**

1. That the Applicant respectfully submits this common rejoinder to the replies filed by Respondent Nos. 7, 9, 12 and 13. Save and except what has been specifically admitted herein, every statement, contention, allegation and averment contained in the replies is denied as false, incorrect, misleading, legally untenable and contrary to the record. The respondents have attempted to divert the attention of this Hon'ble Tribunal from the real controversy by making self-serving statements, suppressing material facts and shifting the responsibility upon one another. The replies deserve to be rejected in limine.
2. At the outset, it is respectfully submitted that the central issue involved in the present Original Application is extremely narrow and undisputed, namely that permission was granted for cutting only **43 trees**, whereas **68 trees were actually felled**, resulting in the illegal cutting of **25 additional trees**. This fact stands established from the inquiry conducted

by the Sub-Divisional Magistrate, Palwal, and has not been specifically denied by any of the answering respondents. Instead of explaining how the additional twenty-five trees came to be felled without any lawful authority, each respondent has adopted contradictory and mutually destructive pleas only to evade legal accountability.

3. It is respectfully submitted that the replies filed by Respondent Nos. 7, 9, 12 and 13 clearly demonstrate collusion amongst themselves. Each respondent seeks to justify his own conduct by attributing blame to another respondent, thereby exposing the falsity of their respective stands. Such inconsistent pleadings deserve no evidentiary value and strengthen the Applicant's case that the illegal felling was neither accidental nor inadvertent but was the outcome of deliberate negligence, connivance and abuse of official position.
4. It is respectfully submitted that under the environmental jurisprudence consistently evolved by the Hon'ble Supreme Court and this Hon'ble Tribunal, the burden lies heavily upon the respondents to demonstrate strict compliance with the conditions of permission granted for tree felling. Mere assertions unsupported by documentary evidence cannot discharge such burden, particularly where public property and environmental degradation are involved.

Rejoinder to the Reply of Respondent No. 13 (Gram Secretary)

5. That the contents of the reply submitted by Respondent No.13 are specifically denied except those which are matters of record. The Gram Secretary has attempted to portray himself as an innocent functionary while suppressing his statutory responsibility in safeguarding Gram Panchayat property. His reply is a clear attempt to protect himself and other responsible officials from the consequences of their illegal acts.

6. That the contention that approximately 500 trees were planted after the felling is wholly false, fabricated and unsupported by any documentary evidence. Not a single contemporaneous photograph, videography, plantation register, purchase invoice of saplings, transportation record, geo-tagged photograph, plantation map, survival report or inspection report has been produced before this Hon'ble Tribunal. Had such plantation actually taken place, the respondents could have easily produced official records maintained in the ordinary course of business. Their complete failure to do so establishes that the plea of plantation is merely an afterthought intended to mislead this Hon'ble Tribunal.
7. That rather, the SDM, Palwal, in his inquiry report has categorically recorded that no trees had been planted on the Gram Panchayat land after the illegal felling. The findings of an official inquiry conducted by a responsible revenue officer carry much greater evidentiary value than the self-serving statements now being made by the answering respondent.
8. It is further submitted that the Gram Secretary has failed to explain why the mandatory conditions imposed by the Deputy Commissioner requiring photography and videography before, during and after the tree felling were never complied with. Such conditions were imposed precisely to ensure transparency and prevent unauthorized cutting of trees. Non-compliance with these mandatory safeguards raises a strong presumption that the respondents deliberately avoided creating evidence of the illegal acts committed by them.
9. That the answering respondent has also failed to explain why no immediate criminal proceedings were initiated immediately after the illegal cutting was detected. The admitted delay of several weeks before any communication was sent to the police clearly demonstrates administrative inaction and lends support to the Applicant's allegation that

the authorities attempted to shield the contractor instead of prosecuting him.

10. It is respectfully submitted that the amount of ₹2,33,125 recovered from the contractor cannot be treated either as environmental compensation or statutory penalty. The SDM himself has reportedly clarified that the said amount represented only the assessed value of the excess trees felled and not the statutory penalty required to be imposed. Consequently, the environmental damage caused by the illegal destruction of mature trees remains completely uncompensated till date.

Rejoinder to the Reply of Respondent No.7 (Sarpanch)

11. That the reply filed by Respondent No.7 deserves outright rejection. The Sarpanch has attempted to justify the illegal acts by inventing explanations which find no support from any official record.

12. That the plea that additional trees had to be cut because they were creating obstruction is wholly false and deserves rejection. If any tree was genuinely obstructing the execution of the sanctioned work, nothing prevented the respondents from approaching the competent authority for amendment of the permission. No such application was ever submitted. No revised permission was ever granted. No Forest Officer certified the existence of any obstruction. Consequently, the explanation is clearly an afterthought devised after detection of the illegal felling.

13. That the land in question measures approximately twelve acres. The trees were naturally scattered over a substantial area. The respondents have not produced any site plan identifying the allegedly obstructing trees nor any technical report explaining why precisely twenty-five additional trees suddenly became unavoidable. The explanation is therefore inherently improbable and unbelievable.

14. That the Applicant further submits that the plea regarding plantation of 250 or 500 trees is equally false. The respondents have failed to produce any documentary proof whatsoever. Even today the site does not reflect any such compensatory plantation corresponding to the number claimed by the respondents. Mere oral assertions cannot substitute legally verifiable environmental restoration.
15. That the Sarpanch cannot escape liability by alleging that supervision had been entrusted to Panchayat Members Raj Singh and Motiram. Delegation of supervision does not amount to delegation of statutory responsibility. As the elected head of the Gram Panchayat, Respondent No.7 remained under a continuing legal duty to ensure that public property was protected and that no tree beyond the sanctioned number was cut.

Rejoinder to the Reply of Respondent No.9 (Contractor)

16. That the reply filed by the contractor is equally false and misleading. The contractor was the direct beneficiary of the illegal felling and cannot avoid liability by assigning responsibility to public officials.
17. That the contractor admits that more than the permitted number of trees were cut but seeks to justify the excess cutting on the alleged ground of obstruction. Such defence deserves outright rejection because no competent authority ever granted permission for cutting any tree beyond the sanctioned forty-three trees. A contractor cannot unilaterally enlarge the scope of permission granted by a statutory authority.
18. That the plea that 250 trees were planted by the contractor is unsupported by any contemporaneous evidence. No agreement assigning such plantation work has been produced. No bills, purchase vouchers,

photographs, GPS records or verification reports have been filed. The plea is therefore completely false and liable to be rejected.

19. That the delay in depositing the amount recovered further demonstrates that no prompt action was taken against the contractor despite repeated complaints by villagers. The chronology of events clearly indicates that administrative action commenced only after persistent complaints and public pressure, thereby strengthening the Applicant's allegation of collusion amongst the contractor and the responsible public officials.

Rejoinder to the Reply of Respondent No.12 (Raj Singh)

20. That the reply filed by Respondent No.12 contains self-contradictory statements and deserves no reliance. While attempting to defend the Sarpanch, Respondent No.12 has contradicted his own statement recorded during the SDM inquiry.

21. That before the SDM, Respondent No.12 had reportedly stated that his responsibility ended after the sanctioned forty-three trees had been cut and that he had no knowledge regarding any subsequent cutting. However, in the present reply he suddenly claims personal knowledge regarding the alleged obstruction and excess cutting. Such contradictory versions clearly establish that the present reply has been prepared only to support the defence of the other respondents and is devoid of credibility.

22. That the plea that over five hundred trees were planted is once again unsupported by any documentary evidence. Neither the respondents nor the Panchayat have produced plantation records, Forest Department correspondence, purchase records, geo-tagged photographs or survival certificates. In environmental litigation, unsupported assertions cannot override official inquiry reports.

23. In view of the foregoing submissions, it is respectfully submitted that the replies filed by Respondent Nos. 7, 9, 12 and 13 do not disclose any lawful justification for the admitted felling of 25 trees in excess of the permission granted. On the contrary, the replies contain contradictory, mutually destructive and unsupported assertions which clearly demonstrate an attempt to evade responsibility for the environmental damage caused on the Gram Panchayat land.
24. That it stands established from the record that permission was granted for felling only 43 trees, whereas 68 trees were actually cut. None of the respondents has produced any revised permission, order of the competent authority, technical report, Forest Department approval, or any contemporaneous record authorizing the cutting of the additional 25 trees. The plea that the extra trees were allegedly causing obstruction is a belated afterthought and is unsupported by any documentary evidence.
25. That the respondents have further attempted to rely upon alleged plantation of 250 or 500 trees. However, no plantation register, geo-tagged photographs, purchase bills of saplings, survival report, Forest Department verification, GPS coordinates, or inspection report has been placed on record. In fact, the inquiry report of the SDM, Palwal, records that no such plantation was carried out on the Gram Panchayat land after the illegal felling. Mere oral assertions cannot wipe out the irreversible ecological loss caused by the destruction of mature trees.
26. It is further submitted that recovery of ₹2,33,125 from the contractor represents only the assessed value of the illegally felled trees and cannot be treated as statutory penalty or environmental compensation. The environmental damage caused to the local ecosystem, biodiversity, air quality and ecological balance remains unassessed and uncompensated. Under the Polluter Pays Principle, recognised by the Hon'ble Supreme

Court in *Indian Council for Enviro-Legal Action v. Union of India*, the wrongdoer is liable not merely for the value of the trees but also for the cost of restoration of the damaged environment.

27. That the Hon'ble Supreme Court in *Vellore Citizens' Welfare Forum v. Union of India* has held that the Precautionary Principle and the Polluter Pays Principle are essential features of environmental law in India. Similarly, in *M.C. Mehta v. Union of India*, the Hon'ble Supreme Court emphasized that environmental protection is a constitutional obligation flowing from Articles 48A and 51A(g) of the Constitution of India. Public authorities entrusted with management of Panchayat land are expected to act as trustees of natural resources and cannot permit their unlawful destruction.

28. Further, in the case of **Vellore District Environment Monitoring Committee vs. The District Collector, Vellore District & Ors.** 2025 INSC 131, Hon'ble Supreme court observe that while the "Polluters Pay Principle" focuses on directly penalizing offenders, its effectiveness is inherently tied to the vigilance and enforcement mechanisms of the Government and regulatory bodies, and thus, in situations where authorities fail to regulate polluters adequately, the resultant environmental degradation underscores a shared responsibility. The 'Government Pay Principle' emerges from this context, aiming to hold governments accountable for regulatory and enforcement lapses. Further, the Hon'ble Court compared the pollution from Vellore tanneries to an "**ecocide**" and a violation of fundamental rights. also highlighted emerging concept of Ecocide which is defined as 'unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment.' Acts such as the pollution of rivers with untreated sewage, illegal sand

mining, large-scale deforestation etc. fall under this definition. The environmental damage occurring in Vellore District could even be categorized as Ecocide, underscoring the urgency of addressing and halting such activities.

29. That the conduct of the respondents further reveals deliberate non-compliance with the conditions imposed by the Deputy Commissioner regarding photography and videography before, during and after the tree felling. Such non-compliance deprived the authorities and this Hon'ble Tribunal of vital evidence and strongly indicates an attempt to conceal the illegal acts committed.

30. That the Applicant therefore submits that the illegal felling of 25 additional trees was not an inadvertent error but the result of negligence, connivance and failure of statutory duty by the concerned respondents. The environmental loss caused thereby is substantial, continuing and requires immediate intervention of this Hon'ble Tribunal.

PRAYER

In the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased:

- a. To reject the replies filed by Respondent Nos. 7, 9, 12 and 13 as being false, misleading, unsupported by documentary evidence and contrary to the official inquiry record;
- b. To hold that the felling of 25 trees in excess of the permitted 43 trees was illegal and unauthorized;

- c. To direct assessment and recovery of appropriate environmental compensation from the responsible respondents in accordance with the Polluter Pays Principle;
- d. To direct an independent inspection by the Forest Department and other competent authorities to verify the actual status of plantation claimed by the respondents;
- e. To direct restoration of the damaged site through scientifically supervised compensatory plantation and ecological restoration measures;
- f. To direct initiation of appropriate civil, criminal and departmental proceedings against the persons found responsible for the illegal felling and concealment of environmental damage;
- g. Pass such other and further order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of environmental protection, justice and equity.



Applicant

VERIFICATION

I, the Applicant above named, do hereby verify that the contents of the above rejoinder are true and correct to my knowledge and belief and that nothing material has been concealed therefrom.



Applicant

Through Counsel



Tarun Cummra (ADVOCATE)

Date 06.07.2026

Place New Delhi

C 143, Lajpat Nagar- II, New Delhi-110024,

Mobile No. 8287474556 E-mail:

cummra3@gmail.com

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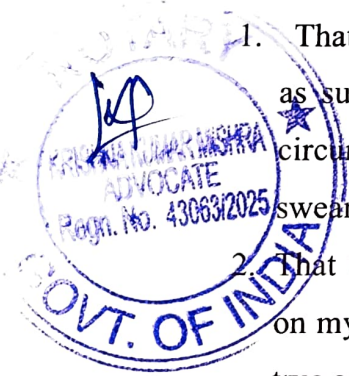
Affidavit

I Narender Kumar, S/o Sh. Vikram Singh, aged about 62 years, R/o H.No. D-288, Ratua Mohalla, Pirthla (42), Palwal, Haryana - 121102, presently New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the applicant in the aforesaid Original Application (OA), and as such, in 'my said capacity, I am well conversant with the facts and circumstances of the case leading to the present OA and competent to swear this affidavit.
2. That the accompanying reply/rejoinder has been drafted by my counsel on my instructions. The contents of the accompanying reply/rejoinder are true and correct to my knowledge.
3. That I have read over the contents of the accompanying reply/rejoinder and the same is true and correct and drafted on my instruction.



DEPONENT





Verification

06 JUL 2026

verified at New Delhi on ___ July 2026 that the contents of the above reply/rejoinder affidavit are derived from the official records and personal knowledge and are correct and true to the best of my knowledge and belief.

Nothing material has been concealed therefrom.

DEPONENT

I identify the deponent who has signed/put T.I. in my presence

Solemnly affirmed before me
Readover & Explained to the Deponent
who has signed before me.

KRISHNA KUMAR MISHRA
NOTARY PUBLIC (DELHI)
GOVT. OF INDIA

06 JUL 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SWRIT PETITION(S)(CIVIL) NO(S). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[TO BE TAKEN UP AT 3.00 P.M.] IN RE: TAJ TRAPEZIUM ZONE (1) IA NO. 116768/2018 (APPLN. FOR DIRECTION ON B/O GANGA GLASS INDUSTRIES AND ORS.) (2) IA NO. 237739 AND 237765/2024 (APPLN. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAM AUTAR) (3) IA D NO. 262456 AND 262458/2024 (APPLN. FOR INTERVENTION AND O.T. EXEMPTION ON B/O DR. SHARD GUPTA) (4) IA NO. 99054 AND 99055/2024 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON B/O UPSIDA) (5) IA NO. 31946/2024 (APPLN. FOR PERMISSION ON B/O OF NORTH CENTRAL RAILWAY, AGRA) (6) IA NOS. 104091, 104097/2018 AND 112177/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND PERMISSION TO FILE ADDL. DOCUMENTS ON BEHALF OF AGRA DEVELOPMENT FOUNDATION) (7) CEC REPORT NO. 17 AND CEC REPORT NO. 34 OF 2024 IN CEC REPORT NO. 17 "ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED. "ONLY" NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST. PETITIONER-IN-PERSON MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. LIZ MATHEW, SR. ADV. (A.C.) MR. SIDDHARTHA CHOWDHURY, ADV. (A.C.) MS. AAKSHI LODHA, AOR MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. ANKIT GOEL, KAMLENDRA MISHRA, MR. E.C. AGRAWALA, MR. SHISHIR DESHPANDE, MR. AMRISH KUMAR, MS. SUPRIYA JUNEJA, MR. N. L. GANAPATHI, MR. AJIT SHARMA, ADVOCATES

Date : 25-03-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYANMr. A.D.N. Rao, Sr. Adv. (A.C.)
Mr. Liz Mathew, Sr. Adv. (A.C.)
Mr. Siddhartha Chowdhury, Adv. (A.C.)For Applicant(s): Mr. Kishan Chand Jain, Adv.
Mr. Ashwini Kumar, Adv.
Mr. Rajesh Kumar, Adv.
Mr. E. C. Agrawala, AORMr. Ajit Kumar Sinha, Sr. Adv.
Mr. Vaibhav Agnihotri, Adv.
Mr. Arpit Sharma, Adv.
Mr. Naveen Soni, Adv.

314

Mr. Deborah Serto, Adv.
Mr. Ankit Visen Singh, Adv.
Ms. Supriya Juneja, AOR

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Arjun Nanda, AOR
Mr. Sarthak Chaturvedi, Adv.
Mr. Rahul Kumar, Adv.
Ms. Pritee Singh, Adv.
Ms. Dimple Sirohi, Adv.

Mr. Ajit Sharma, AOR
Mr. Kanchan Kumar, Adv.
Mr. Yuvaraj Sinh Solanki, Adv.
Mr. Lareb Habib Ansari, Adv.

Mr. A.N.S. Nadkarni, Sr. Adv.
Ms. Ruchira Gupta, Adv.
Mr. Shishir Deshpande, AOR
Ms. Pooja Tripathi, Adv.
Mr. Amit Kumar, Adv.
Mr. Abhishek Verma, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Mrs. Ruchi Kohli, Sr. Adv.
Mr. Shivika Mehra, Adv.
Mr. Adit Khorana, Adv.
Mr. Sarthak Karol, Adv.
Mr. T.S. Sabarish, Adv.
Mr. Sudarshan Lamba, Adv.
Mr. Amrish Kumar, AOR

Mr. Anshul Gupta, AOR
Ms. Kirti Dua, Adv.
Mr. Rishabh Darira, Adv.
Mr. Aditya Tainguriya, Adv.

For Petitioner(s): Petitioner-in-person

Applicant-in-person, AOR

Mr. Atishi Dipankar, AOR

For Respondent(s): Mrs. Aishwarya Bhati, A.S.G.
Mrs. Ruchi Kohli, Sr. Adv.
Mr. Shivika Mehra, Adv.
Mr. Adit Khorana, Adv.
Mr. Sarthak Karol, Adv.
Mr. T.S. Sabarish, Adv.
Mr. Sudarshan Lamba, Adv.
Mr. Amrish Kumar, AOR

Mr. Sudeep Kumar, AOR

Mr. Ankur Prakash, AOR
Mr. Gurmeet Singh Makker, AOR
M/S. Lawyer S Knit & Co, AOR
Mrs. Rachana Joshi Issar, AOR
Mr. Krishna Kumar, Adv.
Ms. Nandani Gupta, Adv.
Dr. Mrs. Vipin Gupta, AOR
Mr. Prashant Kumar, AOR
Mr. Rajiv Tyagi, AOR
Mr. Ajay K. Agrawal, AOR
Mr. Shiv Prakash Pandey, AOR
Mr. Sudhir Kulshreshtha, AOR
Mr. P. K. Manohar, AOR
Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. P. Parmeswaran, AOR
Mr. P. Narasimhan, AOR
M/S. Manoj Swarup And Co., AOR
Dr. Sumant Bharadwaj, Adv.
Ms. Mridula Ray Bharadwaj, AOR
Mr. Vedant Bharadwaj, Adv.
Mr. D.M. Sharma, Adv.
Mr. Badri Prasad Singh, AOR
Mr. S. Wasim A. Qadri, Sr. Adv.
Mr. Saeed Qadri, Adv.
Mr. Saahil Gupta, Adv.
Mr. Danish Ali, Adv.
Mr. Lakshmi Raman Singh, AOR
M/S. Meharia & Company, AOR
Mr. Ankit Goel, AOR
Mr. Gurmeet Singh Makker, AOR

Mr. Arvind Gupta, AOR
Mr. Shantanu Bansal, AOR
Mr. Jogy Scaria, AOR
Mr. Guntur Pramod Kumar, AOR
Ms. Purna Singh, Adv.
Mr. Dhruv Yadav, Adv.
Mr. Adarsh Tripathi , AOR
Mr. Sunny Choudhary, AOR
Mr. Saurabh Mishra, AOR
Mr. Shrimay Mishra, Adv.
Mr. Nirbhay Shankar Tiwari, Adv.
Mr. Ashutosh Dubey, AOR
Mrs. Rajshri Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. H.B. Dubey, Adv.
Mr. Amit P. Shahi, Adv.
Mr. Amit Kumar, Adv.
Mr. Rahul Sethi, Adv.
Mr. Shashi Bhushan Nagar, Adv.
Mr. Manish Dhingra, Adv.
Mrs. Sona Khan, Adv.
Mr. Sumant Akram Khan, Adv.
Mr. Rajendra Anbhule, Adv.
Mr. Chitranshul A. Sinha, AOR
Ms. Pallavi, Adv.
Mr. Shivam Shorewala, Adv.
Ms. Rakshita Bhargava, Adv.
Ms. Liz Mathew, Sr. Adv.
Ms. Aakashii Lodha, AOR
Ms. Omkar Hemanth, Adv.
Mr. Ankur Prakash, AOR
Ms. Rupali Panwar, Adv.
Mr. U M Tripathi, Adv.
Mr. Vivek Kumar Singh, Adv.
Mr. Vishal Arun Mishra, AOR
Mr. Vivek Narayan Sharma, AOR
Ms. Shruti Priya Mishra, Adv.
Ms. Mahima Bhardwaj Kaluch, Adv.
Mr. Saurabh Yadav, AOR

Mr. Gaurav Goel, AOR

Ms. Aishwarya Bhati, A.S.G.
 Mr. Ajay Agarwal, A.A.G.
 Mr. Rajeev Kumar Dubey, Adv.
 Mr. Nitin Pavuluri, Adv.
 Mr. Anirudh Singh, Adv.
 Ms. Sonali Jain, Adv.
 Mr. Ashwan Mishra, Adv.
 Mr. Kamendra Mishra, AOR

Ms. Aishwarya Bhati, A.S.G.
 Ms. Ruchi Kohli, Sr. Adv.
 Ms. Shivika Mehra, Adv.
 Ms. Aastha Singh, Adv.
 Ms. Rajeshwari Shankar, Adv.
 Mr. Sarthak Karol, Adv.
 Mr. Shreekant Neelappa Terdal, AOR

Ms. Udit Singh, AOR

M/S. GSL Chambers, AOR

Ms. Aishwarya Bhati, A.S.G.
 Ms. Neetika Sharma, Adv.
 Ms. Saloni Jagga, Adv.
 Mr. Tavinder Sidhu, Adv.
 For M/S. M. V. Kini & Associates, AOR

Mr. Arvind Kumar Sharma, AOR

Mr. Gaurav Goel, AOR

Ms. Rajkumari Banju, AOR

Mr. Dr. Rajeev Sharma, AOR
 Mr. Prashant Sharma, Adv.

Mr. Shantanu Krishna, AOR
 Mr. Ankit Mishra, Adv.
 Mr. Alok Kumar, Adv.
 Mr. Ashish Kumar Singh, Adv.
 Mr. Prabhat Ranjan Raj, Adv.

Mr. Saksham Maheshwari, AOR

Mr. Ajay Agarwal, A.A.G.
 Mr. Pushkar Sharma, AOR
 Ms. Nagma Bee, Adv.

Mr. Pinaki Misra, Sr. Adv.
 Mr. Sumeer Sodhi, AOR

Mr. Nikhil Avana, Adv.
Mr. Vaibhav Maheshwari, Adv.
Mr. Mohit Chaturvedi, Adv.
Ms. Sandali Sharma, Adv.

Mr. Abhinav Agrawal, AOR

Mr. Seshatalpa Sai Bandaru, AOR

Mr. Gaurav Dhingra, AOR
Mr. Vikrant Yadav, Adv.
Mrs. Vikrant Yadav, Adv.

Mr. Praveen Swarup, AOR

Ms. Mayuri Raghuvanshi, AOR

Mr. Abhijit Banerjee, AOR

Mrs. Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Sr. Adv.
Ms. Shivika Mehra, Adv.
Mr. Aaditya Dixit, Adv.
Mr. Kartikeya Asthana, Adv.
Mr. Gaurang Bhushan, Adv.
Dr. N. Visakamurthy, AOR

Mr. Prashant , AOR
Mr. Anand Mishra, Adv.
Mr. Kshitij Singh, Adv.
Mrs. Nisha Rai, Adv.

Mr. Abhinav Shrivastava, AOR

Ms. Saroj Tripathi, AOR

Mr. Pradeep Rai, Sr. Adv.
Mr. Manoj K. Mishra, AOR
Ms. Rajshree Rai, Adv.
Mr. Vinay Rai, Adv.
Mr. Bheem Pratap Singh, Adv.
Mr. Umesh Dubey, Adv.
Ms. Madhulika, Adv.
Mr. Anand Kumar Rai, Adv.

Ms. Shweta Sharma, AOR

Mr. Abhishek Chaudhary, AOR

Mr. Syed Abdul Haseeb, AOR

Mr. Satya Kam Sharma , AOR

Mr. Shalen Bhardwaj, Adv.
 Mr. Virender Kumar, Adv.
 Ms. Garima Kumar, Adv.
 Ms. Banisha Verma, Adv.
 Ms. Lakshmi, Adv.
 Mr. Ashok Kumar Panigrahi, Adv.
 Mr. Nischal Kumar Neeraj, AOR

Mr. N. L. Ganapathi, AOR

Mr. Nipun Saxena, Adv.
 Ms. Anju Thomas, AOR
 Ms. Muskan Surana, Adv.
 Mr. Tushar Srivastava, Adv.
 Ms. Mehreen Garg, Adv.
 Ms. Aadya Pandey, Adv.
 Mr. Dharmesh Basedia, Adv.

Mr. Anurag Kishore, AOR

Mr. Rachit Mittal, AOR
 Mr. Anup Kumar, Adv.
 Mr. Parish Mishra, Adv.
 Mr. Kanishk Raj, Adv.
 Mr. Adarsh Srivastava, Adv.
 Mr. Abhishek Sinha, Adv.

Mr. Dama Seshadri Naidu, Sr. Adv.
 Mr. Nishit Agrawal, AOR
 Ms. Kanishka Mittal, Adv.

Mrs. Aishwarya Bhati, A.S.G.
 Ms. Ruchi Kohli, Sr. Adv.
 Mr. Mukesh Kumar Maroria, AOR
 Ms. Shivika Mehra, Adv.
 Ms. Aastha Singh, Adv.
 Mrs. Rajeshwari Shankar, Adv.
 Mr. Sarthak Karol, Adv.
 Mr. Jagdish Chandra Solanki, Adv.

Mr. Zoheb Hossain, AOR

UPON hearing the counsel the Court made the following
 O R D E R

IA NOS. 104091, 104097/2018 AND 112177/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND PERMISSION TO FILE ADDL. DOCUMENTS ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)

1. We have perused the order dated 5th March, 2025 by which we had issued notice to the applicant in IA Nos. 104091/2018, 104097/2018

and 112177/2019 calling upon the applicant to show cause as to why the order dated 11th December, 2019 passed in the aforementioned IAs should not be recalled. The order dated 11th December, 2019 passed on IA Nos. 104091/2018, 104097/2018 and 112177/2019 reads thus:

"IA NOS. 104091, 104097/2018 AND 112177/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND PERMISSION TO FILE ADDL. DOCUMENTS ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)"

"Application for intervention is allowed only for the purpose of the instant application for directions.

For the reasons stated, prayers (a), (b) and (c) made in the instant application are allowed.

The applications stand disposed of accordingly."

2. Prayer clauses (a) to (c) of the Application being IA No.104097/2018 read thus:

"a) Pass appropriate orders and directions etc. for promoting Agroforestry on the non-forest/private land situated in the Taj Trapezium Zone (TTZ) area to increase its green-cover to curb air pollution and improve ambient air quality;

b) Modify the order dated 8.5.2015, passed by this Hon'ble Court in IA No.527 (and also similar order dated 9.5.2018 in IA No.109556 of 2017) by doing away with the condition of first obtaining permission of this Hon'ble Court to fell trees on the non-forest/private lands within the TTZ area.

c) Issue necessary directions to the respondents to take effective steps for promoting Agro-farming in the TTZ area including providing technical guidance/assistance to the land owners."

3. Firstly, we find that there is no clarity on the meaning of agroforestry. Secondly, the Application is purported to be made for the purposes of promoting agroforestry. However, prayer clause (b) is for modification of the orders dated 8th May, 2015 and 9th May, 2018 passed by this Court which directed that no felling of

trees can be made in the TTZ Area without prior permission of this Court. The prayer is specifically for doing away with the requirement of obtaining permission of this Court before tree felling. It is pertinent to note that prayer clause (b) is not made limited to agroforestry. Thus, the applicant, who claims to represent the cause only of those who do agroforestry, mislead the Court by making a blanket prayer. Fortunately, for us, all the parties appearing before this Court stated on the last date that the orders dated 8th May, 2015 and 9th May, 2018 are being implemented consistently, notwithstanding the order dated 11th December, 2019. Every one proceeded on the footing that prayer (b) was limited to agroforestry.

4. In absence of any material on record to show what is the meaning and concept of agroforestry, we recall the order dated 11th December, 2019 passed in IA Nos. 104091/2018, 104097/2018 and 112177/2019. The said Applications are restored to their original numbers and the same shall be listed on 1st May, 2025 at 12:00 noon.

5. To enable us to decide the restored Applications, it will be appropriate if the Central Empowered Committee (CEC) submits a report clarifying the meaning and concept of agroforestry. In light of prayer clause (a) of IA No.104097/2018, the CEC may also make its recommendations. We grant time of one month from today to the CEC to submit its report.

6. The applicant and all other parties are free to forward necessary material in support of prayer clause (a) of IA No.104097/2018 to the CEC.

7. IA No.168401/2021 (Application for clarification/direction) shall be also heard along with IA No.104097/2018 on 1st May, 2025 at 12:00 noon.

IN RE: CEC REPORT NOS.17/2024

8. We have perused the recommendations in paragraph 8 of the Report No.17/2024 submitted by the CEC. As regards recommendation contained in clause (i) of paragraph 28, the same has already been implemented. As regards recommendation contained in clause (ii) of paragraph 28, out of 16 entities, only 3 entities have submitted compliance reports to the CEC. Shri A.D.N. Rao, learned Senior Advocate appointed as Amicus Curiae, submits that the CEC has received 5 further compliance reports which are being examined. The CEC will issue notice to the entities in remaining cases calling upon them to file the compliance reports. The CEC will submit a report on this aspect within a period of six weeks from today which will be considered on 13th May, 2025 at 12:00 noon.

9. As far as the recommendation clause (iii) of paragraph 28 is concerned, the same will have to be considered when IA No. 104097/2018 is considered. While we are dealing with recommendation clause (iii) of paragraph 28, Ms. Aishwarya Bhati, learned ASG, submitted that if an application is made for felling of trees up to total 49, the direction issued by this Court in order dated 19th December, 2024 in Writ Petition (C) No.4677/1985 can be made applicable so that for felling of trees up to 49, the applicants will not be required to approach this Court. While we consider this suggestion, we are of the view that the earlier order putting

a complete embargo on felling of trees without prior permission of this Court must continue as regards the lands abutting the Taj Mahal. We will hear the learned counsel for the parties on this aspect on 22nd April, 2025 at 12:00 noon. In the meanwhile, even the CEC is free to give its suggestions on this aspect.

10. Recommendation clause (iv) of paragraph 28 of the Report No.17/2024 of the CEC reads thus:

“iv. The demand of power corporations to prune, lop, or size the overgrown trees encroaching the electric poles, high tension lines and other electric installations is genuine and a corrective course of action as suggested in para 20 above may be considered.”

11. Our attention is invited to Section 68(5) of the Electricity Act, 2003 (for short, “the Electricity Act”) which confers power on an Executive Magistrate or authority specified by the Appropriate Government who may, on an application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit. As far as the felling of trees in the TTZ Area is concerned, it will be governed by the order dated 8th May, 2015 read with order dated 9th May, 2018. However, the question is whether for lopping or pruning of trees for the purposes of preventing encroachment on the electric poles, high tension lines and other electric installations, the applicant should approach this Court seeking permission for felling of trees. In paragraph 20 of the Report No.17/2024, the CEC has proposed as under:

“20. Presently such pruning is being done by the contractors without any permission of this Hon'ble Court. In this regard, it is therefore recommended that the permission for lopping/pruning of trees may be granted by the local Divisional Forest Officer subject to the following conditions

- a) Permission will be granted only after receipt of the application from the concerned.
- b) All the terms and conditions as are prevalent in the rest of the respective state.
- c) For every tree pruned, the cost of planting one tree as mandated in the U.P. Protection of Trees Act will be recovered in advance and shall be used for increasing green cover in the TTZ.
- d) The Respective Divisional Forest Officer will enter the details of permissions given, funds received, and plantation done in the proposed MIS module to be launched by the CEC.
- e) The details will be entered into the Management Information System (MIS) module as explained in para 15(e) above."

12. We, therefore, accept the recommendations made in paragraph 20 by the CEC, subject to the following riders:

- (i) An applicant shall apply to the local Divisional Forest Officer for lopping/pruning of overgrown trees encroaching upon the electric poles, high tension lines and other electric installations. Needless to add that permission for lopping/pruning of trees shall be granted in such a manner that the same should not lead to felling or destruction of any tree or permanent damage to any tree;
- (ii) The CEC shall monitor the implementation of the permission granted by the local Divisional Forest Officer with a view to ensure that the work done remains confined to lopping/pruning of the trees and that there is no permanent damage caused to the trees; and

(iii) We may also add here that the applicant who applies for permission for lopping/pruning of the tree, shall provide photographs of the trees to the Divisional Forest Officer and the CEC before lopping/pruning and after lopping/pruning is done in terms of the permission granted by the local Divisional Forest Officer. Both set of photographs shall be uploaded on the Management Information System module by the CEC.

IA NO. 116768/2018 (APPLN. FOR DIRECTION ON B/O GANGA GLASS INDUSTRIES AND ORS.)

13. The issue regarding giving effect to the Sectoral Guidelines for glass industries produced along with IA No.26755/2025 in IA No.116768/2018 will be considered on 3rd April at 3:00 p.m. One of the issues which we have flagged today is about the inclusion of expert members in the Industrial Area Technical Evaluation Committee (IATEC). Shri A.D.N. Rao, learned Amicus Curiae, seeks time to address the Court on the issue of inclusion of experts in the IATEC.

IA NO. 237739 AND 237765/2024 (APPLN. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAM AUTAR)

REPORT NO.35/2024

14. Heard Shri Mukul Rohatgi, learned senior counsel appearing for the applicant - Shri Shiv Shankar Agarwal.

15. It is true that Shri Shiv Shankar Agarwal has filed an affidavit where he has accepted that he felled 454 trees without prior permission of this Court. We have perused three reports of the CEC. It will take a minimum of 100 years to again re-generate

or recreate the green cover created by 454 trees which were brazenly cut without permission of this Court. Notwithstanding the embargo put by this Court which is in force right from the year 2015, he has indulged in this illegality. Destruction of so many trees adversely affects the environment and lives of several human beings.

16. Ms. Aishwarya Bhati, learned ASG, submitted that before making any construction on the property on which the trees were in existence, the permission of the TTZ Authority is required. There is an order dated 23rd October, 2024 passed by the Vice Chairman of the Mathura Vrindavan Development Authority directing that no map of the site in question shall be approved till the case is resolved by the National Green Tribunal.

17. An appeal is made by the learned senior counsel appearing for Shri Shiv Shankar Agarwal that the minimum penalty of Rs.1,00,000/- (Rupees One Lakh) be reduced. His second contention is that the requirement of compensatory plantation should be modified by permitting compensatory plantation at some other property. There is no reason to show any leniency to a person who has caused huge damage to the environment.

18. We accept the recommendations in paragraph 14 of the Report No.35/2024 which read thus:

"14. After examination of all documents and the information gathered during the site visit it is recommended that:

a) A penalty of a minimum of Rs. 1,00,000/- (Rs. One lakh only) per tree felled and removed without the prior permission of this Hon'ble Court shall be imposed on the land owner. Hence for 454 trees felled and removed without the prior permission of

327

this Hon'ble Court a minimum penalty of Rs.4,54,00,000/- (Rs Four Crores Fifty-four lakh only) shall be imposed on the land owners. The amount shall be deposited with the Forest Department for taking up new plantations at suitable places in TTZ.

b) The Forest Department shall also recover the requisite penalty due under the provisions of the UP Protection of Trees Act, 1976 for this illegal felling.

c) The Forest Department should take punitive action against the land owners for felling 32 trees that were standing in the Protected Forest as per the provisions under the Indian Forest Act 1972.

d) An entry path to the extant private land has been constructed through the protected forest. Hence Forest Department shall initiate action under the Forest Conservation Act 1980 for illegal breaking of land without prior permission of the Central Government.

e) The area be restored by planting 422 trees on the private land and 32 trees in the protected forest area at the cost of the land owner.

f) The Forest Department shall plant and maintain 4540 saplings of Indigenous species (ten times the number of trees felled as per norms applicable for compensatory plantation in TTZ) and another 4540 as penal compensatory plantation (ten times the number of trees felled without the prior permission of this Hon'ble Court) i.e. a total of 9080 saplings at the cost of the land owners, at any nearby place to be provided by land owner which is suitable for plantation. This land shall also be declared as the Protected Forest by the State Government.

g) The entire timber illegally felled shall be confiscated by the Forest Department and disposed of as per the norms of the UP Forest Department.

h) The Mathura Vrindavan Development Authority should ensure that no construction of any sort takes place at that part of the extent site where the Forest Department will do the Plantation.

i) The Chairman, TTZ authority shall ensure compliance of all the conditions/penalties that may be imposed by this Hon'ble Court. The Chairman, TTZ authority shall intimate such compliance to the CEC

on a quarterly basis till all conditions imposed by this Hon'ble Court are complied with.

j) This Hon'ble Court may consider imposing any other penalty for the contempt of this Hon'ble Court committed by the land owners by felling the trees without seeking prior permission of this Hon'ble Court."

19. We also direct that even if permissions are granted to Shri Shiv Shankar Agarwal to make any construction on the land in question or any change in relation to the land in question, the permission shall not be acted upon without the leave of this Court, as this Court will have to be fully satisfied regarding the compliances made by Shri Shiv Shankar Agarwal with the directions of this Court in terms of the recommendations which are quoted above.

20. The Report Nos. 29/2024, 35/2024 and 4/2025 are disposed of on the above terms.

21. The contempt notice issued to Shri Shiv Shankar Agarwal will remain pending till a compliance affidavit is filed by him before this Court and till the CEC certifies that all the conditions which are mentioned above are fulfilled by him.

IA NO. 99054 AND 99055/2024 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON B/O UPSIDA) AND IA NO. 31946/2024 (APPLN. FOR PERMISSION ON B/O OF NORTH CENTRAL RAILWAY, AGRA)

22. Time of six weeks is granted to the CEC to submit its report. List on 13th May, 2025 at 12:00 noon.

IA D NO. 262456 AND 262458/2024 (APPLN. FOR INTERVENTION AND O.T. EXEMPTION ON B/O DR. SHARD GUPTA)

23. To be listed on 3rd April, 2025 at 3:00 p.m.

24. To be listed on 3rd April, 2025 at 3:00 p.m.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)