

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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Proof of Service

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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

<p>I. R18 issued contradictory statements/ letters/ applications with respect to pruning of trees being undertaken by R18 itself. However, R18 Reply mentions:</p> <ol style="list-style-type: none"> 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

<p>Para I(7) page 4 of R18 Reply <u>“The pruning is being undertaken by the Municipal Corporation of Delhi in compliance of order dated 21.12.2022 of this Hon’ble Tribunal.”</u></p> <p>Para II(2) page 5 of R18 Reply <u>“The pruning had been done within the boundary of law and under the supervision and control of the appropriate authorities.”</u></p> <p>Para III(2) page 5 of R18 Reply <u>“It is stated that no pruning of more than 15.7 cm was undertaken by the answering Respondent”</u></p> <p>Para III(3) page 6 of R18 Reply <u>“3...It is reiterated that pruning was done with the approval and under the control and supervision of the concerned authorities...”</u></p> <p>Para III(4) page 6 of R18 Reply <u>“... pruning which was undertaken under the supervision and control of the appropriate authorities...”</u></p> <p>Para IV(2) page 9 of R18 Reply <u>“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.”</u></p>	<p>WhatsApp message dated 18.11.2022 [Annexure A-3 to Original Application] <u>“... 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”</u></p> <p><u>“...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” ...</u> <u>“5. The work shall be supervised by the block representatives and they may be contacted for any issue.”</u></p> <p>WhatsApp message dated 21.11.2022 [Annexure B herein] <u>“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”</u></p> <p>R18 Letter dated 01.12.2022 to R3/ DCF [Annexure R-1 of Reply to Original Application] <u>“...we are carrying out pruning of our trees in Vasant Vihar...”</u></p>
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<p>Para IV(3) page 10 of R18 Reply <i>“...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.”</i></p>	<p><i>“...in no case would the pruning be greater than 15.5 cms be carried out”</i></p> <p>R18 Notice to residents dated 23.12.2022 (Annexure C herein) <i>“...Pruning is being carried out by VVWA in the larger interest of the residents...”</i></p>
<p>Para V page 11 of R18 Reply <i>“...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.”</i></p>	<p>WhatsApp message dated 23.12.2022 of R18 MC member (after the first hearing before the Hon’ble NGT) [Annexure D (Colly) herein] <i>“Pruning was being done by mcd only We were facilitating with sky lift as we have big trees”</i></p>
	<p>Short affidavit of R4 PARA 7 <i>“That as per record of the department, the <u>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.</u>”</i></p>

Tabulation 2

<p>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.</p>

R18 REPLY	Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7
<p>Para I(2) page 2 of R18 Reply <i>“...For pruning upto 15 cms of grith, no permission is required.”</i></p> <p>Para III(3) page 6 of R18 Reply <i>“3...It is reiterated that <u>pruning was done with the approval and under the control and supervision of the concerned authorities...</u>”</i></p> <p>Para IV(2) page 9 of R18 Reply <i>“...for regular pruning/ general trending up to 15.7 cm, <u>no permission is required...</u>”</i></p> <p>Para IV(2) page 9 of R18 Reply <i>“...pruning is not in violation of any model of conduct and for <u>pruning of up to 15.7 cms, no permission is also required to be taken ...</u>”</i></p>	<p>Letter dated 21.11.2022, to R7/ Asst Director Horticulture, MCD [Annexure A-7 of Original Application] <i>“...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.”</i> <i>“...<u>we would request you to give us permission to carry this out.</u>”</i></p> <p>WhatsApp message dated 17.12.2022 [Annexure- E herein] <i>“<u>Anything on A 10 will be done We will not do vasant marg side till we have permission...</u>”</i></p> <p>WhatsApp message dated 19.12.2022 [Annexure- F (Colly) herein] <i>“<u>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.</u>”</i> <i>“<u>Yes PWD we are in process of talking this permission</u>”</i></p> <p>WhatsApp messages dated 20.12.2022 [Annexure- G herein]</p>

	<p><u>“A9 street comes under PWD so we have not received any permissions for tree pruning A9 street.</u></p> <p><u>Office is working on the permissions. Updates on the same will come next week.”</u></p> <p><u>Another message</u></p> <p><u>“Yes. We are pursuing that”</u></p>
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Tabulation 3

<p>III. R18 issued contradictory statements/ letters/ applications with respect to hiring private contractor to carry out pruning.</p> <p>However, R18 Reply mentions private contractor was not undertaking pruning</p>	
<p>R18 REPLY</p>	<p>Communications by R18 to residents of Vasant Vihar</p>
<p>Para III(4) page 6 of R18 Reply <u>“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...”</u> 3rd line at Page 7: <u>“...it is categorically denied that huge amount of money was being spent on private contractors for this purpose.”</u></p> <p>Para III(6) page 8 of R18 Reply <u>“It is denied that any private agency was involved for any illegal or unlawful activity by the answering Respondent.”</u></p>	<p>WhatsApp message dated 18.11.2022 Annexure-3 to Original Application <u>“...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”</u> <u>“...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”...</u> <u>“8. The expenses on the whole exercise shall be met out of the</u></p>

<p>Para IV(3) page 10 of R18 Reply <u>“It is denied that pruning was carried on by private contractors by the Respondent No.18...”</u></p> <p>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 – <u>“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”</u></p>	<p><u>money collected from the yearly Subscriptions”</u></p> <p>R18’s minutes (annexed as Annexure H herein) <u>“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...”</u></p> <p>R18’s Letter to R7 dated 21.11.2022 [Annexure A-7 of the Original Application] <u>“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.”</u></p>
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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 <i>"4...It is however <u>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...</u>"</i>	WhatsApp message dated 24.11.2022 [Annexure I herein] <i>"...6. In view of this, <u>we are constrained to temporarily suspend the pruning process till the matter is clarified.</u>"</i> WhatsApp message dated 25.11.2022 Annexure A-9 of Original Application <i>"<u>Pruning of trees has just recommenced.</u>"</i>

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 <i>"...no pruning of more than 15.7 cms was undertaken by the answering Respondent..."</i>	Letter dated 01.12.2022 sent to R3 and R7 (Annexure R-1 of the Reply) <i>"...in no case would the pruning be greater than 15.5 cms be carried out"</i>

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

<p>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.</p>	
<p>R18 REPLY</p>	<p>Communications by R18 to residents of Vasant Vihar and other government agencies including R3, R7</p>
<p>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...”</p>	<p>R18’s minutes (annexed as Annexure- H 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 day”</u></p> <p>R18’s Letter to R7 dated 21.11.2022 [Annexure A-7 of the Original Application] <u>“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.”</u></p>

	<p>WhatsApp message dated 19.12.2022 [Annexure- F (Colly) herein] <i>"...As for its green waste, we are arranging a pick-up for today for the lanes, which have already been pruned."</i></p> <p>WhatsApp message dated 24.12.2022 [Annexure- K (Colly) herein] <i>"...The whole exercise is being done with a MCD staff present and they are the ones clearing all green waste."</i></p> <p>Short affidavit of R4 Para 7 <i>"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 <u>the supervision of the said officers.</u>"</i></p>
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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 from the ground level and is not less than 1 meter in height from 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 from the ground level and
 - (b) is not less than 1 mtr in height from 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
<p>STEP 1</p> <p>If the tree is inside the house/premises which needs to be felled or pruned, then the said individual/ general public/ society/ RWAs.</p>	<p>STEP 1</p> <p>If the tree is standing on Government land/ roads/ parks/ government property which needs to be felled or pruned.</p>

<p>STEP 2</p> <p>Application under Form B along with photographs, number of trees, etc. in question has to be sent to DCF/Tree Officer.</p>	<p>STEP 2</p> <p>Letter (on a plain piece of paper) to be sent to the Deputy Director (Horticulture) of the land-owning agency.</p>
<p>N/A</p>	<p>STEP 3</p> <p>The Deputy Director (Horticulture) of the land-owning agency shall forward it to the DCF by way of Form B.</p>
<p>STEP 4</p> <p>After receiving Form B, the DCF shall proceed with the inspection of the tree(s)</p>	
<p>STEP 5</p> <p>After inspection, the permission or otherwise is communicated by concerned DCF within 60 days.</p>	

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. Thamiselvi, 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

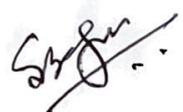
It is specifically denied that the interim prayer made by the Applicants is infructuous or that the MCD has undertaken the work of pruning or that there exist no involvement of R18 in the same. The averments made in the Original Application and the preliminary submissions herein may be read as part and 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.

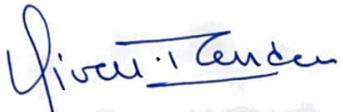
Pass such other further order/s as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case. ,



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.

[Signature]
DEPONENT

VERIFICATION

Verified at New Delhi on this 19 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.

[Signature]
DEPONENT

*Am
solemnly affirmed before me, who has signed in my presence*



Solemnly affirmed before me, over & explained to the deponent

Notary Public, DELHI

19 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

VERIFICATION

Verified at New Delhi on this 11 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.

Rajit Kumar
DEPONENT



solemnly affirmed before me, read over & explained to the deponent

Rajit Kumar
Notary Public. DELHI

11 JAN 2023

Amu
I identify the deponent in the affidavit who has signed in my presence

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.

Vivek Tandon
DEPONENT

Identify the deponent/executioner who has signed in my presence

VERIFICATION

Verified at New Delhi on this 17 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.

Vivek Tandon
DEPONENT



solemnly affirmed before me, read over & explained to the deponent

[Signature]
Notary Public, DELHI

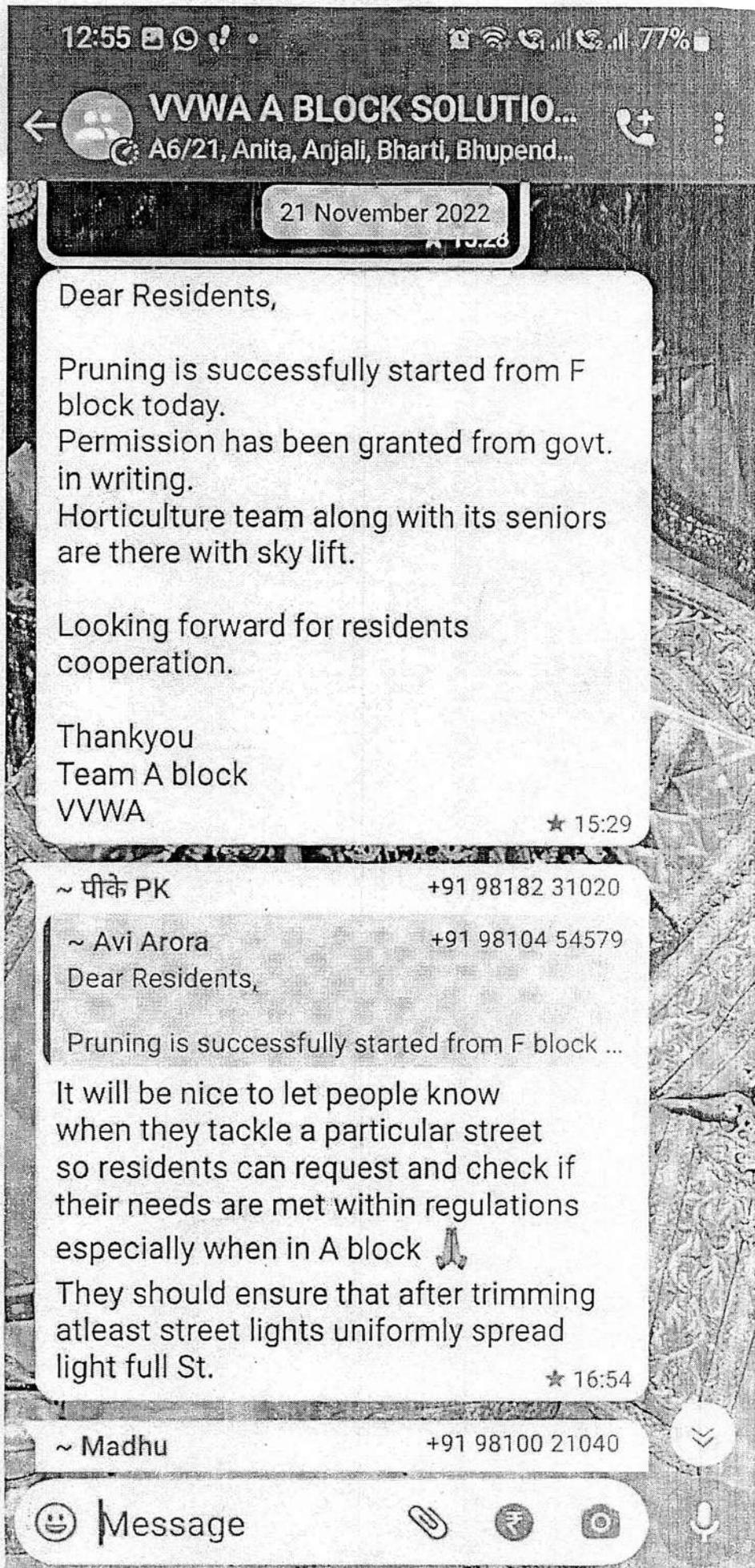
17 JAN 2023











21/11/22

23/12/22

13:42 [Icons] 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





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 15 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 [Icons]

[Icons] 58%

← **VVWA A BLOCK SOLUTIONS** [Icons]
 @ AnikaVanita, Anita Rai, Avi Arora, Bhupind...

Pruning absolutely necessary. B. Vaid

23.12.2022

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

Absolutely

Message

15:58

52%

VVA A BLOCK SOLUTIONS
AnikaVanita, Anita Rai, Avi Arora, Bhupind...

PRINCIPAL BENCH, NEW DELHI.
(Through Physical Hearing with Hybrid VC Option)

PDF 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



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





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





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 delhin please 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.

Thy madhu

Message

23:56 M 44%

VVWA A BLOCK SOLUTIONS*

Anika Vanita, 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

Attachment icons: Paperclip, Rupee symbol, Camera, Microphone

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 engaged 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.	Rs.1,00,000

		Rs.4,90,000
		=====
	Shredder on hire: Wood = Ru day	
	Say	Rs.5,00,000

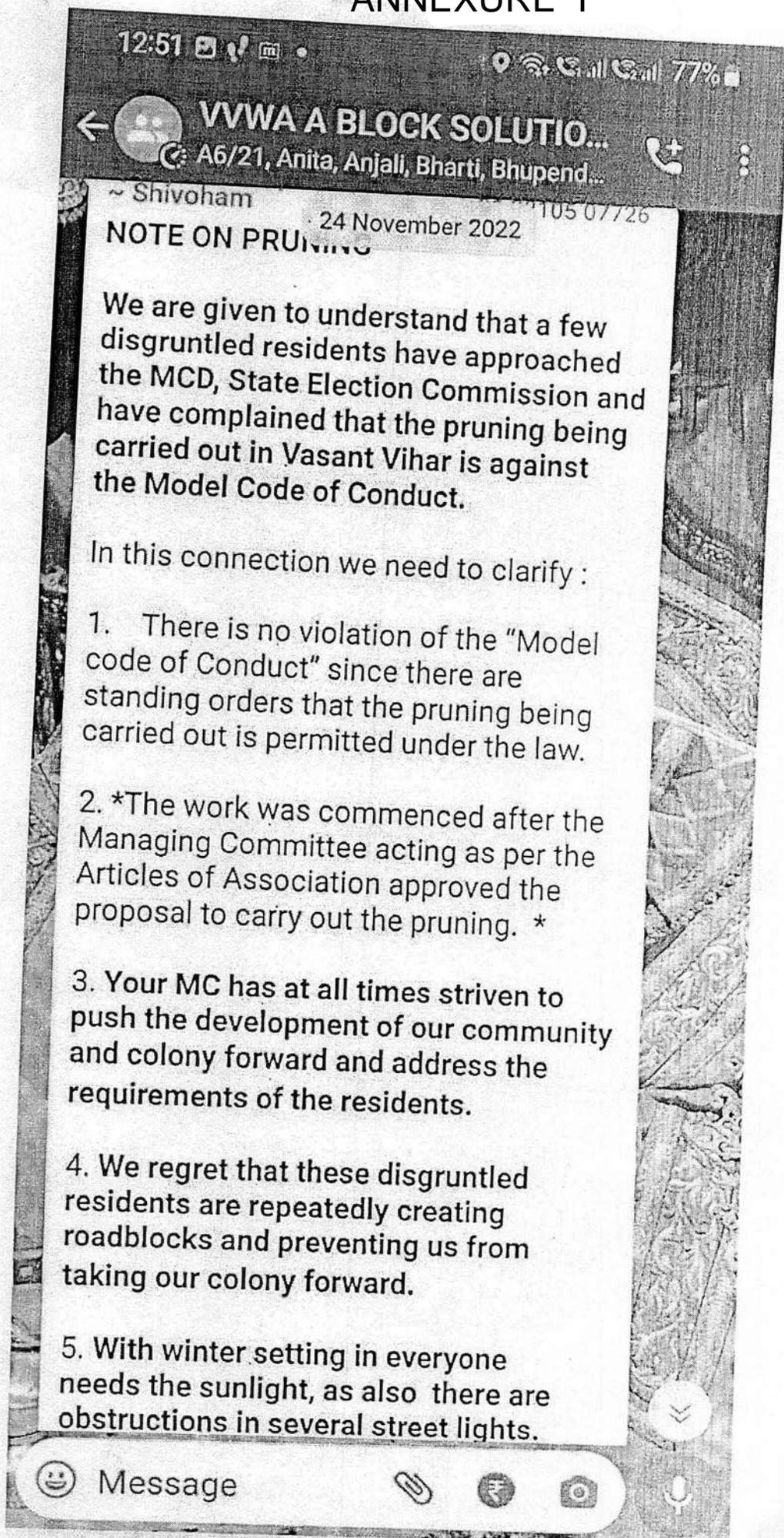
It is requested that approval be given for an expense of Rs.5,00,000/- (Rupees Five Lakhs only) for pruning and additionally for purchase of Trolley, if required.

Parul Gaur
 PARUL GAUR
 Director (Operations)

C-1
 B-1
 E-1
 A-8

16 Meters
 50 Feet

VIL
 WIL



24/11/22

①

24/11/22

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

1. There is no Model code of Condu 24 November 2022 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. 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.

★ 15:48

Message

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,

Message



②

11:07

VoLTE 4G LTE 31%



VWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...



tree trimming contractor chanderparis 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



11:30

29%



VWA 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 Pruning 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 permitted by law you call it whims and Fancy.

Everyone can stand in front of their house
But very few stand up for others 🙏

Message input area with icons for emojis, attachments, gallery, and voice recording.



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

~ 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

Message [emojis] [attach] [share] [camera] [voice]



11:47 AM

27%

VVWA A BLOCK SOLUTIONS
Anika Vanita, Anita Rai, Avi Arora, Bhupind...

~ पीके PK

+91 98182 31020

Nidhi V.V.

Also there r few residents who don't want Pruning 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

14:46 14%

VVWA A BLOCK SOLUTIONS

AnikaVanita, Anita Rai, Avi Arora, Bhupind...

24/12/22

~ 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



15:24 [notification icons] [signal strength] [8% battery]

← [profile icon] **VVWA A BLOCK SOLUTIONS** [phone icon] [more icon]

[location pin] Anika Vanita, Anita Rai, Avi Arora, Bhupind...

24/12/22

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

[smiley icon] | Message [paperclip icon] [₹ icon] [camera icon] [voice icon]

16:14 [Icons] 20%

← **VVWA A BLOCK SOLUTIONS** [Phone] [More]

Anika Vanita, Anita Rai, Avi Arora, Bhupind...

24/12/22

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

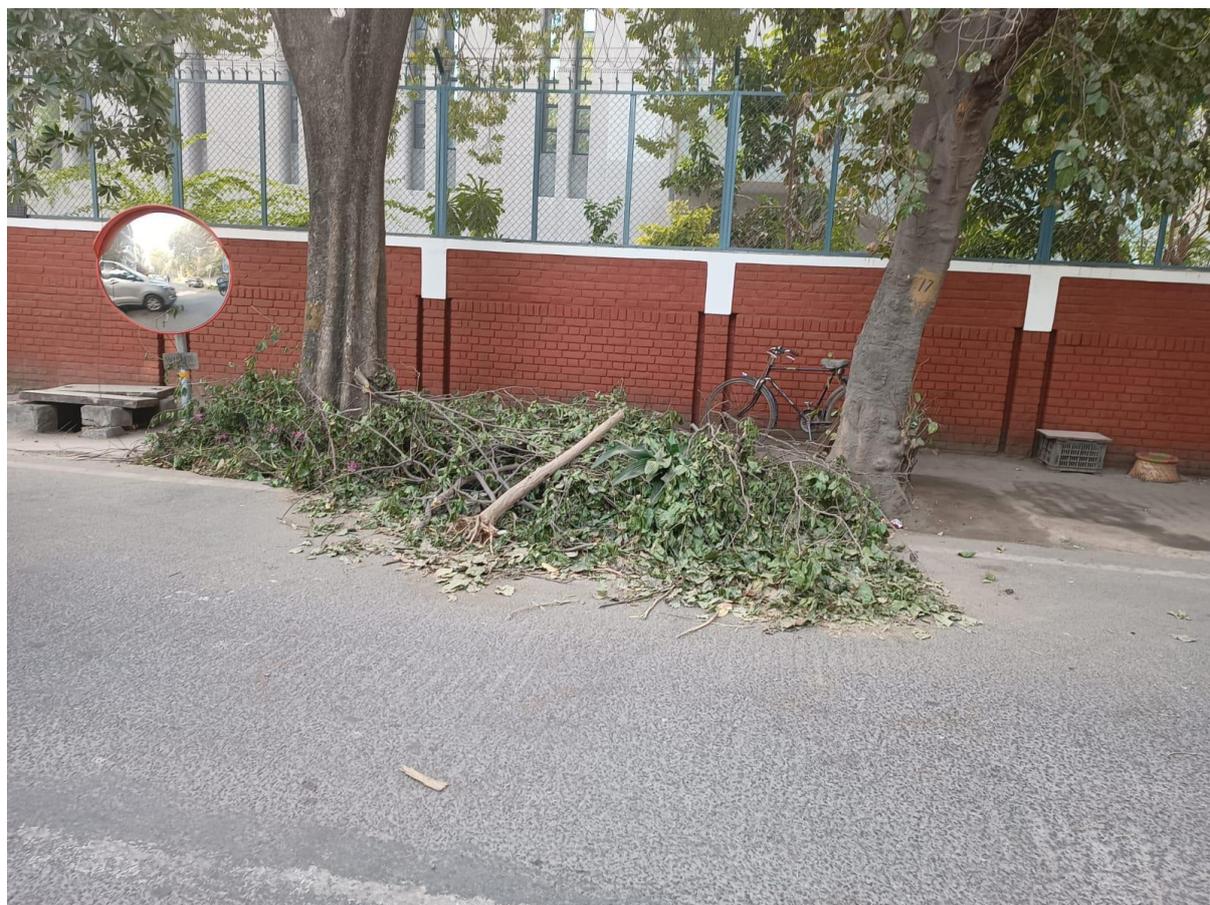
Date – 10.12.2022

[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



Proof of Service

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: helloworld@gmail.com <helloworld@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



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Solicitors & Advocates
B-82, LGF
Gulmohar Park
New Delhi 110049
India



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