

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH AT NEW DELHI)**

Replication to Respondent No. 3 in O.A. No. 739 of 2023

IN
Environment Protection Society (Regd.) and Anr.

Versus

Ministry of Environment, Forest and Climate Change, Govt. of
India & Ors.

Respectfully Showeth:

1. That respondent no. 3 has sent an email dated
23.04.2024 which reads as below:

*“With reference to your email dated 02.02.2024, on
the cited subject, it is to say that the entire OA and
its para does not pertain to ICFRE, hence the asked
for information in the matter is regretted.”*

Copy of the above has been sent to Sh. Sanjay Katyal,
Advocate on his email sanjayklaw@yahoo.com

2. That the applicants have come before this hon'ble NGT
for adjudication on the prayer as reproduced below:

*“Application under section 14, 15 read with section
18, 19 and 20 of the National Green Tribunal Act
2010 for quashing of order (P-1) vide letter no.
Revenue/1455 dated 07.06.2023 of Divisional Forest
Officer, Department of Forests and Wildlife*

Preservation, Mohali and consequential actions where only the wood value of standing fully grown green trees (to be axed) has been assessed arbitrarily and feloniously at an average rate of Rs. 3752/- (Rupees Three Thousand Seven Hundred Fifty Two Only) per full grown green tree instead of actual environmental value of green trees [which is Rs. 74,500/- per tree as per (P-3) and Rs. 7,10,260/- per tree as per (P-4)] without taking into consideration (i) Loss of Production of oxygen (ii) Loss of Controlling of soil fertility & soil erosion (iii) Loss of Recycling of water and controlling humidity and Air temperature (iv) Loss of eco system viz. sheltering of birds, squirrels & insects, flora and fauna (vi) Loss of sequestration, i.e. removal of Suspended Particulate Matter, CO₂, SO₂ from air.

xxxxx.....”

3. That it is apposite to reproduce para no. 4 of Order dated 08.01.2023 of hon’ble NGT hereunder as:

“Prima facie, the averments made in the application raise questions relating to environment arising out of implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.”

4. That despite specifically mentioning **Standing Green**

Trees and **Standing Dried Trees** (P-1, page 23), respondents 2, 4 and 5 have chosen the same value for both types of trees and have taken only timber value of trees. Respondents 2, 4 and 5 should have referred the matter to appropriate authorities to assess the value of **Fully Grown Green Trees** instead of mechanically deciding their value.

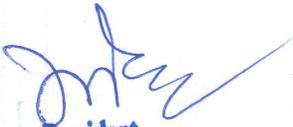
5. That it is reiterated that the respondents 2, 4 and 5 have under assessed the value of Fully Grown Green Trees and have **failed to distinguish between the value of a Fully Grown Green Tree and a Dried/Dead Tree.**
6. That the answering respondents 2, 4 and 5 vide their short affidavit have categorically admitted vide para no. 5 that DFO, Mohali has assessed only timber value of full grown green trees whereas other factors (as mentioned in head note of OA) ought to have been taken into consideration before determining the actual value of each fully grown green tree. It is surprising to find in the **Order P-1** (page 23) of DFO that despite specifically mentioning **Standing Green Trees** and **Standing Dried Trees**, respondents 2, 4 and 5 have chosen the same value for both types of trees and have taken only timber value of trees. Respondents 2, 4 and 5 should have referred the matter to appropriate authorities to assess the value of **Fully Grown Green Trees** instead of

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mechanically deciding their value without taking into consideration (i) Loss of Production of oxygen (ii) Loss of Controlling of soil fertility & soil erosion (iii) Loss of Recycling of water and controlling humidity and Air temperature (iv) Loss of eco system viz. sheltering of birds, squirrels & insects, flora and fauna (v) Loss of sequestration, i.e. removal of Suspended Particulate Matter, CO₂, SO₂ from air.

7. That it is submitted that as per knowledge of the applicants, respondent no. 3, i.e. ICFRE has proper paraphernalia, scientists and biologists to properly assess the value of fully grown green trees with reference to issues raised in the prayer of applicant in OA.

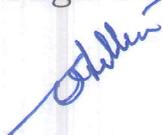
However, respondent no. 3, ICFRE have chosen to refrain itself from coming forward.

Mohali
22.07.2024


President
Environmental Protection Society (Regd.)
S.A.S. Nagar

Applicant

Through Counsel


(SHRI KANT RATTAN)
ADVOCATE