

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

**Replication to reply of Respondent No. 2, 4 & 5 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.

Preliminary Submissions:

1. That only 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 (v) Loss of sequestration, i.e. removal of Suspended Particulate Matter, CO₂, SO₂ from air.
2. 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.”

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

Respectfully Showeth:

1. That para no. 1 needs no replication, it being a formal para, however 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.....”

2, 3. That wrong averment have been made in para no. 2 and 3 of the reply regarding permission/restriction/prohibition on felling of trees. In whole of OA, no such claim (or mention) has been made as alleged by the answering respondents. The answering respondents have tried to distract the hon'ble court from the main contentions of the OA, i.e. the value of the full grown

green standing/live trees has been assessed as equivalent to dead/dried trees.

4. That no replication is needed to para no. 4 of reply as its contents have nothing to do with the main issue of OA.
5. That the answering respondents 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 have chosen the same value for both types of trees and have taken only timber value of trees. Respondents should have referred the matter to appropriate authorities to assess the value of **Fully Grown Green Trees** instead of 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.

Please refer to para no. 2 above of this replication for

remaining reply.

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Hence, it is submitted that the reply of Respondent no. 2, 4 and 5 is nothing except to distract the hon'ble NGT from the main issue and no effort has been made by respondents to reassess the value of fully grown green trees.

Mohali
22.07.2024



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

Applicant

Through Counsel



(SHRI KANT RATTAN)
ADVOCATE

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

Replication to Respondent No. 6 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 para no. 1 needs no reply being formal.
2. That para no. 2 of the reply is wrong to the extent that only vague denial and admittance have been averred without specifically mentioning any fact and as such this general statement is not tenable in the eyes of law.
3. That para no. 3 is merely reproduction of the head note of O.A. and hence needs no reply.
4. That the contents of para no. 4 are denied for want of knowledge as no document has been placed on record where District Town Planner of GMADA had duly considered the environmental aspect pertaining to the concerned work.

In case of road from SSP residence to Mohali village, the measurements of connecting road from Chandigarh side had been taken along with representatives of GMADA and the metalled width of the connecting road

was found to be (7.2 m + 7.2 m = 14.4 m) whereas width of the same road in Mohali was found to be 14 m. It is worthwhile to mention that all roads in Mohali city are 14 m wide as measured along with representatives of GMADA and fully grown green trees stand planted on edge of the roads in whole city of Mohali. For widening of just one foot, all the trees cannot be permitted to be felled.

Moreover, respondent has only described geographical location and proposed places for widening of roads and has nothing to do with the prayer in the O.A.

5. That the contents of para no. 5 do not relate to the main issue of the O.A. and hence needs no reply. However, the respondent has not placed on record anything regarding traffic study done by National Institute of Technical Teachers Training and Research, Chandigarh. Hence, the submissions are without any authenticity and cannot be accepted on their face value.
6. That the contents of para no. 6 are not appreciated as explained in para no. 4 above.
7. That no time frame has been specified within which re-plantation of trees will be completed and only vague averment has been made.
8. That the main contention of the applicant is that the value of full grown green trees has been under-assessed.
9. That it has been submitted by respondent no. 6 that

7778 no. of trees/saplings have been planted. However, the ground report is that most of these saplings have died and do not exist due to non-watering and non-maintenance. There is no mention of the species of plants that have been planted, no mention of specific location of plantation and it appears that it had been left to the contractor to choose the species, location and density of plantation according to his convenience.

10. (i) That the respondent has tried to outsmart the applicant by giving elusive report of sites of plantation. GMADA is already developing an Urban Forest in Sector 97 where trees have to be planted to create Urban Forest in accordance with its own and individual plan and it has been falsely stated that this plantation is being done on account of trees felled on the roads where widening is to take place.
- (ii) That Aerocity is a new city being developed by GMADA and respondent no. 6 cannot be said to do plantation on account of felled trees for proposed widening of roads and plantation in Aerocity is being wrongly linked with widening of roads whereas GMADA in order to develop the Aerocity has taken up plantation in that area. Moreover, the distance of new tree plantation from the place of felled trees is very large, like 5 to 8 km which cannot compensate the environment at actual site and will affect the right to life of citizens

adjoining the proposed widening of roads.

Therefore, the details of plantation as replacement of felled trees for widening of roads has been misrepresented by the answering respondent.

11. That the averments made in para no. 11 have been expertly crafted to give a charming picture of more plantation of trees. It is once again reiterated that plantation in the Urban Forest Area, Sector 97, Mohali and in Aerocity and in New Chandigarh have no connection with the felled trees at road widening sites.

With regard to transplantation of trees, it has been averred by the respondent that there was a success rate of only 34.55% and due to this reason it has not been considered feasible. But the respondent has not contended the reason for low success rate and whether any scientific study was ever conducted to pin point the low success rate.

As per field situation, the success rate of new plantation being done by GMADA is even lesser than 34% due to carelessness of contractors and the field staff. It is quite relevant to point out that GMADA have released payments of more than Rs.50 crores to beneficiaries against non-existent guava plants.

12. That instead of taking steps to properly evaluate the

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value of fully grown green trees the respondent has passed the bucket to Divisional Forest Officer, Mohali.

It may be pointed out that the answering respondents have not attempted to find proper value of fully grown green trees and have utterly tried to answer obliquely.

13. That para no. 13 needs no reply.
14. That para no. 14 needs no reply.
15. That para no. 15 needs no reply.

Place: Mohali
Date: 22.07.2024


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

Through Counsel


(SHRI KANT RATTAN)
ADVOCATE

**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.

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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