

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI**

M.A No. 38 of 2024

In

Original Application no. 257 of 2023

Balbir Dass

... Applicant

Versus

State of Punjab

.... Respondents

Short reply of Punjab Pollution Control Board through Er. Kanwaldeep Kaur, Environmental Engineer, Regional Office-1, Ludhiana in compliance to order dated 08.04.2024.

**Respectfully Showeth**

- 1) That briefly submitted Original Application No. 257 of 2023 with the allegation of illegal cutting of about 40 trees by one Parminder Singh at Panchayati land of Village Kaddon and causing damage to the environment was registered by the Hon'ble Tribunal. Vide order dated 28.04.2023, the Hon'ble National Green Tribunal was pleased to constitute a Joint Committee comprising of the District Forest Officer, Ludhiana and District Magistrate, Ludhiana with the direction to look into the matter, visit the site, collect relevant information and take appropriate remedial/punitive action if the violation is found, with further direction for submission of action taken report.



- 2) That the above-mentioned Miscellaneous Application has been registered on the basis of the report submitted in pursuance to the order of the Hon'ble Tribunal dated 28.04.2023 passed in O.A. No. 257/2023.
- 3) That after consideration of the Joint Committee report, it was observed by the Hon'ble Tribunal that the report does not reflect levy or recovery of any Environmental Compensation (EC) from the person responsible for cutting the trees. The Hon'ble Tribunal was pleased to pass an order dated 08.04.2024 whereby Member Secretary, Punjab Pollution Control Board; Divisional Forest Officer, Ludhiana Forest Division, Ludhiana; District Magistrate, Ludhiana and Parminder Singh, Sarpanch, Gram Panchayat, Kaddon, Tehsil Payal, District Ludhiana have been impleaded as respondents with direction to file reply in the case.
- 4) That in compliance to the order passed by the Hon'ble Tribunal, it is submitted that the Punjab Pollution Control Board is working under the Administrative Control of the Government of Punjab, Department of Science, Technology and Environment. The Department of Science, Technology and Environment and the Punjab Pollution Control Board had not framed any guidelines with regard to the felling, cutting and pruning of trees as the subject matter with regard to the protection and preservation of the trees falls within the purview of the Department of Forests and Wildlife Preservation.
- 5) That it is pertinent to mention here that earlier the Hon'ble National Green Tribunal has taken cognizance of a case in Original Application no. 142 of 2023 titled as Balbir Dass v/s State of Punjab and Others wherein the Sarpanch of Village Kaddon, Tehsil Payal, District Ludhiana, Punjab has indulged in cutting of about 40 trees at Panchayati Land of Village Kaddon without any requisite permission from the concerned authorities and has caused damage to the environment.



- 6) That in view of the above facts of the case, the Department of Science, Technology and Environment vide memo no. 3/73/2023-STE(4)/25 dated 10.01.2024 has referred the case to the Department of Forests and Wildlife Preservation, Punjab for framing of requisite standards operating procedure, statutory framework for the protection of trees, grant of permission for cutting of trees, imposition of Environmental Compensation for illegal cutting of trees etc., which may be made applicable in general conditions in the State of Punjab. A copy of memo no. 3/73/2023-STE(4)/25 dated 10.01.2024 is enclosed as **Annexure-A**.
- 7) That it is further relevant to mention here that in another case of similar nature in O.A No. 911 of 2022 titled as Prof. Dr. Sanjeev Bagai and others substituted as National Green Tribunal Bar Association v/s Department of Environment, GNCTD and Others, the Hon'ble National Green Tribunal vide order dated 5.12.2023 has impleaded the Government of Punjab, Department of Science, Technology and Environment and Punjab Pollution Control Board as respondent no. 3 and 13 respectively and issued notice requiring them to file reply / response with regard to aspects of protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines, rules regarding the same. The Punjab Pollution Control Board has written a letter bearing no. 2267 dated 22.01.2024 to the Principal Chief Conservator of Forests, Mohali in the background of the letter dated 10.01.2024 already written by the Government of Punjab, Department of Science, Technology and Environment to the Department of Forests & Wildlife Preservation to frame the Standard Operating Procedure, statutory frame work for protection of trees grant of permission for cutting of trees imposition of Environmental Compensation for illegal cutting of trees. A copy of letter no. 2267 dated 22.01.2024 is enclosed herewith as **Annexure-B**.
- 8) That it is pertinent to mention here that the Hon'ble National Green Tribunal vide order dated 05.04.2024 passed in O.A No. 911 of 2022 has constitute a Joint Committee at the national level with TOR for the formulation of

policy, enactment of statutory frame work and laying down of guidelines for the growth, protection, preservation, pruning and management of trees in non-forest areas is the States/ UTs not having the same.

However, keeping in view the facts and circumstances of the case and examination of the order dated 05.04.2024 passed by the Hon'ble Tribunal in O.A No. 911 of 2022 wherein reference of its earlier order dated 28.07.2023 passed in MA No. 48 of 2023 in O.A no. 200 of 2023 titled as Kuldeep Singh Khaira and others v/s State of Punjab and Others has been made, the Punjab Pollution Control Board has written letter no. 13374 dated 31.05.2024 to the Principal Secretary to Government of Punjab, Department of Forests & Wildlife Preservation to finalize the policy which has been requested by the Department of Science, Technology and Environment vide memo dated 10.01.2024 as well as the office of Chief Secretary, Punjab requested to the Department of Forest and Wildlife, Punjab is made accordingly for formulation of the policy at the earliest. A copy of letter no. 13374 dated 31.05.2024 is enclosed as **Annexure-C**.

- 9) That in reference to letter no. 13374 dated 31.05.2024 of the Punjab Pollution Control Board as explained above, the Principal Chief Conservator of Forest, Government of Punjab, Department of Forests & Wildlife Preservation vide letter no. FOREST-FW0FW-2(CC)/2/2024-FW/I/858830/2024 dated 10.06.2024 has informed the Member Secretary, Punjab Pollution Control Board that as per the directions of Hon'ble National Green Tribunal in its order dated 28.07.2023 in (MA No. 48 of 2023 in OA No.200 of 2023 titled as Kuldeep Singh Khaira and Others Versus State of Punjab & others) and orders of Worthy, Chief Secretary, Punjab the Draft Policy has been formulated for preservation of trees standing on non-forest Public Lands, the same is under active consideration of the Government and it will be finalised/notified after approval of the State Government. A copy of letter dated 10.06.2024 of the Principal Chief Conservator of Forest, Government of Punjab, Department of Forests & Wildlife Preservation is enclosed as **Annexure-D**.



10) That necessary action against the defaulters in the present above mentioned will be taken after the policy for preservation of trees standing of non-forest public land is notified by the Government of Punjab, Department of Forests & Wildlife Preservation.

Date: 20/6/2024

Place: Ludhiana

Submitted by

  
Er. Kanwaldeep Kaur,  
Environmental Engineer,  
Punjab Pollution Control Board  
Regional Office-1, Ludhiana

Before the Hon'ble National Green Tribunal, Principal Bench, New Delhi

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Date: 20/6/2024

Place: Ludhiana

*Leb*  
20/6/24  
Er. Kanwaldeep Kaur,  
Environmental Engineer,  
Punjab Pollution Control Board  
Regional Office-1, Ludhiana

Government of Punjab  
Department of Science, Technology and Environment

To

The Principal Secretary-cum-Financial Commissioner  
Government of Punjab,  
Department of Forests & Wildlife Preservation,  
Chandigarh.

Memo No. 03/73/2023-STE 4/25

Dated: 10.01.2024

Subject: Framing of Standard Operating Procedure for protection of trees, giving of permission for cutting of trees and imposition of Environmental Compensation for illegal cutting / felling of trees in the State of Punjab.

Please refer to the subject cited above.

- 2) It is informed that the Hon'ble National Green Tribunal has taken cognizance of a case in Original Application No. 142 of 2023 titled as Balbir Dass v/s State of Punjab and Others wherein the Sarpanch of Village Kaddon, Tehsil Payal, District Ludhiana, Punjab has indulged in cutting of about 40 trees at Panchayati Land of Village Kaddon without any requisite permission from the concerned authorities and has caused damage to the environment.
- 3) The applicant has filed application under the provisions of the National Green Tribunal Act, 2010 with the Hon'ble National Green Tribunal for issuance of direction for registration of FIR against Sarpanch Parminder Singh and imposing fine which should be minimum 30 times of the amount of Rs. 1,67,000/- received by him by illegally cutting and selling 40 trees standing over the panchayat land.
- 4) Though the Director, Rural and Development and Panchayats on receiving the report dated 30.11.2022 from District Development and Panchayat Officer, Ludhiana has suspended the Sarpanch, Gram Panchayat Village Kaddon, Tehsil Payal, District Ludhiana and marked the regular inquiry to Additional Deputy Commissioner (Rural Development), Ludhiana, but the substantial question relating to the protection of the environment due to illegal cutting of trees and the remedial measures required to be taken has remained unanswered. In such cases Environmental Compensation is also required to be imposed for damage to environment.
- 5) Considering the averments made in the application and the observations of the report of Joint Committee, the Hon'ble National Green Tribunal by passing an order

dated 4.12.2023 has impleaded the (1) State of Punjab through Chief Secretary, Government of Punjab, (2) Secretary, Department of Science, Technology and Environment, Government of Punjab, (3) Financial Commissioner, Rural Development and Panchayat, Government of Punjab, (4) District Magistrate, Ludhiana and (5) District Development and Panchayat Officer, Ludhiana, as party respondents No. 1 to 5 in the case requiring them to file their reply/response with reference to the averments made in the application and also the statutory framework/SoP/instructions issued for protection of trees and grant of permission for cutting of trees, if any, on or before 19.01.2024. Copies of the relevant orders of the Hon'ble National Green Tribunal are enclosed herewith for perusal.

6) In the above background, the case is referred to the Department of Forests and Wildlife Preservation, Punjab for framing of requisite Standard Operating Procedure, statutory framework for the protection of trees, grant of permission for cutting of trees, imposition of Environmental Compensation for illegal cutting of trees etc., which may be made applicable in general conditions in the State of Punjab.

Please treat it as important.

  
 Secretary to Government of Punjab,  
 Department of Science, Technology and Environment

Endst. No. 03/73/2023-STE4/26-30

Dated 10-01-2024

A copy of the above alongwith Copies of the relevant orders of the Hon'ble National Green Tribunal is forwarded to the following for information and necessary action please.

- ✓ 1) Chief Secretary to Government of Punjab, Civil Secretariat-1, Punjab, Chandigarh.
- ✓ 2) Financial Commissioner, Government of Punjab, Department of Rural Development and Panchayats.
- ✓ 3) Principal Secretary to Government of Punjab, Department of Local Government, Chandigarh.
- ✓ 4) Principal Secretary to Government of Punjab, Department of Housing and Urban Development, Chandigarh.
- ✓ 5) Principal Chief Conservator of Forests, Punjab, Chandigarh.

  
 Secretary to Government of Punjab,  
 Department of Science, Technology and Environment



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ  
PUNJAB POLLUTION CONTROL BOARD

Dated. 22/1/24.....

No. ....2267.....

To

Principal Chief Conservator of Forests (PCCF) Hoff,  
Forest Complex, Kumbra Road,  
Sector -68, SAS Nagar (Mohali).

Sub: O.A. no. 911/2022 titled as Prof. Dr. Sanjeev Bagri & Ors. substituted as  
NGT Bar Association versus Department of Environment, GNCTD & Ors.

Ref: Memo no. STE-STE03/2/2024-STE4/753628 dated 03.01.2024 of the  
Department of Science, Technology and Environment and email of the O/o  
worthy Chief Secretary, Punjab.

Please refer to subject cited above.

2. The O.A. no. 911 of 2022 (I.A. no. 14/2023 & I.A. No. 16/2023) titled as Prof. Dr. Sanjeev  
Bagri & Ors. substituted as NGT Bar Association versus Department of Environment, GNCTD  
& Ors. is pending before the Hon'ble National Green Tribunal.

3. Vide Order dated 05.12.2023, Secretary to the Government of Punjab, Department of  
Science, Technology and Environment and Member Secretary, Punjab Pollution Control Board have  
been impleaded as Respondents no. 3 and 13 respectively by the Hon'ble National Green Tribunal  
and notice has been issued requiring them to file reply/response with regard to aspects of  
protection of trees against illegal felling and pruning of trees and all related aspects and framing of  
guidelines, rules regarding the same.

4. The Department of Science, Technology and Environment and the Punjab Pollution Control  
Board had not framed any guidelines with regard to felling, cutting and pruning of trees as the  
subject matter with regard to the protection and preservation of trees falls within the purview of the  
Department of Forests and Wildlife Preservation.

5. It is further to mention here that In another case bearing no. O.A. no. 142/2023 titled as  
Balbir Dass versus State of Punjab and others pending before the Hon'ble National Green Tribunal,  
the Secretary, Department of Science, Technology and Environment vide memo no. 3/73/2023-  
STE4/25 dated 10.01.2024 has already requested the Department of Forests and Wildlife  
Preservation to frame requisite Standard Operating Procedure, Statutory Framework for protection  
of trees, grant of permission for cutting trees, Imposition of Environmental Compensation for illegal  
cutting of trees, which may be made applicable in general conditions in the State of Punjab. (Copy of  
memo dated 10.01.2024 is enclosed).

ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001

Vatavaran Bhawan, Nabha Road, Patiala -147001

Phone : Chairman. : 0175-2215793, Member Secretary : 0175-2215802 (O)

Website : www.ppcb.gov.in | E-Mail : chairmanppcb@yahoo.in | msppcb@gmail.com |



6. It is further relevant to mention here that the Hon'ble National Green Tribunal vide Order dated 05.12.2023 passed in the subject cited case has also directed the Central Pollution Control Board to obtain and compile the Information relating to protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines/rules regarding the same from all the States and Union Territories and Include such compiled information in its reply/response. Accordingly, the Central Pollution Control Board has sought the requisite information from the Punjab Pollution Control Board by sending a prescribed Proforma. The copy of Order dated 05.12.2023 of the Hon'ble National Green Tribunal passed in the subject cited case alongwith copy of prescribed proforma of Central Pollution Control Board is enclosed herewith for kind perusal.

7. It is, therefore, requested that a copy of the guidelines/policy/with regard to felling, cutting and pruning of trees may kindly be instructed to be supplied alongwith information contained in the prescribed proforma of the Central Pollution Control Board to the Punjab Pollution Control Board so that appropriate reply is filed before the Hon'ble National Green Tribunal well in time. It is further requested to issue necessary instructions to the concerned Officers to frame the SOP, Guidelines etc. in reference to memo dated 10.01.2024 of the Department of Science, Technology and Environment (as explained in para 5 above) at the earliest. The case is listed for hearing before the Hon'ble National Green Tribunal on 06.02.2024.

DA/As Above

Endst. No. 2268

Date 22/1/24

*[Signature]*  
Member Secretary

A copy of the above along with copy of paperbook received in the case is forwarded to the Secretary, Department of Science, Technology and Environment, Mini Secretariat-2 Punjab, Chandigarh. It is requested that defence sanction in the case may please be ordered to be issued so that the case may be defended by the State counsel before the Hon'ble National Green Tribunal.

Endst. No. 2269

Date 22/1/24

*[Signature]*  
Member Secretary

A copy of the above along with copy of paperbook received in the case is forwarded to the Environmental Engineer (H2 -2), Punjab Pollution Control Board, Patiala with a request to collect and frame the information with regard to the subject matter of the case so that reply of the case may be filed before the Hon'ble National Green Tribunal.

*[Signature]*  
Member Secretary

ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ  
PUNJAB POLLUTION CONTROL BOARD



No. 13374

Dated. 31/5/24

To

The Principal Secretary to Government of Punjab,  
Department of Forests and Wildlife Preservation,  
Punjab Civil Secretariat,  
Chandigarh.

Sub: Original Application no. 911/2022 titled as Prof. Dr. Sanjeev Bagal & Ors. versus  
Department of Environment, GNCTD & Ors- Compliance of order dated 5.04.2024.

Please refer to subject cited above and the order dated 5.04.2024  
passed by the Hon'ble National Green Tribunal.

2. Replies in the Case have been filed by PPCB as well as Additional-Secretary to Government of Punjab, Department of Science, Technology and Environment. Reply given by PPCB has been incorporated in the order dated 5-04-2024 to the effect that the Secretary to Government of Punjab, Department of Science, Technology and Environment has written a letter memo no-25 dated 10-1-2024 in reference to another Case (OA No. 142-2023 Balbir Dass v/s State of Punjab & others) for the framing of SOP, Statutory Framework for protection of trees, imposition of EC for illegal Cutting of trees etc. to the Department of Forests and wildlife Preservation, which may be made applicable in General Conditions in the State of Punjab. It was informed to the Hon'ble National Green Tribunal that the exercise may take three months.

3. The Hon'ble Tribunal in order dated 5-4-2024 passed in OA No.911-2022 has also made reference of its earlier order dated 28-07-2023 passed in MA No- 48-2023 in OA No. 200 of 2023 titled as Kuldeep Singh Khaira and others Versus State of Punjab & others where in directions have been issued to Chief Secretary, Punjab to issue proper instructions to Forest Department to formulate the Policy and evolving the regulatory mechanism in the State of Punjab.

4. Though the Hon'ble National Green Tribunal vide order dated 5-4-2024 passed in OA No.911-2022 has Constituted a Joint Committee at the National Level with TOR for the formulation of Policy, enactment of statutory frame work and laying down of guidelines for the growth, Protection, Preservation, Pruning and management of trees in non-forest areas is the States/UTs not having the same, but the State Forest

ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001

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Department has to finalize the policy which has been requested by the Department of Science, Technology and Environment vide memo dated 10.01.2024 as well as the office of Chief Secretary Punjab request to the Department of Forest and wildlife, Punjab is made accordingly for formulation of the policy at the earliest.

5. The copy of order dated 5.04.2024 passed by Hon'ble National Green Tribunal in O.A. no. 911 of 2022 is enclosed herewith for kind perusal.

DA/As Above

Endst. No. 13375-76

*[Signature]*  
Member Secretary  
Date o/c 31/5/24

A copy of the above along with copy of order dated 5.04.2024 is forwarded to the following for information and necessary action please:

- i. The Secretary to Government of Punjab, Department of Science, Technology and Environment, Punjab Civil Secretariat -2 Chandigarh.
- ii. The OSD(L) to CS, Punjab, Civil Secretariat, Punjab, Chandigarh.

*[Signature]*  
Member Secretary  
o/c

**Government of Punjab  
Department of Forests & Wildlife Preservation  
O/o Principal Chief Conservator of Forests (HoFF), Punjab  
Forest Complex, Sector: 68, Sahibzada Ajit Singh Nagar (Mohali)  
(E-mail: pccfcomplex@gmail.com)  
(Forest Working-2 Branch)**

To

Member Secretary,  
Punjab Pollution Control Board  
Vatavaran Bhawan,  
Nabha Road, Patiala

**Date: 10-06-2024**

**Subject: OA No. 911 of 2022 Prof. Dr. Sanjeev Bagai & Ors Vs  
Department of Environment, GNCTD & Ors.**

**Ref: Your office Letter No. 13374 dated 31.05.2024**

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With reference to the above mentioned subject, it is informed that as per the directions of Hon'ble National Green Tribunal in its order dated 28.07.2023 in (MA No. 48 of 2023 in OA No.200 of 2023 titled as Kuldeep Singh Khaira and Others Versus State of Punjab & others) and orders of Worthy, Chief Secretary, Punjab the Draft Policy has been formulated for preservation of trees standing on non-forest Public Lands, the same is under active consideration of the Government and it will be finalised/notified after approval of the State Government.

This is for your kind information and further necessary action.

**PRINCIPAL CHIEF CONSERVATOR OF FOREST (HOFF)**

10-06-2024

**Endst.No.FOREST-FW0FW-2(CC)/2/2024-FW/I/858830/2024****Dated 10-06-2024**

A copy of the letter is forwarded to Financial Commissioner, Government of Punjab, Department of Forest and Wildlife Preservation with regard to Member Secretary, Punjab Pollution Control Board Letter no. 13374 dated 31.05.2024 for information and further necessary action.

**Encl. as above****PRINCIPAL CHIEF CONSERVATOR OF FOREST (HOFF)**  
**10-06-2024**