

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

ORIGINAL APPLICATION NO.335/2023.

IN THE MATTER OF:

PRAMOD TYAGI

...APPLICANT

VERSUS

STATE OF NCT OF DELHI

..... RESPONDENTS

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DEPARTMENT OF FORESTS AND WILDLIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE
DELHI-07 (PH:- 23853561)

TO,

THE REGISTRAR,
THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, FARIDKOT HOUSE,
COPERNICUS MARG, NEW DELHI – 110001.
E-MAIL: JUDICIAL-NGT@GOV.IN

SUB:- **ACTION TAKEN REPORT ON BEHALF OF DY.**
CONSERVATOR OF FORESTS (CENTRAL) APROPOS TO
HON'BLE NGT ORDER DATED 09.04.2024 IN O.A: 335/2023
TITLED PRAMOD TYAGI & ANR VS. STATE OF NGT OF DELHI
& ORS.


MOST RESPECTFULLY SHOWETH:

1. The present action taken report is being filed in compliance of order of the Hon'ble NGT (Principal Bench) dated 09.04.2024 in O.A: 335/2023 titled as "**PRAMOD TYAGI & ANR VS. STATE OF NGT OF DELHI & ORS**" apropos to violation of tree felling/transplantation permission of 495(327 Felling + 168 transplantation) Nos. of Trees granted to the Spl. Commissioner (Transport) Transport Dept, GNCTD 5/9 under Hill Road, Delhi-54 vide permission dated 18.12.2019 for construction of Cluster Bus Depot No 01. A copy of the tree felling/transplantation permission dated 18.12.2019 along with Terms & conditions of the same is annexed herewith as **Annexure –A**
2. It is submitted that a letter vide No. 18/NFD/TC/Felling/19020/1336-1337, dt 25.06.2024, the amount of Security Deposited by user agency has been forfeited in compliance to the direction of Hon'ble NGT and the user agency was directed to deposit the additional amount of Rs. 40,18,500/- (Rupees Forty Lakh Eighteen Thousand Five Hundred only) for

40,18,500/- (Rupees Forty Lakh Eighteen Thousand Five Hundred only) for taking up compensatory plantation of additional 705 No of trees (141×5 times =705) in lieu of 141 Nos. of failed transplantation out of 168 trees permitted for transplant. In addition to this the agency was directed for allotment of land i.e., 50895 Sq. Mtr for taking up compensatory plantation of 5655 Nos. of trees (4950+705). (Annexure-B)

3. Further a Reminder (I) vide letter NO. 18/NFD/TC/Felling/19-20/2150-2151, dated 29.07.2024 was also sent to special commissioner regarding handing over of land for compensatory plantation against permission issued for felling/transplant of 495 trees and for depositing additional amount for taking up additional C.P in lieu of failed transplantation was issued. (Annexure- C)
4. A Reminder II (I) vide letter NO. 18/NFD/TC/Felling/19-20/2679-2680, dated 23.08.2024 was also sent to Special Commissioner regarding no compliance of previous two letters regarding handing over of land for compensatory plantation against permission issued for felling/transplant of 495 trees and for depositing additional amount for taking up additional C.P in lieu of failed transplantation was issued. (Annexure- D).
5. It is respectfully submitted that no reply in response of above letter has been received in this office.

It is humbly submitted that Central Forest Division has the highest respect and regard for the orders of this Hon'ble Tribunal. The present report along with its annexure is being placed before this Hon'ble Court for its consideration.


Dy. Conservator of Forest
Central Forest Division/Tree Officer

To

Date: 18.12.2019

The Special Commissioner (Transport),
 Transport Department, GNCTD,
 5/9, Under Hill Road, Delhi-110054.

Sub: Permission for felling/transplantation of 495 no. of trees for construction of cluster bus depot at Burari, Delhi.

With reference to your application dt. 13.06.2019 on the subject noted above, you are hereby informed that permission is granted for felling of 327 no. of trees & transplantation of 168 no. of trees for construction of cluster bus depot at Burari, Delhi, subject to the satisfaction of the terms and conditions hereinto specified.

The required security deposit of Rs. 2,82,15,000/- (Rs. two crore eighty two lakh fifteen thousand only) vide payment DD No. 548343 date 31.10.2019, from The State Bank of India, Old Sectt, Delhi has been received.

Terms & Conditions

1. Permission for felling/transplantation of trees is granted at your risk and without prejudice to the claim (s) of any other person/s who may be having any right (s) over the land or the trees.
2. Felling/transplantation of tree/s shall be completed within 30 days of issue of this letter.
3. Material produced from trees shall not be disposed without permission of the Tree Officer.
4. Progress report of felling & transportation shall be submitted through Inspection Officer concerned along with complete details of tree. You are requested to intimate this office at least 3 days in advance before starting the removal of felled trees.
5. The timber/wood arising out of felling shall be auctioned by user agency and proceeds shall be deposited as revenue to the Government Treasury. Lops and tops arising out of trees be transported to the nearest public crematorium managed by MCD under proper receipt and at his expense. He shall submit copy of the receipt obtained from such crematorium to this office immediately thereafter.
6. The compensatory plantation of ten times the number of trees permitted for felling/transplantation shall be planted at Transport Authority premises Burari & Dera Mandi, Delhi. Indigenous 4950 nos. of 6-7 ft. tall saplings of species such as *Arjun, Jamun, Gular, Pilkhan, Neem and other suitable sps.* should be completed by the applicant within 9 months from the date of issue of this order and successfully maintain the plantation for 07 (seven) years. The completion of plantation shall be intimated to this office alongwith photographs.
7. In the event of failure on the part of the permit holder to carry out compensatory plantation as indicated at serial number 6 above, the Tree Officer shall himself arrange to plant tree saplings and recover the cost thereof from the permit holder by way of adjustment against the security deposit made by the permission holder, or failing that, by recovery as arrears of land revenue and take suitable action as per DPTA, 1994.

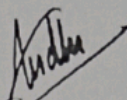
Encl: (Enumeration list of trees)
 (Felling of 327 trees+ transplantation of 168 trees)

Deputy Conservator of Forest
 North Forest Division

Received
 By hand
 Mayank
 13/12/2019
 Mayank Gang
 AE -

Copy to:-

1. The Conservator of Forests, Vikas Bhawan, A-Block, 2nd Floor, I.P. Estate, New Delhi-02 for information.
2. Sh. Ravinder Kumar, I.O. for information and necessary action.


Deputy Conservator of Forests
North Forest Division

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GOVT. OF DELHI
DEPARTMENT OF FORESTS AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007, (Ph: 011 - 23853561)

F. No. 18/NFD/TC/Felling/19-20/ 1336-1337

Dated:- 25/06/2024

To,
The Special Commissioner (Transport),
Transport Department, GNCTD,
5/9, Under Hill Road,
Delhi-110054.

Subject:- Forfeiture of Security deposit in lieu of Compensatory Plantation against permission for felling/transplantation of trees- reg.

Ref:-

1. Hon'ble NGT Order/Directions dated 09.04.24 in the case bearing no Original Application No. 335/2023 titled as Pramod Tyagi & Anr. Vs. State of NCT of Delhi & Ors.
2. This office permission letter, vide no 18/NFD/TC/Felling/2019-20/573 dated 18.12.19.
3. Your office letter, vide no F.323/DC/DTC Sectt./2024/194/16192 dated 07.03.24.

It is to inform you that vide this office letter dated 18.12.19 mentioned above wherein permission for felling/transplanting of 495 nos. of trees (i.e felling of 327 Nos. of trees and transplanting of 168 Nos. of trees) was issued by this office under the provision of DPTA, 1994 with certain Terms and conditions listed at point 6 & 7 reproduced below:


6. *The compensatory plantation of ten times the number of trees permitted for felling/transplantation shall be planted at Transport Authority premises Burari & Dera mandi, Delhi. Indigenous 4950 nos. of 6-7 ft. tall saplings of species such as Arjun, Jamun, Gular, Pilkhan, Neem and other suitable sps. Should be completed by the applicant within 9 months from the date of issue of this order and successfully maintain the plantation for 07 (seven) years. The completion of plantation shall be intimated to this office along with photographs.*
7. *In the event of failure on the part of the permit holder to carry out compensatory plantation as indicated at serial number 6 above, the Tree Officer shall himself arrange to plant tree saplings and recover the cost thereof from the permit holder by way of adjustment against the security deposit made by the permission holder, or failing that, by recovery as arrears of land revenue and take suitable action as per DPTA, 1994.*

In this regard, you have submitted a letter dated 7/3/2024 wherein at point no.(II) it has been mentioned that plantation of 1000 Nos. of trees saplings has already been carried out during February, 2020, June & August 2022 at Burari Complex and Out of these 1000 saplings, 830 numbers were stated to have survived. However, joint inspection of the site was carried by the officials of this department along with representative of Transport Department dated 01.05.24. During course of inspection, they were failed to locate the compensatory plantation on ground physically.

Further Hon'ble NGT Orders/directions dated 09.04.24, it has been directed to the DCF (Central) to forfeit Security Deposited amount for taking up Compensatory Plantation as detailed/listed at point 15 reproduced below:-


"Deputy Conservator of Forests-cum Tree Officer, Central Forest Division, Delhi is directed to forfeit the security amount and carry out the compensatory afforestation and recover the balance cost of plantation, if any remaining due after adjustment of the security amount."

Further, as mention in point 12, wherein it is directed to carry out additional Compensa...
Plantation of 705 nos. (i.e. 141*5 = 705 nos.) of trees in lieu of 141 nos. of failed transplantation out
of 168 nos. Therefore, In compliance to the direction given by Hon'ble NGT order dated 09.04.24 I,
DCF(Central), Tree Officer, am empowered to forfeit the security deposit of amount to
Rs 2,82,15,000/- (Two Crore Eighty two lakh fifteen thousand rupees only) under Section 12 of the
Delhi Preservation of Tree Act, 1994 for taking up compensatory plantation of 5655 Nos. (i.e 4950
nos.+ 705 nos.) of trees against felling/transplantation permission. Further you are hereby requested
to deposit additional amount to Rs 40,18,500/- (Forty Lakh Eighteen thousand five hundred
rupees only) for taking up Compensatory Plantation of 705 nos. of trees against failed transplantation
as well as to handover the land of 50895 sq. mtr. for a period of 07 years to carry out the
Compensatory Plantation against tree felling permission issued.


Dy. Conservator of Forests
Central Forest Division/ Tree Officer

Copy to: -

1. The Conservator of Forests, Vikash Bhawan, A Block, 2nd Floor, I.P. Estate, New
Delhi-110002 for kind information.


Dy. Conservator of Forests
Central Forest Division/Tree Officer

Reminder- I

GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007, (Ph: 011 - 23853561)

F. No. 18/NFD/TC/Felling/19-20/2150-2151

Dated:- 29/07/2024.

To,

The Special Commissioner (Transport),
Transport Department, GNCTD,
5/9, Under Hill Road,
Delhi-110054.

Subject:- Handing over of land for compensatory plantation against permission issued for felling/transplantation of trees and for deposition of additional amount for taking up additional C.P.- reg.

Ref:-

1. Hon'ble NGT Order/Directions dated 09.04.24 in the case bearing no Original Application No. 335/2023 titled as PramodTyagi &Anr. Vs. State of NCT of Delhi & Ors.
2. This office permission letter, vide no 18/NFD/TC/Felling/2019-20/573 dated 18.12.19.
3. This office letter vide no. 18/NFD/TC/Felling/19-20/1336-37 dated 25.06.24.

It is to inform you that in compliance of Hon'ble NGT Orders/directions dated 09.04.24, wherein it is mentioned on letter that it has been directed to the DCF (Central) to forfeit Security Deposited amount for taking up Compensatory Plantation as detailed/listed at point 15 reproduced below:-

"Deputy Conservator of Forests-cum Tree Officer, Central Forest Division, Delhi is directed to forfeit the security amount and carry out the compensatory afforestation and recover the balance cost of plantation, if any remaining due after adjustment of the security amount."

In compliance to the Hon'ble NGT direction, the Security Deposited amount for Compensatory Plantation has already been forfeited vide letter no 18/NFD/TC/Felling/19-20/1336-37 dated 25.06.24. Further it was also directed in above referred letter to hand over the land of 50895 sq. mtr. for a period of 07 years to carry out the Compensatory Plantation of 5655 Nos. (i.e 4950 nos. + 705 nos.) against tree felling permission issued and to submit the additional amount to Rs 40,18,500/- (Forty Lakh Eighteen thousand five hundred rupees only) for taking up Compensatory Plantation of 705 nos. of trees against failed transplantation but no compliance has been received yet in this matter.

Therefore, you are again requested to hand over the land on the urgent basis so that plantation can be undertaken in this month only as monsoon has arrived and this is the best time for carrying out plantation and to comply with the direction of Hon'ble NGT to avoid any contempt in Court Matter.

Dy. Conservator of Forests
Central Forest Division/ Tree Officer

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Copy to: -

1. The Conservator of Forests, Vikash Bhawan, A Block, 2nd Floor, I.P. Estate, New Delhi-110002 for kind information.

Dy. Conservator of Forests
Central Forest Division/Tree Officer

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GOVT. OF NCT OF DELHI
 DEPARTMENT OF FOREST AND WILD LIFE
 OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
 CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
 DELHI-110007, (Ph: 011 - 23853561)

ler- II

F. No. 18/NFD/TC/Felling/19-20/ 2679-2680

Dated:- 23.08.2024

To,

The Special Commissioner (Transport),
 Transport Department, GNCTD,
 5/9, Under Hill Road,
 Delhi-110054.

Subject:- Handing over of land for compensatory plantation against permission issued for felling/transplantation of trees and for deposition of additional amount for taking up additional C.P.- reg.

Ref:-

1. Hon'ble NGT Order/Directions dated 09.04.24 in the case bearing no Original Application No. 335/2023 titled as PramodTyagi&Anr. Vs. State of NCT of Delhi &Ors.
2. This office permission letter, vide no.18/NFD/TC/Felling/2019-20/573 dated 18.12.19.
3. This office letter vide no. 18/NFD/TC/Felling/19-20/1336-37 dated 25.06.24.
4. This office letter vide no. 18/NFD/TC/Felling/19-20/1336-37 dated 29.07.24

With reference to this office letters of even no. dated 25.06.24 & 29.07.24 vide which in compliance to the Hon'ble NGT direction; you were requested to hand over the land of 50895 sq. mtr. for a period of 07 years to carry out the Compensatory Plantation of 5655 Nos. (i.e 4950 nos. + 705 nos.) against tree felling permission issued and to submit the additional amount to Rs 40,18,500/- (Forty Lakh Eighteen thousand five hundred rupees only) for taking up Compensatory Plantation of 705 nos. of trees against failed transplantation but no compliance has been received yet in this matter.


Therefore, you are again requested to hand over the land and submit additional amount on urgent basis so that plantation can be undertaken as soon as possible as the monsoon season is going to be end soon and to comply with the direction of Hon'ble NGT to avoid any contempt in Court Matter.

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Dy. Conservator of Forests
 Central Forest Division/ Tree Officer

Copy to: -

1. The Conservator of Forests, Vikash Bhawan, A Block, 2nd Floor, I.P. Estate, New Delhi-110002 for kind information.


Dy. Conservator of Forests
Central Forest Division/Tree Officer

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