

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

Original Application No. 529/2022

**In the matter of:**

Deepak

...Applicant

Versus

Public Works Department &Ors... Respondents

**INDEX**

S. No.	Contents	Page No.
1	Status Report in compliance to order dated 18.10.2022.	1-3
2	<b><u>Annexure-1</u></b> Copy of the inspection report dated 17.10.2022 alongwith photographs.	4-7

Filed by:



New Delhi:

Dated: 10.11.2022

Dr Anwar Ali Khan, SEE  
Delhi Pollution Control Committee

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**In the matter of:**

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Public Works Department & Ors.... Respondents

**STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL  
COMMITTEE IN COMPLAINT TO THE ORDER DATED  
18.10.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 25.07.2022 and pleased to constitute a Joint Committee comprising of DPCC, Principal Chief Conservator of Forest and Wildlife, Director PWD (Horticulture) and Deputy Commissioner (West) Delhi and directed the same to submit Factual and action taken report within two months.
  
2. That a joint inspection of the site was carried out on 17.10.2022 by the representative of DPCC, PWD (Horticulture) and Forest Department. During the inspection it was informed by Sh. Gopal Singh Meena (Dy. Director Horticulture, PWD), that in the year 2018, after got permission from Forest department on 04.10.2018, the dried up dangerous tree has been cut out from the original location with the condition to plant Ten (10) trees.
  - (a) During inspection PWD officials has informed that on 24.09.2022, ten trees has been installed near junior wing of Veda Vyas Day Public School, Ph-1, Vikaspuri, Delhi-110018.



- (b) Sh. Ashok (Forest Guard, west forest Division, Mandir Lane, New Delhi) also present during inspection has informed that there department gave the permission for Cutting Dried Tree after found that it was dangerous.
- (c) As per the visual observation and inform by the complainant as well as inhabitant of the property No. A-159, the presently in the existing tree lane on the road side a PNG Line from IGL, Telephone line from Tele communication company i.e. MTNL (as seen on manhole) besides sewage line conduit (Depth under lying not reported/ known).
- (d) During the inspection PWD official has informed that they have prepared detailed report feasibility of crection of new Tree on the location from where earliest dried up dangerous tree was removed.
- (e) During inspection the area earlier from where dried up dangerous tree was removed has been found pakka by lying of cement concrete layer.
- (f) MCD officials were not present today for the inspection which is a part of committee constituted by Horticultures department, PWD whose meeting was conducted on 30.09.2022. As informed PWD (Horticulture) officer that a joint report after inspection of 30.09.2022 has been sent to the Principle bench of the Hon`ble Green Tribunal. On 17.10.2022.

Copy of the inspection report dated 17.10.2022 alongwith photographs are enclosed as ANNEXURE-1.

3. That, the issue of cutting and pruning of trees is covered under the Delhi Preservation of Trees Act, 1994. As per the Act, if a person desires to cut, dispose or fell a tree then the person has to make an application to the concerned Tree officer for permission and after inspection, the Tree Officer may either grant permission in whole or in part, for the reasons recorded in writing.
4. That, the answering respondent per se does not have jurisdiction under "THE DELHI PRESERVATION OF TREES ACT, 1994". The Forest Department,

Government of NCT Delhi is the appropriate authority under this Act therefore is the appropriate department to look and take action in the matter.

5. That, the under the prevailing environmental legislations, DPCC has no power to take action under "THE DELHI PRESERVATION OF TREES ACT, 1994 or to recommend any action under the provision of the said Act.
6. That, as DPCC has no power / responsibility under the provisions of the "THE DELHI PRESERVATION OF TREES ACT, 1994", hence the cost of Rs 5,000/- as proposed by This Hon'ble Tribunal vide order dated 18.10.2022 may please be waived off/ not imposed. The answering respondent is taking all necessary steps to comply with orders of this Hon'ble Tribunal in letter and spirit. Further the answering respondent has highest regard to the orders passed by this Hon'ble Tribunal.
7. In view of the above, it is most respectfully submitted that, DPCC may be deleted from the array of respondent.

The present status report may kindly be taken on record.



(Anwar Ali Khan)

Sr. Environmental Engineer



Annex 1

4

Inspection Report in O.A 529/2022

Date: 17/10/2022

As per the directions of Hon'ble NGT an inspection of the site has been conducted today on 17.10.2022. During the inspection it has been reported/inform by Sh. Gopal Singh (Meena (W/O of Horticulture, PWD) that in year 2018 after got permission from Forest department on 04/10/2018, the dried up dangerous tree has been cut out from the original location with the condition to plant Ten (10) Trees. During inspection PWD officials has been informed that on 24/09/2022, Ten Trees has been installed near Junior wing, VEDA vyasa Day Public school, PH-1, Vikaspuri, Delhi - 110018.

Sh. Ashok (Forest Guard, West forest Division, Mandir Lane, New Delhi) also present during inspection has been informed that their department gave the permission for cutting dried tree after found that it was dangerous.

As per the visual observation and inform by the complainant as well as inhabitant of the property ~~no~~ No. A-159, the presently in the existing tree lane on the road side a PNG line from IGL, Telephone line from Tele communication Company i.e. MTNL (as seen on manhole) besides sewage line conduit (Depth under lying not reported/known).

During the inspection PWD official has informed that they have prepared detailed report feasibility of section of new Trees on the location from where earlier dried up dangerous tree was removed. During inspection the area earlier from where dried up dangerous tree was removed has been found pakka by lying of Cement concrete layers.

MCD officials were not present today for the inspection which is a part of committee constituted by Horticulture department, whose meeting was conducted on (30/09/2022). As informed PWD (Horticulture) officer that a <sup>Joint</sup> report after inspection of 30/09/2022 has been sent to the principle bench Hon'ble NGT on 17/10/2022. The team consist of PWD (Horticulture), Forest department and MCD (Horticulture department).

Sh. V. S. D.P.C.C. 17/10/2022

PWD (Horticulture)

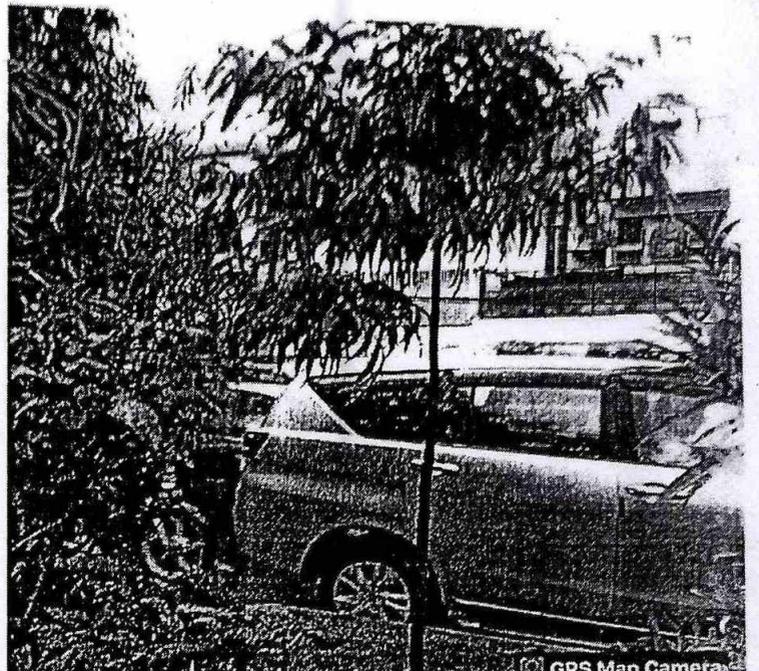
Forest Department (West forest)



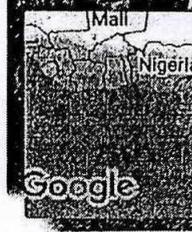
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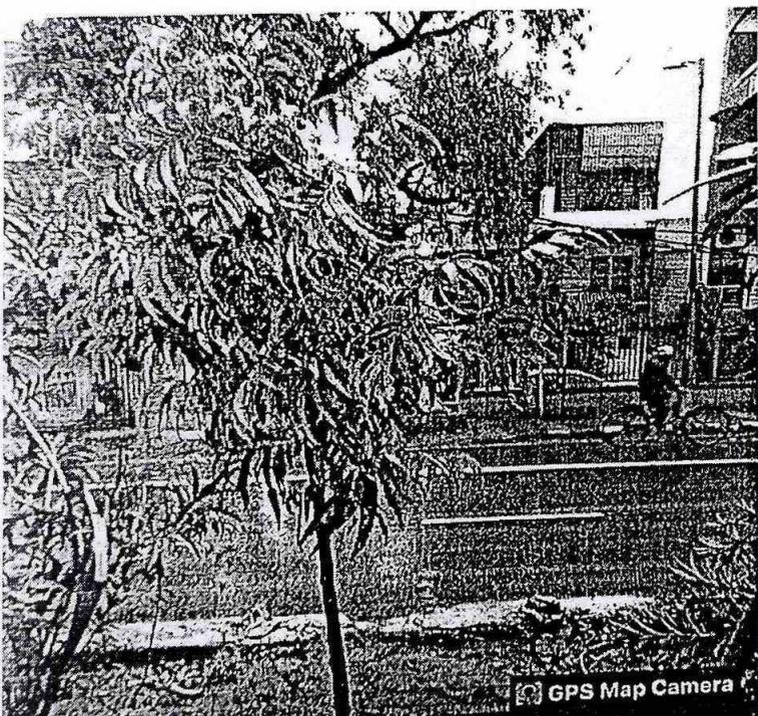
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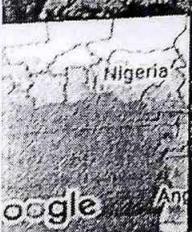
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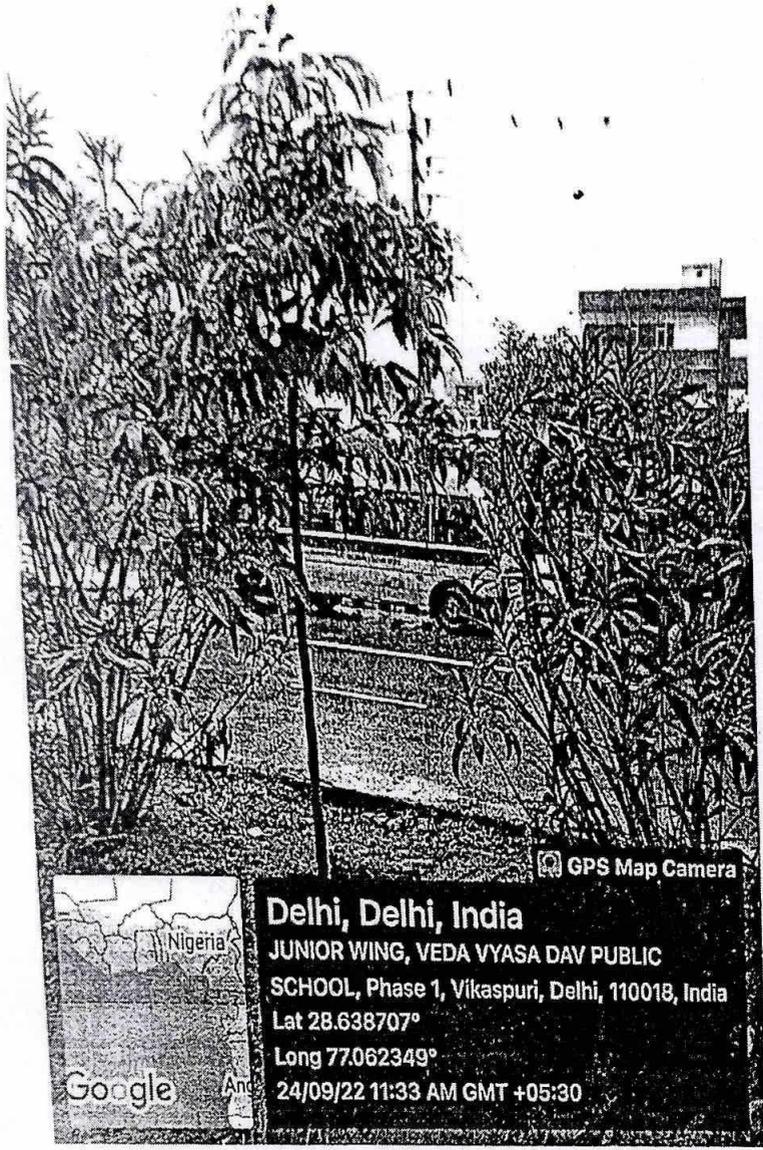
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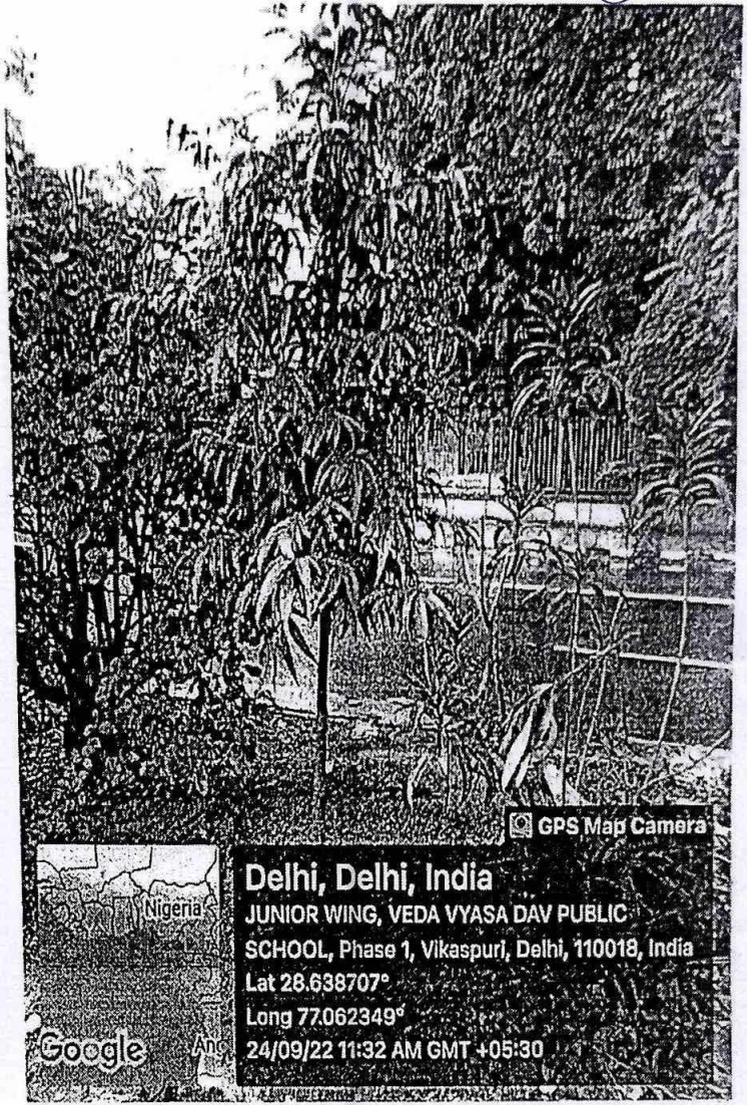
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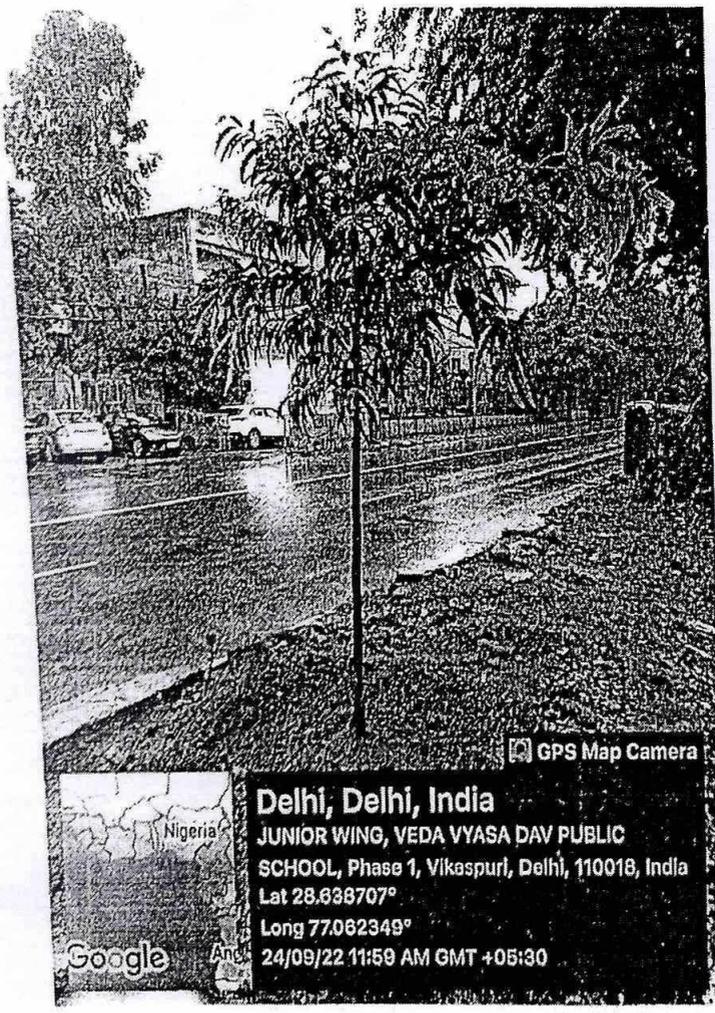
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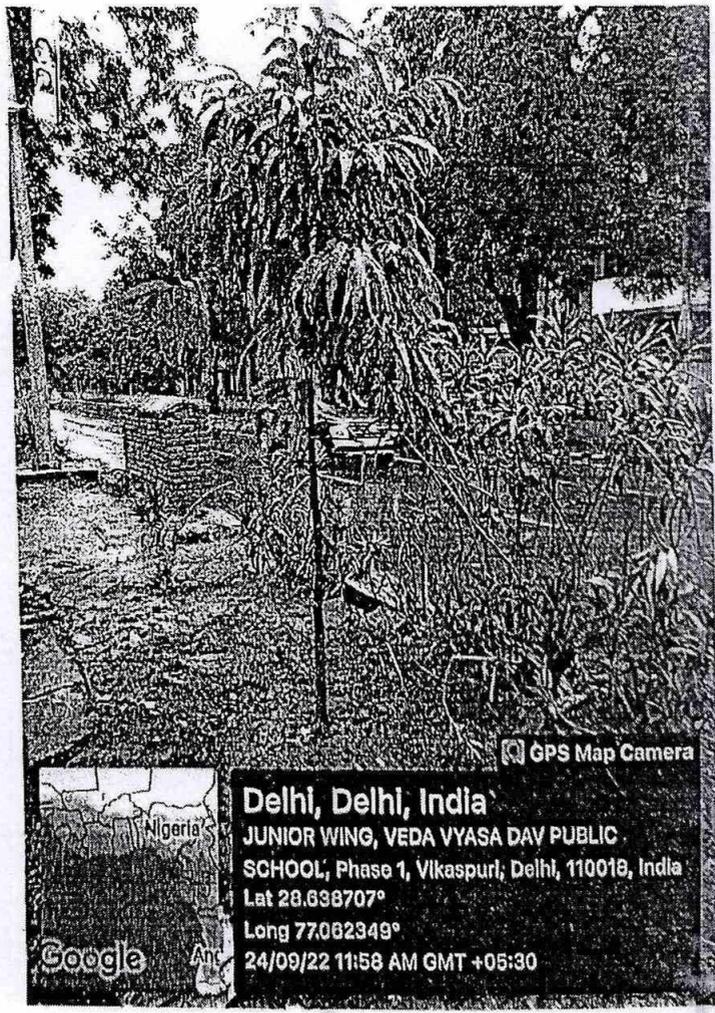
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7

