

751
**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

Original Application No. 807/2022

In the matter of:-

Bhavak Prashar

.....Applicants

Versus

Smt Indu Walia & Ors..

.....Respondents

**Compliance report of HPSPCB in compliance to
order dated 27-8-2024 passed by Hon'ble NGT.**

May it please your lordships :-

1. That the present Application has been filed by Sh. Bhavak Prashar against the unauthorized felling of trees for leveling of hill top/land development for sale of plots by Smt Indu Walia Wife of Sh. Ram Parkash Singh Tehsil and District Una HP was disposed off by Hon'ble Tribunal with following directions to the HP State Pollution Control Board:-.

“.....48. Forest Authorities imposed penalty of Rs. 1,01,000/- upon respondent 1. Thus, it clear that some trees have been cut by respondent 1 illegally and that being so, cutting of those trees has resulted in damage to environment in as much as the natural benefits including release of air improvement gases by the trees is bound to damage environment. Hence, to this extent, it cannot be doubted that respondent 1 has committed violation of environmental laws.

49. HPSPCB unfortunately has relied only on the penalty imposed by Forest Department which constitutes the cost of the tree and not the environmental compensation which is leviable for the damage caused to the environment and not cost of the trees. Here we have no manner of doubt that HPSPCB authorities have failed in discharging their duties when they knew that some trees have been illegally cut yet environmental compensation has not been imposed upon respondent 1 and no other punitive action has been taken.....

51. In view of the findings recorded by Tribunal in respect of issue II, it cannot be doubted that respondent 1 is liable to pay environmental compensation. The concerned authorities of HPSPCB are also under an obligation to take punitive and remedial action against respondent 1 for causing damage to environment due to illegal cutting of trees.

52. HPSPCB, therefore, is directed to take necessary action in the light of the observations made above, determine environmental compensation for the damage caused to environment due to illegal cutting of trees and recover the same from respondent 1 in accordance with law within a period of 03 months.

53. It will also take appropriate, punitive and remedial action for restoration of environment which has been damaged due to illegal felling of trees by respondent 1 by taking such remedial steps as are necessary in the facts and circumstances of this case.

54. A compliance Report shall be submitted by HPSPCB on or before 15.12.2024 to Registrar General of this Tribunal, who, if finds necessary, shall place the matter before Bench for further order, if any is required.....”.

2. That in compliance to the afore-cited directions, the State Board in consultation with Forest Department Govt of HP has calculated Environmental Compensation of Rs. 3,83,870.00 (Rupees Three Lakhs Eighty Three Thousands Eight Hundred Seventy only) based on the methodology framed by the Uttarakhand Pollution Control Board against illegal tree felling as per directions of the Hon'ble NGT in OA No. 147/2024 which is as follows:

EC= (Cost Factor x Trunk Area x Species Factor x Condition factor x Location Factor)-Royalty Value.

3. That accordingly Environmental Compensation amounting of Rs. 3,83,870.00 has been imposed upon the respondent No. 1 i.e. Smt Indu Walia Wife of Sh. Ram Parkash Singh, Director, Group Colonizer Private limited, resident of H. No. 108 Basant Vihar, Rakar Colony, Una-174303 (HP) vide order dated 12-12-2024, copy of which is annexed as **Annexure R-5/1**.

4. That the compliance report of the Board in this disposed off matter is hereby submitted for kind perusal and consideration of the Hon'ble Tribunal which may kindly taken on record.



Regional Officer
HP State Pollution Control Board,
Regional Office, Una, Himachal Pradesh
Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303

Dated:- 13/12/2024
 Place:- Una

HP STATE POLLUTION CONTROL BOARD,
Below BCS, Phase-III, New Shimla

Environmental Compensation as per the orders dated 27-8-2024 passed by the Hon'ble NGT in OA No. 807/2022 titled as Bhavak Prashar Vs Smt Indu Walia & ors.

Whereas, an Original Application No. 807/2022 was filed by Sh. Bhavak Prashar before the Hon'ble National Green Tribunal, Delhi against the unauthorized felling of trees for leveling of hill top/land development for sale of plots by Smt Indu Walia Wife of Sh. Ram Parkash Singh Tehsil and District Una HP.

Whereas the matter was disposed off by the Hon'ble NGT vide order dated 27-08-2024 with the following directions to the State Board:-

".....48. Forest Authorities imposed penalty of Rs. 1,01,000/- upon respondent 1. Thus, it clear that some trees have been cut by respondent 1 illegally and that being so, cutting of those trees has resulted in damage to environment in as much as the natural benefits including release of air improvement gases by the trees is bound to damage environment. Hence, to this extent, it cannot be doubted that respondent 1 has committed violation of environmental laws.

49. HPSPCB unfortunately has relied only on the penalty imposed by Forest Department which constitutes the cost of the tree and not the environmental compensation which is leviable for the damage caused to the environment and not cost of the trees. Here we have no manner of doubt that HPSPCB authorities have failed in discharging their duties when they knew that some trees have been illegally cut yet environmental compensation has not been imposed upon respondent 1 and no other punitive action has been taken.....

51. In view of the findings recorded by Tribunal in respect of issue II, it cannot be doubted that respondent 1 is liable to pay environmental compensation. The concerned authorities of HPSPCB are also under an obligation to take punitive and remedial action against respondent 1 for causing damage to environment due to illegal cutting of trees.

52. HPSPCB, therefore, is directed to take necessary action in the light of the observations made above, determine environmental compensation for the damage caused to environment due to illegal cutting of trees and recover the same from respondent 1 in accordance with law within a period of 03 months.

53. It will also take appropriate, punitive and remedial action for restoration of environment which has been damaged due to illegal felling of trees by respondent 1 by taking such remedial steps as are necessary in the facts and circumstances of this case.

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A.BE
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Dated
13/12/24

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13/12/24



54. A compliance Report shall be submitted by HPSPCB on or before 15.12.2024 to Registrar General of this Tribunal, who, if finds necessary, shall place the matter before Bench for further order, if any is required.....".

Whereas as per report received from the Deputy Conservator of Forest, Department of Forests, Govt. of HP dated 27-9-2024 and 19-10-2024, 18 numbers of trees (Japani Toot=10, Tun=04 and Simbal=04) were unauthorizedly /illegally felled at the spot.

Whereas the Uttarakhand Pollution Control Board has developed a framework for establishing an Environmental Compensation against illegal tree felling as per directions of the Hon'ble NGT in OA No. 147/2024 which as follows:

EC= (Cost Factor x Trunk Area x Species Factor x Condition factor x Location Factor)-Royalty Value.

Whereas, as per report dated 11-12-2024 received from the Regional Office, HPSPCB, Una the amount of Environmental Compensation on account of illegal tree felling has been calculated in consultation with Divisional Forest Officer, Una based on the rural factor applying the formula developed by Uttarakhand Pollution Control Board in its report in OA No. 147/2024 which is under:-

S. No.	Description	Japani Toot	Tun	Simbal
1.	Tree Dia in cm	25	25	25
2.	Tree area in sqcm	490.62	490.62	490.62
3.	Cost factor for sapling	30	30	30
4.	Cost factor for planting of sapling	100	100	100
5.	Total Cost Factor	130	130	130
6.	Scale of species factor	0.6	0.75	0.8
7.	Scale of Condition factor	1	1	1
8.	Score for location factor	0.5	0.5	0.5
9.	Ecological Service Value	19134	23918	25512
10.	Royalty factor	195	615	195
11.	Total Environmental Compensation	18939	23303	25317
12.	No. of Tree felled	10	4	4
13.				

755

	Total	189390	93212	101268
14.	Grand Total	383870.00		

Whereas the facts stated above establish that respondent No. 1 i.e. Smt Indu Walia Wife of Sh. Ram Parkash Singh is liable for imposition of Environmental Compensation on account of illegal tree felling of 18 trees.

In view of above, an Environmental Compensation amounting of Rs. 3,83,870.00 (Rupees Three Lakhs Eighty Three Thousands Eight Hundred Seventy only) is hereby imposed upon. Smt Indu Walia Wife of Sh. Ram Parkash with the direction that the same should be deposited in the account of Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) within 7 days failing which action under the provisions of Water Act, 1974 and Air Act, 1981 shall be initiated against the defaulter.

Signed by

Ram Kumar Gautam
Member Secretary
Date: 12-12-2024 17:08:12
HPSPCB, Shimla

No. PCB-OA No. 807/2022/--

15014-16

Dated:- 12-12-2024

Copy forwarded to the following for information, compliance/action and report:-

1. The Regional Officer, HPSPCB, Una with direction to ensure compliance of directions of the State Board and submit report within 15 days.
2. Smt Indu Walia Wife of Sh. Ram Parkash Singh, Director, Group Colonizer Private limited, resident of H. No. 108 Basant Vihar, Rakar Coloney, Una-174303 (HP)
3. Case File.

Member Secretary

HPSPCB, Shimla