

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 5/2025

IN THE MATTER OF:

Kartar Singh & Anr.s . . . Applicants
 Versus
 Govt. of NCT of Delhi & Ors. . . Respondents

I N D E X

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FILED BY:



NEW DELHI
 DATED: 28.02.2025

(JYOTI MENDIRATTA)
 Advocate for the GNCT of Delhi
 H-34, Jangpura Extension,
 (Lower Ground Floor),
 New Delhi-110014
 MOBILE NO.+91 9811136141

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

IN

O.A No. 05/ 2025

IN THE MATTER OF:-

KARTAR SINGH & ANR

... APPLICANT

VERSUS

GOVT. OF NCT OF DELHI & ORS

... RESPONDENTS

STATUS REPORT ON BEHALF OF RESPONDENT NO 7. THROUGH
DEPUTY CONSERVATOR OF FOREST, DEPARTMENT OF FOREST &
WILDLIFE (WEST FOREST DIVISION), GOVT. OF NCT OF DELHI.

1. That I am duly authorized to file this Status Report and competent to depose the present affidavit on the basis of official records as maintained by Respondent No.7, Department of Forest & Wildlife, Govt. of NCT of Delhi.
2. That the Status Report is true and correct, which are derived from the records of the case. That the present Status Report has been drafted under my instructions.
3. That it is submitted that the petitioner referred that the grievance of the applicant is that the Transport Department of Delhi has encroached upon the above water body and is constructing the DTC terminal and multi-storey commercial building on khasra no 12/11 and 12/19 without taking CLU and NOC from the forest department. Further, the applicant alleges that in that process, they are cutting/shifting 39 trees.



4. That the Hon'ble National Green Tribunal vide its order dated 20.01.2025 had directed the respondent to file a status report, the relevant portion of which is reproduced herein under:

[...]5. Issue notice to the respondents. Ms. Cauveri Birbal, learned counsel accepts notice on behalf of respondent no. 5 and seeks three weeks to file the reply. Applicant is directed to serve the other respondents and file the affidavit of service at least one week before the next hearing date. Respondents are directed to file their response/reply by way of affidavit at least one week before the next date of hearing through e-filing. If any respondent directly files the reply/affidavit without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal. [...]

5. That the concerned area as pointed out by the petitioner falls within the jurisdiction of Department of Forest and Wildlife, GNCTD (West Forest Division).
6. That it is submitted ground inspection was carried out by the concerned official of Department of Forest & Wildlife, GNCTD on 18.02.2025 and it was observed that the several trees were damage at the site. The description of the trees are mentioned in tabular format as under:-

Sl. No.	Species	No. of Trees	Type of Offence
01	Melia Azedarach (Bakain)	02	Pruning
02	Indian Elm (Papdi)	01	Pruning
03	Ficus Religiosa (Peepal)	03	Pruning



04	Morus Alba (Shehtu)	01	Pruning
05	Azadirachta indica (Neem)	03	Pruning
06	Prunus Dulcis (Bad)	02	Headback/Damaged
07	Morus Alba (Shehtu)	01	Concretized
	Total	13 Trees	

That it is further submitted total 13 trees were affected at Najafgarh bus terminal where construction work has been going on. The copy of the inspection report alongwith colored photographs are annexed as **Annexure-A**.

7. That it is submitted that an offence has been registered and notice was issued against the offender Under Section 31 of Delhi Preservation of Tree Act, 1994, on 20.02.2025 to appear before the Court of Tree Officer on 27.02.2025. The copy of the notice is annexed as **Annexure-B**.
8. That it is submitted that the matter is pending before the Hon'ble High Court of Delhi titled as Bhavreen Khandari vs. C.D Singh Cont. (C)-1149/2022 in the above said matter the Hon'ble High Court of Delhi passed several orders regarding the permission for felling/transplantation/pruning of trees which are granted by the Tree officer/Deputy Conservator of Forest.

On 31.08.2023

Mr. Gupta states that till the next date of hearing no permission for felling of trees for any individuals will be granted and any permission required for important projects will be intimated to the Court.

On 13.12.2024



13. In the meanwhile, it is directed that all the DCFs shall ensure that no pruning is undertaken till the Department of Forest and Wildlife has a mechanism/guidelines/SOP in place to ensure that the pruning is done and monitored in accordance with the provisions of DPTA. In case pruning is to be undertaken for reasons, as envisaged under the provisions of the DPTA, the Department of Forest shall ensure an eligible and responsible person is present to supervise the same.

On 09.08.2024

11. Further, this court on 05.07.2024 once again made it clear that the Respondent No. 2 shall not grant any other further permission till the contempt petition is decided by this Court. Nonetheless, the respondent has continued to grant permissions in contravention of orders of this court. This is unacceptable.

The copy of the order are annexed as **Annexure-C (colly)**.

9. That it is submitted that an application was received from the Delhi Metro Rail Corporation (DMRC) on 21.07.2023 vide Application ID- 13637 on e-forest portal of Department of Forest and Wildlife, Govt. of NCT of Delhi. for transplantation of 39 nos. of trees at Delhi Transport Corporation (DTC) Bus Terminal Najafgarh for construction of Bus Terminal for Delhi Transport Corporation of Najafgarh, New Delhi the same is pending till date.
10. That it is submitted that the Department of Forest & Wildlife, GNCTD (West Forest Division) is keeping a watch and the said area is being regularly patrolled to ensure that no tree is cut or damage.
11. It is most respectfully and humbly stated that the DCF (West) has the utmost regard and respect for the majesty of the Hon'ble Tribunal and has in the past, as also in the present instance done and will continue to do



everything in its power to ensure compliance of the directions issued by this Hon'ble Court.

12. That the Deponent is ready and willing to abide by any further order(s)/direction(s) issued by this Hon'ble Tribunal considering the facts and circumstances of the present case and seeks liberty to file status report as and when directed by the Hon'ble Tribunal or as and when need so arises.

Identify the deponent who signed before me

Amid Gemawat

DEPUTY CONSERVATOR OF FOREST
WEST FOREST DIVISION

AMIT GEMAWAT, IFS
Dy. Conservator of Forest (West)
Department of Forest & Wildlife
Govt. of NCT of Delhi
Mandir Lane, New Delhi



ATTESTED

Amid Gemawat
NOTARY PUBLIC

25 FEB 2025



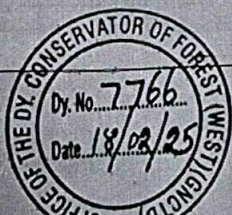
DEPARTMENT OF FOREST & WILDLIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
WEST FOREST DIVISION: MANDIR LANE: NEW DELHI-60
Tel No- 011 23361879 Email: dcwestgnctd@nic.in

Dated: 18/02/25

INSPECTION REPORT

This is to inform you that I Oman Gahlot (Name of Inspection Officer), inspected the below mentioned area as per information received from Patrolling related to the offence committed under DPTA 1994.

1	Name of Inspection Officer	Oman Gahlot
2	Date of Inspection	18/02/25
3	Time of Inspection	10:27 AM
3	Location of Offence	DTC Bus Terminal Najafgarh, Sharda Road, NO-43
4	Geo-Coordinates of the Offence Location	Lat - 28.615378° Long - 76.977578°
5	Type of Offence	Brambling-10, Categorized-1, Damage-2
6	No. of Trees Damaged	13
7	Colour Photographs of Damaged Trees with Geo-Coordinates	Attached
8	Alleged Offender Name & Address (Individual)	
9	Alleged Offender Name (Civic Department) *To whom notice under DPTA 1994 may be issued for investigation of this case	Mr. Rupak P. Guevar, DMRC Add- Office of Chief Project Manager-M, Ground floor, Airport Express Metro station, Dhaura Kuan, NO PH No - 9650020120



officer

@



10	Name of the Complainant & Address, (If Any)	_____
11	Statement of Witness, (If Any)	_____

Description of Site Visit :-

On the site The construction work was going on where trees were Harmed by JCB and also there were ^{having} cut marks of Axe on ~~them~~, 1 Tree was converted, 10 Prunning (Neem-3, Bakain-2, Santul-1, Papdi-1, Keopal-3 and One tree was felled and Damaged Bud. which is an offence Under DPTA, 1994.

Gahlot

Inspection Officer
West Forest Division
BEAT OFFICER
WEST DIVISION

TRUE TYPED COPY

33

GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST & WILDLIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
Tel No:- 011-23361879 Email:- dcfwest.gnctd@delhi.gov.in

Dated:- 18.02.2025

INSPECTION REPORT

This is to inform you that I **Oman Gahlot** (Name of inspection officer), inspected the below mentioned area as per information received from **Partrolling** related to the offence committed DPTA, 1994.

1	Name of inspection Officer	Oman Gahlot
2	Date of Inspection	18.02.2025
3	Location of Offence	DTC Bus Terminal Najafgarh Jhoroda Road, New Delhi-43
4	Geo-Coordinates of the Offence location	Lat:- 28.615378 ° Long:- 76.977578°
5	Type of Offence	Pruning-10, Concertization-01, Damage-02
6	No of Trees Damaged	13
7	Colour Photographs of Damaged Trees with Geo-Coordinates	Attached
8	Alleged Offender Name & Address (Individual)	N/A
9	Alleged Offender Name (Civic Department) *To whom notice under DPTA 1994 may be issued for investigation of this	Mr. Deepak P. Gaurav, DMRC Add-Office of Chief Project Manager-M, Ground Floor, Airport Express Metro Station, Dhaula Kuan, New Delhi Ph:- 9650020129

	case	
10	Name of the Complainant & Address, of Any)	N/A
11	Statement of Witness, (if Any)	N/A
Description of site vist:-		
<p>I Oman Gahlot, (Forest Guard) had inspected the Najafgarh Terminal site during the inspection it was observed that total 13 trees are harmed/damaged due to construction work which have been going on at the above mentioned site. There were cut marks on the trees, 1 trees was concretized, 10 pruning (Neem-3, Bakain-2, Shetut-01, Papdi-01, Peepal-03) 01 Head back and damaged (Bad). This is violation of the Delhi Preservation of Tree Act (DPTA), 1994.</p>		

S/d

Inspection Officer
West Forest Division
Beat Officer West Division

Diary No. 7766/18.02.2025

To
The DCF,
Mandir Lane, NO-60

Date:- 20th Feb, 25

Subject:- Offence Report of Najafgarh Terminal

Dear Sir,

I Oman Gahlot (FO) had inspected the Najafgarh Terminal where total 13 trees are harmed due to construction work going on. Their were cut marks of Axe on trees, 1 trees was sawed, 10 pruning (Neem-3, Bakain-2, Shetut-1, Papdi-1, Peepal-3) 1 Headback and damed (Bad). which is an Offence under DPTA, 1994.

The report is Submitted for further necessary actions

Gahlot

Oman Gahlot (FO)

Dated: - 20th Feb, 2025

To

The Dy. Conservator of Forest
West Forest Division
Mandir Lane, New Delhi-60

Sub:- Offence report of Najafgarh Terminal.

Dear Sir,

I Oman Gahlot, (Forest Guard) had inspected the Najafgarh Terminal site during the inspection it was observed that total 13 trees are harmed/damaged due to construction work which have been going on at the above mentioned site. There were cut marks on the trees, 1 trees was concretized, 10 pruning (Neem-3, Bakain-2, Shetut-01, Papdi-01, Peepal-03) 01 Head back and damaged (Bad). This is violation of the Delhi Preservation of Tree Act (DPTA), 1994.

The report is submitted for further necessary actions.

S/d

Oman Gahlot
Najafgarh



 **GPS Map Camera**

Delhi, Delhi, India
Saini Sadan 47a, 47b, Lokesh Park, Najafgarh, Delhi, Delhi
110043, India
Lat 28.615182° Long 76.977896°
18/02/2025 10:14 AM GMT +05:30



Google



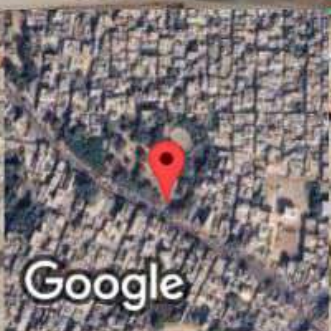
GPS Map Camera

Delhi, Delhi, India

Saini Sadan 47a, 47b, Lokesh Park, Najafgarh, Delhi, Delhi
110043, India

Lat 28.615172° Long 76.977932°

18/02/2025 10:14 AM GMT +05:30

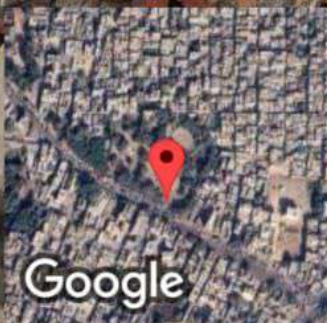


Google




 **GPS Map Camera**

Delhi, Delhi, India
Saini Sadan 47a, 47b, Lokesh Park, Najafgarh, Delhi, Delhi
110043, India
Lat 28.615188° Long 76.977877°
18/02/2025 10:14 AM GMT +05:30



Google



 **GPS Map Camera**

Delhi, Delhi, India
Najafgarh Terminal, Lokesh Park, Najafgarh, Delhi, Delhi
110043, India
Lat 28.615288° Long 76.97767°
18/02/2025 10:14 AM GMT +05:30



Google



GPS Map Camera

Delhi, Delhi, India

Saini Sadan 47a, 47b, Lokesh Park, Najafgarh, Delhi, Delhi
110043, India

Lat 28.615179° Long 76.977893°

18/02/2025 10:14 AM GMT +05:30



Google



 **GPS Map Camera**

Delhi, Delhi, India
Najafgarh Terminal, Lokesh Park, Najafgarh, Delhi, Delhi
110043, India
Lat 28.615311° Long 76.977635°
18/02/2025 10:15 AM GMT +05:30





 GPS Map Camera

नई दिल्ली, Delhi, India

Dtc Najafgarh Depot, Najafgarh Bahadurgarh Road, Lokesh Park,
Najafgarh, Lokesh Park, Najafgarh, नई दिल्ली, Delhi 110043, India

Lat 28.615318° Long 76.977522°

18/02/2025 10:17 AM GMT +05:30





 **GPS Map Camera**

Delhi, Delhi, India
Najafgarh Terminal, Lokesh Park, Najafgarh, Delhi, Delhi
110043, India
Lat 28.615378° Long 76.977578°
18/02/2025 10:15 AM GMT +05:30





GPS Map Camera

नई दिल्ली, Delhi, India**Dtc Najafgarh Depot, Najafgarh Bahadurgarh Road, Lokesh Park,
Najafgarh, Lokesh Park, Najafgarh, नई दिल्ली, Delhi 110043, India****Lat 28.615348° Long 76.977018°****18/02/2025 10:19 AM GMT +05:30**

Google



 GPS Map Camera

नई दिल्ली, Delhi, India


Dtc Najafgarh Depot, Najafgarh Bahadurgarh Road, Lokesh Park,
Najafgarh, Lokesh Park, Najafgarh, नई दिल्ली, Delhi 110043, India

Lat 28.615329° Long 76.977526°

18/02/2025 10:17 AM GMT +05:30





 **GPS Map Camera**

New Delhi, Delhi, India
159, Lokesh Park, Najafgarh, New Delhi, Delhi 110043, India
Lat 28.615423° Long 76.977033°
18/02/2025 10:19 AM GMT +05:30





 GPS Map Camera

नई दिल्ली, Delhi, India

Dtc Najafgarh Depot, Najafgarh Bahadurgarh Road, Lokesh Park,
Najafgarh, Lokesh Park, Najafgarh, नई दिल्ली, Delhi 110043, India

Lat 28.615262° Long 76.977099°

18/02/2025 10:20 AM GMT +05:30



Google



GPS Map Camera

नई दिल्ली, Delhi, India


Dtc Najafgarh Depot, Najafgarh Bahadurgarh Road, Lokesh Park,
Najafgarh, Lokesh Park, Najafgarh, नई दिल्ली, Delhi 110043, India

Lat 28.61526° Long 76.977109°

18/02/2025 10:20 AM GMT +05:30

Google



 **GPS Map Camera**



Delhi, Delhi, India

Jx8g+6wv, Lokesh Park, Najafgarh, Delhi, Delhi 110043, India

Lat 28.615716° Long 76.97719°

18/02/2025 10:21 AM GMT +05:30



GPS Map Camera

Delhi, Delhi, India

Jx8g+6wv, Lokesh Park, Najafgarh, Delhi, Delhi 110043,
India

Lat 28.615714° Long 76.977191°

18/02/2025 10:21 AM GMT +05:30



Google

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 GPS Map Camera

नई दिल्ली, Delhi, India

Dtc Najafgarh Depot, Najafgarh Bahadurgarh Road, Lokesh Park,
Najafgarh, Lokesh Park, Najafgarh, नई दिल्ली, Delhi 110043, India

Lat 28.615262° Long 76.977096°

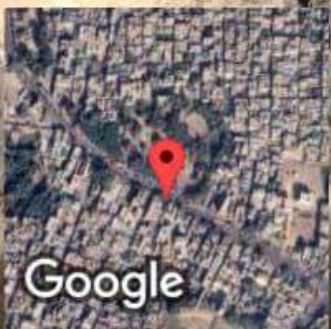
18/02/2025 10:20 AM GMT +05:30

 Google






 **GPS Map Camera**

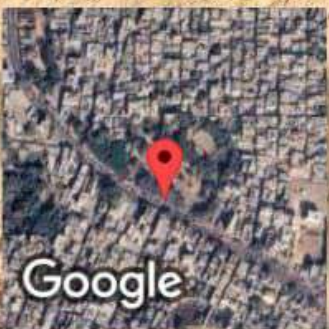


Delhi, Delhi, India
Saini Sadan, 47a, 47b, Lokesh Park, Najafgarh, Delhi, Delhi
110043, India
Lat 28.615009° Long 76.977678°
18/02/2025 10:24 AM GMT +05:30



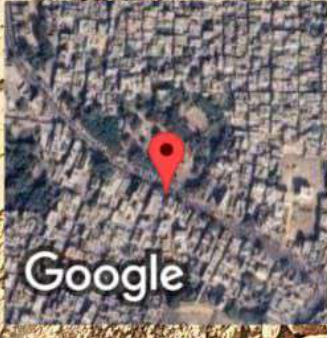
 **GPS Map Camera**

Delhi, Delhi, India
Najafgarh Terminal, Lokesh Park, Najafgarh, Delhi, Delhi
110043, India
Lat 28.615233° Long 76.977554°
18/02/2025 10:23 AM GMT +05:30





 **GPS Map Camera**



Delhi, Delhi, India
Saini Sadan, 47a, 47b, Lokesh Park, Najafgarh, Delhi, Delhi
110043, India
Lat 28.615026° Long 76.977678°
18/02/2025 10:24 AM GMT +05:30



GOVT. OF N.C.T. OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS (WEST)
WEST FOREST DIVISION MANDIR LANE NEW DELHI-110060
Tel No-01123361879: E:Mail:- defwest.gnetd@gov.in

F.2(304)/DCF (W)/Tree Offence/ID-237/2024-25/10/99-97

Dated: 20/02/25

NOTICE UNDER DPTA, 1994

Whereas it has been alleged that a tree offence has been committed by illegal pruning/concretization/damage of trees located at DTC Bus Terminal, Najafgarh Jharoda Road, New Delhi-110043 which is violation of Delhi Preservation of Trees Act, 1994.

And whereas, the statement (s) of following persons (s) addressed in this notice is required to find out the factual position and to determine the extent of offence according to its merit.

Now, therefore, **I, TREE OFFICER**, as empowered u/s 31 of Delhi Preservation of Tree Act, 1994, call upon you to appear before me on **27.02.2025 at 11:50 AM** in the office of Dy. Conservator of Forests West Forest Division, Mandir Lane, Mandir Marg, New Delhi-110060. In event of failure to appear, legal action will be initiated against concerned and the matter would be proceed ex-parte. As per Section 136, CrPC, non-compliance of this notice attract penal provision u/s 188 of IPC.

TREE OFFICER
WEST FOREST DIVISION

To,

1. Mr. Deepak P. Gurav, (Mob:- 9650020129), DMRC Office of Chief Project Manager-M, Ground Floor, Airport Express Metro Station, Dhaula Kuan, New Delhi-110010 with direction to appear before me on the above said date and time.
2. Depot Manager, DTC Bus Terminal, Najafgarh Bahadurgarh Road, Lokesh Park, Najafgarh, New Delhi 110043 with direction to appear before me on the above said date and time.
3. Sh. Oman Gahlot (Forest Guard) WFD, Mandir Marg, Mandir Lane, New Delhi-110060 with direction to appear before me on the above said date and time.

TREE OFFICER
WEST FOREST DIVISION

Please Note:-

1. Carry a copy of valid ID proof while coming for the hearing.
2. Authorization letter is mandatory if the addressee of this notice is not attending the hearing himself/herself.



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 1149/2022

BHAVREEN KANDHARI Petitioner

Through: Mr. AN Prasad, Mr. Harshvardhan,
Advs.

versus

SHRI C. D. SINGH AND ORS. Respondent

Through: Mr. Anupam Srivastava, ASC with
Mr. Dhairya Gupta, Advs. for GNCTD

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **31.08.2023**

CM APPL. 44854/2023-EX.

Allowed subject to all just exceptions.

The application stands disposed of.

CM APPL. 44853/2023- EARLY HEARING

1. This is an application seeking early hearing of the matter as it is stated that despite the order dated 28.04.2022. The respondents are recklessly granting permission for felling of trees.
2. A perusal of the permissions granted by the respondent for felling of trees seems to suggest that there is total non-application of mind while granting permissions. Some of the permissions show that trees have been permitted to be cut for individuals requiring parking spaces for their vehicles.
3. It is therefore, directed that the respondents shall bring the files pertaining to granting of permissions (as per this application) of all the trees which have been felled at 10:30 a.m. on the next date of hearing.
4. Mr. Prasad, learned counsel for the petitioner shall have a look at these



files and the matter will be taken up on 14.09.2023 at 2:30 p.m.

5. The respondents shall join through video conferencing mode on those dates.
6. Mr Gupta states that till the next date of hearing no permission for felling of trees for any individuals will be granted and any permission required for important projects will be intimated to the Court.
7. List on 14.09.2023, the date already fixed.

JASMEET SINGH, J

AUGUST 31, 2023 / (MS)

[Click here to check corrigendum, if any](#)



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 1149/2022 & CM APPL. 7979/2024, CM APPL.
7980/2024, CM APPL. 29795/2024, CM APPL. 29796/2024, CM
APPL. 37645/2024, CM APPL. 44143/2024, CM APPL. 47590/2024,
CM APPL. 53949/2024, CM APPL. 57162/2024, CM APPL.
67188/2024, CM APPL. 67527/2024, CM APPL. 69803/2024, CM
APPL. 69804/2024

BHAVREEN KANDHARI

.....Petitioner

Through:

Mr. Aditya N Prasad, Mr. Pratyush Jain, Ms.
Poorvi Rewalia, Advs.

Mr. Gautam Narayan, Ms. Prabhsahay Kaur, Ms.
Asmita Singh, Mr. Satyakam, *Amicus Curiae*

Mr. Tushar Nair, Mr. Punishk Handa,

Mr. Anirudh Anand, Advs

Mr. Ankit Jain, Sr. Adv (*Amicus Curiae*) with Ms.
Divyanshu Rathi, Mr. Aditya Chauhan, Advs.

Versus

SHRI C. D. SINGH AND ORS.

.....Respondent

Through: Mr. Sanjeev Sabharwal, SC

Ms. Mehak Nakra, ASC

Mr. Tarun Johri, Mr. Vishwajeet Tyagi, Mr. Ankur
Gupta, Advs.

Ms. Avshreya Pratap Singh, Ms. Harshita
Chaturvedi, Ms. Usha, Advs.

Mr. Rajesh Katyal, Adv.

Mr. Chetan Sharma, ASG with Mr. Amit Gupta,

Mr. Balendu Shekhar, CGSC with Mr. Shubham
Sharma, Mr. Krishna Chaitanya, Advs.

Ms. Hetu Arora Sethi, ASC with Mr. Arjun Basra,
Advs.

Mr. Apurv Kurup, Sr. Adv. for CPCB



**CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH**

ORDER
% **13.12.2024**

CONT.CAS(C) 1149/2022

1. Mr. Prasad, learned counsel for the petitioner has handed over a permission dated 21.11.2024, wherein permission has been granted for '*light pruning*' of trees (maximum of 3 or 4 branches, girth up to 40 cm) at Jungpura Extension by the Tree Officer & Deputy Conservator of Forest, South Forest Division.
2. Another permission dated 10.10.2024 has been shown wherein permission has been granted for '*heavy pruning*' of trees (maximum of 3 or 4 branches, girth up to 40-60 cm) at Hauz Khas Enclave by the Tree Officer & Deputy Conservator of Forest, South Forest Division.
3. The photographs, in pursuance of the above permissions, have been shown by the learned counsel for the petitioner depicting a pitiable state of affairs. The same are reproduced as under:-



Jungpura Extension





Hauz Khas



4. On my query as to how compliance of permission for pruning are being ensured, Mr. Pandey, DCF (South), appears through video conferencing mode and states, in response to the abovesaid permissions, that it is the concerned land owning agency which is to ensure compliance of the orders passed by the DCF.
5. I am unable to appreciate the stand of the DCF.
6. This court in *Prof. Dr. Sanjeev Bagai v. State (NCT of Delhi)*, 2023



SCC OnLine Del 3627 while sticking down the Guidelines for Pruning of Trees held the following:-

“12. Section 33 of the DPT Act, gives powers to the Government to give directions, general or special, to the Tree Officers and other officers, regarding the discharge of their functions and for effectively carrying out actions in support of the objectives of the Act. The Guidelines for Pruning of Trees are essentially an informal administrative handbook to assist the Officers of Department of Forests and Wildlife. They are not a part of any statute. They do not carry a statutory flavour or character. The sole objective of the DPT Act, is preservation of trees. The granting of permission for cutting, girdling, lopping, pollarding, etc. of trees is to be strictly regulated and such permission is not to be granted for the asking. Yet the Guidelines permit cutting/pruning of branches of trees having a girth/circumference upto 15.7 cms. How did this figure come about? What is the scientific basis for reaching that figure? What is the justification for applying the same thickness of branches to all species of trees in Delhi? Some trees may have slim trunk girth. For such specific species and otherwise too, the entire tree could well be wantonly pruned to reduce to a mere pole-like structure, as has been done to some trees in this case. Photographs of some instances of ex facie unjustified pruning were reproduced in the previous order dated 11.04.2023, they are reproduced hereunder too:—

XXX

13. How can there be justification for such pruning? These are glaring examples of misuse of the generous permission granted under the Guidelines to prune trees/tree branches having a girth upto 15.7 cms. Had the Tree Officer been accorded an occasion to inspect these trees before they were pruned, perhaps the hapless trees would not have suffered their current fate. Was it examined or ascertained by the Tree Officer or for that matter



by any authority, whether the branches of the many trees which were pruned, were dead, diseased, dying, split, broken or constituted a threat to life or property or obstructed traffic? Was it ascertained whether the extensive and possibly indiscriminate, cutting of branches with 'live foliage' would not adversely affect the health of the trees? Was it examined, ascertained or estimated that the trees had been or could be over-pruned? If the answer to the last question is in the affirmative, then the sequiter dangers that would afflict the health and life of the fully-grown trees should have been minimized. Was it inspected if there was concretization around the tree-trunk, which could be affecting or had compromised their health and stability, therefore, the pruning of such trees would neither be advisable nor prudent? The answer to all these fundamental and relevant questions is in the negative. The Guidelines ride roughshod over all these concerns and grant a general permission for pruning of tree branches having a girth of upto 15.7 cms. The occasion to the Tree Officer to inspect or assess the health of the trees, the necessity or justification for pruning has been sought to be scuttled and taken away by the Guidelines. What is the scientific methodology employed to measure that the pruning was done only upto a girth 15.7 cms and not beyond, is not known or specified. Evidently, it is a mere guesswork. An estimation. The Guidelines are not a statutory enactment or an amendment of the statute. They cannot abridge the mandate of the statute. Even a Regulation or Rule, which are creatures of a statute cannot limit, undo or transgress the powers, objective and mandate of the statute itself.

14. Under the Act there is no sanction for the 15.7 cms girth of a tree branch to be cut. Therefore, this figure is incongruous with the statutory requirements as mandated under sections 8 and 9 of the DPT Act. The so-called permission granted under



the Guidelines seek to over-reach the statute. The Guidelines, are in conflict with the DPT Act, they are arbitrary and illegal. Consequently, the permission for pruning, presumed to be or granted under the Guidelines would be of no consequence and shall always be non-est. Therefore, the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer are hereby set aside. The only permission that can be granted for pruning, etc. is under section 9 of the Act.

15. In view of the above, no pruning of trees will be permitted in Delhi except in accordance with the DPT Act. It will be open to the respondents to frame guidelines and/or rules as may be requisite.”

(Emphasis Supplied)

7. In the above set of facts, the Department of Forest and Wildlife had permitted pruning of branches of trees of girth upto 15.6 cms. The court was of the view that there is no statutory flavour/character behind the Guidelines for Pruning of Trees and that there is no scientific reasoning behind allowing pruning for trees of girth upto 15.6 cms. The court set aside the Guidelines for Pruning of Trees and left it open to the Department of Forest to draft fresh guidelines/rules. It further noted that no pruning of trees will be permitted in Delhi except in accordance with the Delhi Preservation of Trees Act, 1994 ('DPTA').
8. In the present case, in complete contravention of the abovesaid judgment, the DCF has continued to issue permissions for pruning of trees both for alleged 'light pruning' of trees (maximum of 3 or 4 branches, girth up to 40 cm) and 'heavy pruning' of trees (maximum of 3 or 4 branches, girth up to 40-60 cm). The said figures once again have no scientific backdrop and no statutory backing.



9. It seems that the Deputy Conservator of Forest, South Forest Division is not aware of the statutory duty and responsibility cast upon the Department of Forest and Wildlife. This court has time and time again reminded the DCF of their role of preservation of trees, which is the primary objective behind the statute and that permission for felling, cutting, removing or disposing of a tree under section 9 of the DPTA cannot be passed in a causal and cavalier manner. Rather, Section 9 of the DPTA in itself restricts such permission to be given only in exceptional circumstances and only after due inspection of the trees concerned. Section 9(2) of the DPTA reads as under:-

“9. Procedure for obtaining permission to fell, cut, remove or dispose of, a tree.-

.....

(2) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing, refuse permission:

Provided that such permission may not be refused if the tree-

- (i) is dead, diseased or wind fallen; or*
- (ii) is silviculturally mature, provided it does not occur on a steep slop; or*
- (iii) constitutes a danger to life or property; or*
- (iv) constitutes obstruction to traffic; or*
- (v) is substantially damaged or destroyed by fire, lightening, rain or other natural causes; or*
- (vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof, or any part thereof for bone fide use for fuel, fodder, agricultural implements or other domestic use.*

...”



10. In view of the above, a perusal of the present permissions show *prima-facie* contravention of provisions of DPTA, contravention of the orders passed by this court and an overall unsatisfactory state of affairs, including:
- (a) That there is no inspection of trees sought to be pruned and blanket order granting permission has been passed;
 - (b) That the details of the trees (including but not limited to identification of the trees and/or girth of the trees) sought to be pruned have not been mentioned;
 - (c) That the reason for granting permission for pruning in terms of section 9 of the DPTA (including but not limited to dead, diseased or constituting a danger to life or property) has not been mentioned;
 - (d) That the forest department has not deputed any person to supervise the extent of pruning and ensuring that the trees are not over-pruned.
11. Hence, in the said circumstances, the DCF(South) palming off its responsibility to land owning agencies (by way of issuance of show-cause notices) to ensure compliance of the order passed by the DCF cannot be accepted. The Department of Forest expects land owning agencies to adhere to its pruning permissions without verifying whether the landowning agencies have the wherewithal to comply with its permission granted. More often than not, the permissions are violated and the Department of Forest issues show-cause notices to the said agencies, which in no way reverses the irreparable damage caused to



- the trees and to the environment at large. It is pertinent to note that the role of the DCF is not only punitive but is more importantly preventive.
12. Let a show cause notice be issued to the Deputy Conservator of Forest, South Forest Division as to how the blanket permissions for pruning of trees have been given without due inspection or reasons in contravention to the provisions of DPTA. Let the response be filed within 2 weeks from today.
 13. In the meanwhile, it is directed that all the DCFs shall ensure that no pruning is undertaken till the Department of Forest and Wildlife has a mechanism/guidelines/SOP in place to ensure that the pruning is done and monitored in accordance with the provisions of DPTA. In case pruning is to be undertaken for reasons, as envisaged under the provisions of the DPTA, the Department of Forest shall ensure an eligible and responsible person is present to supervise the same.
 14. On 11.11.2024, it was brought to notice of this Court that there are trees being felled in the forest area near Sambhav Bapu Colony, Jaunapur, Delhi. The officers of the Forest Department were directed to ensure no trees are felled in that area and a response was sought from the concerned DCF.
 15. A response has been handed over by Ms. Nakra, learned ASC on behalf of Mr. Vipul Pandey, DCF (South), wherein he has indicated that though this land was notified as a part of the Southern Ridge in 1994 but despite the same, the physical possession of the forest land is with Department of Training and Technical Education (DTTE) and the Education Department by way of subsequent allotments made by the NCT of Delhi.



16. In addition, annexed with the response is an undated order issued by the Public Works Department, Government of Delhi (PWD), wherein 1,20,000 sq.mtr. of the forest area, being part of the Southern Ridge, is permitted to be cleared by the Executive Engineer for C/O World Class Skill Centre.
17. *Prima-facie*, the Executive Engineer, PWD cannot issue orders for clearing of forest area. The same is within the domain of the Department of Forest. It is unacceptable how felling on such largescale has been permitted (with or without knowledge of the DCF).
18. Even though the DCF has issued a notice on 07.11.2024 against the Swayam Sewa Co-operative, Group Housing Society, Jhilmil and the Executive Engineer, PWD, however, the outcome of the notice has not been set out.
19. It seems that the DCF is under an impression that trees are a dispensable commodity and that the Ridge is the only area which can be utilized for additional space requirements.
20. Even the notice issued by the DCF is completely lacking details regarding the number of trees which have been felled, the variety of the trees lost and/or the age of the trees lost to felling.
21. This court has repeatedly passed directions to prevent incessant and mindless felling of trees in Delhi, however the Department has continued to display a lack of sensitivity towards the same.
22. On 31.08.2023, this court directed permission for any felling of trees required, to be first intimated to the court by way an application and subject to the application being allowed, the permission will be granted. Subsequently, the above position was repeatedly clarified by this Court.



23. Irrespective of the above position, the Department has failed to keep a check on the rampant felling of trees continuing in Delhi. The approach of the DCF is extremely lackadaisical and the affidavit in response is a clear indication of the same.
24. Further, on 11.11.2024 when the court sought information from Ms. Nakra, learned ASC regarding the unauthorized clearing of forest in Jaunapur, Delhi, the court was informed that though some felling has occurred but it cannot be ascertained under whose authority. However, from the record before me it appears that the Department of Forest had taken action against the concerned persons on 07.11.2024 itself.
25. This sequence of events do not inspire my confidence.
26. Issue show cause notice to Public Works Department and on that date, the Executive Engineer, PWD shall join through VC and shall file his affidavit as well as the DCF (South) shall remain present in Court along with his affidavit as to why contempt action be not initiated for violation of the orders dated 31.08.2024, 09.08.2024 and 11.11.2024 passed by this court. Let the response be filed within 2 weeks from today.
27. In the meanwhile, the DCF as well as the DCP of the area shall ensure that no felling of trees is done in the said area.
28. On 02.08.2024, in paragraph 16, it was directed as under:-

“16. Additionally, the Department of Forest will place on record the latest figure in respect of the area which is under forest in the ridge, the area which is under possession of other authorities and the usage of that area in the ridge before the next date of hearing.”



29. Till now, the above said information sought in paragraph 16 of the order dated 02.08.2024 has not been supplied.
30. As last and final opportunity, a period of 2 weeks is granted to the Department of Forest to provide the information. Additionally, the affidavit will also indicate the forest land in Delhi and the extent of illegal and unauthorized encroachments on the same. A detailed site-plan shall also be filed.
31. For this purpose, list on 10.01.2025.

CM APPL. 69803/2024

32. This is an application seeking impleadment of Central Pollution Control Board (CPCB).
33. For the reasons stated in the application, the application is allowed and the CPCB is impleaded.

CM APPL. 69804/2024

34. This is an application on behalf of CPCB for carrying out the transplanting/ removal of dead trees (Transplantation of 26 Nos. within the CPCB campus and removal of 03 Nos dead trees)
35. The learned ASG has very fairly submits that before the application is taken up for hearing, the learned *Amici Curiae* can visit the site and see the need as well as the progress.
36. Let the needful be done before the next date of hearing.
37. List on 10.01.2025.

CM APPL. 29796/2024

38. This is an application seeking impleadment of NCRTC.
39. For the reasons stated in the application, the application is allowed and NCRTC is impleaded.

**CM APPL. 29795/2024**

40. Mr. Katyal, the learned counsel for the NCRTC seeks and is granted opportunity to file a response to the affidavit filed by the learned *Amici Curiae*.
41. In the meanwhile, learned *Amici Curiae* may also see the status of the transplanted trees and compensatory trees, wherein the assistance will be provided by the representatives of the department.
42. List on 10.01.2025.

CM APPL. 7979/2024

43. This is an application seeking impleadment of Delhi Metro Rail Corporation Ltd (DMRC).
44. For the reasons stated in the application, the application is allowed. DMRC is impleaded as a party.

CM APPL. 7980/2024

45. Mr. Johri, learned counsel for the applicant/DMRC states that they will take the assistance of an architect, who is a conservationist, and show him the proposed plan in order to obtain a report on whether the proposed plan can be altered to integrate the trees in respect of proposed building at the DTC Bus Depot at Nangloi, Mundka and Najafgarh.
46. In the meantime, if the learned *Amici Curiae* have any inputs, the same shall be shared.
47. Mr. Aditya N. Prasad, learned counsel for the petitioner has pointed out the affidavit of DMRC dated 25.10.2024, wherein in para 3, it has been stated that in terms of permissions on 17.03.2022, 05.09.2022 and 09.11.2022 issued for felling/transplanting of trees by the Tree Officer



and DCF (South), 1288 trees were transplanted, out of which only 521 trees have survived, i.e. 40.45% survival rate.

48. The DMRC shall ensure compensatory plantations for the 59.55% trees, which have been lost.
49. Ms. Tripathi, learned SC for DDA shall identify and indicate the land, where this compensatory plantation of 59.55% of 1288 trees x 10 times, can be done before the next date.
50. List on 17.01.2025.

CM APPL. 53949/2024

51. Mr. Ali, learned counsel for the respondent seeks a short accommodation to obtain instructions.
52. At request, list on 10.01.2025.
53. In the meanwhile, the applicant shall place on affidavit the area of the ridge under their occupation and the notifications pursuant to which the areas have been put under their possession.

CM APPL. 62212/2024

54. Ms. Nakra, learned ASC seeks accommodation to file a response. The same shall be taken up as first item in the batch.
55. Paragraphs 1 and 2 of the order dated 22.10.2024 will be complied with before the next date of hearing.
56. List on 10.01.2025

CM APPL. 57162/2024, CM APPL. 47590/2024 and CM. APPL. 57215/2024

57. List on 17.01.2025.

CM APPL. 37645/2024, CM APPL. 62487/2024, CM APPL. 67572/2024, CM APPL. 67188/2024, CM APPL. 44143/2024, CM APPL. 65260/2024,



CM APPL. 68217/2024, CM APPL. 51020/2024, CM APPL. 63373/2024

58. List on 10.01.2025

CONT.CAS(C) 1149/2022

59. Documents handed over in court are taken on record.

60. Let an amended memo of parties of the newly impleaded parties be filed before the next date of hearing.

61. *Dasti*

JASMEET SINGH, J

DECEMBER 13, 2024/sp/ms/akc/dm



\$~1(SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 1149/2022
BHAVREEN KANDHARI

.....Petitioner

Through: Mr. Gautam Narayan,
Ms. Prabhsahay Kaur, *Amici Curiae*
Mr. Aditya N Prasad, Mr. Pratyush Jain, Mr.
Satyam Chandra Gupta, Ms. Poorvi, Advs.

versus

SHRI C. D. SINGH AND ORS.

.....Respondent

Through: Ms. Mehak Nakra, ASC

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **09.08.2024**

CM APPL. 45986/2024

1. This is an application seeking stay of following felling permissions granted by the respondent:-
 - a. Permission dated 05.08.2024 for felling of 126 trees granted to the Irrigation and flood control department, GNCTD for Widening of Road of RME from RD 0 M to RD 3550 M (from Madanpur Khadar Police Post), New Delhi.
 - b. Permission dated 06.08.2024 for felling of 16 trees granted to the Irrigation and flood control department, GNCTD for Re-development of NCCE, Existing Hostel Building at National Co-operative Union of India (NCUI) complex 3, NCUI



Institutional area, August Kranti Marg.

- c. Permission dated 05.08.2024 for felling of 100 Trees to the CPWD for construction of General Pool Residential Accommodation at Srinivaspuri Phase-II, New Delhi.
2. Additionally, it is also prayed that the Additional Chief Secretary (I & FC) and DG, CPWD shall maintain status quo with regard to permissions granted for felling of trees.
3. A perusal of the aforementioned permissions seem to suggest that even though the Tree Officer has inspected the site and has seen the site for the proposed transplantation, yet the permissions granted are totally silent on as to whether any effort has been made to see if some changes can be made in the plans to save the trees.
4. The Hon'ble Supreme Court recently in order dated 05.08.2024 passed in "***M.C. Mehta vs. Union of India & Ors.,***" WP(C) No. 13381/1984 has held as under:-

"23. Keeping in view the spirit of Article 51A of the Constitution of India and right of citizens to a healthy environment, every public authority which makes an application before this Court seeking permission for felling the trees must make the best endeavour to reduce the number of trees which are required to be cut by re-examining the alignment of the public project. The applicant(s) will re-do the exercise and will file an additional affidavit before 6th September, 2024."

5. Issue notice. Ms. Nakra, learned ASC accepts notice on behalf of the respondent, seeks and is granted 2 weeks to file a reply.
6. In the meanwhile, since there is nothing on record to show the efforts made to prevent felling of these trees, all the three permissions granted



shall remain stayed till the next date of hearing and Additional Chief Secretary (I & FC) and DG, CPWD are directed to maintain *status quo*.

7. The order has been passed in the presence of Ms. Nakra, learned ASC and has been told to communicate the same to Additional Chief Secretary (I & FC) and DG, CPWD through email as well as on Whatsapp during the course of the day. She shall also communicate the same to the concerned Department during the course of the day.
8. In addition, Mr. Narayan, learned *Amicus Curiae* has sought clarification of the order dated 31.08.2023 and more particularly paragraph 6, which reads as under:-

“6. Mr Gupta states that till the next date of hearing no permission for felling of trees for any individuals will be granted and any permission required for important projects will be intimated to the Court.”

9. It is stated that the Tree Officer in purported compliance of the above said order has continued to grant permissions for felling of trees and sent a copy of the permissions as purported intimation to the court.
10. The purpose of the order dated 31.08.2023 is that in case any permission is required to be granted for felling / transplantation of trees, the same shall, in the first instance, be intimated to the Court by way of an application and only on allowing of the application, the permission shall be granted and communicated to the concerned parties. This position was previously clarified by this court in the order dated 29.05.2024 wherein the following was observed:-

“6. Even though on subsequent date, the application was withdrawn, the fact remains that even as per respondent No. 2’s own understanding, respondent No. 2 was fully aware



that permissions were to be intimated to this Hon'ble Court as mandated in the order dated 31.08.2023.

7. Despite the application as well as the clear ambit of the order dated 31.08.2023, admittedly, the permission granted by respondent No. 2 for construction of building at ISTM, Old JNU Campus has not been intimated to the court.

8. The above observations are in no way a blanket permission to the DCF's to construe that the order dated 31.08.2023 permits them to grant permission to cut trees for important projects."

11. Further, this court on 05.07.2024 once again made it clear that the Respondent No. 2 shall not grant any other further permissions till the contempt petition is decided by this Court. Nonetheless, the respondent has continued to grant permissions in contravention of orders of this court. This is unacceptable.
12. Additionally, the learned *Amicus Curiae* has shown satellite photographs of the site wherein on 14.08.2021 right next to the canal is a dense forest which has been cleared, as shown in image dated 15.02.2022, and subsequently concretised, as shown in image dated 15.10.2023. The photographs are reproduced below:-



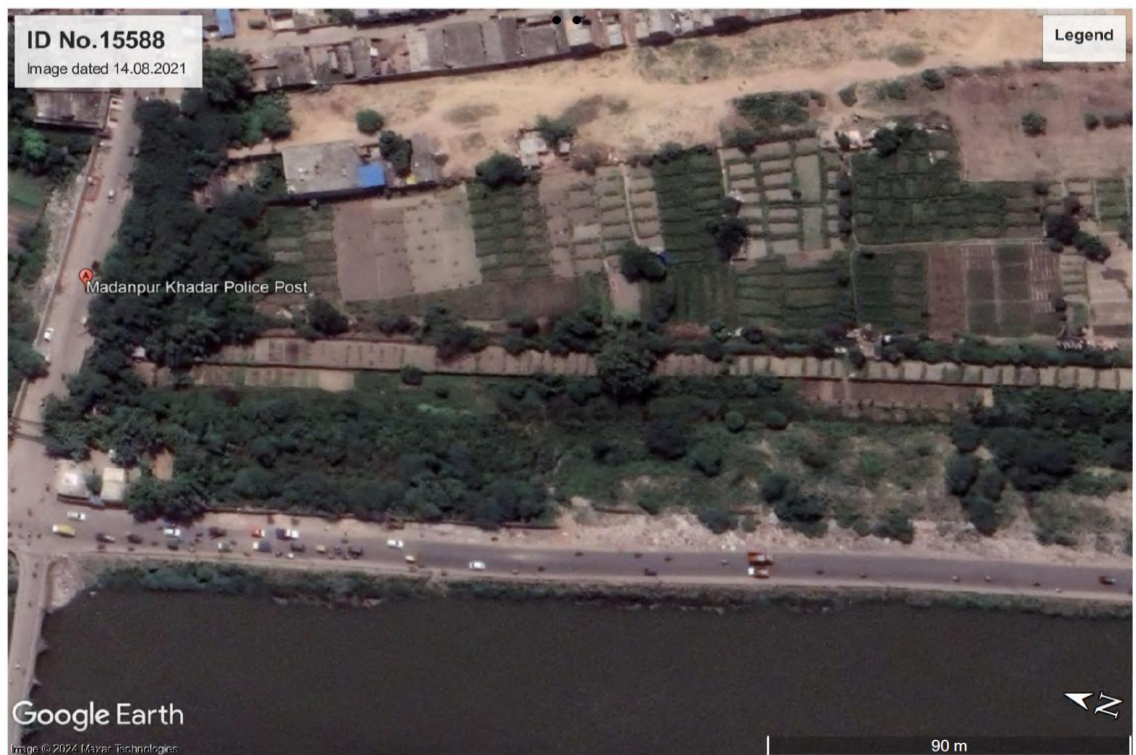
This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 25/02/2025 at 17:54:16



13. Similarly on 14.08.2021, there is another green dense forest, which is totally cleared on 08.12.2023 and seems to be concretised on 15.10.2023. The photographs of the same are reproduced below:-





This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 25/02/2025 at 17:54:16



14. In this view, the respondent No.2, i.e. the Tree Officer (South), will ensure that the *status quo* is maintained with regard to these two areas shown in the application. In addition the respondent shall also file an affidavit regarding the above.
15. List on 03.09.2024, the date already fixed.
16. *Dasti* under the signature of the Court Master.

AUGUST 9, 2024 / (MS)

JASMEET SINGH, J

Click here to check corrigendum, if any