

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

Original Application No. 335/2023

IN THE MATTER OF:

Pramod Tyagi & Anr..... Applicant

Versus

State of NCT of Delhi & Ors..... Respondents

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FILED BY:

JYOTI MENDIRATTA

Standing Counsel, GNCTD

NEW DELHI

13.03.2024

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

Original Application No. 335/2023

IN THE MATTER OF:

Pramod Tyagi & Anr..... Applicant

Versus

State of NCT of Delhi & Ors..... Respondents

Status Report on behalf of the Transport Department,
GNCT of Delhi

Most Respectfully Showeth:

1. That the present report is being filed pursuant to the liberty granted by this Hon'ble Tribunal to the Respondent Transport Department. Govt. of NCT of Delhi to file its response with respect to compensatory afforestation carried by it in compliance of tree felling/ transplantation permissions accorded with respect to Cluster Bus Depot at Burari, Delhi-84.
2. That there are two Cluster Bus Depots at Burari, namely Burari Depot-1 and Burari Depot-II. The Respondent Transport Department has already constructed Burari Depot-1 for which permission for felling of 495 number of trees was obtained as explained hereunder:

- A. In a meeting held on 06.02.2018 & 07.02.2018, the Expenditure Finance Committee of Government of NCT of Delhi, under the chairmanship of Hon'ble Deputy Chief Minister/Finance Minister, GNCTD had accorded approval of the project of Transport Department for "construction of cluster bus depot at Burari" at an estimated cost of Rs.24.20 crores through DIMTS as PMC.
- B. Thereafter, tenders were called by the Transport Department and with the approval of the then Secretary-cum-Commissioner (Transport) on 09.04.2019, the project was awarded to M/s Shree Construction Company on 17.09.2018.
- C. Accordingly, the land parcel was handed over to the aforesaid contractor by DIMTS/PMC on 05.11.2018 for construction of cluster bus depot at Burari as per the tender conditions.
- D. An application was made to the Tree Officer by the Transport Department on 13.06.2019 for the felling of 495 trees from the site. It was submitted to the Tree Officer that transplantation of 4950 trees shall be carried out in the Burari complex itself and at another land parcel of Transport Department located at

Village Dera Mandi which was allotted by Director (Panchayat).

- E. The permission of felling/ transplantation of 495 trees (327 felling+ 168 Transplantation) were accorded by the Forest Department on 18.12.2019. Copy of the said Permission dated 18.12.2019 by the Forest Department is annexed as **Annexure-I**.
- F. That the Respondent Department carried out transplantation as also plantation of **1000 numbers of saplings** in the Burari Complex during **February, 2020** and between **June & August, 2022** in 2 instalments through the Contractors to whom the work of Construction of Bus Depot was allotted. Out of these 1000 saplings, **830 numbers survived** and payments were made to the contractor through running accounts bills of M/s Shree Construction Company and M/s Bansal Associates. The requisite number of trees were also transplanted in the periphery of Burari Cluster Bus Depot-I.
- G. That however, due to delay in obtaining permission for felling/ transplantation of trees, the site where trees exists, was handed over to M/s Shree Construction on 13.01.2020. Considering the

facts that Transport Department handed over the entire area to the contractor very late due to delay in getting permission of felling of trees, COVID-19 pandemic and delay in payment to the contractor against their running accounts bills due to restriction imposed by Finance Department, GNCTD, the contractor requested to compensate him for the delay. Subsequently, on the request of the contractor M/s Shree Construction Company, the contract was foreclosed by the Transport Department on 31.07.2021.

- H. The Respondent Department then invited bids for carrying out the balance work. On 08.10.2021, a contract was executed with the new contractor, M/s Bansal Associates.
- I. That in the scope of both the contractors, there was a provision of planting saplings in the Burari Complex and to fence the Dera Mandi land parcel where remaining saplings were to be planted.
- J. The work of fencing was completed by the contractor and handed over to Transport Department on 06.05.2022. The work of fencing was delayed inordinately by the contractor due to

objections by the nearby land owners, which was later resolved by the intervention of the Revenue Department, GNCTD.

K. On 25.05.2022, the Transport Department wrote to the Dy. Director (Horticulture), PWD to carry out the compensatory plantation of 4000 numbers of saplings and their maintenance at Dera Mandi for a period of 7 years from the funds of Transport Department. Copy of the said letter dated 25.05.2022 to Dy. Director, Horticulture, PWD is annexed as **Annexure-II**. In reply, PWD (Hort.) vide communication dated 17.06.2022, annexed hereto as **Annexure III**, required boundary wall/ fencing to be done and arrangement of water for irrigation for the purpose of plantation. Another letter was sent on 23.06.2022, annexed as **Annexure IV**, informing that fencing had already been done and that watering/ irrigation of the saplings was part of the maintenance contract.

L. However, no proposal was received from Horticulture wing of PWD for carrying out the said work. On 14.07.2022, the Respondent against wrote to them to submit their proposal. Copy of the said letter dated 14.07.2022 is annexed as **Annexure V**. Subsequently, the PWD (Horticulture) vide its

letter dated 21.07.2022 informed that the plantation work could be started only after water facilities were provided. It was stated that laying of water pipeline was related to Civil Work and as such, required the Transport Department to contact the Civil wing of PWD. Copy of the said letter dated 21.07.2022 is annexed as **Annexure-VI**.

M. The Engineers of DIMTS were constantly, in touch with the Horticulture wing of PWD but could not find any solution.

N. In the meantime, DIMTS and Transport Department also consulted with the Forest Department, GNCTD and wrote to Dy. Conservator of Forest on 24.08.2022 to carry out the plantation work of 4000 saplings for the Transport Department from the funds of the Respondent Department. Still no response was received from Forest Department either, despite regular follows up by the Engineers of DIMTS. Copy of the letter to DCF dated 24.08.2022 is annexed as **Annexure-VII**.

O. On 22.11.2022, the Horticulture wing of PWD inter-alia informed that the plantation was not possible without water and again requested to make the arrangement of water for plantation of trees. Copy of the said letter dated 22.11.2022 is

annexed as **Annexure- VIII**. Thereafter, Transport Department decided to implement the project at its own through DIMTS as PMC and necessary approvals were obtained.

- P. The concerned Executive Engineer, PWD informed that as it was difficult to get the plantation through the Horticulture wing of PWD, the flyover wing of PWD, which is constructing 9 bus depots, would execute the plantation work on its own through open tender instead of Horticulture wing of PWD. As such, on 19.11.2023 the then Pr. Secretary cum Commissioner (Transport), accorded administrative approval and expenditure sanction to execute the work of compensatory plantation of 4000 saplings/ plants & Maintenance for period of 7 years in Dera Mandi Village, New Delhi through DIMTS as PMC.
- Q. Subsequently, the then Pr. Secretary cum Commissioner (Transport) also approved the schedule of bidding and accordingly bids were invited on 01.02.2024.
- R. That six bids were received on due date. The Tender Committee in its evaluation submitted that only one bid was responsive and the other five bids were deficient on various

grounds and therefore, recommended cancellation of the tender and inviting fresh bids.

S. The matter is now sent to Finance Department, GNCTD for opinion.

T. That it has been further decided that in case, the area in Dera Mandi is inadequate, additional plantation of 150 trees in the periphery of Kirari Cluster Bus Depot will be considered.

3. That after the construction of the Burari Cluster Bus Depot-I, the Transport Department decided to construct another Burari cluster bus Depot-II, for the housing of 12-meter electric buses.
4. In the planned site, Motor Driving Training School was earlier in operation and 238 trees needed to be felled/ transplanted in the area to enable the PWD to construct the Burari Depot-II. The Director (Panchayat) also allotted Gram Sabha land of Village Ghumanhera and Dhansa.
5. Subsequently, the Forest Department vide its letter dated 05.09.2022 accorded approval for the felling of 238 trees subject to deposit of Rs. 1,35,66,000/- wherefore, sanction orders to release the said amount was issued on 16.10.2022.

6. That PWD had to seek extension of permission of felling of trees/ transplantation from the Forest Department upto 28.06.2023 as transplantation and felling of trees could not be completed, as closing of the Motor Driving Training School got delayed.
7. That further extension was applied for by PWD on 15.09.2023 is still under consideration of the Forest Department, GNCTD.
8. The Competent Authority in Transport Department accorded approval to close the activities of the Motor Driving Training School w.e.f. 16.10.2023 to enable felling/ transplantation of trees by the PWD in accordance with the approval of the Forest Department and to construct the bus depot.
9. That the Forest Department vide their letter dated 13.10.2023 inter-alia informed PWD that permission is held up due to the pendency of the present proceedings and on account of the direction of the Hon'ble Delhi High Court vide Order dated 31.08.2023 in "Bhavreen Kandhari Vs. Shri C.D. Singh & Ors." Cont. Case (C) No. 1149 of 2022, directing that "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". Copy of the letter dated 13.10.2023 and order of the High

Court dated 31.08.2023 is annexed as **Annexure-IX & X** respectively.

10.This Report along with its Annexures are humbly submitted before this Hon'ble Tribunal for consideration.


(Shipla Shinde)
Special Commissioner
(Transport)

Date :- 13/03/2024

F. No. 18/NFD/TC/Felling/2019-20/ 573
GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
NORTH FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007(PH.:-23853561)

Date: 13.12.2019

To

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)


Deputy Conservator of Forest

12
147

all
630/2
S/P

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

13
148

ANNEXURE - II

6506

GOVERNMENT OF NCT OF DELHI
TRANSPORT DEPARTMENT
(DTC SECRETARIAT)
5/9, UNDER HILL ROAD, DELHI - 110054

No.F.213/DC/DTC Sectt./2021/ 931/46503

May 25, 2022

To

1. Shri Mandeep Mittal,
Deputy Conservator of Forest (South),
Government of NCT of Delhi,
Near Dr. Karni Singh Shooting Range,
Tughlakabad, New Delhi - 110044
dcfsouth.delhi@gov.in
2. The Director (Panchayat)
Office of the Director (Panchayat),
Government of NCT of Delhi,
1, Kripa Narain Marg, Delhi - 110054
3. Shri Mukesh Rajora, SDM (Mehrauli),
G5FM+F2J, Old Tehsil Building,
Internal Path, Seth Sarai, Mehrauli,
New Delhi - 110030
sdmmehrauli@gmail.com



Subject:- Compensatory plantation of 4000 numbers of trees/saplings at Village Dera Mandi in lieu of felling of 495 trees at Burari Cluster Bus Depot-I

Sir,

1. Transport Department is constructing cluster bus depot at Buari Transport Complex at Burari for housing of pure electric buses. Forest Department has accorded approval for transplantation of 168 numbers of trees and felling of 327 numbers of trees. The transplantation aspects have been already completed by Transport Department. The compensatory plantation of felling of 495 numbers of trees is to be made in land parcel at Village Dera Mandi. This place for transplantation is approved by Forest Department as per their approval dated 13.12.2019 (photocopy enclosed for ready reference). DIMTS being the Consultant of Transport Department for the said project is already in process for barbed wire fencing of the area measuring 29 Bigha 19 Biswa.
2. The land measuring 29 Bigha 19 Biswa in Village Dera Mandi was allotted by Director (Panchayat) to Transport Department/DTC in the year 2009 for construction of bus depot. Photocopy of the "Kabja Karvahi/handing over-taking over process" between Panchayat Secretary and Manager, DTC is enclosed herewith. In the said "Kabja Karvahi" it has been mentioned that the demarcation of the said land shall be carried out by the office of Director (Panchayat) subsequently.

Free Left

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2:-

3. Later, it was observed by the Forest Department that the bus depot area falls under the Asola Bhatti Wildlife Sanctuary, Morphological Ridge & Southern Ridge.

4. DIMTS being the consultant of Transport Department attempted to barbed wire fence the aforesaid area to protect the saplings to be planted now in the said area. Few villagers opposing the barbed wire fencing and demanding for demarcation of land allotted to Transport Department by the Revenue Department.

5. In view of the above, I am directed to request you to kindly demarcate the area in the presence of the officers of Transport Department, DIMTS and the Villagers who are opposing the barbed wire fencing on the pretext of demarcation of land.

Yours faithfully,


25/05/22

(Vineet Kumar)
Deputy Commissioner
(DTC Secretariat)

Encl :- As above

Copy for kind information to :-

1. Pr. Secretary-cum-Commissioner (Transport)
2. Shri Devendra Kumar Gautam, General Manager (Projects), DIMTS – with a request to further follow up

कार्यालय उपनिदेशक (उद्यान)
उद्यान मंडल दक्षिण, (एम.114)
लोक निर्माण विभाग (दिल्ली सरकार)
आर0आर0 लाईन ओल्ड बिल्डिंग, रिंग रोड,
बरार स्क्वायर एवं धौला कुआं के बीच (रेलवे
लाईन साइड) नई दिल्ली-110010
दूरभाष: 25699701, 25699705
ई-मेल: ddhpdeldhim114@Gmail.com

15 ANNEXURE - III 51

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O/o The Deputy Director (Hort)
Horticulture Division South (M-114)
Public Works Department (Govt. of Delhi)
R.R. Line, Old Building, Ring Road
Between Barar Squar and Dhaula Kuan,
(Railway line side) New Delhi 110010
Phone: 25699701, 25699705
E-mail: ddhpdeldhim114@Gmail.com

सं-23(1)/उ.म. दक्षिण/लोनवि/2022-23/329

दिनांक/Dated: 17/06/22

To,

✓ Deputy Commissioner,
(DTC Secretariat) Transport Department,
Govt. of NCTD, 5/9, Under Hill Road,
Delhi-110054.

931/De/DTC

23/06/22

Sub: Compensatory plantation of 4000 number of tree/saplings at village Dera Mandi in lieu of felling of 495 trees at Burari cluster Bus Depot-I.

Ref: Your office letter No. 213/DTC. Sectt./2021/936-937/46506 dated 25.05.2022

Please refer to the above letter on the above subject under which it has been intimated that the compensatory plantation of 4000 number of trees/saplings has to be planted at Dera Mandi village. The site was inspected alongwith the Sh. Subhash Chand, Asstt. Manager DTC on dated 13.06.2022. The following essential arrangement are required before the plantation work :-

1. The Boundery wall/Fencing to be done so that the plantation may be protected from the stray cattle etc.
2. The water for irrigation purpose to be arrange for plantation so that the saplings may be survive.

It is therefore requested that the above mentioned requirement may kindly be arrange at the earliest so that the work may be carried out during this monsoon.

Dy. Director (Hort.)
Hort. Division South (M114)
PWD, New Delhi

Copy to:

1. The Director of Hort. PWD (DS) 13th floor M.S.O. Building New Delhi for information.
2. The Asstt. Director of Hort. Sub-Divn. II, under Hort. Division South PWD New Delhi for information .

Dy. Director (Hort.)

So(mv)

23/6

16

ANNEXURE
151

-IV file

GOVERNMENT OF NCT OF DELHI
TRANSPORT DEPARTMENT
(DTC SECRETARIAT)
8/9 UNDER HILL ROAD DELHI-110064

No. F.213/DC/DTC Sectt./2021/ 1137-1138/SAM

June 22, 2022

To

Shri Sat Bir Singh,
Deputy Director (Horticulture),
Horticulture South Division,
Public Works Department, GNCTD
R.R. Line Old Building, Ring Road
(Between Brar Square & Dhaura Kuan),
New Delhi.
E mail ID - ddhpwddelhi114@gmail.com

Subject:- Compensatory plantation of 4000 numbers of trees/saplings at Village
Dera Mandi in lieu of felling of 495 trees at Burari Cluster Bus Depot-I

Sir,

I am directed to refer to your letter dated 17.06.2022 on the aforementioned subject and to say that fencing of the area at Village Dera Mandi is already been carried out by DIMTS, as PMC under the contract agreement of cluster bus depot at Burari. The other issue regarding water for irrigation purpose, it is further informed that this department had requested PWD for plantation and their maintenance for a period of 7 years, as such, it is implied that irrigation/ watering of the saplings is part of the maintenance contract. Accordingly, the watering/ irrigation of the saplings for the entire maintenance period of 7 years are to be carried by PWD under maintenance contract.

Yours faithfully,

G S Nawani
Deputy Commissioner
(Transport)

Copy for kind information to:

Shri Devender Gautam, General Manager (Project), DIMTS – with a request to direct your Engineers to further follow up with PWD.

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152 ANNEXURE - V

MOST URGENT

GOVERNMENT OF NCT OF DELHI
TRANSPORT DEPARTMENT
(DTC SECRETARIAT)
5/9, UNDER HILL ROAD, DELHI - 110054

No.F.213/DC/DTC Sectt./2021/1325-1328/64675

July 14, 2022

To

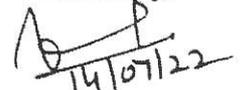
Shri Sat Bir Singh,
Deputy Director (Horticulture),
Horticulture South Division,
Public Works Department, GNCTD
R.R. Line Old Building, Ring Road
(Between Brar Square & Dhaula Kuan),
New Delhi.
E mail ID - ddhpwddelhim114@gmail.com

Subject:- Compensatory plantation of 4000 numbers of trees/saplings at Village Dera Mandi in lieu of felling of 495 trees at Burari Cluster Bus Depot-I

Sir,

1. This Department vide letter dated 25.05.2022 requested you to submit proposal for compensatory plantation of 4000 numbers of saplings and their maintenance at Village Dera Mandi for a period of 07 years from the Horticulture Wing of PWD on deposit work basis at Village Dera Mandi. The query raised by you vide your letter dated 17.06.2022 was subsequently replied by this Department vide letter dated 23.06.2022.
2. This Department has not yet received any proposal from your office for carrying out the aforesaid work.
3. The Construction of Bus Depots and associated activities are being monitored by the Hon'ble Minister (Transport) on regular basis. Further, augmentation of city bus fleet is also being monitored by the Hon'ble Supreme Court of India and at the highest level in Government of India and Government of NCT of Delhi.
4. In view of the above, I am to request you to kindly submit your proposal immediately to avoid any further delay.

Yours faithfully,


(Vineet Kumar)
Deputy Commissioner
(DTC Secretariat)

Copy for kind information to:-

1. Secretary to Hon'ble Minister (Transport)
2. PS to Pr. Secretary cum Commissioner (Transport)
3. Shri Devendra Kumar Gautam, General Manager (Projects), DIMTS - with a request to vigorously follow up with Deputy Director (Horticulture), PWD.

आयुक्त सहायक (सह) सार्वजनिक कार्य (एन 114) नवी दिल्ली (दिल्ली सरकार) आयुक्त सहायक सार्वजनिक कार्य, एन 114, नवी दिल्ली एन 114, नवी दिल्ली (दिल्ली सरकार) नवी दिल्ली - 110014
 E-mail: dchpwwdelhim114@gmail.com



O/o The Deputy Director (Hort.) Horticulture Division South (N-114) Public Works Department (Govt. of Delhi) R.R. Line, Old Building, Ring Road Between Barakhwar and Dhola Kuan. (Railway line side) New Delhi-110010 E-mail: dchpwwdelhim114@gmail.com

No. 23(I)/DD(II) M-114/II-D-South/PWD/GNCTD/2022/1119 Dated:- 21/7/22

To, Sh. Vinod Kumar, Deputy Commissioner, Transport Department, 5/9, under Hill Road, New Delhi - 110054

Subj:- Compensatory plantation of 4000 Nos. of trees/saplings at a village, Dera Mandi in lieu of felling of 495 Nos. trees at Burari Cluster Bus Depot-I.

Ref:- Your letter No. F. 213/DC/DTC Sect. /292/1137-1138/57146 dated 23.06.2022 and even No. 1325-138/64675 dated 14.07.2022

Please refer to your above letter on the subject it is further intimated that this office is undertaken the works of horticulture related works. The work of construction of boundary wall and laying of water pipe line is related to civil work. The protection and watering is very much essential to grow the plants. The plantation work will be started after providing the protection and water facilities.

EX. En PS Chughan
 9212085141

You are therefore requested to contact to Executive Engineer (Civil) South Road Division-2, PWD, near Okhla Flyover, Ishwar Nagar, New Delhi to provide the above mentioned facilities before starting the plantation work.

DC Dy. Director (Hort.) Hort. Division South/PWD New Delhi

Copy to:-

1. The Director of Horticulture, PWD (DS), 13th Floor, MSO Building, New Delhi for Information.
2. The Assistant Director (Hort.), HSD South-I, HD-South, PWD, New Delhi for Information.

DC Dy. Director (Hort.)

MOST URGENT

GOVERNMENT OF NCT OF DELHI
 TRANSPORT DEPARTMENT
 (DTC SECRETARIAT)
 5/9, UNDER HILL ROAD, DELHI - 110054

No.F.213/DC/DTC Sectt./2021/ 1477/77712

August 24, 2022

To

Shri Mandeep Mittal,
 Deputy Conservator of Forest (South),
 Government of NCT of Delhi,
 Near Dr. Karni Singh Shooting Range,
 Tughlakabad, New Delhi - 110044

Subject:- Compensatory plantation of 4000 numbers of trees/saplings at Village Dera Mandi in lieu of felling of 495 trees at Burari Cluster Bus Depot-I

Sir,

1. Transport Department has recently constructed cluster bus depot at Burari Transport Complex at Burari for housing of pure electric buses. Forest Department has accorded approval for transplantation of 168 numbers of trees and felling of 327 numbers of trees. The transplantation aspects have been already completed by Transport Department. The compensatory plantation of felling of 495 numbers of trees is to be made in land parcel at Village Dera Mandi. This place for transplantation is approved by Forest Department as per their approval dated 13.12.2019 (photocopy enclosed for ready reference). DIMTS being the Consultant of Transport Department for the said project has already barbed the area with wire fencing of the total area measuring 29 Bigha 19 Biswa.
2. As per the directions of Forest Department, the compensatory plantation of 4000 numbers should be of 6-7ft. tall saplings of species such as Arjun, Jamun, Gular, Pilikhan, Neem and other suitable species and successfully maintain the plantation for 07 (seven) years (refer Para 6 of the aforesaid letter of Forest Department dated 13.12.2019). The completion of plantation is to be intimated to Forest Department along with photographs.
3. Transport Department is desirous to carry out the aforesaid compensatory plantation of 4000 numbers of saplings and their maintenance at Village Dera Mandi for a period of 07 years through Forest Department, GNCTD on deposit work basis. The expenditure to be incurred on this account shall be paid to Forest Department directly by Transport Department including the maintenance of trees for 07 years.
4. The aforesaid land parcel of Transport Department at Village Dera Mandi is in the vicinity of the another land parcel of Forest Department, GNCTD and it was felt appropriate to handover the land parcel of Transport Department to Forest Department for securing the area from encroachment and theft of barbed/ wire fencing/ gate etc.
5. In view of the above, I am to request you to kindly submit your proposals immediately for the work mentioned herein above in Para 3 & 4 for further consideration and approval of this Department.

Yours faithfully,



24/08/22
 (Vineet Kumar)
 Deputy Commissioner
 (DTC Secretariat)

Copy for kind information to:-

1. Shri Devendra Kumar Gautam, General Manager (Projects), DIMTS -- with a request to vigorously follow up with Deputy Conservator of Forest (South).

1 by

आर्वातलव प्रपनलरदरलक (प्रकान)
 प्रकाननरुडतलरकलन, (ररर 114)
 लरकनलनरनरनरन (दललु लरकर)
 आरकनरक लररुनरकलनरनरन, नलनरक,
 आरररकनरकर ररु प्रललरकुरुनरु कं लरव (नलरु लररुन
 प्रररु) नरु दललु - 110010
 ई-नरल: ddhpwddelhim114@gmail.com



O/o The Deputy Director (Hort.)
 Horticulture Division South (M-114)
 Public Works Department (Govt. of Delhi)
 R.R. Line, Old Building, Ring Road Between
 BararSquare and DhaulaKuan, I
 Railway line side, New Delhi-110010
 E-mail: ddhpwddelhim114@gmail.com

No. 23(1)/DD(H) M-114/HD-South/PWD/GNCTD/2022/ 866

Dated:- 23/11/22

To,

Sh. Vineet Kumar,
 Deputy Commissioner,
 Transport Department,
 5/9, under IIII Road,
 New Delhi - 110054

Sub:- Compensatory plantation of 4000 Nos. of trees/saplings at a village DeraMandi
 in lieu of felling of 495 Nos. trees at Burari Cluster Bus Depot-I.

Ref:- Your letter No. F. 213/DC/DTC Sect. /292/1137-1138/57146 dated 23.06.2022
 and even No. 1325-138/64675 dated 14.07.2022

Sir,

In reference to above subject, as per telephonic conversation with you on the subject mentioned above, the undersigned replied that the basic requirement for Compensatory plantation i.e. boundary wall / fencing and arrangement of water is not available at site. The fencing of the area has been completed as stated but the arrangement of water has not been done so far. The plantation is not to be done without water facilities at site.

It is therefore again stated that the plantation is not possible without water. It is again requested make the arrangement of water for plantation of trees

Dy. Director (Hort.)
 Hort. Division South/PWD
 New Delhi

Copy to:-

1. The Director of Horticulture, PWD (DS), 13th Floor, MSO Building, New Delhi for information.
2. The Assistant Director (Hort.), HSD South-I, HD-South, PWD, New Delhi for information.

Dy. Director (Hort.)

No.F.08/CFD/TC/Online ID 5180/Felling/2022-23/7553-54

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.:-23853561)

Date: 13.10.2023

To,

The Ex. Engineer, PWD,
F-14, GNCTD, near CNG Pump Station,
Mukarba Chowk, G.T. Karnal Road,
Delhi - 110033

Sub: Extension of permission for felling/transplantation of 238 no. of trees for construction of conventional cluster Bus Depot No. 02 at Burari, Delhi - reg

Ref: Your office letter dated 15.09.2023 issued vide स. 54(121)/का.अभि./लो.नि.वि/एक-14/2023/329(H)

Sir,

This is in reference to your letter dated 15.09.2023 issued vide स. 54(121)/का.अभि./लो.नि.वि/एक-14/2023/329(H) apropos to extension of permission for felling/transplantation of 238 number of trees for construction of conventional Cluster Bus Depot No.02 at Burari, Delhi. The Tree Felling permission for felling/transplantation of 238 nos of trees for construction of Cluster Bus Stand was granted through letter dated 26.09.2022 issued vide F.No.08/CFD/TC/Online ID 5180/Felling/2022-23/4608-10. An extension of the aforementioned permission in reference of your letter dated 13.03.2023 was granted by the undersigned through letter dated 28.03.2023 issued vide F.08/CFD/TC/Online ID 5180/Felling/2022-23/9836.

It is pertinent to mention that an original application was moved before the Hon'ble National Green Tribunal vide Original Application No. 335/2023 titled as "Pramod Tyagi & Anr Vs. State of NCT of Delhi & Ors", raising a substantial questions relating to environment arising out of the implementation of the enactments as per the National Green Tribunal Act, 2010. Contents of order dated 03.07.2023 passed by the Hon'ble NGT is reproduced hereunder:-

"1. The applicant has filed present application under Section 14, 15(1)(a), (c) and (4), 17(1) and (2) read with Section 18 of the National Green Tribunal Act, 2010 complaining that about 3000 trees existed over land measuring 12 acres which was initially allotted by the Govt. of NCT of Delhi to Respondent no. 6-Society for Driver Training Institute. Subsequently, area measuring 4 acres was allotted out of the same to Respondent no. 5- Delhi Interagated Multi Model Transit System Limited. The applicant submitted application under the RTI Act 2005, seeking information regarding cutting of the trees and compensatory afforestation but the information sought has not been supplied to the applicant despite filing of an appeal against the order of the Public Information Officer. While complaining about the air pollution posing enormous health threat to local population, the applicant has sought directions to the respondents to stop unauthorized cutting of trees, to carry out requisite plantation, initiate

"3. In view of the above we consider it appropriate that the factual position be verified by seeking report from the Deputy Conservator of Forests-cum Tree Officer, Central Forest Division, Delhi who is accordingly directed to verify the factual position regarding all relevant aspects including cutting of trees unauthorisedly /without requisite permissions from the Tree Officer under the Delhi Preservation of Trees Act, 1994, number of trees felled, action taken regarding unauthorised felling of trees, permission, if any, granted for felling of trees, compensatory afforestation carried out in compliance with orders passed by the Tree Officer granting permission for cutting of the trees. Deputy Conservator of Forests-Cum Tree Officer, Central Forest Division, Delhi is also directed to ensure that in case of any illegal felling of trees action is taken against the persons responsible for the same in accordance with the provisions of Delhi Preservation of Trees Act, 1994."

Furthermore as per order dated 31.08.2023 passed by the Hon'ble High Court of Delhi in Cont.Cas(C) : 1149/20222 titled as "Bhavreen Kandhari Vs. Sh. C. D. Singh & Ors" it has been directed "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". The said directions passed by the Hon'ble High Court of Delhi are applicable till the Next Date of Hearing 03.11.2023.

In view of the above the present application for extension of permission of for felling/transplantation of 238 no. of trees for construction of conventional cluster Bus Depot No. 02 at Burari, Delhi shall be intimated to the Hon'ble High Court of Delhi by the applicant and on approval of the same by the Hon'ble High Court of Delhi, extension on behalf of the undersigned can be granted.

Encl:

- (1). Your letter dated 13.03.2023 issued vide No. 54(121)/EE/F-14/PWD/2023/178
- (2). Letter dated 28.03.2023 issued vide R.08/CFD/TC/Online ID 5180/Felling/2022-23/9836.
- (3). Order dated 03.07.2023 passed by the Hon'ble NGT
- (4). Order dated 31.08.2023 passed by the Hon'ble High Court of Delhi in Cont.Cas(C) : 1149/20222 titled as "Bhavreen Kandhari Vs. Sh. C. D. Singh & Ors"


Cheshta Singh, (I.F.S)
Dy. Conservator of Forests (Central)

Copy to:

- (1). PA to CF, (GNCTD)


Cheshta Singh, (I.F.S)
Dy. Conservator of Forests (Central)

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FLYOVER - 14, फ्लाईओवर-14
PUBLIC WORKS DEPARTMENT, GOVT. OF DELHI
लोक निर्माण विभाग, दिल्ली सरकार
MUKARBA CHOWK, G.T KARNAL ROAD, DELHI -
110033.

मुकरबा चौक जी० टी० करनल रोड, दिल्ली-33

Tel : 011-27695010 27691970 Email: eepwcdelhi14@gmail.com,

Azadi Ka
Amrit Mahot

No :54(121)/EE/PWD/F-14/2023/225

Date: 28.03.2023

To

M/S Green Morning Horticulture Pvt. Ltd.
Plot no. 634, H. No. 8-1-284/634 First Floor,
Above Andhra Bank ATM, Near Dream Valley,
OU Colony, Manikonda, Hyderabad,
Telangana-500008

Name of work: Construction of conventional Cluster Bus Depot No. II at
Burari, Delhi. (SH: Tree preservation (Transplantation/ cutting/
disposal of tree at Burari, East Vinod Nagar, Ghummanhera and
Dhansa).

Agreement no. 05/EE/FPD/F-14/PWD/2022-23

Sub: Strict compliance with the conditions as issued by the Forest Department,
GNCTD for the above mentioned work.

Sir,

This is in reference to the above cited subject and work. In this connection, it is to
submit that the site of Burari is handed over to you today i.e. 28.03.2023, for the immediate
start of work with strict compliance with the Forest Department order no.
F.08/CFD/TC/Felling/Online ID 5180/22-23/4608-10 dated 26/09/2022 which is further
extended vide F.08/CFD/TC/Felling/Online ID 5180/22-23/9836 dated 28/03/2023 (copy
enclosed).

Further, you are requested to immediately submit the following to the Tree Officer
under intimation to this office :

- (i) The detailed plantation schedule in compliance with Section 12 of Delhi
Preservation of Tree Act, 1994 before initiating transplantation.
- (ii) A detailed plan for site preparation and plantation before initiating
transplantation/felling.

This is for information, record, and further necessary action.

Encl: As above

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23/4/2023

2023/04/23
S.M.

(Devbrat Singh)
Executive Engineer
Flyover Project Division, F-14,
PWD (GNCTD)

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No. F. 08/CFD/TC/Online ID 5180/Felling/2022-23/ 9836
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)

Date: 28-03-2023

To

The Ex. Engineer, PWD
F-14, GNCTD, near CNG Pump Station,
Mukarba Chowk, G.T, Karnal Road, Delhi-33.

Sub:- Extension of permission for felling/transplantation of 238 no. of trees affected due to construction conventional cluster BusDepot No. 02 at Burari, Delhi

Ref:-1. Permission order F. No. 08/CFD/TC/Online ID 5180/Felling/2022-23/4608-10 dtd. 26.09.2022.

Sir,

In continuation to office letter 08/CFD/TC/Online ID 5180/Felling/2022-23/4608-10 dtd. 26.09.2022 regarding on the subject noted above. As per I.O. report trees are not yet felled/transplanted as per order dated 26.09.2022. The validity of the said permission for felling/transplantation of trees is hereby extended for 90 days w.r.t. the date of issue of this office letter.


Dy. Conservator of Forests
Central Forest Division/Tree Officer

Copy to:-

1. Sh. Ravinder Kumar, I.O for information and necessary action.


Dy. Conservator of Forests
Central Forest Division/Tree Officer

dlc

Item no. 1

(Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(Through Physical Hearing with Hybrid VC Option)

Original Application No.335/2023

Pramod Tyagi & Anr.

...Applicant

Versus

State of NCT of Delhi & Ors.

...Respondents

Date of order: 03.07.2023

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant: Mr. Rajendra Kr. Singh & Mr. Rajesh Kr. Singh, Advocates
for the applicant.

Application under Sections 14, 15(1)(a), (c) and (4), 17(1) and (2) read
with Section 18 of the National Green Tribunal Act, 2010.

ORDER

1. The applicant has filed present application under Section 14, 15(1)(a), (c) and (4), 17(1) and (2) read with Section 18 of the National Green Tribunal Act, 2010 complaining that about 3000 trees existed over land measuring 12 acres which was initially allotted by the Govt. of NCT of Delhi to Respondent no. 6-Society for Driver Training Institute. Subsequently, area measuring 4 acres was allotted out of the same to Respondent no. 5- Delhi Interagated Multi Model Transit System Limited. The applicant submitted application under the RTI Act 2005, seeking information regarding cutting of the trees and compensatory afforestation but the information sought has not been supplied to the applicant despite filing of an appeal against the order of the Public Information Officer. While complaining about the air pollution posing enormous health threat to local population, the applicant has sought directions to the respondents to stop unauthorized cutting of trees, to carry

out requisite plantation, initiate awareness campaigns and to file response with regard to steps taken towards implementation of the Air (Prevention and Control of Pollution) Act, 1981.

2. *Prima facie*, the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.
3. In view of the above we consider it appropriate that the factual position be verified by seeking report from the Deputy Conservator of Forests-cum Tree Officer, Central Forest Division, Delhi who is accordingly directed to verify the factual position regarding all relevant aspects including cutting of trees unauthorizedly /without requisite permissions from the Tree Officer under the Delhi Preservation of Trees Act, 1994, number of trees felled, action taken regarding unauthorized felling of trees, permission, if any, granted for felling of trees, compensatory afforestation carried out in compliance with orders passed by the Tree Officer granting permission for cutting of the trees. Deputy Conservator of Forests-Cum Tree Officer, Central Forest Division, Delhi is also directed to ensure that in case of any illegal felling of trees action is taken against the persons responsible for the same in accordance with the provisions of Delhi Preservation of Trees Act, 1994.
4. Factual and Action taken Report be submitted **within one month** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
5. List for further consideration on 08.09.2023.
6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Deputy Conservator



ANNEXURE - X

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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,
Adv.
versus
SHRI C. D. SINGH AND ORS. Respondent
Through: Mr. Anupam Srivastava, ASC with
Mr. Dhairya Gupta, Adv. 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](#)