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

I N D E X

IN

RESPONSE AFFIDAVIT

(On behalf of the Chief Secretary, State of Uttarakhand, Dehradun)
(In Compliance to the Hon'ble Tribunal's Order dated 24.09.2025)

IN

O.A. No. 379 OF 2024

Bhuwan Chandra Bhatt

.....Applicant

Versus

Solar Pulse Energy Private Limited & Ors.

.....Respondents

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Dated:03/11/2025


Anjali Rajput
Panel Counsel
 Government of Uttarakhand

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Affidavit of Kalyani, aged about 48 years, S/o Sh. Devraj Singh, presently posted as Additional Secretary, Forest Department, Government of Uttarakhand, Dehradun.

(Deponent)



I, the above-named deponent, do hereby solemnly affirm and state on as of:

1. That the deponent is presently posted as Additional Secretary, Forest Department, Government of Uttarakhand, Dehradun. However, The State has not been arrayed as a Respondent in the instant Original Application but this Hon'ble Tribunal vide its Order dated 24.09.2025, has directed the Chief Secretary to file an Affidavit therefore, the deponent has been authorized to file the present Affidavit on behalf of

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the Chief Secretary, State of Uttarakhand as such he is fully conversant with the facts of the case and competent to swear the present Affidavit.

2. That the applicant one Mr. Bhuwan Chandra Bhatt has approached to this Hon'ble Tribunal alleging indiscriminate felling of Chir and Banj trees in Village Kunidhar, Tehsil Bhikiasen, Almora by some of the project proponents while setting up Solar Energy Plant..
3. That on 24.09.2025 after the course of hearing in the present matter, this Hon'ble Tribunal was pleased to pass certain directions and direct the Chief Secretary, State of Uttarakhand to file an affidavit. The relevant paras of the said Order dated 24.09.2025 are being quoted here for kind perusal of this Hon'ble Tribunal:

"6. Submission of Counsel for Forest Department is that maximum penalty prescribed in the Act is Rs. 5000 per tree only, if that is so, such a provision may encourage illegal felling of trees because any person can indulge in such illegal felling of trees and obtain the timber of a value much high than Rs. 5000 and go scot free merely by paying 5000 rupees penalty. This aspect needs to be looked into by the concerned authorities of the State so that Act instead of preventing illegal felling of trees may not encourage it. In such circumstances, we require the Chief Secretary, State of Uttarakhand to examine the above issue and file his affidavit before the next date of hearing".

That with respect to the above directions, it is submitted that the Forest Department, through its Head of the Department i.e. Principal Chief Conservator of Forests (HoFF), Uttarakhand vide letter dated 29.08.2025, has already sent a proposal to the Government of Uttarakhand proposing certain amendments in the provisions such as section 10, Section 15, section 48 etc., of Tree Protection Act, 1976 in



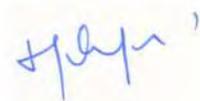
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order to strengthen the penalties mentioned in the said Act. Copy of the proposal sent by the Principal Chief Conservator of Forests (HoFF), Uttarakhand is being annexed as ANNEXURE-1.

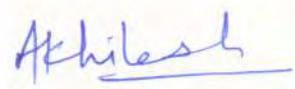
5. That presently, the said proposal is under active consideration of the Government and inputs from different departments of the State Government i.e. Law, Finance are being taken and accordingly the said proposal shall be put up before the Cabinet of the State.
6. That the deponent undertakes to comply the further directions, to be passed by this Hon`ble Tribunal in the present matter.

I, the above named deponent, do hereby verify that the contents of Para nos. _____ of this affidavit are true to my personal knowledge, those of Para nos. _____ of this affidavit are based on records, those of Para nos. _____ of this affidavit are as per the legal advice received and those of Para nos. _____ of this affidavit are as per the information received which all I believe to be true. That no part of this affidavit is false and nothing material has been concealed.

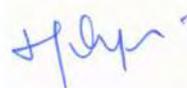
So help me God


DEPONENT

I, Akhilesh Mishra, Deputy Secretary, Forest Section-3 Government of Uttarakhand, Secretariat, Dehradun, do hereby identify the deponent who has produced the records of the case before me and I am satisfied that she is the same person as alleged.


IDENTIFIER





Solemnly affirmed before me today, the 3rd day of ^{December} ~~November~~, 2025 at 4:00 am/pm by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit, which have been read over and explained to him.

OATH COMMISSIONER/NOTARY

Sr. No. 6351
This affidavit is sworn before me by
Shri. Kalyani
who is identified by Shri. Akhilash Mishra
at Dehradun on 3/12/25
[Signature] 3/12/25
(Rajender Singh Negi)
Advocate & Notary, Dehradun

[Handwritten Signature]





कार्यालय: प्रमुख वन संरक्षक (HoFF), उत्तराखण्ड, देहरादून।

85- राजपुर रोड, देहरादून, दूरभाष सं० 0135-2740926, Email id:-pccfuk@gmail.com

पत्रांक 08 (N.T.F.P) / 23-1

देहरादून, दिनांक 29/02/2025

सेवा में,

✓ प्रमुख सचिव,
वन एवं पर्यावरण,
उत्तराखण्ड शासन।

5346/2021
29/8/21

विषय:- उत्तर प्रदेश वृक्ष संरक्षण अधिनियम, 1976 (अनुकूलन एवं उपान्तरण आदेश, 2002) तथा उत्तर प्रदेश निजी वन अधिनियम, 1948 (अनुकूलन एवं उपान्तरण आदेश, 2002) के संशोधन के सम्बन्ध में।

सन्दर्भ:- उत्तराखण्ड शासन वन अनुभाग-03 का पत्रांक 400/X-3-25/05(11)/2022E File No. 40254 दिनांक: 20.02.2025

महोदय,

उपरोक्त विषयक सन्दर्भित पत्र में उल्लेखित उत्तर प्रदेश वृक्ष संरक्षण अधिनियम, 1976 (अनुकूलन एवं उपान्तरण आदेश, 2002) की धारा-10 तथा धारा-15(1), 15(2) तथा उत्तर प्रदेश निजी वन अधिनियम, 1948 (अनुकूलन एवं उपान्तरण आदेश, 2002) की धारा-15(1), 15(2), 48 एवं 62(3) में संशोधन के सम्बन्ध में विषयांकित अधिनियम सम्बन्धी धाराओं के परीक्षण उपरांत संशोधित प्रस्ताव संलग्न कर अग्रेतर कार्यवाही हेतु प्रेषित की जा रही है।

संलग्नक: उपरोक्तानुसार।

भवदीय,

(सत्यप्रकाश सिंह)
संयुक्त सचिव
उत्तराखण्ड शासन

(डॉ० समीर सिन्हा)
प्रमुख वन संरक्षक (HoFF)
उत्तराखण्ड, देहरादून।

मित कुमार् भारती
सुजी अर्धिव-प्रमुख सचिव
वन एवं पर्यावरण विभाग
उत्तराखण्ड शासन



This affidavit is sworn before me by
Shri.....*Kalyan*.....
who is identified by Shri.....
at Dehradun on.....

(Rajender Singh Negi)
Advocate & Notary Dehradun

Kalyan

Proposed amendment on Section-10, 15(1) and 15(2) of the Uttar Pradesh Tree Protection Act, 1976 (Adaptation and Modification Order, 2002).

Section	Current Arrangement/Order/Rule	Proposed Amendment
Section-3	The definition of grove/garden to be added at the end of section-3	(xiv) Grove or Garden means any specific part of land in a holding having trees planted thereon in such a manner that they preclude, or when full grown will preclude, the land or any considerable portion thereof from being used primarily for any other purpose.
Section-10	<p>Penalty for disposal or adoption of tree in contravention of section-4</p> <p>Whoever fells or causes to be felled any standing tree, or cuts, removes or otherwise disposes of any fallen tree, in contravention of the provisions of section 4, or contravenes any condition of any permission granted under this Act, shall be punished with imprisonment which may extend to six months or fine which may extend to one thousand rupees or with both.</p>	<p>Section 10 of the Uttar Pradesh Tree Protection Act, 1976 (Adaptation and Modification Order, 2002) shall be substituted as under, namely: -</p> <p>10. Punishment for felling, disposal or removal or removal of trees in contravention of this Act or contravention of permission granted under this Act: -</p> <p>Whoever fells or causes to be felled any standing tree, or cuts, removes or otherwise disposes of any fallen tree, in contravention of the provisions of section 4, or contravenes any condition of any permission granted under this Act, he shall be punished with fine which will not be less than Rs. 5,000 per tree.</p> <p>For the second or subsequent offence, he shall be punished with fine which will not be less than Rs. 10,000 per tree.</p> <p>For trees situated in grove and garden and for the felling, cutting, disposal or removal of any trees or in contravention of any condition of this Act he shall be punished with imprisonment for a term</p>



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		which may extend up-to six month or with fine which will not be less Rs. 10,000 per tree, or with both.
Section-15(1)	Power to compound offences. -(1) The State Government may by notification authorize any officers to accept from any person against whom there is reason to believe that he has committed offence under this Act in respect of any tree other than a tree situate in a forest, grove or public premises, such sum of money not exceeding Rs. 5,000 by way of composition for the offence which such person is suspected to have committed.	Section 15(1) of the Uttar Pradesh Tree Protection Act, 1976 (Adaptation and Modification Order, 2002) shall be substituted as under, namely: - Power to compound offences. - (1) State Government may by notification authorize any officers to accept from any person against whom there is reason to believe that he has committed offence under this Act in respect of any tree other than a tree situated in a forest, grove or public premises, such sum of money not less than Rs. 10,000 per tree by way of composition for the offence which such person is suspected to have committed. For second or any subsequent offence, the compounding fee shall not be less than Rs. 25,000 per tree.
Section-15(2)	15(2)- On the payment of such sum of money to any such officer, the suspected person if in custody, shall be released and no further proceedings under this Act shall be taken against such person and notwithstanding anything contained in Section 14, such officer may on payment of such amount, not exceeding five thousand rupees as he may in the circumstances of the case think fit, release the property seized under this Act.	Section 15(2) of the Uttar Pradesh Tree Protection Act, 1976 (Adaptation and Modification Order, 2002) shall be substituted as under, namely: - 15(2)- On the payment of such sum of money to any such officer, the suspected person if in custody shall be released and no further proceedings under this Act shall be taken against such person and notwithstanding anything contained in Section 14, such officer may on payment of such amount, not less than Rs. 10,000 per tree and for second or



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		subsequent offence not less than Rs.25,000 per tree, as he may in the circumstances of the case think fit, release the property other than government property seized under this Act.
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Proposed amendment on Section-15(1), 15(2) and 48 of the Uttar Pradesh Private Forest Act, 1948 (Adaptation and Modification Order, 2002)

Section	Current Arrangement/Order/Rule	Proposed Amendment
<p>Section 15(1) Offences under this Chapter and trial of such offences and penalties thereof.-</p>	<p>15. (1) Any person who contravenes any of the provisions of this Chapter deviates from the prescriptions of a sanctioned working plan without the previous sanction of the Forest Officer shall be punishable with fine not exceeding one hundred rupees for the first offence and with fine not exceeding one thousand rupees or simple imprisonment not exceeding three months or both for the second or any subsequent offence.</p>	<p>Section 15 sub-section (1) and 15 sub-section (2) of the Uttar Pradesh Private Forest Act, 1948 (Adaptation and Modification Order, 2002), here in after referred to as the principal Act, shall be substituted as under, namely-</p> <p>15(1)- Any person who contravenes any of the provisions of this Chapter and/or deviates from the prescriptions of a sanctioned working plan without the previous sanction of the Forest Officer shall be punishable with fine not less than Rs. 5,000 for the first offence, and for second or subsequent offence, will be punishable with fine not less than Rs.10,000 or simple imprisonment extended up to six months or both.</p>
<p>Section 15(2) Offences under this Chapter and trial of such offences and penalties thereof. -</p>	<p>(2) Offences under this section shall be triable by a Magistrate of the Second or Third class, and proceedings under this section may be instituted on a complaint made by the landlord of the notified area or forest in respect of which the offence is alleged to have been committed or by any right-holder of such a notified area or forest or by the Forest Officer or by any officer specially empowered by the State Government in this behalf.</p>	<p>(2) Offences under this section shall be triable by a Judicial Magistrate of the First class, and proceedings under this section may be instituted on a complaint made by the landlord of the notified area or forest in respect of which the offence is alleged to have been committed or by any right-holder of such a notified area or forest or by the Forest Officer or by any officer specially empowered by the State Government in this behalf.</p>



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Section 48	<p>48. Penalties for breach of rules. - Any person contravening any rule, for the contravention of which no penalty is otherwise provided by this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which extend to one hundred rupees or with both.</p>	<p>Section 48 of the Uttar Pradesh Private Forest Act, 1948 (Adaptation and Modification Order, 2002), here in after referred to as the principal Act, shall be substituted as under, namely-</p> <p>48. Penalties for breach of rules. - Any person contravening any rule, for the contravention of which no penalty is otherwise provided by this Act, shall be punishable with imprisonment for a term which may extend to three month or with fine which extend to Rs. 10,000 or with both.</p>
Section 62(3)	<p>62(3). Power to compound offence.- No Forest officer below the rank of a Ranger shall be empowered under this section, and the sum of money which may be accepted as compensation under clause (a) of sub-section (1) shall in no case exceeds the sum of fifty rupees.</p>	<p>Section 62(3) of the Uttar Pradesh Private Forest Act, 1948 (Adaptation and Modification Order, 2002), here in after referred to as the principal Act, shall be substituted as under, namely-</p> <p>62(3). Power to compound offence.- No Forest officer below the rank of a Divisional forest officer shall be empowered under this section, and the sum of money which may be accepted as compensation under clause (a) of sub-section (1) shall in no case exceeds the sum of one lakh rupees.</p>



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Sh.No. 6351
 This affidavit is sworn before me by
 Shri..... Kabani.....
 who is identified by Shri. Anil Kishore
 at Dehradun on..... 2/12/25.....

[Handwritten signature]
 (Rajender Singh Negi)
 Advocate & Notary, Dehradun