

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

INDEX

IN

Response Affidavit on behalf of
Uttarakhand Pollution Control Board

in

Original Application No. 147 of 2024

Hardeep Sharma

Applicant

Versus

Ramesh Chandra Arya & Ors.

Respondent

Sl. No.	Particulars	Pg. No.
1.	Index	1 - 1
2.	Response Affidavit	2 - 6
3.	Annexure No. 1: Copy of letter dated 21.05.2024 sent to DFO, Tarai West Forest Division, Ramnagar and District Horticulture Officer, Udham Singh Nagar.	7 - 7

Dated: May, 2024

Advocate
(Counsel for the UKPCB)

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AFFIDAVIT of Naresh Goswami,
aged about 45 Years, S/o Shri P.G.
Goswami Presently posted as
Regional Officer, Uttarakhand
Pollution Control Board, Regional
Office, Kashipur, District Udham
Singh Nagar.

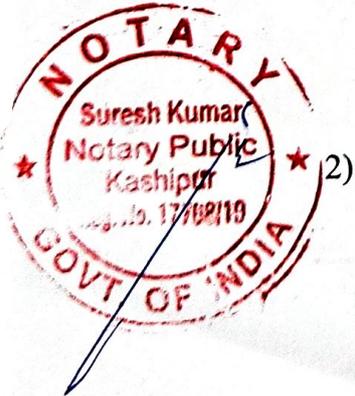
Deponent



I, the above-named deponent does hereby solemnly affirm and state on
oath as under: -

- 1) That the deponent is presently posted as the Regional Officer, Uttarakhand Pollution Control Board, Regional Office, Kashipur, District Udham Singh Nagar is duly authorized by the competent authority and is competent to sign and swear the instant affidavit.

2) That the above noted Original Application was listed for hearing on 15.02.2024, wherein the Hon'ble National Green Tribunal was pleased to issue the following directions:



132/11/14-1

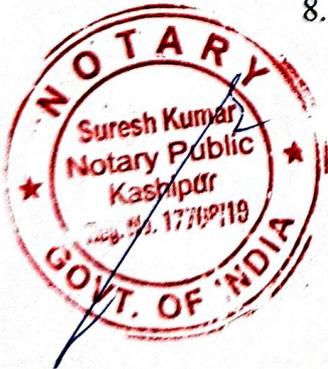
“

5. *In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of CPCB, DFO, Udham Singh Nagar, State PCB and District Magistrate, Udham Singh Nagar and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The State PCB will be the nodal agency for coordination and compliance.*

6. *Factual and Action taken Report by the Joint Committee and reply/response by the respondents be filed within two months by email judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.*

.....”

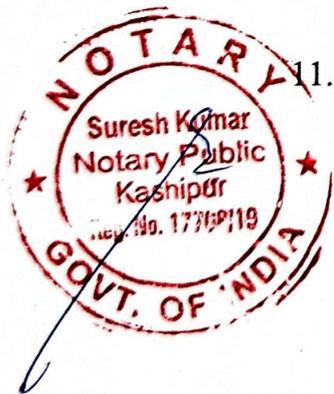
7. That in compliance of the aforesaid directions, the Joint Inspection Report of Joint Committee has been submitted before the Hon'ble Tribunal for kind consideration.
8. That the present matter pertains to the illegal felling of trees in land bearing Khata No. 00027, 00125, 00126 & 00208 (total land area - 9.910 hectares) at Village Chandpur, Tehsil Kashipur, District Udham Singh Nagar. The said land was owned by (i) Shri Nakul Kumar, (ii) Shri Sudhir Kumar, (iii) Shri Manish Kumar, (iv) Smt. Rajesh Gupta and (v) Shri Suresh Kumar Gupta and was sold out in 72 parts/plots.



15/2/2019

9. That, the District Horticulture Officer, Udham Singh Nagar has accorded permission for the felling of 128 Mango trees to Shri Manish Gupta (39 trees), Shri Sudhir Kumar Gupta (44 trees) and Shri Nakul Kumar Gupta (45 trees) vide letters dated 19.01.2023 & 06.02.2023, while permission for felling of 22 Leechi trees was also granted to Shri Sudhir Kumar Gupta vide letter dated 19.01.2023. Moreover, in continuation of complaint received through CM Helpline, the Forest Department reported that in addition to 150 trees for which permission has been granted by the District Horticulture Officer, 88 more trees were also illegally felled, for which penalty of Rs. 4.40 Lakh were recovered against Shri Manish Gupta and Shri Naresh Gupta under section 4 & 10 of the Tree Protection Act, 1976.

10. That the Joint Team constituted by the District Magistrate, Udham Singh Nagar has counted the trees in the presence of Shri Hardeep Singh (complainant) and land owners on dated 26.09.2023 and recorded a total of 879 trees, comprising of *Mango- 505 trees, Leechi-320 trees, Nashpati-50 trees, Jackfruit-02 trees and Jamun-02 trees* in the land in question.



11. That the Joint Committee constituted in the matter of O.A. No. 14/2024 has also undertaken counting trees in the presence of Shri Hardeep Singh (complainant) and land owners on 08.05.2024 & 10.05.2024 and recorded a total of 703 trees, *comprising of Mango-411 trees, Leechi-263 trees, Nashpati-25 trees, Jackfruit-02 trees and Jamun-02 trees.*

22/11/24

12. That it is evident from the Joint Committee report, a total of 264 trees were felled illegally, while penalty has been recovered from violators against the illegal felling of only 88 trees by the Forest Department. Action against the violator(s) is to be taken by the concerned department. In this regard letter dated 21.05.2024 has been sent to the Divisional Forest Officer, Tarai West Forest Division, Ramnagar (Nainital) and the District Horticulture Officer, Udham Singh Nagar by Member Secretary, UKPCB for necessary action in the matter. Copy of letter dated 21.05.2024 is being marked and filed as Annexure No. 1 to this affidavit.
13. That the deponent is a responsible Government servant having the highest regard for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and shall continue to do so in the future.



[Signature]
Deponent

Verification: -

I, *Kailash Bishit*, Advocate, do hereby declare that the person making this affidavit and alleging himself to be *Naresh. Goswami*. is the same person who is known to me from the papers produced by him before me in this case.

Advocate
Enrol. No.



Solemnly affirmed before me on this day of ~~02~~ May, 2024 at Kashipur at about ~~0.00~~ AM/PM by the deponent who has been identified by the aforesaid person. I have satisfied myself by examining the deponent who understood the contents of this affidavit.

The person has signed in my presence on the affidavit.

Suresh Kumar
Notary



Suresh
315
2024

Passed & Authenticated By
Sri... *Suresh Kumar* ...
... 29 - 05 - Day, 2024
Suresh Kumar, (Advocate)
Notary Public, Kashipur (U.K.)
Reg. No. 17768/2019
Date: 29/05/24



101

Annexure No. 1

मुख्यालय
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
"गौरा देवी पर्यावरण भवन"
46बी, आई.टी. पार्क, सहस्रधारा रोड़, देहरादून
E-mail : msukpcb@yahoo.com, दूरभाष 0135-2607092

पत्रांक : यूकेपीसीबी / एच.ओ. / सा0-183-757 / 2024 / 2118,

दिनांक 21.05.2024

स्पीड पोस्ट / ई-मेल द्वारा

एन0जी0टी0 मैटर

सेवा में,

1. प्रभागीय वनाधिकारी
तराई पश्चिमी वन प्रभाग, रामनगर।
Email- dfotaraiwest@gmail.com
2. मुख्य उद्यान अधिकारी,
ऊधमसिंह नगर, विकास भवन, रुद्रपुर।
Email- horti.usn@gmail.com

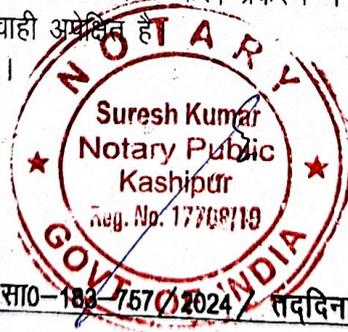
विषय:- मा0 एन0जी0टी0 में योजित मूल आवेदन सं0-147 / 2024 हरदीप शर्मा बनाम रमेश चंद्र आर्य एवं अन्य के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक मा0 एन0जी0टी0 में योजित मूल आवेदन सं0-147 / 2024 हरदीप सिंह बनाम रमेश चंद्र आर्य एवं अन्य में पारित आदेश दिनांक 15.02.2024 एवं दिनांक 25.04.2024 के अनुपालन में संयुक्त कमेटी की निरीक्षण आख्या का सन्दर्भ ग्रहण करने का कष्ट करें। निरीक्षण आख्या क्षेत्रीय अधिकारी, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, क्षेत्रीय कार्यालय, काशीपुर द्वारा अपने पत्र दिनांक 18.05.2024 द्वारा आपको प्रेषित की गयी है। निरीक्षण आख्या की प्रति ई-मेल से प्रेषित की जा रही है। संयुक्त कमेटी की निरीक्षण आख्या से स्पष्ट है कि पूर्व में जिलाधिकारी, ऊधमसिंहनगर द्वारा गठित टीम के निरीक्षण दिनांक 26.09.2023 को विषयगत स्थल में की गयी वृक्षों की गणना तथा मा0 एन0जी0टी0 द्वारा गठित कमेटी के निरीक्षण दिनांक 08.05.2023 एवं 10.05.2024 में की गयी वृक्षों की गणना में कुल 176 वृक्ष कम पाये गये। मा0 एन0जी0टी0 द्वारा विषयगत प्रकरण में निर्गत निर्देशों के अनुपालन में संयुक्त कमेटी की निरीक्षण आख्या के क्रम में सम्बन्धित विभागों द्वारा वृक्षों के पातन के सम्बन्ध में नियमानुसार कार्यवाही की जानी आवश्यक है।

आपसे अपेक्षित है कि कृपया वृक्षों के पातन के सम्बन्ध में नियमानुसार कार्यवाही करते हुए कृत कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें। प्रकरण में सुनवाई दिनांक 24.05.2024 को नियत है, अतः प्राथमिकता के आधार पर कार्यवाही अपेक्षित है।

संलग्नक:- यथोपरि (ई-मेल द्वारा)।



भवदीय,

(डा0 पराग मधुकर घकाते)
सदस्य सचिव

पत्रांक : यूकेपीसीबी / एच.ओ. / सा0-183-757 / 2024 / तददिनांकित।
प्रतिलिपि:-

1. जिलाधिकारी, ऊधमसिंह नगर को विषयगत प्रकरण में संयुक्त कमेटी की निरीक्षण आख्या के क्रम में सूचनार्थ प्रेषित है। कृपया अपने स्तर से भी सम्बन्धित विभागों को वृक्षों के पातन पर नियमानुसार कार्यवाही हेतु निर्देशित करने का कष्ट करें।
2. क्षेत्रीय अधिकारी, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, क्षेत्रीय कार्यालय, काशीपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

सदस्य सचिव

Clean Environment and Healthy Life Style
स्वच्छ पर्यावरण व स्वस्थ जीवन शैली