

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO.272 OF 2024**

IN THE MATTER OF:-

DEEPANK KUMAR SHARMA & Ors.

... APPLICANT

Versus.

UNION OF INDIA & ORS.

... RESPONDENTS

INDEX

| S. No. | PARTICULARS | PAGES |
|-------------------|--|--------------|
| 1. | REJOINDER ON THE BEHALF OF APPLICANTS TO THE ADDITIONAL AFFIDAVIT FILED BY THE RESPONDENT NO. 8 ALONGWITH AFFIDAVIT. | 1-8 |

New Delhi

Dated: 17-12-25


[VISHWENDRA VERMA] & [SHIVALI]

Advocates for the Applicants
UB-33, Indra Prakash Building,
Barakhamba Road, New Delhi

09871704611

verma.vishwendra@yahoo.co.in

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

[Under Sections 18(1) read with Sections 14 & 15 of the National
Green Tribunal Act, 2010]

ORIGINAL APPLICATION NO.272 OF 2024

IN THE MATTER OF:-

DEEPANK KUMAR SHARMA & ORS.

... APPLICANT

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

**REJOINDER ON THE BEHALF OF APPLICANTS TO THE
ADDITIONAL AFFIDAVIT FILED BY THE RESPONDENT NO. 8
(DEVESH KUMAR SHARMA) ALONGWITH AFFIDAVIT.**

MOST RESPECTFULLY SHEWETH

1. That it is clear from the Affidavit that at every point the Respondent is taking shelter of incorrect facts and even though the DFO filed the Affidavit on 07.08.2024 categorically stated that the Respondents used the acid to destroy the trees, thereby no plea of the Respondents can be entertained in respect of their illegal acts.
2. The Respondent No. 8 is using the said land for commercial purpose and the site map attached which clearly shows that the said land situated at the Highway and there are 327 SHOPS approved site plan as attached in annexure but the trees have been cut down in the name that the trees are not of good health while the photo shows that the trees are healthy and there are no ailments described in the so called report.
3. The Respondent No. 8 destroyed the entire baghs only to use the said land for commercial purposes only. Hence, the cost of land cannot be assessed for the purpose of environmental compensation.

4. That in the O.A. the issue related to environment arising from the indiscriminate, illegal cutting of trees, green belts, playgrounds, open areas and city forests in UP Bijnor, undermining the very purpose for which they were reserved and developed. There are two Mango baghs having 180 trees/Garden/Park, at Bijnor, Mandawar Road, having area of about 1.587 hectare in Bijnor, in Khasra No.2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128 and Rakba are 0.0890, 1.1520, 0.1140, 0.2910, 0.2210, 0.1260, 0.1170, 0.2020, 0.1010, 0.1140 hectare, respectively U.P. and second bagh/Garden/Park at Mandawar Chandak Road, Bijnor, having area of about 2.3420 hectare in Bijnor, in Khasra No.1083, 1084, 1089, 1090, 1093, 1094 and Rakba are 0.7970, 0.1260, 0.3410, 0.2280, 0.6860, 0.1640 hectare, respectively U.P. both the Mango baghs/Garden/Park are having approximately 180 trees. The respondent No. 8 to 10 had already cut down approximately 30 trees and trying to cutting other trees also after using some Acid. This fact admitted by the Respondent No. 7 in his Affidavit dated 07.08.2024 in Para 6. In exercise of the powers under Section 21 and 23 of the Uttar Pradesh Protections of Trees Act, 1976 (U.P Act no. 45 of 1976) read with section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 4 of 1904) and in supersession of the Government Notification No.2270/XIV-5-2017-07-93, dated October 31, 2017, the Governor is pleased to prohibit felling of the following trees species:- (I) Aam (Desi/Tukmi), (II) Neem, etc. on Individual cultivated and un-cultivated holding. The said are Prohibited Tree Species shall not be felled till dated 31.12.2025 except under unavoidable circumstances such as tree is dead or dying or it constitutes

danger to person or property or its felling is necessary for executing a development work approved by the Government or after attaining exploitable diameter or if the fruit bearing capacity of such tree has declined substantially and permission to fell such tree has been obtained in writing from the competent authority. In the year 2020, in compliance with the instructions dated 01-01-2020 issued by the Ministry of Environment, Forest and Climate Change, Government of India and Section 21 and 23 of the Uttar Pradesh Tree Protection Act 1976, Mango, Neem, Sal, Mahua, Visasal, Peepal etc. tree species has been banned. The State of Uttar Pradesh issues a Government Order, in pursuance of the directions passed by this Hon'ble Tribunal in O.A. No. 165/2013 and E.A. No. 34/2017, *Akash Vashishtha Vs. Union of India & Ors.*, expressly prohibiting construction of any kind of structure, including boundary wall, footpath, fountains, public conveniences, etc. in excess of 5% of the total area of a park. The offences had already been committed by the Respondent Nos. 8 to 10 and the same cannot be condoned in accordance with law. The penalty imposed by the Official Respondent UPPCB, wherein they only calculated penalty qua 79 trees while the Respondents cut 180 trees in actuality (Photographs attached with the Applications filed by the Applicant). Therefore, the calculation should go as per para 7 of the Additional Affidavit filed by Respondent No. 11 dated 30.04.2025. As per the formula per tree the environmental compensation was Rs.4,57,483.90/- and the total trees were 180 (Kindly see page 482 of Affidavit of 30.04.2025 of Respondent No. 11, UPPCB). Thus, the total penalty comes 180 X Rs.4,57,483.90/- and the totaling of environmental

compensation is Rs.8,23,47,102/- to be recovered from the Respondent Nos. 8 to 10 jointly and severally. The present matter has nothing to do how much trees have been planted by the Respondent No. 8. It is the duty of every citizen that they should plant maximum trees in the country but law does not permit to cut any tree in any manner. The same is an offence and invites sentence as well as environmental compensation for the said person. Thus, an example should be set for this purpose that no one can take law in their own hands and do illegal acts in any manner. The said amount to be recovered from Respondent Nos. 8 to 10. The trees are freely available with the government and anyone may request with the forest department for planting trees and the forest department shall permit the same. It is worthwhile to state herein that our Worthy Prime Minister gave a slogan that "EK PED MAA KE NAAM" in such condition the Respondent Nos. 8 to 10 are cutting trees by using ACID to dry the trees. The Formula PER TREE the ENVIRONMENTAL COMPENSATION was Rs.4,57,483.90/- and the total trees were 180. Thus, the total penalty comes $180 \times \text{Rs.}4,57,483.90/-$ and the totaling of environmental compensation is Rs.8,23,47,102/- to be recovered from the Respondent Nos. 8 to 10 jointly and severally.

5. The Respondent Nos. 8 to 10 are using the said land for commercial purpose and the site map attached which clearly shows that the said land situated at the Highway and there are 327 SHOPS approved site plan. FRONT shops cost is Rs.35,00,000/- each shop and the Back shops are about Rs.15,00,000/- to Rs.25,00,000/-. Total Cost of the shops are approximately Rs.80,50,00,000/-. Thus, the compensation is nothing, it should be increased. The Respondents destroyed the

entire baghs only to use the said land for commercial purpose. Hence, the cost of land cannot be assessed for the purpose of environmental compensation.

6. That the commercial use and earning should be examined while imposing environmental compensation. THERE ARE NO TREES IN THE ABOVE MENTIONED KHASRAS (SUBJECT MATTER OF THE PRESENT CASE) (PHOTOGRAPHS ATTACHED)
7. That the acid was used and it is clear case of murder, therefore, the valuation of land cannot be evaluated and compensation cannot be imposed on the cost of land. The Hon'ble Supreme Court in various matters held that cutting of trees are at par with the offence of murder and in the present matter, the cutting of trees by the Respondent is a deliberate attempt and slow poison after putting acid in the trees. Therefore, no mercy applies in the cases of the Respondents.
8. That there is no rule that the environmental compensation should be imposed on the basis of rate of land. Therefore, the punishment in terms of environmental compensation should be imposed heavily upon the Respondent. The circle rate of commercial land should be applied for environmental compensation and trees should be planted on the said Khasras as the trees have been cut for private benefits.

It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to impose heavy penalty on the Respondent No. 8 for wrongly submitting the averments in the affidavit and also tried to mislead this Hon'ble Court on false pretext in the interest of justice.

1183

6

To grant any other and further orders which may be deemed fit and proper in the interest of the justice.

AND FOR THIS ACT OF KINDNESS THE APPLICANT, AS IN DUTY BOUND, SHALL EVER PRAY.

Deepank

Signature of the Applicant

New Delhi
DATED:

[VISHWENDRA VERMA] & [SHIVALI]

Advocates for the Applicants
UB-33, IndraPrakash Building,
Barakhamba Road,
New Delhi
09871704611
verma.vishwendra@yahoo.co.in

2

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

ORIGINAL APPLICATION NO.272 OF 2024

IN THE MATTER OF:-

DEEPANK KUMAR SHARMA & ORS.

... APPLICANT

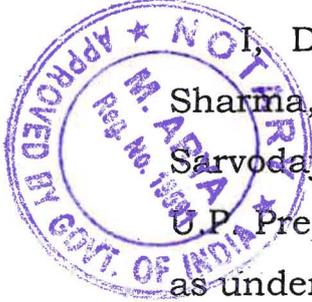
VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

AFFIDAVIT

I, DEEPANK KUMAR SHARMA, S/o Shri Dinesh Kumar Sharma, aged about 38 years, R/o 1810, Mandi Railway road, Near Sarvodaya Inter College, Railway Road, Pilakhuwa, Tehsil Hapur, U.P. Presently at New Delhi, do hereby solemnly affirm and state as under:-



1. That I am the Applicant in the above mentioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear this affidavit.
2. That the contents of this Affidavit has been drafted by my counsel as per instructions and I have been read over the contents thereof and I understood the same.

3. That the contents of this rejoinder are true and correct to the best of my knowledge, information and belief, no part of it is false and no material has been concealed therefrom.

DEPONENT**VERIFICATION:**

Verified at Delhi on this the day of December, 2025 that the contents of the aforesaid affidavit are true and correct to the best of my knowledge, information and belief, no part of it is false and no material has been concealed therefrom.

**DEPONENT**

ATTESTED

NOTARY PUBLIC

17 DEC 2025