

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

Principal Bench, New Delhi

O.A. No. 622 of 2023

**In the matter of**

Hemant Sharma

...Petitioner

Versus

Narendra Nath Gaur &amp; Ors.

... Respondents

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1.	<b>Reply Affidavit</b> in O.A No. 622 of 2023 in compliance of Hon'ble NGT order dated 09.10.2023 on behalf of Respondent No. 12, Central Pollution Control Board (CPCB)	
2.	<b>Annexure I:</b> A Copy of Hon'ble NGT order dated 09.10.2023.	

**(Sharandeep Singh)**

Scientist-E,

Central Pollution Control Board,

Delhi-110032

Place: Delhi

Date: 08.11.2022

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

**ORIGINAL APPLICATION NO. 622 OF 2023**

**IN THE MATTER OF:**

HEMANT SHARMA

...PETITIONER

VERSUS

NARENDRA NATH GAUR & ORS.

... RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 12,  
CENTRAL POLLUTION CONTROL BOARD (CPCB)**

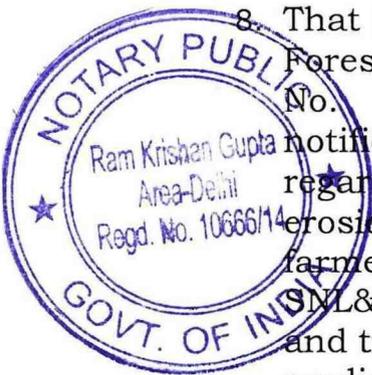
I, Sharandeep Singh, S/o Charanjeet Singh , aged 44 years, working as Scientist 'E' in the Central Pollution Control Board, Delhi, do hereby solemnly affirm and declare as under:

1. That I am presently working in the capacity of Scientist 'E' of the Central Pollution Control Board (hereinafter referred as 'CPCB') and I have read and understood the contents of the copy of the above Petition and I have perused the documents annexed therewith, and as I am conversant with the facts and circumstances of the present case, I am duly authorized and competent to file the present Reply Affidavit on behalf of the Respondent No. 12.
2. That the averments specifically admitted herein or which are a matter of record, the Answering Respondent denies each and every averment, contention, allegation, and assertion made in the Petition in so far as the same is inconsistent with the Affidavit/Reply. Nothing in the Reply shall be treated as being admitted by the answering Respondent merely for want of a specific traversal of the contents of the plaint and the same may be considered as being denied in seriatim.



**PARA WISE REPLY ON MERITS**

3. That in reply to averments made in Paras 1 and 2 are pertaining to the contact details and address of the Applicant, his authorized representative and address of the Respondents, and hence needs no comments from Answering Respondent.
4. That in reply to averments made in the Para 3 are the interest of applicant regarding the protection of the environment and ecology in his ancestral village, concern about trees cutting in his village and consequent effect for the same in concerned area, and hence needs no comments from the Answering Respondent.
5. That in reply to averments made in Para 4 are pertaining to the address of the Applicant, his authorized representative and concern about trees cutting in his ancestral village and consequent effect for the same in concerned area, and the Respondent is unaware of the same, therefore it needs no comments from the Answering Respondent.
6. That in reply to averments made in the Para 5.1 are about all the Respondents and their role in the matter, land under reference, status of different tree species on land. In this context it is to mention that, the matter is under purview of the various State Government Department and is not within the purview/ jurisdiction of the Answering respondent therefore, needs no comments from this Answering Respondent.
7. That in reply to averments made in the Para 5.2 are enunciating the actions of the Respondents No. 1-8 of felling of trees by them and the probable adverse impacts on the environment, and hence needs no comments from the Answering Respondent.
8. That in reply to averments made in the Para 5.3 are about the Forest Department, Government of Haryana Notifications having No. S.O. 113/P.A2/1990/S.3/93 dated 17/11/1997 and notification No. S.O. 121/P.A 2/1990/S.4/97 dated 28/11/1997 regarding conservation of sub soil water and the prevention of erosion therein and Department of Agriculture, cooperation & farmers Welfare notification bearing F No. 10-2/2020-NRM-SNL&F regarding state wise list of trees species free from felling and transit regulation growing on non-forest/private land and the applicant's application dated 24/08/2023 under Right to information Act and reply dated 31/08/2023 received by the applicant, and hence needs no comments from the Answering Respondent.
9. That in reply to averments made in the Para 5.4 and 5.5 provide details of the illegal felling of trees by the Respondents No. 1-8 without taking permissions, applicant's communication to the



Forest Department, Government of Haryana about above said felling of trees and non-action of the Forest Department, Government of Haryana in the matter. It is also stated that, the copy of the above said communication had been sent to various Government Departments and Ministries concerned. Averments are also about applicant's communication with the various Office of Police Department, Haryana in the matter. It is submitted that, violations, if any found, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules. In the event any directions are issued by this Hon'ble Tribunal the answering Respondent undertakes to abide by the same.

10. That in reply to averments made in Para 6 Grounds, Limitation and Prayer of the applicant needs no comments from the Answering Respondent.

That in light of the above, it is respectfully submitted that, the issues raised in the present matter is under the purview of State Government Agencies. It is respectfully prayed that this Answering Respondent No. 12 i.e. CPCB shall abide by any order or directions passed by the Hon'ble National Green Tribunal.

  
DEPONENT

शरणदीप सिंह / Sharandeep Singh  
वैज्ञानिक 'ई' / Scientist 'E'  
केंद्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
(Mo Environment, Forest & Climate Change, Govt. of India)  
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032  
Parvesh Bhawan, East Arjun Nagar, Delhi-110032

**VERIFICATION**

08 NOV 2023

Verified at New Delhi on this ..... day of November, 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.



ATTESTED  
  
NOTARY  
DELHI (INDIA)  
08 NOV 2023

  
DEPONENT

शरणदीप सिंह / Sharandeep Singh  
वैज्ञानिक 'ई' / Scientist 'E'  
केंद्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
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Parvesh Bhawan, East Arjun Nagar, Delhi-110032

Item No. 2

(Court No. 2)

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

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 622/2023

Hemant Sharma

...Applicant

Versus

Narendra Nath Gaur & Ors.

...Respondents

Date of hearing: 09.10.2023

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

Applicant: Mr. Sushil Kumar Sharma, Mr. Virendra Kumar and Mr.  
Manisha Mishra, Advocates for the applicant.

**Application under Sections 14 and 15(1) (c) read with Section 18(1) & (2) of  
the National Green Tribunal Act, 2010)**

**ORDER**

1. The applicant has filed present application under Sections 14 and 15(1) (c) read with Section 18(1) & (2) of the National Green Tribunal Act, 2010 for directing respondents no. 1 to 8 to stop cutting of trees standing on land measuring 21 acres comprised in Khasra Nos. 32/26/4, 32/26/3, 32/9, 32/10, 32/11, 32/12, 32/19, 32/21, 32/22 and 32/24 in Village Ghari Kotah, Tehsil Raipur Rani, District Panchkula, Haryana and to direct respondent authorities to take appropriate legal action against all the persons involved in illegal cutting of the trees and conducting cumulative impact study of cutting down of green trees.
2. The applicant has submitted that respondents no. 1 to 6 are in possession of above mentioned land which is described in jamabandi as Bagh (Orchard) and is having dense green cover comprising of more than

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2000 green trees of different species. Respondents no. 1 to 6 have appointed respondent no. 7 as the caretaker and respondent no. 8 as the contractor for the purpose of illegal felling of the trees and on 18.08.2023 respondents no. 1 to 8 have started illegal felling of the trees without obtaining permission from the concerned authorities to clear the entire land by cutting down more than 2000 green trees. Cutting down of such large number of trees will adversely affect the ecology and well being of the human and animals in the area. The applicant made complaint dated 19.08.2023 to the PCCF, Haryana and complaint dated 22.08.2023 to the police but no action has been taken on the same.

3. The applicant has relied on notification No. S.O.113/P.A2/1990/S.3/93 dated 17.11.1997 and notification No. S.O. 121/P.A 2/1990/S.4/97 dated 28.11.1997 and order dated 01.07.2022 passed by this Tribunal in **O.A. No. 372 of 2022 titled Green Earth Vs. Deputy Commissioner Kurukshetra** and Ors.
4. Prima facie, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.
5. Let notices be issued to the respondents requiring them to file their replies/responses within four weeks from today by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
6. Applicant is directed to take requisite steps for service of notices on the respondents and to file his affidavit within one week from today

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at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. List for further hearing on 08.11.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 09<sup>th</sup>, 2023

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