

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

O.A No. 600/2024

in I.A No. 236/2024

Bhushan Lal Parimoo

Vs.

UT of J&K & Ors

IN THE MATTER OF :-

INDEX

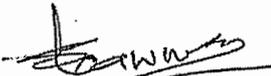
S. No.	Particulars	Page No.
1.	Reply/ Affidavit	1-6
2.	Annexure I (copy of revised abstract)	7
3.	Annexure II (copy of Report 2015)	8
4.	Annexure III (copy of order dated 09.01.2018)	9-12

Filed by

Place:

Date: 16-4-2025

Through


G.M. Kawoosa

Standing counsel

National Green Tribunal
Principal Bench, New Delhi.

9810271255

gm.kawoosa@ngt.gov.com

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

O.A No. 600/2024

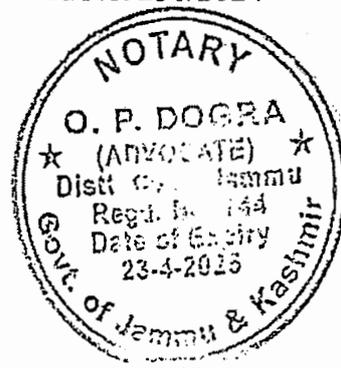
in I.A No. 236/2024

IN THE CASE OF :

Bhushan Lal Parimoo

Vs.

UT of J&K & Ors



IN THE MATTER OF: Affidavit on behalf of Respondents No.1 and 7.

MAY IT PLEASE YOUR LORDSHIPS

The Deponent/answering respondents most respectfully submit as under:

1. That the above mentioned case was listed before the Hon'ble National Green Tribunal Bench, New Delhi on 24.12.2024.
2. That the Hon'ble National Green Tribunal Bench, New Delhi vide order dated 24-12-2024 passed direction to the respondents. The operative part of the order is reproduced as under:

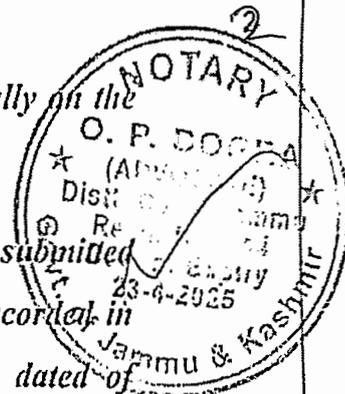
Para 3. "The said details are disclosed based upon the chart on page 164 and another chart on page 166. Particulars of the trees/poles/saplings disclosed in these charts do not tally with each other. We also find that no criteria has been disclosed on the basis of which a plant is classified as tree/ pole /sapling.

4. Through the Respondent No. 1 Chief Secretary, State of J&K (UT) and Respondent No. 7 Principal Chief Conservator of Forests, J&K have been served but neither they are represented nor any response on their behalf have been filed.

Suresh K. Gupta
Chief Conservator of Forests (UT)
UT of Jammu & Kashmir

5. Hence, we direct the Respondent No.1 & 7 to appear virtually on the next date of hearing and explain the above anomaly.

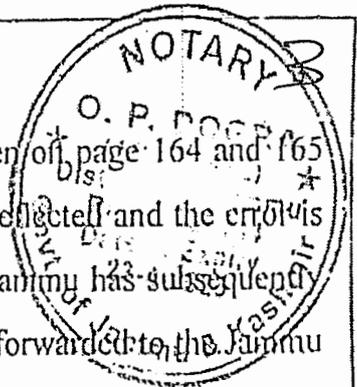
6. Learned Counsel appearing for the Respondent No. 6 has submitted that the Respondent No. 6 would abide by the statement recorded in paragraphs 7 of the order dated 09-09-2024 till the next dated of hearing."



3. That in the light of aforesaid direction, it is submitted that the entire case revolves around a Tourism Park situated on the left bank of river Tawi, on back side of Ware House, Jammu and was established in 2015. The said park is coming in the alignment of construction of Tawi River Front being developed by Jammu Smart City Ltd (JSCL). The Geo coordinates of the proposed site are $N 32^{\circ} 43' 03.59'' E 74^{\circ} 51' 19.34''$.
4. That a team of the forest field staff of Urban Forestry Division, Jammu has carried out the detailed reconnaissance survey of the said tourism park and it is found that the said park is situated on *Non-Forest Land* and is not part of any reserve or demarcated forest. The ornamental plants including shrubs have been raised by the Tourism department in the park. As on date, all the plants are intact and no felling/removal of any plant in the park has taken place. It is further submitted that majority of the plantation stock are ornamental non woody plants in the form of shrubs with very thin stem, ornamental annuals, potted plants, bamboo clumps and only 49 plants are coming in the category of small timber trees which comprises predominantly of Alstonia species (34 plants), an ornamental plant, and only one plant of Alstonia coming in category of tree.
5. That in reply to clarification sought in Para No. 3 of the Hon'ble court order dated 24.12.2024, it is submitted that page nos. 164 and 165 give species wise and Dia class wise details of plants growing in the said park. Total figures of these details given on page no. 164 and 165 are given at the end of page 165 which is 712 saplings/poles/trees (389 climbers/non woody herbs & shrubs, 134 saplings, 139 poles, 49 small timber trees and 01 tree).

Suresh K. Gupta

Suresh K. Gupta, IFS
P. Chief Conservator of Forests (HoFF)
UT of Jammu & Kashmir



6. That it is submitted that page 166 shows abstract of details given of page 164 and 165 but due to calculation error, the totals could not be accurately reflected and the error is regretted. Divisional Forest Officer, Urban Forestry Division, Jammu has subsequently submitted revised abstract giving actual totals and same is also forwarded to the Jammu Smart City Corporation. The totals given in the revised abstract completely match with details given on page 164 and 165. The copy of same is enclosed herewith and marked as Annexure-I.
7. That with respect to the criteria of classification of plants into tree/pole/sapling, it is submitted that in routine silviculture practices and working plan exercises the "Dia" Class is taken as benchmark to work out the plants into Trees, Poles & Saplings etc. For Example:
- (i) 0-10 cms Diameter at breast Height (DBH) = Sapling Crop or regeneration crop.
 - (ii) 10-20 cms Diameter at breast Height (DBH) = Pole Crop.
 - (iii) 20- 30 cms Diameter at breast Height (DBH) = Small Timber.
 - (iv) Above 30 cms Diameter at breast Height (DBH) = Tree / Big timber.
8. That in order to support this classification, the relevant portion of "The Indian State of Forest Report 2015", Page No. 95, Paragraph No. 6.6.3 has been referred. The copy of same is enclosed herewith and marked as Annexure-II.
9. That with regard to classification of trees/poles/saplings in classes namely special class, 'A' class, 'B' class and 'C' class, the same is done on the basis of Government Order No. 10-FST of 2018 dated 09.01.2018 for the purpose of calculation of value to be charged or to be paid to the owner. The copy of Government order No. 10-FST of 2018 dated 09.01.2018 is enclosed herewith and marked as Annexure-III.

IN THE PREMISES,

Therefore, keeping in view of the aforementioned submissions, it is respectfully prayed that the averments made herein above may kindly be entertained on behalf of the Respondents and those to be urged at the time of hearing, the affidavit may kindly

Suresh K. Gupta
 Suresh K. Gupta, IFS
 Pr. Chief Conservator of Forests (HoFF)
 UT of Jammu & Kashmir

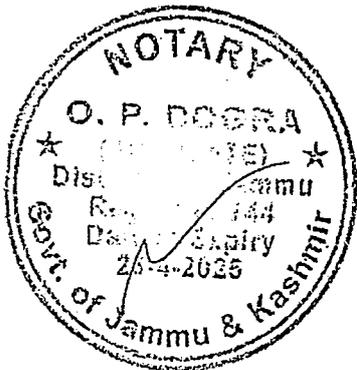
taken on record and considered in the interest of justice.

Suresh
DEPONENT
Suresh K. Gupta, IFS
Pr. Chief Conservator of Forests (HoFF)
UT of Jammu & Kashmir

VERIFICATION:

I, Suresh Kumar Gupta, IFS Age 59 Years, at present Pr. Chief Conservator of Forests J&K, Jammu, do here by state on oath/solemn affirmation do hereby verified 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.

Identified By



Suresh
DEPONENT
Suresh K. Gupta, IFS
Pr. Chief Conservator of Forests (HoFF)
UT of Jammu & Kashmir

Solemnly Affirmed and Declared
Before Me

[Signature]
NOTARY PUBLIC
JAMMU (J&K)



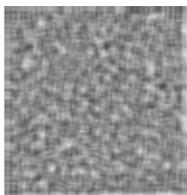
सत्यमेव जयते

INDIA NON JUDICIAL

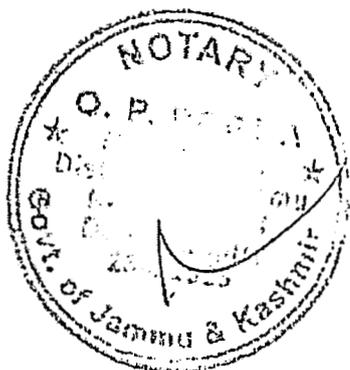
Government of Jammu and Kashmir

e-Stamp

Certificate No. : IN-JK54144804433523X
 Certificate Issued Date : 16-Apr-2025 09:43 AM
 Account Reference : NEWIMPACC (SV)/jk12513004/ JAMMU/ JK-JM
 Unique Doc. Reference : SUBIN-JKJK1251300495229849837652X
 Purchased by : SURESH KUMAR GUPTA IFS
 Description of Document : Article 4 Affidavit
 Property Description : Not Applicable
 Consideration Price (Rs.) : 0
 (Zero)
 First Party : SURESH KUMAR GUPTA IFS
 Second Party : Not Applicable
 Stamp Duty Paid By : SURESH KUMAR GUPTA IFS
 Stamp Duty Amount(Rs.) : 10
 (Ten only)



Please write or type below this line

**Statutory Alert:**

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

Revised Abstract of Tree/Pole/Sapling in Tourism Park on left side of
TawiRiverFront Development, behind Ware-house, Jammu being
executed by Jammu Smart City Ltd.(JSCL)

Species	Class	Dia Class					Total
		Climbers/Non WoodyShrubs	0-10cm	10-20cm	20-30cm	30-40cm	
1. Tree	Special	0	0	0	0	0	0
	A	0	0	0	0	0	0
	B	0	0	0	0	0	0
	C	0	0	0	0	1	1
	TOTAL	0	0	0	0	1	1
2. Pole	Special	0	0	0	0	0	0
	A	0	0	9	0	0	9
	B	0	0	5	4	0	9
	C	0	0	125	45	0	170
	TOTAL	0	0	139	49	0	188
3. Sapling	Special	0	1	0	0	0	1
	A	0	9	0	0	0	9
	B	0	2	0	0	0	2
	C	0	122	0	0	0	122
	TOTAL	0	134	0	0	0	134
		389	0	0	0	0	389
Grand Total		389	134	139	49	1	712

Tara Chund
Forest Guard
(Concerned)
Bikram

Block Forest Officer
City Block

Range Forest Officer
M. P. D. Forest Officer
MFP Jammu M U.

C/s Adman Dp
Divisional Forest Officer
Urban Forestry Division
Jammu

Suresh K. Gupta, IFS
Pr. Chief Conservator of Forests (HoFF)
UT of Jammu & Kashmir



IMPORTANT CHARACTERISTICS OF DIFFERENT FOREST TYPE GROUPS

diagonals. The sample plots which have 9 or more established (tree) plant units (in 36 sq meter) are termed as having 'adequate' regeneration. If the established plant units are less than 9 but are equal or more than 0.5 then the sample point is termed as having 'inadequate' regeneration. If it is less than 0.5 then regeneration is considered 'absent'. For calculating established (tree) plant units, established, un-established and recruits are given weightage as 1, 1/2 and 1/4 respectively.

Regeneration status for various FTGs has been given in Table 6.6.2. According to this table, area under adequate regeneration is maximum in Moist Alpine Scrub (71.94 percent) followed by Littoral and Swamp Forests (68.92 percent) and Tropical Dry Deciduous Forests (62.90 percent). Regeneration is absent in Tropical Wet Evergreen Forests in 11.40 percent area followed by Littoral and Swamp Forests (10.82 percent) and Himalayan Moist Temperate Forests (10.60 percent). Overall at the national level, 55 percent of forests areas are having adequate regeneration and in 45 percent area, regeneration is inadequate or absent.

Table 6.6.2: Forest Type Group-Wise percentage Forest Cover Area under different Regeneration classes

FT Group	Forest Type Group	Regeneration Class		
		Adequate	Inadequate	Absent
1	Tropical Wet Evergreen Forests	58.74	29.86	11.40
2	Tropical Semi-Evergreen Forests	42.31	49.95	7.74
3	Tropical Moist Deciduous Forests	55.94	39.00	5.06
4	Littoral and Swamp Forests	68.92	20.27	10.81
5	Tropical Dry Deciduous Forests	62.90	33.87	3.23
6	Tropical Thorn Forests	52.17	45.34	2.49
7	Tropical Dry Evergreen Forests	44.44	50.00	5.56
8	Subtropical Broadleaved Hill Forest	51.47	42.65	5.88
9	Subtropical Pine Forests	35.39	58.90	5.71
11	Montane Wet Temperate Forests	60.00	40.00	0.00
12	Himalayan Moist Temperate Forest	30.44	58.56	10.60
13	Himalayan Dry Temperate Forests	28.57	67.86	3.57
14	Sub-Alpine Forests	50.00	44.74	5.26
15	Moist Alpine Scrubs	71.94	26.31	1.75
	National level	55.01	39.94	5.05

Size Class

6.6.3

In General, forests bear trees of different sizes. They can be characterized by the average size of the trees found within them which is known as size class. Traditionally, the size class of the trees in the forest was to decide forest's readiness for timber harvest for the indented forest products that the timber harvest would yield. With the change in functionality of forests from production of timber to conservation, more so in Indian context, the size class is interpreted from an ecological angle. Size class is also useful to describe the forest's use for wildlife. Some wildlife prefers large size class forests while others prefer open forest or scrub.

Size class refers to average diameter class or girth class of trees. A crop is classified as, 'regeneration', if crop is predominantly below 10 cm dbh; 'pole crop', if it is between 10 cm to less than 20 cm dbh; 'small timber' if crop is mainly between 20 cm to less than 30 cm dbh; 'big timber', if crop of trees with diameter 30 cm and above and 'mixed size' class if tree crop does not have any marked domination of any particular size class.

Surest
Suresh K. Gupta, IFS
 Chief Conservator of Forests (Home)
 UT of Jammu & Kashmir

Government of Jammu & Kashmir
Department of Forest, Environment & Ecology,
Civil Secretariat
www.jkforestadmn.jk.in

Subject : Revision of Standard Rates.

Reference: Cabinet Decision No. 218/13/2017, dated ..
21.12.2017.

Government Order No: 10 -FST of 2018
D a t e : 09-01-2018

In supersession of all previous orders on the subject, sanction is hereby accorded to the Fixation of Standard Rates under different usage Categories of Forest Trees Viz. Commercial Supply, Supply to Government Departments, Assessment of Compensation under Forest Conservation Act, Supply under Kashmir / Jammu Forest Notices and for compounding of damage cases as under: -

Dia Class (in cms.)	Standard Rates (in Rupees)			
	Deodar	Kail	Fir	Pr. Pine
0-10	1303	658	258	77
10-20	4559	2304	904	231
20-30	9118	4608	1549	462
30-40	17586	8887	3873	1309
40-50	30612	15799	7101	3080
50-60	48198	26332	13556	6006
60-70	72297	38839	22335	9626
70-80	100955	51346	31243	13245
80-90	130264	62208	37827	16864
90-100	157619	71424	42863	19020
100-110	173902	78336	46477	20330
110-120	185626	79982	49447	23256
120-130	195396	83932	51642	24026
130-140	201909	85577	53836	24796
140-150	209725	89198	55257	25335
> 150	216890	91173	56289	25643

Suresh K. Gupta, IFS
Chief Conservator of Forests (HoFF)
Govt. of Jammu & Kashmir

28/10/18
12/10/18
15/01

The Standard rates are modified depending upon the type of the case for which the removal of tree(s) will be sanctioned as follows: -

1. Standard Rates for Broad leaved trees shall be calculated as follows:

Special Class	"A" Class	"B" Class	"C" Class
Equal to deodar	Half of Deodar	One third of Deodar	One eighth of Deodar

Classification of Broad Leaved Species: -

Botanical Name	Local Name
Special Class	
1. Juglans regia	Ahur, Akhrot
2. Fraxinus excelsior	Sum, Sinno, Hum
3. Buxus wallichiana	Chikahri
4. Acer spp	Trikana, Kanzal
5. Prunus spp	Zumb, Bharat, Pajja
6. Toona spp	Toon, Tooni, Dorla
7. Ulmus wallichiana	Bran, Bari, Manru
A Class	
1. Dalbergia sissoo	Tall, Shishami, Guzzu
2. Aesculus Indica	Bankhor, Goon
3. Ougeinia oojenensis	Sandan
4. Mangifera Indica	Aam, Amb
5. Olea cuspidata	Kau
6. Terminalia chebula	Har, Harrir, Harrad
7. Prunus armeniaca	Hadi
8. Betula utilis	Bojpatra, Burj
9. Celtis australis	Kharok, Khirak
10. Syzgium cumini	Jamun
11. Bombax cleba	Simbal
12. Salix alba	Bedda Angrizi, Veer, Baint
13. Corylus jacquemontii	Thangl, Urmuni, Vireen
14. Terminalia balerica	Bahera
15. Emblica officinalis	Amla Ambli
B Class	
1. Morus spp	Toot, Kroon
2. Rhus succedanla	Arkun, Arkhar
3. Populus spp	Safeda, Frost
4. Pistacia Integerrima	Kakarsinghi, Kakar, Kakro
5. Quercus spp	Heeru, Banj, Moru, Kharsu, Batrin
6. Acacia modesta	Phulal
7. Acacia catechu	Khair
8. Acacia nilotica	Kikar, Babool
9. Alnus nitida	Sarol, Champ, Kunis, Rajan
10. Parraotia jacquemontiana	Hatab Puhu, Pased, Killar,

Suresh K. Gupta, IFS
Pr. Chief Conservator of Forests (HoFF)
UT of Jammu & Kashmir

11. Cassia fistula	Amaltas, Kirangal
12. Grewia optiva	Pahari, Dhaman
13. Mitragyna parvifolia	Kalm
14. Ilex dipyrena	Dratha
15. Madhuca latifolia	Mahua
16. Aegle marmelos	Bel, Billan
17. Pyrus pashla	Kainth, Batangi
18. Ficus religiosa	Plpal
19. Ficus benghalensis	Badh, Bohd, Bargad
20. Pyrus lanata	Batta
21. Punica granatum	Daru, Druni
22. Lannea coromandelica	Khaimbal, Jhingan
23. Albizzia spp	Sareen
24. Eucalyptus spp	Safeda
C Class	
All other broad leaved trees	

2. Dry standing trees or dry fallen trees shall be charged at half rates except dry deodar which shall be charged at three fourth of the rates. Green fallen trees will be charged at full rates.
3. Special class broad leaved trees shall not be given concession rates but on full standard rates.
4. For illicit damages pertaining to the concessionists residing within 5 kilometers of the demarcated forests, the price of trees will be assessed at 60 percent of the standard rates in 10 cm diameter classes and in all other cases at full rates.
5. For "A" class concessionists, trees (other than Deodar) will be sanctioned at 10% of the rates proposed above.
6. In barfani ilaqa (notified by the Revenue Department) trees (other than deodar) may be provided to the needy persons at 5% of the Standard Rates.

Sd/-
(Saurabh Bhagat) IAS,
 Commissioner/Secretary to Government,
 Forest, Ecology & Environment Department.

No:-FST/SFC/54/2010

Dated: 9-01-2018

Sd/-
 Saurabh K. Gupta, IAS
 Pr. Chief Conservator of Forests (Forest)
 UT of Jammu & Kashmir

Copy to the:-

1. All Financial Commissioners.
2. Principal Secretary to Governor.
3. Principal Secretary to Hon'ble Chief Minister.
4. All Principal Secretaries to Government.
5. All Commissioner Secretaries to Government.
6. Divisional Commissioner, Jammu/Kashmir.
7. All Secretaries to the Government.
8. All HoD's of Forest Department.
9. All Deputy Commissioners.
10. Director Information, J&K Jammu with the request for publishing in news bulletin.
11. Director, Archives, Archaeology and Museums.
12. General Manager, Government Press, J&K.
13. OSD to Hon'ble Minister for Forest, Environment & Ecology for information of Hon'ble Minister.
14. Private Secretary to Hon'ble Minister of State for Forest, Environment & Ecology Department for information of Hon'ble Minister.
15. Principal Private Secretary to Chief Secretary, J&K.
16. Private Secretary to the Commissioner/Secretary to the Government, Department of Forest, Environment & Ecology.
17. Government Order file (w.3.s.c).

Suresh K. Gupta
Suresh K. Gupta, IFS
Pr. Chief Conservator of Forests (HoFF)
UT of Jammu & Kashmir

[Signature]
Under Secretary to the Government,
Forest, Ecology & Environment Department.

[Signature]
11/3
04/11