

Through Email

From

The Deputy Commissioner,
Una, District Una (H.P.).

To

The Consultant (Judicial),
Hon'ble National Green Tribunal,
Faridkot House,
Copernicus Marg, Near India Gate, New Delhi,
Delhi-110001.

No. 201 /ADC/LFA

Dated 20 .10.2022

Sub: - Original Application No. 372/2022 titled as Avinash
Vidhrohi versus State of H.P. pending before the Hon'ble
NGT.

Sir,

Kindly refer to your office email message dated 01.10.2022 whereby the copy of order dated 28.09.2022 passed by the Hon'ble National Green Tribunal in aforesaid Original Application has been supplied to this office for further necessary action.

In this connection, it is submitted that the Hon'ble National Green Tribunal vide order dated 28.09.2022 has impleaded the State of Himachal Pradesh through Chief Secretary Government of Himachal Pradesh, Principal Chief Conservator of Forests (HoFF)

Government of Himachal Pradesh, Principal Secretary (PWD) to the Government of Himachal Pradesh, State PCB, District Magistrate Una and the Contractor-Mr. Rohit Jaswal S/o Shri Narender Jaswal R/o Dangoh, Tehsil Ghanari District Una, H.P. as respondents No.1 to 6 respectively and directed them to file their response/reply to the averments made in the application and response/objections to the observations made in the report of Joint Committee within two months at judicial-ngt@gov.in .

In compliance to aforementioned order dated 28.09.2022 the respondent No. 5 i.e. undersigned respectfully submits as under: -

1. Response/reply to the averments made in the Application

It is submitted that the above named applicant has alleged in the complaint/letter addressed to Hon'ble National Green Tribunal that H.P. Public Works Department has got pruning of all branches of 200 fruit bearing mango trees standing on Daulatpur –Gagret Goglehar road through a contractor without obtaining permission from the Forest Department and without any tender or work in violation of protective prohibition order passed by Hon'ble High Court of H.P. Since no allegation has been levelled by the above named applicant against the respondent No.5 i.e. undersigned in his aforesaid application, therefore, the respondent No.5 i.e. undersigned has no submissions to the averments made in the said Application.

2. Response/Objections to the observations made in the report of Joint Committee.

It is submitted that the Hon'ble National Green Tribunal, Principal Bench vide order dated 04.07.2022 constituted a Committee comprising representative of Regional Office of MoEF &CC at

Chandigarh, State PCB, Principal Chief Conservator of Forests, Government of Himachal Pradesh and Deputy Commissioner, Una. In compliance to the aforementioned orders dated 04.07.2022 passed by the Hon'ble Tribunal in aforesaid Original Application a meeting of stakeholders/officials was convened by the respondent No.5 i.e. undersigned at H.P.PWD Rest House Gagret followed by site visit on 22.07.2022. It is further submitted that after the deliberate conversation and examining the matter on the findings of the incident, the committee has concluded that the cutting/pruning of 201 trees has been carried out without any permission and due procedure and had led to the substantial damage. The said Committee also discussed about the possibility of levying environmental compensation but it is found that there is no standard guideline/provision according to which environmental compensation can be levied in the matter. Most of the trees are located on the land in possession of HPPWD and department should take action in the matter. The HPPWD should also frame proper mechanism for pruning of trees on its land along roadside. The report of the Joint Committee has already been sent to the Hon'ble National Green Tribunal by the Member Secretary, H.P. State Pollution Control Board, Shimla. It is pertinent to mention here that due action in the matter has to be taken by the Forest Department as per the State Forest Policy and the Forest Department has already registered an FIR No. 022 in Police Station Gagret on 28.03.2022 regarding incident of illegal lopping/pruning of about 387 branches of 201 Nos trees standing roadside by HP Public Works Department through the Contractor without any permission from Forest Department. The Joint Committee is also on the view of that the necessary action in the matter shall also be taken by the H.P. Public Works Department as the most of the trees are located on the land in possession of H.P. PWD. Since the respondent No.5 i.e. undersigned

is one of the member of the said Committee, therefore, the respondent No.5 has no response/objection to the observations made in the report of Joint Committee.

The reply/response is submitted for favour of consideration of the Hon'ble National Green Tribunal and the same may kindly be accepted.

Yours faithfully,



Raghav Sharma,

Deputy Commissioner,
~~Deputy Commissioner,~~
Una, District Una (H.P.).

Ph. No. 01975-225800.