

Through Email

No. Ft.1/17-18(S)
H.P. Forest Department

Dated Shimla, the 13/05/2023

From:

The Pr. Chief Conservator of Forests (HoFF),
Himachal Pradesh, Shimla

To

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

Sub: -

Response/reply on the behalf of Respondent No. 1 & 2 in Original Application No. 372/2022 titled as Avinash Vidhrohi versus State of H.P. pending before the Hon'ble NGT, through Principal Chief Conservator of Forests (HoFF) HP i.e. Respondent No. 2.

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.

As desired, the reply of OA No. 372/2022 on the behalf of Respondent No. 1 & 2 in Original Application No. 372/2022 titled as Avinash Vidhrohi versus State of H.P. pending before the Hon'ble NGT, through Principal Chief Conservator of Forests (HoFF) HP i.e. Respondent No. 2, is enclosed herewith for filing in the Hon'ble NGT

Encls: As above.


Pr. Chief Conservator of Forests (HoFF),
Himachal Pradesh, Shimla

Before the Hon'ble National Green Tribunal New Delhi**OA No. 372/2022****In the matter of Avinash Vidrohi****V/s****State of HP & others**

Response/reply on behalf of Respondent No. 1 & Respondent No. 2
in original application No. 372/2022 titles as Avinash Vidrohi Versus State of
HP pending before the Hon'ble NGT, through Principal Chief Conservator of
Forests (HoFF) i.e. Respondent No. 2.

That, 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. 2 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 Guglehar 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. It is pertinent to mention that Forest Department has taken suitable action as per the law. An FIR No. 0038 dated 29.03.2022 (Rapat No. 022 Roznamcha dated 28.03.2022) has been registered in Police Station Gagret 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 the Forest Department. Moreover concerned five forest guards posted in the area have already been charge sheeted.

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. Deputy Commissioner, Una 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 without any 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 already been taken by the Forest Department as per law and the Department has already registered an FIR No. 0038 dated 29.03.2022 (Rapat No. 022 Roznamcha dated 28.03.2022) in Police Station Gagret 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 the Forest Department. Moreover concerned five forest guards posted in the area have already been charge sheeted. The Joint Committee is also of the view 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 Divisional Forest Officer, Una Forest Division, Una was one of the member of the said Committee, therefore, the respondent No. 2 i.e. undersigned 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.

Respondent No. 2



Rajiv Kumar,

Pr. Chief Conservator of Forests (HoFF),
Himachal Pradesh, Shimla.