

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 928 OF 2024**

**In the matter of**

Saurabh Tiwari

Applicant

Vs.

Union of India & Ors.

Respondents

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**Filed by Adv. Amit Singh Chauhan  
(On behalf on Central Pollution Control Board)**

**Place: Delhi**

**Dated: 07.11.2024**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 928 OF 2024**

**In the matter of**

Saurabh Tiwari

Applicant

Vs.

Union of India & Ors.

Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 4 (CENTRAL  
POLLUTION CONTROL BOARD (CPCB))**

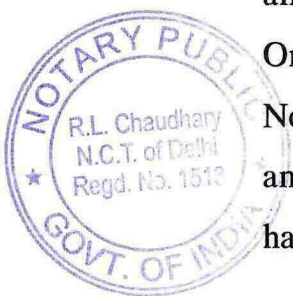
1. That this Hon'ble Tribunal vide its Order dated 31.07.2024 in the instant matter has issued the following direction:

*"4. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing."*

The reply/response is made in the succeeding paragraphs as per the directions of the Hon'ble Tribunal vide Order dated 31.07.2024.

2. That at the outset, the answering Respondent deny all claims, contentions, allegations and averments against answering Respondent CPCB in the above Original Application (OA) contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial, save any averment which has been expressly admitted hereinafter.

3. That the CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention



and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.

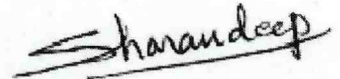
4. That the matter is primarily related to allegations of felling of large numbers of trees in the campus of Banaras Hindu University, Varanasi, Uttar Pradesh allegedly without obtaining any requisite permissions. The allegations levelled also include that the trees of Shagun, Sandalwood, Mango etc. have been cut and even Chandan trees have been felled in 1300 acre campus of the university.
5. That it is humbly submitted before this Hon'ble Tribunal that in the matter bearing OA No. 911 of 2022 (1. A. No.14/2023 and I. A. No. 16/2023) titled as "Prof. Dr. Sanjeev Bagai & Ors vs Department of Environment, GNCTD & Ors.", this Hon'ble Tribunal directed the CPCB to seek information from all State Pollution Control Boards / Uttar Pradesh Pollution Control Board (hereinafter referred as UPPCB) regarding Acts/ rules/guidelines/circulars for protection and management of trees. Information received from UPPCB, regarding various Acts / Rules / Circulars etc. for the protection and management of trees in the State are summarized below:
  - a. In Forest area, the trees have been protected in accordance with Indian Forest Act, 1927;
  - b. For outside Forest area, the U.P. Protection of trees Act, 1976 is applicable for regulation of felling of trees;
  - c. Further, in the aforesaid matter i.e., OA No. 911 of 2022 (PB) vide Order dated 05.04.2024, this Hon'ble Tribunal has constituted a Joint Committee under the chairmanship of Director General Forest & Special Secretary, MoEF&CC for;
    - I. Formulation of policy, enactment of statutory frame work and laying down of guidelines for the growth, protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same.



- II. Preparation of SOP/Guidelines for the cutting/felling of the trees in Rural Area, cutting/felling and pruning of trees in Urban Areas.
- III. Preparation of SOP/Guidelines for the Transplantation/Translocation of Trees.
- IV. In addition to the above any other relevant aspect which the Committee considers necessary to address the issues.

It is humbly submitted that the Joint Committee constituted by this Hon'ble Tribunal in the aforesaid matter, deliberated on the issue of cutting/felling, transplantation/translocation, growth, protection/preservation, pruning and management of trees in non-forest areas in States/UTs and the report is under finalization.

6. That it is humbly submitted that, the Concerned Authorities in the State under reference possess the primary responsibility of implementation of the provisions as per the statute mentioned above.
7. That further, it is humbly submitted that the matter has been forwarded to Environment Forest and Climate Change Department, Government of Uttar Pradesh and District Forest Officer, Varanasi Vide letters dated 25.09.2024 (**Annexure – I & Annexure - II**) for examination. Response/Reply from the concerned office is still awaited.
8. That in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant Original Application.



(Sharandeep Singh)  
Scientist 'E'

**Central Pollution Control Board**

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



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

**ORIGINAL APPLICATION NO. 928 OF 2024**

**In the matter of**

Saurabh Tiwari

Applicant

Vs.

Union of India & Ors.

Respondents

**AFFIDAVIT**

I, Sharandeep Singh, aged about 45 years in the capacity of Scientist- E, having office at the Delhi, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, do hereby solemnly affirm and sincerely state on oath as follows: -

1. That I, the deponent herein is the authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying short reply may be read part and parcel of the present affidavit.
3. That the accompanying short reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the records maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



*Sharandeep*

**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)  
(M/o Environment, Forest & Climate Change, Govt. of India)  
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

**VERIFICATION**

Verified at New Delhi on this day of 07 NOV 2024 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

*Sharandeep*

**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)  
 (M/o Environment, Forest & Climate Change, Government of India)  
 परियोजना भवन, प्लॉट नंबर 1, टिबू रोड, दिल्ली-110029  
 Park Road, Plot No. 1, Tiboo Road, Delhi-110029



**ATTESTED**

*[Signature]*  
 NOTARY PUBLIC  
 GOVT. OF INDIA

07 NOV 2024



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

No.: CM-13011/203/2024-LAW-HO-CPCB-HO 5183

25.09.2024

To,

The Additional Chief Secretary,  
Environment Forest and Climate Change Department  
Government of Uttar Pradesh  
524-25, Bapu Bhavan, Secretariat,  
Lucknow, Uttar Pradesh-226001

Sub: Hon'ble NGT (PB) matter in Original Application No. 928/2024 titled Saurabh Tiwari Versus Union of India & Ors.

Ref.: Hon'ble NGT (PB) Order dated 31.07.2024 in above said matter.

Sir/Madam,

This has reference to above cited Hon'ble National Green Tribunal (NGT) order dated 31.07.2024 in Original Application No. 928/2024 titled Saurabh Tiwari Versus Union of India & Ors. (Copy of Hon'ble NGT order dated 31.07.2024 and Original Application are enclosed).

Grievance raised by the applicant in the matter is about cutting of various species of trees which were existing in the 1300-acre land in the campus of Banaras Hindu University (BHU) without compensatory afforestation. The applicant is seeking necessary action in this matter. The issues raised in the original application are under jurisdiction Government of Uttar Pradesh.

In view of above, it is requested that the matter may be examined at appropriate level and action as required, if any, may please be taken. The status of the same may please be provided to this office at the earliest.

Encl.: As above

Yours faithfully,

*Sharandeep*  
25/09/2024  
(Sharandeep Singh)  
Divisional Head-UPC-I

28/09/24  
26/09/2024

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
N. Singh  
27/9/2024

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

No.: CM-13011/203/2024-LAW-HO-CPCB-HO 5182

25.09.2024

To,

District Forest Officer,  
Ashok Vihar, Ram Nagar,  
Varanasi, Uttar Pradesh-221001

**Sub: Hon'ble NGT (PB) matter in Original Application No. 928/2024 titled Saurabh Tiwari Versus Union of India & Ors.**

*Ref.: Hon'ble NGT (PB) Order dated 31.07.2024 in above said matter.*

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In view of above, it is requested that the matter may be examined at appropriate level and action as required, if any, may please be taken. The status of the same may please be provided to this office at the earliest.

**Encl.: As above**

Yours faithfully,

*Sharandeep*  
25/09/2024

(Sharandeep Singh)  
Divisional Head-UPC-I

pc

21/09/24  
26/09/2024

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
निर्वाह... NS Singh  
दिनांक... 25/09/2024

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Item No. 04

Court No. 1

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

Original Application No. 928/2024

Saurabh Tiwari

Applicant

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 31.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Saurabh Tiwari, Applicant in Person (Through VC)

**ORDER**

1. In this Original Application, the plea of the applicant is that various species of trees were existing in the 1300 acre campus of Banaras Hindu University. The allegation is that large number of trees felling has taken place within the campus without any permission by the competent authority. It is alleged that the trees of Shagaun, Sandalwood, Mango, etc. have been cut and even Chandan trees have been felled. The applicant has also alleged that the authorities of the University are taking the false plea on the paper that they have planted various trees, in lieu of the trees which have been cut.

2. In support of the plea taken in the O.A. applicant has filed the photographs with geo-coordinates from page 23 onwards depicting the extent of illegal felling of trees which has taken place in the campus premises. He has also submitted that though the students have staged a

protest against illegal felling of trees but ignoring the same the tree cutting has continued.

3. O.A. raises substantial issue relating to compliance of the environmental norms and implementation of provisions of scheduled enactments.

4. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.

5. In order to ascertain the truthfulness of the allegation and also the extent of trees which have been cut, if any permission was obtained before cutting of trees and if any compensatory plantation has been done, we deem it proper to form a Committee comprising of RO, MoEF and CC Luchnow and Divisional Forest Officer, Varanasi who will act as the coordinating agency.

6. The Two Member Committee will visit the site and ascertain the correct position keeping in view the observations made above and will submit report before the Tribunal at least one week before the next date of hearing.

7. List on 11.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 31, 2024  
O.A. No. 928/2024  
HB