

BEFORE THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
ORIGINAL APPLICATION NO.1246 OF 2024

IN THE MATTER OF:

Uday Bhan

...Applicant

Versus

The State of Uttar Pradesh and Others

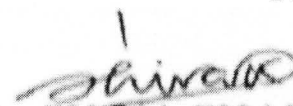
...Respondents

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ND04-18/9/2025

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Filed By:


Dr. SHIVA SHARMA

ADVOCATE (ENROLMENT NO. HIM-46/1976)

COUNSEL FOR PETITIONER

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BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original application no. 1246 of 2024

in the matter of:

Uday Bhan

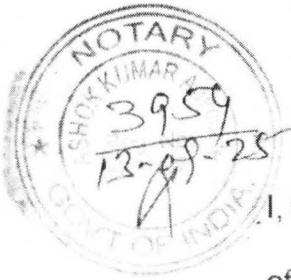
.....Applicant

Versus

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.....Respondents

RESPONSE ON AFFIDAVIT ON BEHALF OF RESPONDENTS
Dr. SATYA NARAYAN DASA (R-7) & VISHNU DASA (R-8) TO
THE REPLY OF RESPONDENTS NO. 2, 4 & 5



I, Dr. Satya Narayana Dasa, aged about 71, Director of Jiva Institute of Vedic Studies, r/o Jiva Institute, 380 Sheetal Chhaya, Vrindavan, Uttar Pradesh, do hereby solemnly affirm and declare as under:

1. That the deponent is Respondent No. 7 in this Original Application (OA) and he is Director of Jiva Institute of Vedic Studies. He is fully conversant with the facts and circumstances of this case and is fully competent to swear to this counter affidavit.

2. That Para No. 1 of the Reply filed by Respondents No. 2, 4 & 5 only reproduces briefly the allegations made by the Applicant in his

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ASHOK KUMAR
Advocate Notary
Distt. Court, MATHURA

Satya narayan dasa

present Original Application. The answering Respondents deny all those allegations unless specifically admitted here-in-after or in their Counter affidavit already filed.

3. That Para No. 2 of the Reply of Respondents No. 2, 4 & 5 is a matter of record and warrants no response.

4. That Para No. 3 of the Reply as projected is not admitted. It is submitted that Respondents No. 2, 4 & 5 have demolished the case as set up by the Applicant. The Applicant has alleged felling of 50 trees but Respondents No. 2, 4 & 5 have pleaded that only **One BER and 7 PAPDI (Holoptelia Integrfolia) trees were felled and 26 bushes were cleared by Respondents No. 7 & 8 and 2 others.**

Bushes are not trees within the definition under Section 3 (xi) of the Uttar Pradesh Protection of Trees Act, 1976 (UP Act No. 45 of 1976) as amended up to date. Section 3 (xi) of the UP Act No. 45 of 1976, for facility of ready reference, is set down as under:

(xi) "tree" means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than five centimetres in diameter at height of thirty centimetres from the ground level and is not less than one meter in height from the ground level, and the expressions "timber trees" and "fruit trees" mean respectively the trees of the species specified in Schedule I and Schedule II respectively.

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Distt. Court, MATHURA

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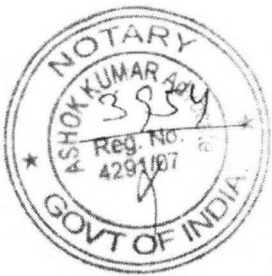
Provided that the State Government may by notification add to or modify the Schedules.

That Respondents No. 2, 4 & 5 have stated that the primary object of Respondents No. 7 & 8 was to construct a boundary wall around the land in question. It is submitted that Respondent No. 7 is a lawful owner of the said land and he has re-constructed a portion of the boundary wall which had fallen down. It is submitted that Respondent No. 7 has only got some bushes cleared for the purpose re-constructing the fallen portion of the boundary wall. The answering Respondents have not felled any trees as alleged and the story as projected by the Applicant is completely false and fabricated. The answering Respondents respectfully urge that the object of clearing the bushes was not commercial or monetary but was to protect the property of Respondent No. 7 who is a lawful owner of the said property. The answering Respondents have not violated any provisions of law. Alternatively it is submitted that no permission was required by the answering Respondents in view of UP Government Notification No. 2432/XIV-2-503-76 dated May 6, 1977 published in the U.P. Gazette, Part 1, dated 28th May, 1977. (P.1738). *The said Notification reads as under:*

".....no person shall fell, cut or remove any tree with a view to appropriating the wood or leaves thereof for bona fide use for purposes of fuel, fodder, agricultural implements or other domestic use without prior permission of the Competent Authority in the area which are included within the limits of a Municipal Board."

For ready reference, a true copy of the said Notification is annexed herewith and is marked as **Annexure-A**.

Satyaj Narayan Sharma



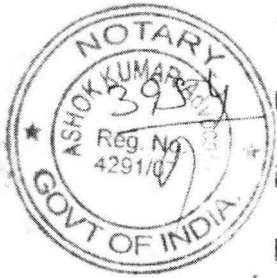
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Advocate Notary
Distt. Court, MATHURA

Thus a careful perusal of the notification **Annexure-A** shows that mere felling, cutting or removing of any tree is not an offence and such felling, cutting or removing is an offence only when done for the purposes mentioned in the aforesaid Notification. The purpose of felling, cutting or removing any tree is the most important factor for fastening criminal liability under the Act No. 45 of 1976.

That vide Notification No. 86/XIV-3-377-76 dated January 20, 1982 published in the U.P. Gazette (Extra-ordinary), dated 28th January, 1982, the UP Government has exempted, from all provisions of the UP Act No. 45 of 1976, certain species of trees, growing on individual cultivated or uncultivated holding measuring up to two hectares. The holding of Respondent No. 7 less than two hectare land. **BER, a tropical fruit shrub**, is mentioned in the List at serial No. 23. For facility of ready reference, a true copy of the said Notification is annexed herewith and is marked as **Annexure-B**.

That adding of Sections 7 and 55(2) of the Biodiversity Act, 2002 to this case shows over-enthusiasm of the Investigating Officer to implicate the answering Respondents and others because case under the said provisions is not made out from the Forest Officer's complaint. Even otherwise the said provisions apply in an altogether

Satyaj Narayan

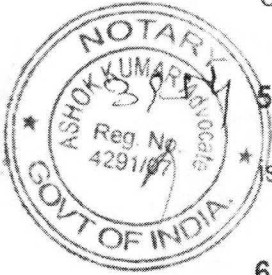


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Advocate Notary
Distt. Court, MATHURA

different fact situation. The Investigating Officer didn't bother to study the 'rule book' for reasons known to him alone.

That mere filing of a complaint or registration of an FIR is not a proof of any wrong-doing by the answering Respondents.

That Respondents No. 2, 4 & 5 have fairly stated in Para 4(e) at second point that "the Ld. Court will, after conducting trial, give their decision regarding any punitive action to be taken against the offenders and penalty to be paid...."



5. That Para No. 5 of the Reply filed by Respondents No. 2, 4 & 5 is a matter of record and warrants no comments.

6. That Para No. 6 of the Reply of Respondents No. 2, 4 & 5 is not admitted. The contents of Counter Affidavit filed by the answering Respondents may please be read as part of this Response.

PRAYER

In view of the above submissions, the answering Respondents very humbly submit that Reply filed by Respondents No. 2, 4 & 5 may please be rejected so far as it is inconsistent with the Response and Counter Affidavit filed by the answering Respondents.

ASHOK KUMAR
Advocate Notary
Distt. Court, MATHURA

Saty Narayana Dasa

(Dr. Satya Narayana Dasa)

Deponent/Respondent No.7

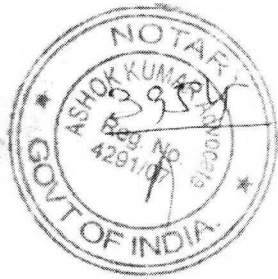
Saty Narayana Dasa

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VERIFICATION:

I, the deponent above-named do hereby verify that the contents of this Response in Para 1 to 6 on factual aspects are true to the best of my knowledge and legal aspects are believed to be true on the basis of legal advice of my Advocate and nothing material has been withheld.

Verified this the 13th days of September, 2025 at Mathura, UP.



Satyanarayana Dasa
(Dr. Satya Narayana Dasa)
Deponent/Respondent No.7

Through Counsel

Shiva
Dr. Shiva Sharma,

Advocate (Enrolment No. HIM-46/1976)

ASHOK KUMAR
Advocate Notary
Dist. Court, MATHURA

The Contents of the Affidavit Documents read over and Explained to Shri Dr. Satya Narayana Dasa who is identified by Shri G. Sridhyan Adv. and on Oath Attested by me 13-09-25 At my office and 3859 in Notary Registered No. 3859 Rs. 350

ASHOK KUMAR Advocate
Notary Public,
Dist. Court, Mathura

I Know Shri/Smt. Dr. Satya Narayana Dasa
He/She Has Lt. Signatured before me

Sig Identify

Satyanarayana Dasa

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 1246 of 2024

in the matter of:

UdayBhan
...Applicant

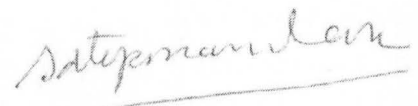
Versus

State of Uttar Pradesh and others
..... Respondents

**APPLICATION UNDER SECTION 5 OF THE LIMITATION
ACT FOR CONDONATION OF DELAY IN FILING
RESPONSE TO REPLY OF RESPONDENTS NO. 2, 4 & 5**

Most Respectfully Showeth:

1. That the above titled Original Application (OA) is pending before this Hon'ble Tribunal and is fixed for 18.09.2025.
2. That the learned Counsel for Respondents No. 2, 4 & 5 had filed Reply to the OA on 10.02.2025 and this Hon'ble Tribunal was pleased to direct the learned Counsel for the said Respondents to supply a copy of his Reply to the learned Counsel for Respondents No.7 & 8 during the course of the day and had given liberty to Respondents No. 7 & 8 to file their Response within three weeks. However, the learned


Satyendra Kumar

Counsel for Respondents No. 2, 4 & 5 didn't supply the copy of his Reply to the learned Counsel for Respondents No. 7&8. The learned Counsel for Respondents No. 7 & 8 had sent an email on 15.04.2025 to the learned Counsel for Respondents No. 2, 4 & 5 and had requested him to supply copy of his Reply.

3. That the learned Counsel for Respondents No. 2, 4&5 eventually supplied copy of Reply only on 20.05.2025 which happened to be the next date of hearing in this matter. On request of the learned Counsel for Respondents No. 2, 4 & 5, this Hon'ble Tribunal had adjourned this case to 18.09.2025.
4. That Respondents No. 7&8 have very good reason for not filing their Response within the time allowed by this Hon'ble Tribunal. Respondents No. 7 & 8 were prevented by a cause beyond their control from filing their Response in time.

In the above circumstance, it is respectfully prayed that delay in filing the Response may kindly be condoned in the interest of justice.

Affidavit in support of the application is attached.

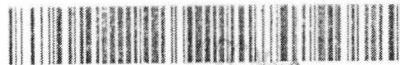
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(Dr. Satya Narayana Dasa)
Respondent No.7

Through Counsel

Shiva
[Dr. SHIVA SHARMA]
adv.
HIM/46/1976

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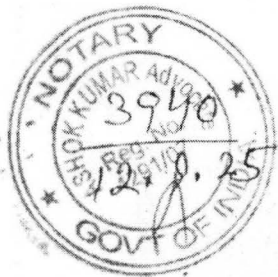
Government of Uttar Pradesh

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100-D-UP1472004
Distt. Court, MATHURA
12-09-2025

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| Page No. | : SUBIN-UPUP1447200479420785241787X |
| Doc. Part | : DR SATYA NARAYANA DASA |
| Doc. Type | : Article 4 Affidavit |
| Doc. Nature | : Not Applicable |
| Doc. Status | : |
| Doc. Party | : DR SATYA NARAYANA DASA |
| Doc. Order | : Not Applicable |
| Doc. Fee | : DR SATYA NARAYANA DASA |
| Doc. Val. | : 10 |
| Doc. Unit | : (Ten only) |



AFFIDAVIT

ASHOK KUMAR
Advocate Notary
Distt. Court, MATHURA

Satya Narayan Das

(11)

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 1246 of 2024

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**APPLICATION UNDER SECTION 5 OF THE LIMITATION ACT
FOR CONDONATION OF DELAY IN FILING RESPONSE TO
THE REPLY OF RESPONDENTS NO. 2, 4 & 5**

AFFIDAVIT

I, Dr. Satya Narayana Dasa, aged about 71, Director of Jiva Institute of Vedic Studies, r/o Jiva Institute, 380 SheetalChhaya, Vrindavan, UttarPradesh, do hereby solemnly affirm and declare as under:

That the deponent is Respondent No. 7 in this Original Application (OA) and he is Director of Jiva Institute of Vedic Studies. He is fully conversant with the facts and circumstances of this case and is fully competent to swear to this affidavit.

Satyanarayana Dasa

ASHOK KUMAR
Advocate Notary
Distt. Court, MATHURA

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2. That the accompanying application for condonation of delay has been drafted under his instructions.

3. That the contents of Para 1 to 4 of the accompanying application for condonation of delay are true and correct to the best of my knowledge and that nothing material has been concealed therefrom.



Satyana Narayana Dasa

(Dr. Satya Narayana Dasa)

Deponent

VERIFICATION:

I the deponent above-named do hereby verify that the contents of Para 1 to 3 of this Affidavit are true to the best of my knowledge and belief and nothing material has been withheld therefrom.

Verified this the 12th day of September, 2025 at Mathura.

(Dr. Satya Narayana Dasa)

Deponent

Satyana Narayana Dasa

The Contents of the Affidavit Documents read over and Explained to Shri Dr. Satya Narayana Dasa who is identified by Shri G. S. Sadiya Adv. and on Oath Attested Day on 12-09-25 At my office and noted Down in Notary Registered No. 3940 Fees Rs. 35/-

ASHOK KUMAR Advocate
Notary Public,
Distt. Court, Mathura

I Know Shri/Smt. Dr. Satya Narayana Dasa
He/She Has Lt. Signatured before me
Sig. Identify

Satyana Narayana Dasa



Sandeep Singh Rawat <sandeeprwt.uk@gmail.com>

Advance Service in OA 1246 of 2024 titled as "Uday Bhan versus State of UP & Others.

1 message

Sandeep Singh Rawat <sandeeprwt.uk@gmail.com>

Mon, Sep 15, 2025 at 7:24 PM

To: "NK Goswami Advocate, Supreme Court" <thendca@gmail.com>, egalpathlaw@gmail.com, cmup@nic.in, dmmtat@nic.in, vcmvda2014@gmail.com, pccf-up@nic.in, dfo.mathura@upforests.gov.in, sspmta-up@nic.in, ceo.upbtvp@gmail.com

Dear Sir,

Please find attached copy of response affidavit filed on behalf of the respondent no.7 & 8 in the captioned subject matter.

Kindly acknowledge the receipt of this email.

Thanks and Best Regards**Sandeep Singh Rawat****For - Dr. Shiva Sharma, Counsel for Respondent No.7 & 8**

5, Siri Fort Road, Lower Ground Floor, New Delhi - 110049 I Mobile : + 91 9971630855**RESPONSE ON AFFIDAVIT ON BEHALF OF 1-7.pdf**

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