

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

OA No. 911/2022

IN THE MATTER OF :

Prof. Dr. Sanjeev Bagai & Ors. ...APPLICANT

VERSUS

Department of Environment, GNCTD,

...RESPONDENTS

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3.	Copy of 02 permissions and the photographs showing the Pruning as <u>Annexure-B (Colly)</u> .	

Through

Ms. Puja Kálra
(Advocate)
Standing Counsel for MCD
Ch. No. 430/431
Delhi High Court
New Delhi.

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

OA No. ~~90~~/2022

IN THE MATTER OF :

PROF. DR. SANJEEV BAGAI & ORS.

...APPLICANTS

VERSUS

DEPARTMENT OF ENVIRONMENT, GNCTD.

...RESPONDENTS

SHORT AFFIDAVIT ON BEHALF OF THE
RESPONDENT NO. 2 /MCD.

AFFIDAVIT OF PIJUSH KUMAR BENERJEE S/O
SUNIL KUMAR BENERJEE AGED ABOUT 53
YEARS, DEPUTY DIRECTOR HORTICULTURE,
SOUTH ZONE, MUNICIPAL CORPORATION OF
DELHI, GREEN PARK NEW DELHI:-

I, the deponent above named, do hereby solemnly affirm
as state as follows:

1. That I am presently posted as Deputy Director Horticulture, South Zone, MCD, Green Park, New Delhi and am conversant with the facts of the case based on the official records maintained by MCD am as such competent to depose thereto.
2. That the instant affidavit is being filed pursuant to order dated 21/12/2022 of this Hon'ble National Green Tribunal.
3. That at the outset the answering respondent craves leave of this Hon'ble Tribunal to file Short

PK Benerjee

Affidavit in response to the instant Original Application (OA) / Petition concerning the role of the answering respondent, with the liberty to filed detailed para wise reply / counter affidavit if need arises or Hon'ble Tribunal directs to do so.

4. That I have gone through the contents of the present Original Application / OA and denies each and every allegations and contentions made therein unless and until the same are admitted herein below specifically.
5. That considering the role of the Horticulture Department of answering respondent / MCD, it is submitted that for carrying out the Pruning of trees the necessary Guidelines has already been issues by department of Forests and Wild Life, Government of NCT of Delhi vide bearing No. F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01/10/2019. The copy of the said Guidelines is already annexed alongwith the instant OA / Petition as Annexure-A.
6. That in terms of the said Guidelines, clause -5, Regular Pruning / General Tending upto 15.7 cm can be got done by Civic Agencies at regular intervals for which no permission is required. Whereas for light Pruning greater than 15.7 cm but less than and equal to 40 cm and for heavy Pruning greater than 40 cm permission is required from concerned tree officer on submission of prescribed form-B and other documents as prescribed in DPTA,1994.

PK Bamejra

7. That in the colony known as "Vasant Vihar, New Delhi" the exercise for regular Pruning of the trees upto 15.7 cm has been undertaken / carried out in respect of the trees on the road / public land, falling / situated within the jurisdiction of MCD, on demand of the RWA concerned and the same has been got done under the supervision of Mali, Supervisor (Choudhary) and Section Officer of the area of Horticulture Department South Zone / MCD. It is pointed out that since the regular Pruning of the trees upto 15.7 cm has been carried out / undertaken, so for the same, in terms of the Guidelines as referred above, no permission is required.
8. That as per record of the department, the said regular Pruning has been undertaken / carried out w.e.f. 21/11/2022 till 20/12/2022 under the supervision of said officers. The photographs showing the regular Pruning of the trees as undertaken / carried out are annexed herewith as **Annexure-A (Colly)**.
9. That further as per record, the answering respondent has also got done Pruning in respect of 02 trees, one falling / situated near H.No. D-449, Bhanwar Singh Camp, Vasant Vihar, New Delhi vide permission bearing F.No. NOV.2022/WFD/Pruning/22-23/9119-22 dated 22/11/2022 and another one falling / situated near House No. C-3/1, Vasant Vihar, New Delhi vide permission bearing F.No. NOV.2022/WFD/

P.K. Benerjee

Pruning/22-23/8792-95 dated 02/11/2022. The copy of the permissions as obtained and the photographs showing the Pruning of said trees are annexed herewith Annexure-B (Colly).

PK Bomerjell
DEPONENT

VERIFICATION:

Verified at Delhi on this ____ day of January-2023, that the contents of the above affidavit are true and correct to my knowledge derived from the official records maintained by the MCD and I believe the same to be true and correct.

PK Bomerjell
DEPONENT

GOVT. OF N.C.T. OF DELHI
OFFICE OF DY. CONSERVATOR OF FOREST (WEST)
MANDIR LANE, NEW DELHI-110060
(PHONE # 011-23361879, FAX# 011-23361876)

F. No. NOV.2022/WFD/Pruning /22-23/ 9119-22

Dated: 22-11-2022

Sub: Permission for pruning of trees.

With reference to your application your office letters vide Online Id-9463 received from Sh. P.K. Banerjee, Dy. Director, Horticulture Room no. 45,2nd Floor, South Zone, SDMC Green Park, New Delhi for grant of permission for pruning of trees(s), it is to inform that permission is hereby granted as per details indicated below. Subject to satisfactions of the terms and conditions specified hereunder.

Description	Species of tree/s	Location of tree	Total No. of tree/s
Pruning of branches having girth upto 40 cms. Maximum of only 3-4 branches per tree.	Neem-01 nos.	Near H.No. D-449, Bhanwar Singh Camp, Vasant Vihar, New Delhi-110021	01 -nos.

* The pruning shall be carried out under the supervision of competent official of the concerned horticulture department to ensure that no exploitative pruning occurs in violation of this order and provision of DPTA, 1994. *It has also been noticed during inspection that the root area around the trees has been cemented. It is therefore directed that an area of 6X6 ft around each tree has to be de-concretized immediately, keeping in view directions of the Hon'ble NGT in the matter of O.A. No. 82/2013, titled Aditya N. Prasad Vs Govt. of NCT of Delhi & Ors.

Terms & Conditions

1. Permission to prune/pollard the tree/s is granted at the risk of the applicant and without prejudice to the claims of any other person/s who may be having any rights over the land of the tree/s.
2. Pruning/pollarding of tree/s shall be completed within 90 days. In the event that the pruning is not carried out within the said period, the permission shall be treated as lapsed and would require fresh request as per DPTA, 1994.
3. Material produced from pruned/pollarded tree/s shall not be removed or disposed without transport permission issued by Tree Officer.
4. The applicant shall ensure that pruning/pollarding does not result in death of the tree. In case of death of any tree resulting from improper pruning/pollarding, Tree Officer shall cause ten times the number of dead trees to be planted in the area and recover the cost of such plantation and maintenance till the time of the establishment of the tree from the applicant in accordance with law.
5. He will also ensure the compliance of all other laws, rules, orders, and orders of the courts and master plan of Delhi, if any applicable in the case while executing this permission.
6. The landowning agencies shall ensure that wood/lops/tops arising out the pruning should find its way only the MCD crematoria in Delhi in greater public interest or as per policy of agency as decided by the Secretary/HOD/Competent Authority.
7. After the pruning is done photographs of pruned trees be submitted to Tree Officer's office.
8. The applicant shall liaise with concerned land owning agencies and carryout the work with their consent only. Any litigation shall be the sole responsibility of the applicant as permission is being awarded keeping in view the possible safety hazard.
9. A report, post pruning to be submitted by CPWD/PWD/MCD & others along with signatures of RWA members/residents of the area indicating the status of the work carried out.
10. The applicant is directed to submit the photographs with geo-coordinates of Trees proposed to be prune before and after pruning within one month in this office.

To,

Sh. Sh. P.K. Banerjee, Dy. Director, Horticulture Room no. 45,2nd Floor, South Zone, SDMC Green Park, New Delhi.

[Signature]
 DY. CONSERVATOR OF FOREST/
 TREE OFFICER (WEST)

shall be personally responsible in ensuring that no violation of provisions of DPTA, 1994 occurs.

Copy To:

1. The Conservator of Forest, 'A' Block 2nd Floor, Vikas Bhawan, ITO, New Delhi for Information.
2. Concerned DRO, Moolbagh Range.
3. In-charge Tree protection cell.

[Signature]
 DY. CONSERVATOR OF FOREST/
 TREE OFFICER (WEST)

GOVT. OF N.C.T. OF DELHI
OFFICE OF DY. CONSERVATOR OF FOREST (WEST)
MANDIR LANE, NEW DELHI-110060
(PHONE # 011-23361879, FAX# 011-23361876)

F. No. Nov.2022/WFD/Pruning /22-23/ 8792-95

Dated: 02-11-2022

Sub: Permission for pruning of trees.

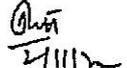
With reference to your application your office letters vide Online Id-9108 received from Sh.P.K Banerjee, Dy. Director Horticulture Room No-45 2nd Floor Horticulture Department South Zone, SDMC, Green Park, New Delhi for grant of permission for pruning of trees(s), it is to inform that permission is hereby granted as per details indicated below. Subject to satisfactions of the terms and conditions specified hereunder.

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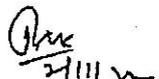

DY. CONSERVATOR OF FOREST/
TREE OFFICER (WEST)

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2. Concerned DRO, Motil Bagh Range.
3. In-charge Tree protection cell.


DY. CONSERVATOR OF FOREST/
TREE OFFICER (WEST)