

BEFORE THE NATIONAL GREEN TRIBUNAL AT DELHI  
PRINCIPAL BENCH

ORIGINAL APPLICATION NO. 911/2022

**IN THE MATTER OF:**

**PROF. DR. SANJEEV BAGAI & ORS. PETITIONER**

**VERSUS**

**DEPARTMENT OF ENVIRONMENT, GNCTD & ORS**

**RESPONDENT**

N.D.O.H.: 09-01-2023

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**FILED BY:**

  
**KRITIKA GUPTA | LATIKA MALHOTRA**

Counsel for Respondent No. 6/DDA

Enrol No: | D/2750/2015

Chamber No. 155, Block I, High Court of Delhi

+91-8826331177 | [kritika0504@gmail.com](mailto:kritika0504@gmail.com)

New Delhi

Dated: 17-01-2023

BEFORE THE NATIONAL GREEN TRIBUNAL AT DELHI  
PRINCIPAL BENCH

ORIGINAL APPLICATION NO. 911/2022

**IN THE MATTER OF:**

**PROF. DR. SANJEEV BAGAI & ORS. PETITIONER**

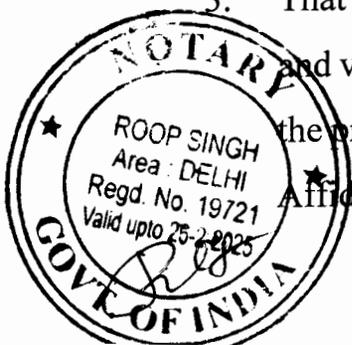
**VERSUS**

**DEPARTMENT OF ENVIRONMENT, GNCTD & ORS**

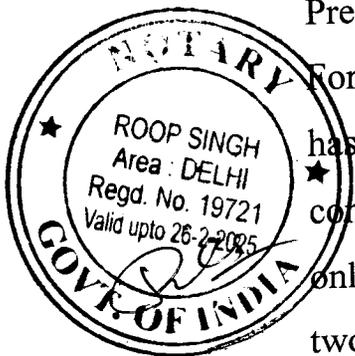
**SHORT STATUS REPORT ON BEHALF OF  
RESPONDENT NO. 6/DDA**

I, R. Dargal Son of P.S. Meena aged about 47 years, working as Dy. Dir (Hort) office at Delhi Development Authority, INA, Vikas Sadan, New Delhi, do hereby solemnly affirm and state on oath as under:

1. That I am presently working as Dy Dir (Hort), and as such am duly authorised and competent to affirm the present Affidavit on behalf of the Respondent No. 1/DDA ("Answering Respondent").
2. That this Counter Affidavit has been drafted under my instructions and I say that the facts stated therein are based upon records of the case which I believe to be true and correct to the best of my knowledge and belief.
3. That the Respondent No.6 disputes and denies as false, frivolous and vexatious all claims, contentions, allegations and averments in the present petition contrary to anything stated or submitted in this Affidavit.



4. That the Respondent No. 6 craves leaves of this Hon'ble Court to reserve its liberty to file a detailed Affidavit during the course of the proceedings, if the need so arises.
5. That at the outset, the Ld. Tribunal is requested to take note of the following submissions of the Respondent No. 6/DDA-
- a. The two parks at Vasant Vihar namely, - (1) Green strip GHPS at Vasant Vihar and (2) District Park at Vasant Vihar (Vasant Udhyan) fall within the jurisdiction of the Respondent No. 6/DDA. It is respectfully submitted that neither any illegal act of pruning, cutting, felling of trees has taken place in these two parks nor the Respondent No. 6/DDA has granted any permission to any person/party (such as Respondents No. 12,13,14,15,16,17 and 18) to undertake illegal act of pruning, cutting, felling of trees in these two parks. Photographs of the trees on Green strip GHPS at Vasant Vihar and (2) District Park at Vasant Vihar (Vasant Udhyan), taken on 14-01-2023 are annexed herewith as **Annexure R1 Colly**.
- b. It is further clarified that any act of pruning of trees which have taken place in these two parks in the past has been as per the guidelines for pruning of trees under the Delhi Preservation of Trees Act issued by the Department of Forests and Wildlife, GNCTD. The Respondent No. 1/DDA has ensured that the pruning of the trees is undertaken in complete compliance of these guidelines and, upto 15.7 cm only. Such pruning was last conducted by the DDA in the two subject parks on 01-12-2022 under the supervision of



Sectional Officer (Horticulture), DDA. True Copy of the Guidelines for pruning of tress under the Preservation of Trees Act, 1994, GNCTD is annexed herewith as Annexure R2.

*R. Dayal*  
16/01/23

**DEPONENT:**  
Dy. Director (Hort.-IV)  
D.D.A. Sheikh Sarai Phase-I  
New Delhi - 110017

VERIFICATION:

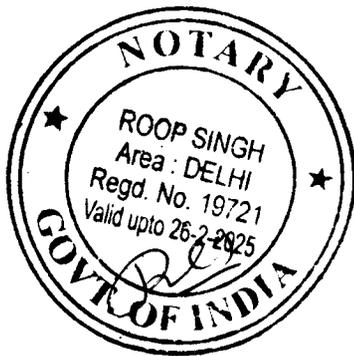
10 7 JAN 2023

Verified at New Delhi on this the 16 day of Jan 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

*K. Gupta*  
I identified the deponent/ executant who has signed in my presence.

*R. Dayal*  
16/01/23

**DEPONENT**  
Dy. Director (Hort.-IV)  
D.D.A. Sheikh Sarai Phase-I  
New Delhi - 110017



CERTIFIED BY THE DEPONENT  
*R. Dayal*  
Dy. Director DDA  
D.D.A. Sheikh Sarai Phase-I  
New Delhi - 110017  
on 17/1/23 (12)  
that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

*R. Singh*  
Roop Singh  
Notary Public, Delhi (INDIA)  
10 7 JAN 2023



 GPS Map Camera



**New Delhi, Delhi, India**

1, Basant Lok, Vasant Vihar, New Delhi, Delhi  
110057, India

Lat 28.558217°

Long 77.165411°

14/01/23 01:04 PM GMT +05:30



GPS Map Camera

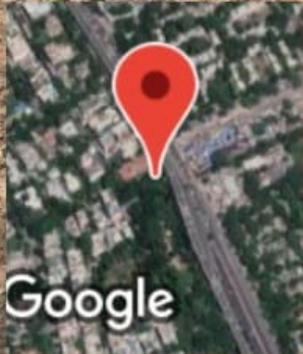
**New Delhi, Delhi, India**

A25, Block A, Vasant Vihar, New Delhi, Delhi  
110070, India

Lat 28.565313°

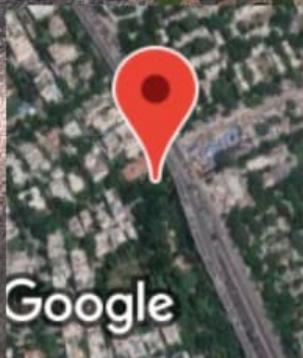
Long 77.166431°

14/01/23 11:49 AM GMT +05:30





GPS Map Camera



**New Delhi, Delhi, India**  
A25, Block A, Vasant Vihar, New Delhi, Delhi  
110070, India  
Lat 28.565277°  
Long 77.166394°  
14/01/23 11:50 AM GMT +05:30



 GPS Map Camera



## New Delhi, Delhi, India

H557+HQM Vasant udyan, Basant Lok, Vasant Vihar, New Delhi, Delhi 110070, India

Lat 28.559°

Long 77.164877°

14/01/23 12:58 PM GMT +05:30



**DEPARTMENT OF FORESTS & WILDLIFE  
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI  
A-BLOCK, 2<sup>ND</sup> FLOOR, VIKAS BHAWAN, I.P. ESATTE, NEW DELHI-110002**

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80

Dated : 01/10/19

**GUIDELINES  
FOR PRUNING OF TREES  
UNDER DELHI PRESERVATION OF TREES ACT, 1994**

1. The Delhi Preservation of Trees Act, 1994 was enacted to safeguard the forest area in and around NCT of Delhi and to provide for preservation of trees. The Department of Forests & Wildlife, GNCTD has regulatory control for implementation of DPTA 1994 which prohibits felling or pruning/ head backing of trees.
2. The Sec.2 (h) of DPTA, 1994 states that "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bulldozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner as factors causing the death of a tree. Thus it would be apparent that its implied meaning does not appear to carry any implicit connotation that pruning of trees which do not cause damage or death of a tree could be termed as a Tree Offence.
3. In the light of above, general guidelines for pruning of trees are prescribed for adherence by all concerned, so that the trees grown with great care and precision over a period of several years are not pruned recklessly leading to their untimely death (which is an offence under Section 8 of DPTA, 1994) or result in reduction of green cover of Delhi which is an essential strategy to combat pollution.
4. Pruning means cutting off or removing dead or living parts or branches of a tree to improve shape or growth. It is a horticultural and silvicultural practice involving selective removal of parts of a plant, such as branches, buds, or roots. Reasons to prune plants include deadwood removal, shaping by controlling or directing growth, improving or maintaining health, reducing risk from falling branches, preparing nursery specimens for transplanting, etc. However, the pruning cut should not be too large so as to damage the tree.
5. For the purpose of clarity and transparency to the meaning of light and heavy pruning, following would constitute as above:

Term	Branches of girth size	Permission required or not	Remarks
Regular Pruning/ General Tending	Upto 15.7 cm.	No	May be got done by Civic Agencies at regular intervals
Light Pruning	Greater than 15.7 cm but less than and equal to 40 cm.	Required	From concerned Tree Officer on submission of prescribed Form B and other documents as prescribed in DPTA, 1994.
Heavy Pruning	Greater than 40 cm	Required	

6. The forest department does not get the trees felled or pruned/ head backed directly but only accords permission for the same to the owner of land on which the concerned tree is standing after due inspection/ investigation.
7. The actual pruning of the concerned tree/ trees is got done by Deputy Director (Horti.) of the MCDs/ NDMC/DDA/ PWD/CPWD (whoever is the land owning agency) of the concerned area or by the property owner himself/ herself.
8. For obtaining permission for felling or pruning/ head backing of trees, guidelines are in place for information to all and ease of Public/ Govt. agencies towards achieving their desired objective which are available on the department website "[www.forest.delhigovt.nic.in](http://www.forest.delhigovt.nic.in)".
9. If **Individuals/ General Public/ Society /RWAs** is desirous that any tree inside his house/premises is posing problems to him or the public and needs to be felled or pruned/ head backed, then he may apply for the same in 'Form B' along with photographs and number of tree/ trees in question to the DCF/ Tree Officer of his area for the permission. After inspection, the permission or otherwise is communicated to him/ her within 60 days as per merit of the case.
10. If the tree/trees for which felling or pruning/ head backing is required is standing on **Govt. land/ roads/ Parks/ govt. property in front of the house/ shop/ private property of an individual** and is posing problem to him, he has to apply for felling or pruning/ head backing of such tree on a simple piece of paper to the Deputy Director (Horti.) of the MCD/ NDMC/ DDA/ PWD/ CPWD (whoever is the land owning agency) with photographs of such tree/ trees.
11. It should neither be applied directly to concerned DCF nor Form B submitted directly which has to be filled and signed by the concerned Dy. Director (Horti) of the land owning agency. After inspection, the permission or otherwise is communicated within 60 days of receipt of such completed application/ Form B to the concerned Dy. Director (Horti), as per merit of the case.
12. If a tree is standing on **govt. land but leaning on private land/ building** and is considered dangerous and likely to cause damage to life and property, it should be informed immediately with photograph by the concerned aggrieved person. Permission is granted for its felling or pruning/ head backing within 48 hours of inspection, as per merit of the case. In case permission/ any intimation to the contrary is not received within this time, the person can go ahead and fell or prune/head back the dangerous/ leaning tree and intimate the concerned Tree Officer (DCF) within 24 hours of such felling or pruning/ head backing.
13. There are three (3) Deputy Conservator of Forests (DCFs) who are designated as Tree Officers to look after the cases of tree felling or pruning/ head backing and accord permissions for the same, after inspections, as per merit of the case. Their respective jurisdictions in Delhi are shown in table below.

S.N.	Name of the Division	Name of the Revenue Districts	Name of the Sub-division
1.	North Forest Division	North	Model Town, Narela & Alipur
		North West	Rohini, Kanjhawala & Sarawasti Vihar.
		West	Punjabi Bagh, Patel Nagar & Rajouri Garden.
		North East	Seelampur, Yamuna Vihar & Karawal Nagar.
		East	Gandhi Nagar, Preet Vihar & Mayur Vihar.
		Shahdara	Shahdara, Seemapuri & Vivek Vihar.
		Central	Civil lines
2.	West Forests Division	South West	Dwarka, Najafgarh & Kapashera
		New Delhi	Chankyapuri, Delhi Cantt. & Vasant Vihar
3.	South Forest Division	South	Saket, Hauz Khas, Mehrauli
		South East	Defence Colony, Kalkaji & Sarita Vihar
		Central	Kotwali & Karol Bagh.

14 Pruning/ pollarding/ burning/ lopping/ applying arboricides or damaging a tree in any other manner would be considered as tree offence when, as per ocular estimation of such damage, the Tree Officer, in all his wisdom, holds that such act is likely to lead to the death of the tree, in near future.

15 If a tree standing on any govt. land/ road side/ private land/ building is considered dangerous and likely to cause damage to life or property, or hindrance to traffic signals, it should be pruned immediately by the concerned Civic Agency and informed to concerned Tree Officer within 24 hours and for which no permission is required from Tree Officer.

  
Deputy Conservator of Forests (HQ)/  
Member Secretary (Tree Authority)

F.No.8(193)/CF/TA/07-18/Part file/18-19/8473-80

Dated : 01/10/19

Copy to:

1. All DCFs for information
2. All DROs/ Forest Guards for information.
3. The Director (Hort) of all Civic Agencies viz. MCDs/ NDMC/ DDA/ PWD/ CPWD etc.
4. Notice Board
5. Programmer, Environment Department, GNCTD with a request to upload on the official web site of the Department.

**Distribution:**

1. Secretary to Hon'ble Minister (E&F), GNCTD for information.
2. PS to Principal Secretary (E&F), GNCTD for information.
3. PCCF/ HOD, GNCTD for information.

  
Deputy Conservator of Forests (HQ)/  
Member Secretary (Tree Authority)

**FORM 'B'**  
**(See sub-rule (1) of rule 4)**

The Tree Officer,  
.....  
.....

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village ..... and District ..... I furnish below the following details in support of my application:-

- i. Applicant's name and address (In block letters).
  - ii. Name and address of the owner of the property (if different from applicant).
  - iii. Title of the applicant i.e., whether owner/occupant of the property, etc.
  - iv. Name of the village and khasra number of property.
  - v. Total area of the property with description of the boundaries.
  - vi. Total number of trees (specieswise) whose trunk or body is not less than 5cm in diameter at a height of 30cms from the ground and whose height is not less than one metre from the ground.
  - vii. The exact area (in sq. metres) from which felling of trees for which permit is sought (description of the boundaries).
  - viii. Total number of trees to be felled.
  - ix. Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details specieswise are.
 

Species	No.	Girth
  - x. Purpose for which the felling of trees are intended.
  - xi. Intended use of felled trees (e.g.) for sale, for domestic use, etc.
  - xii. Intended use of land after felling of trees.
  - xiii. Number and species of trees intended to be planted after felling (give details of arrangement for raising, planting and protecting trees).
  - xiv. Name /s and address/es of the owners/occupants adjoining property/ies.
2. I am enclosing an affidavit and below mentioned papers in support of my application.

## DECLARATION

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place: .....

Date: .....

Applicant's Signature

Attested copies of:-

- i. Property/occupancy documents.
- ii. Plan of the property showing the khasra number.
- iii. Enumeration list (duly signed by the applicant).
- iv. Boundary list (duly signed by the applicant).
- v. Latest jamabandi of land record issued by the Tehsildar.
- vi. "No Objection Certificate" from the concerned local body (e.g.) MCD/N.D.M.C.
- vii. "No Objection Certificate" from adjoining property owners.

*(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)*

I, ..... aged.....years, resident of .....  
(locality) village ....., wife/son/daughter of ..... do hereby solemnly affirm and declare as under:-

1. That I am the legal owner/occupant of the private property known as ..... situated at ..... village ..... bearing khasra number..... of ..... boundaries of which are as follows:-

East:

West:

North:

South:

2. That I have applied to the Tree Officer ..... for permission to fell ..... trees form the aforesaid property. All the trees have been numbered with paint.

3. That there is no other owner/occupant of this property of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation, if any, that may arise at any time in future regarding the ownership/ occupancy of the said future regarding the ownership/occupancy of the said property or the forest produce from the said property.

Deponent

## Verification

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that nothing material has been concealed or omitted there from.

Verified at ..... this the ..... day of..... 20 .....

Deponent

*(Source: The Delhi Preservation of Trees Rules, 1996)*

DELHI DEVELOPMENT AUTHORITY

14



POWER OF ATTORNEY

IN THIS COURT OF National Green Tribunal  
O.A. No. 911 of 2022  
Prof. Dr. Sanjeev Bazi in re :- & Ors Piff/App./Petitioner/Complainant  
**VERSUS**  
Department of Environment, GNCTD & Ors Defdt. of Resdt.

KNOW ALL to Whom these presents shall come that I/We Rameshwar Dayal Meena  
Dy. Director (Hort.) DDA  
Delhi Development Authority on behalf of Delhi Development Authority the above named R.G./DDA  
do hereby appoint KRITIKA GUPTA (D/2750/15) & LATIKA MALHOTRA (D/2356/2018)  
Rameshwar Dayal Meena hereiafter called the Advocate(s) to be my/our Advocate(s)  
in the above noted case and authorise him/them :-

To act, appear and plead in the above noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Courts.

To sign, file, verify and present pleading, replications, appeals cross-objections, or petitions for executions, revision restoration, withdrawal, compromise or other petitions, replies, objections written statements, affidavits or other documents as may be deemed necessary or proper for the prosecution of the case in all its stages.

To file and take back documents and also withdraw unspent diet money or printing charges that may arise touching or in any manner relating to the said case.

To take out execution proceedings.

To deposit draw and receive : money cheques, and grant receipts therefor and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the Powers and authorities hereby conferred unto the Advocates whenever they think fit to do so and to sign the power of attorney on my/our behalf.

And I/we the undersigned do hereby agreed to ratify and confirm to acts done by the Advocates of their substitutes in the matter as my/our own acts, as if done me/us to all intents and purposes.

And I/we undertake that I/we or my duly authorised agent would appear in the court on all hearings and will inform the Advocates for appearance, when the case is called.

And I/we undersigned to hereby agree to hold the Advocate or their substitutes responsible for the result of the said case in consequence of their absence from the Court when the said case is called up for hearing, or for any negligence of the said Advocates or their substitutes.

And I/we the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up.

IN WITNESS WHEREOF I/we do here unto set my/our hand to these present the contents of which have been understood by me/us this day of 20.

Accepted,  
Advocate Kritika Gupta  
KRITIKA GUPTA  
DELHI DEVELOPMENT AUTHORITY D/2750/15  
Vikas Sadan, New Delhi-23

Latika Malhotra  
LATIKA MALHOTRA  
DELHI DEVELOPMENT AUTHORITY D/2356/2018  
for DELHI DEVELOPMENT AUTHORITY

Rameshwar Dayal Meena  
Dy. Director (Hort.-IV)  
D.A. Sheikh Sarai Phase-I  
New Delhi - 110017

*Identified stamp*