

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
ORIGINAL APPLICATION No. 372 OF 2022**

IN THE MATTER OF:

Avinash Vidhrohi

.....Petitioner

VERSUS

State of H.P. and Ors.

....Respondents

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Filed by:



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**STATUS REPORT DATED 13.05.2023, ON BEHALF OF THE STATE OF
HIMACHAL PRADESH (RESPONDENT NO. 1)**

To,
The Hon'ble Judicial Members
and Expert Members of the
Hon'ble National Green Tribunal, New Delhi.

Status Report on behalf of State of Himachal Pradesh

MOST RESPECTFULLY SHOWETH:

1. The present matter pertains to an e-mail complaint sent by the Applicant on 28.03.2022 alleging pruning of branches of 201 trees on Daulatpur-Gagret Guglehad road, District Una, Himachal Pradesh. On 04.07.2022, this Hon'ble Tribunal directed a committee comprising of a representative of Regional Office of MoEF at Chandigarh, State PCB, Principal Chief Conservator of Forests, Government of Himachal Pradesh and Deputy Commissioner, Una to be constituted for

verification of the factual position and take remedial action, in accordance with law.

2. The Committee constituted by this Hon'ble Tribunal conducted spot visits and convened a meeting of stakeholders/officials. After due consideration of reports received from the Forest Department, Police and the Public Works Department, the Committee, in its report concluded as under:

“After the deliberate conversation and examining the matter on the findings of the incident, the committee concludes that the cutting/pruning of 201 trees has been carried out without any permission and due procedure and had led to the substantial damage. Criminal action has already been initiated by the Forest department as submitted in detail earlier. 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. HPPWD should also frame proper mechanism for pruning of trees standing on its land along roadside. The joint report is submitted for consideration of the Hon'ble NGT please.”

A true copy of the Committee Report submitted before this Hon'ble Tribunal on 21.09.2022 is annexed herewith and marked as **Annexure R-1 (Pg. Nos. 8 to 35).**

3. On 28.09.2022, this Hon'ble Tribunal after perusing the Committee's report, sought a response from State of Himachal Pradesh, the Principal Chief Conservator of Forests (HoFF), the Principal Secretary, PWD Department, the State PCB, the District Magistrate, Una and the Contractor- Mr. Rohit Jaswal.
4. In compliance with this Hon'ble Tribunal's order dated 28.09.2022, Respondent No.5, Deputy Commissioner, Una furnished a reply before this Hon'ble Tribunal vide e-mail dated 20.10.2022, supporting the findings and conclusions drawn by the Committee.

A true copy of communication dated 20.10.2022, submitted by Respondent No.5, is annexed herewith and marked as **Annexure R-2(Pg. Nos. 36 to 39)**.

5. Further, the Superintending Engineer, PWD, Una on behalf Respondent No.3, submitted its response dated 12.05.2023 to the Hon'ble Tribunal, stating that a Show Cause Notice dated 11.05.2023 has been issued to the Contractor i.e. Respondent No.6 and after considering his reply, appropriate action will be taken in accordance with law.

A true copy of the communication dated 12.05.2023 submitted by Respondent No.3 is annexed herewith and marked as **Annexure R-3 (Pg. Nos. 40 to 44)**.

6. Further, Respondent No.2, submitted its response to this Hon'ble Tribunal vide communication dated 13.05.2023, stating that the Forest Department has taken appropriate action against Respondent No.6 and an FIR No. 38/2022 under Sections 379 of the IPC and Sections 32, 33 of the Indian Forest Act, 1927 has been registered. Additionally, the Forest Department has initiated disciplinary action against five forest guards posted in the concerned area.

A true copy of communication dated 13.05.2023 submitted by Respondent No.2 is annexed herewith and marked as **Annexure R-4 (Pg. Nos. 45 to 49)**.

7. Additionally, it may also be noted that in FIR No. 38/2022, investigation is complete and a Chargesheet has been filed before the Court of Ld. ACJM, Amb and the matter is currently at the stage of framing of charge.
8. Therefore, it is clear that cutting/pruning of 201 trees has been carried out by Respondent No.6 illegally without seeking any permission from the concerned authorities and following due procedure. An FIR has been registered against Respondent No.6 and charge sheet has been filed. Disciplinary action has also been initiated against the forest guards posted in the area. Thus, action has been taken against all persons responsible for this incident and the same will be pursued by the State in accordance with law.

9. The present Status Report is being filed to apprise this Hon'ble Court of action taken by the State of Himachal Pradesh and the same is being filed bona fide in the interest of justice.

Filed By:



DATE: 13.05.2023

KETAN PAUL

PLACE: NEW DELHI

COUNSEL FOR STATE OF HIMACHAL PRADESH

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
ORIGINAL APPLICATION No. 372 OF 2022**

IN THE MATTER OF:

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State of H.P. and Ors.

.....Respondents

AFFIDAVIT

I, Sat Pal Dhiman, S/o Late Sh. Nand Lal , aged about 51 years, working as Additional Secretary (Environment, Science & Technology) to the Government of Himachal Pradesh, do hereby solemnly affirm and declare as under:-

1. That I am the authorised person on behalf of the Respondent No.1, in the captioned Original Application, and I am well conversant with the facts and circumstances of the case and hence, competent to file and swear this affidavit.
2. That I have read and understood the contents of the accompanying Status Report consisting of pages 1 to 5 and state that the same is true and correct to the best of my knowledge and belief.


Addl. Secretary (EST)
to the Govt. of H.P.

ATTESTED


OATH COMMISSIONER

- 3. That the accompanying annexures R-1 TO R-4 annexed with the accompanying Status Report are true copies of their respective originals and annexures ***** are true typed/translated copies of their respective originals.
- 4. That I have read and understood the contents of the accompanying Applications consisting of pages **** to **** and state that the same are true and correct to the best of my knowledge and belief.

[Signature]

DEPONENT

Addl. Secretary (EST)
to the Govt. of H.P.

[Signature]
IDENTIFIED BY

VERIFICATION:

I the abovenamed deponent, do hereby solemnly verify that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Verified at Shimla 13th on this 05th day of 2023.

stated that the abovesaid was ...
before me on solemn affirmation on this 13
day 05 Year 2023 at Shimla
in the District of Shimla by Sh. Sat Pal Dhiman
who was identified by Sh. Nareesh Bedhu
who is personally known to me and the contents of
the above affidavit have been read over & explained
to the deponent in vernacular who admitted it to be
correct and true at the time of making thereof



[Signature]

DEPONENT

Addl. Secretary (EST)
to the Govt. of H.P.

ATTESTED

13/5/23
OATH COMMISSIONER

Cuttings and Corrections
are duly attested by me
13/5/2023
Oath Commissioner

Report of the Joint committee

Subject: - Report in Compliance to the orders dated 04.07.2022 passed by Hon'ble National Green Tribunal in the matter of Original Application No. 372 of 2022 titled as Avinash Vidhrohi versus State of H.P.

A. Introduction

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.

The relevant extract of said Hon'ble NGT order is reproduced hereunder: -

1. ".....The grievance in this letter Petition sent by Mr. Avinash Vidhrohi resident of Village/ Post Office Deoli, Tehsil Ghanari, District Una, Himachal Pradesh which is treated and registered as original application, is that the PWD Department got pruning of all branches of 200 fruit bearing mango trees standing on Daulatpur-Gagret Guglehad road done through a Contractor without obtaining requisite permission from the Forest Department and without any tender or work order in violation of protective prohibition order passed by Hon'ble High Court of Himachal Pradesh.

2. In view of the averments made in the application, we are of the view that factual position needs to be verified and remedial action is required to be taken on the basis thereof by the concerned Statutory Authorities. Accordingly, we constitute a Committee comprising representatives of Regional Office of MoEF at

Chandigarh, State PCB, Principal Chief Conservator of Forests, Government of Himachal Pradesh and Deputy Commissioner, Una and direct the same to undertake site visits, look into the grievances of the applicant, verify the factual position and take remedial action in accordance with law by following due process within one month from the date of receipt of a copy of this order. The State PCB will be the Nodal agency for coordination and compliance.

3. *Factual and action taken report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of image PDF.....”.*

B. Meeting and spot visit of the Joint Committee on dated 22.07.2022:

In compliance to the aforementioned orders dated 04.07.2022, a meeting of stakeholders/officials was convened by the Deputy Commissioner Una at HPPWD Rest House Gagret followed by site visit on dated 22.07.2022 wherein following were present: -

1. Additional Director, MoEF&CC Regional Office Chandigarh.
2. Divisional Forest Officer, Una
3. The Sub Divisional Officer (Civil), Gagret
4. Executive Engineer, HPPWD Bharwain.
5. S.H.O. Police Station Gagret.
6. Range Forest Officer, Gagret
7. Range Forest Officer, Bharwain
8. Junior Environmental Engineer, HPSPCB Una.
9. Avinash Vidhrohi, Applicant

During the meeting, Divisional Forest Officer Una apprised that this matter was already under his consideration as a complaint regarding this matter was received by him from the applicant. Further, SDM Gagret was asked about the status of demarcation of the land in question and SHO Gagret about the submission of Challan respectively. Petitioner was also asked to submit his views in the matter and apprise the committee about the incident. After the deliberate conversation, it was inferred that the whole incident has been carried without any permission and due procedure and had led to the substantial damage. The copy of minutes of meeting dated 22.07.2022 is annexed as **Annexure B-I**.

After the meeting, site visit was undertaken by the committee to verify the factual position. During the site visit, it was found that facts stated by the applicant are true and lopping of the trees along the roadside from Guglehar to Deoli was observed. Besides this, One tree at Deoli was found to be fully damaged.

C. Version of Complainant/applicant Shri Avinash Vidhrodhi :

In compliance of directions issued in aforementioned meeting the applicant Shri Avinash Vidhrohi vide email message dated 30.07.2022 (copy annexed as **Annexure C-I**) has shared copies of news items published in the newspapers in respect of incident in question. The applicant pointed out that the incident was done by the Contractor who is registered with the PWD Department and as such his license should be cancelled. He has requested to initiate proceeding against the officers of department and contractor.

Moreover the applicant had also apprised in the aforementioned meeting that the cutting of the trees has been executed with the help of cutters & JCB by the contractor. There was also use of tippers for the transportation of woods. It is alleged that this cutting of trees was carried out by the contractor as per the

direction of Officers of H.P.P.W.D Department and with the connivance of the officials of Forest Department.

The Applicant further stated that the police had only seized cutters, axe etc, however they have not seized the JCB & Tippers which are used in the pruning of branches and transportation of logs. The Police has registered FIR only against the Contractor , however no case has been registered against the persons from which the chopped woods were recovered.

D. Brief Incident Report and Report of Forest Department :

Divisional Forest Officer Una vide his letter No. 5935-36 dated 03.08.2022 (copy annexed as **Annexure D-I**) has submitted that the Range Officers, Amb and Bharwain vide their letters No. 2062/A dated 28.03.2022 and 1898/Bh dated 30.03.2022 respectively had intimated that during the course of inspection from tika Guglehar to Daulatpur and tika Saghnai to Deoli, following trees have been found illicitly lopped/felled without proper permission by HP P.W.D. and their contractor Sh. Rohit Jaswal s/o Sh. Narender Jaswal R/O Dangoh, Tehsil Ghanari, Distt. Una (H.P.).

Sr. No.	Beat	No. of trees	No of branches found cut	Name of Range
1.	Jadla	59	108	Amb Range
2.	MawaSindhian	67	115	
3.	Badoh	28	36	
4.	Gagret	18	44	
	Total:	172	303	

5.	Saghnai	29	84 (One tree totally damaged)	Bharwain Range
	Total:	29	84	
	G.Total:	201	387	

Accordingly, FIR No. 022 has been registered in Police Station Gagret on dated 28.03.2022 by the official of Forest Department Gagret regarding incident of illegal lopping/pruning of about 387 branches of 201 no. trees standing roadside without any permission from Forest Department.

E. Report of Police Department :

FIR has been registered in Police Station Gagret on dated 28.03.2022 under Section 379 IPC and Section 32, 33 of Indian Forest Act by the official of Forest Department Gagret regarding incident of illegal lopping/pruning of about 387 branches of 201 no. trees standing roadside by PWD Department through the contractor without obtaining any permission from Forest Department.

The accused Contractor namely Mr. Rohit Jaswal was arrested and was released on bail on dated 11-05-2022 after court accepted the bail plea.

A demarcation report of cutted trees from Saghnai to deoli from Ghanari Tehsil was received on 17/08/2022 vide which it was found out that Tree no. 1 to 6, 10 to 14, 15 to 18, 19 to 23, 24,25 and 29 are situated in the land in the name of HPPWD Department whereas Tree No. 7 is situated in the private land in the name of Kumari Shikha and Tree no. 8 and 9 are situated in the private land in the name of Naresh Kumar.

Demarcation report of cutted trees standing along roadside from Guglehar to Ambota was received from Revenue department on 03/09/2022 vide which it was found out that out of trees cutted in Mawa Sindhia Nichli, Tree no. 48,51,60,61 are situated in the land in the name and kism of Gair Mumkin Sadak, Malkiyat Sarkar Himachal Pradesh and Kabja HPPWD Department while tree no. 49,50,52,53,54,55,56,57,58,59,62,63,65,66 are situated in the private land with kism Gair Mumkin Sadak and Kabja HPPWD Department. In the Piplu Site Tree

no. 1 to 15, in the Bادهhra site Tree no. 16 to 41, in the Oel site Tree no.1 to 20, in the Shivabri site Tree no. 08 to 13, in the Davali Ambota Jindvad site Tree no. 14 to 18 , in the Badoh Site Tree no. 21 to 29, in the Gagret Devnagar Site Tree no. 1 to 07, in the Loharli Nichli Site Tree No. 1 to 09, in the Tatehra Site Tree No. 67, in the Koidi Site Tree no. 42 to 59, in the Kuthera Jaswalan site Tree no. 10 to 47 are situated in the land in the name and kism of Gair Mumkin Sadak, Malkiyat Sarkar Himachal Pradesh andw Kabja HPPWD Department.

Police Report in the matter is annexed as **E-I**.

F. Report of PWD Department:

The Executive Engineer, H.P. PWD Division Bharwain District Una (H.P.) vide his letter No. LO.Ni/Vi/CV/GA/ 7422 dated 16.08.2022 (copy annexed as **Annexure F-I**) has reported that maintenance of roads and Government buildings is work area of Public Works Department. He has also reported that the lopping/pruning of trees along the roadside is not done by HPPWD department. Firstly, the draft of estimate of every work which is done by his office is prepared and thereafter tender process is adopted. The work is awarded to the contractor having lowest rate and thereafter implementation of works is done. The work relating to lopping of trees is not done by HPPWD department and further tender regarding lopping of trees along roadside from Guglehar –Gagret- Daulatpur has not been floated by his office. He has also reported that the right of ownership of trees along the aforesaid roadside is with Panchayat Samiti Gagret.

G. Action Taken till date :

- FIR has been registered in Police Station Gagret on dated 28.03.2022 by the official of Forest Department Gagret regarding incident of illegal lopping/pruning of about 387 branches of 201 no. trees standing roadside without any permission from Forest Department.
- Police has seized the saw, cutters and axe which are found on the spot and were used for pruning/lopping of trees.

- *Recovery of lopped branches:*

Following forest produce has been seized by the forest officials and stacked at Van Thana, Tatehra and Inspetion Hut at Bhaderkali as per details given below:

Name of Range, Block and beats	Species	Botanical name	No. of trees	No. of branches cut	No. of logs seized	Volume	Stacked at
Amb/ Gagret/ Jadla	Mango	<i>Mangifera Indica</i>	34	108	345	8.00 cum	Van Thana Tatehra
	Shisham	<i>Dalbergia Sissoo</i>	1				
	Jamun	<i>Syzygium cumini</i>	10				
	Other B.L.		14				
Amb/ Gagret/ MawaSindia	Mango	<i>Mangifera Indica</i>	30	115	429	9.311 cum	-do-
	Shisham	<i>Dalbergia Sissoo</i>	6				
	Jamun	<i>Syzygium cumini</i>	11				
	Safeda	<i>Eucalyptus</i>	1				
	Other B.L.		19				
Amb/ Gagret/ Badoh	Mango	<i>Mangifera Indica</i>	16	36	108	2.010 cum	-do-
	Jamun	<i>Syzygium cumini</i>	1				
	Safeda	<i>Eucalyptus</i>	2				
	Other B.L.		9				
Amb/ Gagret/	Mango	<i>Mangifera Indica</i>	14	44	132	3.00 cum	-do-

Gagret							
	Jamun	<i>Syzygium cumini</i>	2				
	Other B.L.		2				
Total Amb Range			17 2	303	101 4	22.32 1 cum	
Bharwain / Daulatpur/ Saghnaï	Mango	<i>Mangifera Indica</i>	25	84 (One tree totally damaged)	346	9.762 cum	I.HutBhader kali
	Shisham	<i>Dalbergia Sissoo</i>	1				
	Jamun	<i>Syzygium cumini</i>	1				
	Kehmbal	<i>Lanneacoroman delica</i>	1				
	Desi Toot	<i>Morus Alba</i>	1				
Total Bharwain Range			29	84(One tree totally damaged)	346	9.762 cum	
G.Total:			20 1	387	136 0	32.08 3 cum	

- Joint Chargesheet has been prepared by DFO Una against the concerned Forest Guards i.e. S/Shri Vikrant Kumar, Forest Guard, I/C Jadla beat, Sh. Dinesh Kumar, Forest Guard, I/C MawaSindhia beat, Sh. Pankaj Kumar, Forest Guard, I/C Badoh beat, Sh. TarsemLal, Forest Guard, I/C Gagret beat of Gagret, Block of Amb range and Sh. Gurdev Singh, Forest Guard, I/C Saghnaï beat of Daulatpur Block of Bharwain Range for dereliction in performing the Govt. duty.

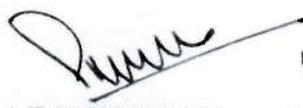
H. Conclusion-cum-Recommendations of the Committee:

After the deliberate conversation and examining the matter on the findings of the incident, the committee concludes that the cutting/pruning of 201 trees has been carried out without any permission and due procedure and had led to the substantial damage. Criminal action has already been initiated by the Forest department as submitted in detail earlier. 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. HPPWD should also frame proper mechanism for pruning of trees standing on its land along roadside. The joint report is submitted for consideration of the Hon'ble NGT please.

With Humble Submission.

Yours Faithfully,


Deputy Commissioner
Una Distt. Una


AEE HPPCB
Una


DFO UNA


Additional Director/
Scientist 'E'
MoEF&CC, IRO Chd

Minutes of the meeting held on 22.07.2022 in HPPWD Rest House Gagret under the Chairmanship of Shri Raghav Sharma, IAS, Deputy Commissioner Una in compliance to the order dated 04.07.2022 passed in O.A. No. 372 of 2022 titled as Avinash Vidhrohi Vs State of H.P.

With reference to the Hon'ble National Green Tribunal Order dated 04.07.2022 passed in O.A. No. 372 of 2022 titled as Avinash Vidrohi versus State of H.P., whereby a committee has been constituted comprising of representative of Regional Office of MoEF, State PCB, Pr. Chief Conservator of Forest and the Deputy Commissioner Una to undertake the site visit, look into the grievances of the applicant, verify the factual position and take remedial action in accordance with law by following due process within one month from the date of receipts of a copy of the order.

In compliance to the aforesaid orders, a meeting of the Officers/Officials/Stakeholders held under the Chairmanship of Deputy Commissioner Una on 22.07.2022 at 11:00 A.M. at H.P.PWD Rest House in Gagret. In the meeting, following Officers/Officials/Stakeholders were present:

1. Additional Director, MoEFCC Regional Office Chandigarh.
2. Divisional Forest Officer, Una
3. The Sub Divisional Officer (Civil), Gagret
4. Executive Engineer, HPPWD Bharwain.
5. S.H.O. Police Station Gagret.
6. Range Forest Officer, Gagret
7. Range Forest Officer, Bharwain
8. Junior Environmental Engineer, HPSPCB Una.
9. Avinash Vidhrohi, Applicant

At the outset of the meeting the Deputy Commissioner Una-cum-Chairman welcomed all the participants present in the meeting. He apprised the participants about the order dated 04.07.2022 passed by the Hon'ble National Green Tribunal in O.A. No. 372 of 2022 and directions issued therein. Thereafter he asked the Divisional Forest Officer Una to apprise the factual position of the matter and about the findings/developments in the matter as on date. The Divisional Forest Officer Una apprised the Chairman that the said matter has already been in his consideration as a complaint regarding this matter already received to him from the applicant. He informed that the matter was brought his notice by the applicant through a telephonic complaint and thereafter he directed the concerned Range Officer to enquire into matter and take necessary action against the negligent officials as per Rule, in case of any negligence is found. He further informed that during course of an enquiry it has been found that the allegations made in the complaint are true and lopping of the mango and other trees along the roadside from Guglehar to Deoli was observed. Further during enquiry it was found that Contractor namely Mr. Rohit Jaswal had cut/ carried out lopping of the trees. The Forest Department has collected and seized the woods and also carried out

the evaluation of the seized woods. He apprised the Chairman that seized woods were placed at Van Thana, Tatehra and Forest Rest House, Sidh Chaler. He also apprised the committee that a FIR has already been registered in the matter by the Forest Department. He also stated that he has recommended disciplinary action against the officials of Forest Department who are found negligent.

Then Chairman asked about the Environmental Compensation/penalty which can be levied in the matter and amount of penalty may be imposed as per the evaluation of seized woods. The Divisional Forest Officer Una replied that there is no provision of Environmental Compensation/compounding of penalty in such cases as per the mandate of Forest Department. He also stated that there is an only direction to register FIR in such cases. In this regard, the Chairman directed the Divisional Forest Officer Una to submit his detailed incident report along with action taken report, species -wise breakup of seized wood, valuation of the recovered wood and all relevant notifications referred by him.

After that the SHO, Police Station Gagret stated the chair that they have registered a FIR in the matter on 29.03.2022 and seized the cutters found on the spot which were used to cut the branches. The applicant has apprised the Chairman that there was use of JCB for the pruning of branches of the mango trees and questioned the SHO Gagret that why the Police Department has not seized the JCB. Further the SHO Gagret apprised that letter regarding demarcation of the land under question has already been given to Naib Tehsildar and further action shall be taken accordingly.

The Chairman asked the Executive Engineer, HPPWD Bharwain to apprise about the incident since the applicant has raised specific allegations against officials of the department. The Executive Engineer, PWD Bharwain submitted that there was no tender done by the H.P. PWD for lopping/cutting of these trees and he will submit the report in writing. The Executive Engineer, HPPWD Bharwain also stated that the land under question does not fall under the H.P.PWD. He added that the land under question may belong to the Zila Parishad/Panchayat Samiti.

The Chairman asked the DFO Una that whether any tree is cut down in whole or there was only lopping of branches only. The DFO Una replied that only one tree at Village Deoli has been cut down. Thereafter, the Chairman asked the representative of H.P. State Pollution Control Board Una regarding any mechanism available to levy Environmental Compensation in the present case based on the damage to the plantation/greenery. The Junior Environmental Engineer, H.P. S.P.C.B., Una replied that there is no such provision available to levy Environmental compensation in this matter with the HPSPCB.

The Chairman asked the committee that if any statement/declaration in writing has been reported from which it could be verified that when the alleged activity has been initiated. In reply, SHO Gagret apprised that the activity had been started from March 15 as per record.

The Chairman asked the SHO Gagret that how much time is being required by them to submit challan in the FIR registered in the matter. He

also questioned the SHO Gagret regarding name of the violator in the case other than the Contractor. The SHO Gagret replied that the challan will be prepared and submitted after the availability of the demarcation report of the land under question. He also replied that there is no accused other than contractor in the FIR registered in the said case.

The Chairman asked the applicant to submit his views on the matter and apprise the committee. The applicant apprised the committee that the cutting of the trees has been executed with the help of cutters & JCB by the contractor. There was also use of tippers for the transportation of woods. This cutting of trees was carried out by the contractor as per the direction of Officers of H.P.PWD Department and with the connivance of the officials of the Forest Department. He also alleged that the Executive Engineer, H.P.PWD Bharwain told that only loping of trees had been carried out to avoid any mishappening/accident when questioned by the applicant. He also alleged that the SDO H.P.PWD Gagret also stated that they had issued directions for only loping of the trees. However, the H.P.PWD is now denying that they have not issued any directions for cutting/loping of trees. Further, he stated that the police has only seized cutters, however they have not seized the JCB & Tippers used in the cutting of trees. The applicant stated that the Police has registered FIR only against the Contractor only, however no case has been registered against the persons from which the chopped woods were recovered. He also questioned the veracity of the quantity of the woods seized and calculation of the damages to the tree by the Forest Department. He said that the Forest Department has only seized little quantity of the chopped woods and there is no record of the larger portion of the chopped woods. He said that there must be some criteria available for the loping of trees. However, no such criteria followed in the case and branches of the green trees were broken with the help of JCB machine. He requested to the committee as the cutting of the trees has been carried out without following norms with the help of JCBs and cutting was carried out on both sides i.e. from road side and the other side facing farms, therefore the damage of the whole tree shall be considered in the evaluation report. He also stated that large scale felling of trees has been enabled by a Departmental notification where 23 species of trees can be exported without permission of Forest Department. On this Chairman asked the DFO Una about the veracity of this allegation. The DFO Una apprised that there indeed is a notification to this effect, a copy of which he will produce.

After the deliberation, the Chairman stated that the whole incident has been carried without any permission and due procedure and had led to the substantial damage. Thereafter the Chairman visited the spots alongwith members of the Committee and applicant and issued following directions: -

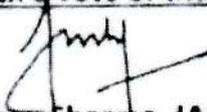
- 1) The Sub Divisional Gagret District Una shall expedite the demarcation proceeding of the land under question and to prepare the ownership detail accordingly.
- 2) The Divisional Forest Officer Una shall prepare & submit detailed report of the developments made till now in the matter, regarding recovery made, total seized woods, species

breakup in the matter. Also directed to share the notifications regarding registration of FIR in the matter and regarding 23 species of woods that can be exported without any forest department permission. Further directed to provide/submit attested photographs for comparison.

- 3) The applicant to share the photographs for evidence if any of JCB employed for lopping/pruning and of officials directing to cut the trees at the spot.
- 4) The representative of H.P. State Pollution Control Board Una to consult with Central Pollution Control Board Regional directorate to ascertain the possibility about the environmental compensation.

In the end, Chairman directed all the concerned officers/stakeholders to submit compliance/action taken report to the Pollution Control Board Una within a week positively so that he may prepare a complete report to the Hon'ble National Green Tribunal New Delhi within stipulated period.

The meeting ended with a vote of thanks to chair.

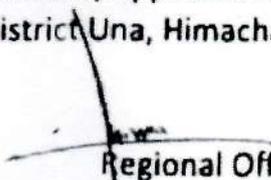

Raghav Sharma, IAS,

Deputy Commissioner
Una District Una (H.P.)

Endst. No. PCB/Ro/Una/P372/22-151-61 Dated 06.08.2022

A copy is forwarded to following for information & further necessary action: -

1. Dr. V.K. Atwal, Regional Office of Ministry of Environment and Forest at Chandigarh;
2. The Principal Chief Conservator of Forests to the Government of Himachal Pradesh Shimla;
3. The Deputy Commissioner Una w.r.t. his letter No. DCU/LFA/DEP-145194-95 dated 12.07.2022.
4. The Divisional Forest Officer, Una;
5. The Sub Divisional Officer (Civil), Gagret District Una (H.P.);
6. The Executive Engineer, H.P.PWD Bharwain;
7. The S.H.O. Police Station Gagret.
8. The Range Forest Officer, Gagret
9. The Range Forest Officer, Bharwain
10. The Junior Environmental Engineer, H.P.S.P.C.B., Una.
11. Shri Avinash Vidhrohi, Applicant resident of Village/post office Deoli, Tehsil Ghanari, District Una, Himachal Pradesh.


Regional Officer,
H.P. State Pollution Control Board,
Una, District Una (H.P.).

Email

Fwd: NGT

From : Deputy Commissioner Una <dc-una-hp@nic.in>

Sat, Jul 30, 2022 04:25 PM

Subject : Fwd: NGT

7 attachments

To : Dr. Amit Kumar Sharma <adc-una-hp@nic.in>, Anil <ud-una-hp@nic.in>**From:** "अविनाश विद्रोही" <avinashbhardwaj1@gmail.com>**To:** "Deputy Commissioner Una" <dc-una-hp@nic.in>**Sent:** Saturday, July 30, 2022 11:47:47 AM**Subject:** NGT

सेवा में

राष्ट्रीय हरित प्राधिकरण

विषय :- हरे आम के पेड़ों के विषय में

श्री मान जी

निवेदन यह है कि मैं अविनाश विद्रोही पत्रकार दैनिक जागरण से हूँ मैंने राष्ट्रीय हरित प्राधिकरण के पास एक शिकायत दी थी जिस पर कारवाई करते हुए एनजीटी की टीम ने गगरेट में हुए 201 हरे पेड़ों के कटान का मौके पर दौरा किया और इस मामले में स्टेटस रिपोर्ट की भी जांच की व मुझे भी अपने पक्ष में साक्ष्य देने के लिए कहा गया। उसी सन्दर्भ में मैं अपने समाचार पत्र की कुछ कटिंग इस मेल में सलग्न कर रहा हूँ तथा कुछ बातें मैं राष्ट्रीय हरित प्राधिकरण के ध्यानार्थ लाना चाहता हूँ। ताकि भविष्य में भी ऐसे कटान पर लगाम लग सके और पर्यावरण को कोई इतना नुकसान न पहुंचा सके।

माननीय महोदय ये मामला मात्र 201 एक पेड़ों का नहीं है बल्कि वन विभाग द्वारा 23 ऐसी पेड़ों की प्रजातियां है जिन्हें हिमाचल से बाहर ले जाने की अनुमति दी गई है। रोजाना पूरे हिमाचल से 200 टुक से ज्यादा हिमाचल से बाहर जाते है और अकेले ऊना से ही 100 के करीब टुक ऐसी प्रजातियों के हिमाचल से बाहर जाते है। माननीय महोदय ज़िला ऊना में यदि पिछले पांच साल का ही रिकॉर्ड जांचा जाए तो हजारों की संख्या में अकेले आम के पेड़ काट दिए गए है। ये पेड़ सैंकड़ो साल पुराने होने का अनुमान लगाया जा रहा है। माननीय महोदय ज़िला ऊना में इस बार तामपान दिल्ली से भी अधिक हुआ क्योंकि अत्याधिक पेड़ों का कटान प्रतिवर्ष किया जा रहा है। सड़क किनारे 201 हरे पेड़ जिनमे अधिकतर आम के पेड़ है वह विभाग ने अपना डेमेज 50 क्यूबिक मीटर के करीब लगाया है जिस से मैं सहमत नहीं हूँ क्योंकि वो मात्र बरामद लकड़ी का आंकलन किया है जबकि नुकसान कहीं अधिक है क्योंकि अधिकतर लकड़ी ठेकेदार ने पहले ही इधर उधर कर दी थी इसलिए मेरा एनजीटी से निवेदन है कि जुर्माना राशि प्रति पेड़ के क्यूबिक मीटर के हिसाब से तय की जाए।

इलेक्ट्रॉनिक आरा :- पिछले चन्द सालों में इलेक्ट्रॉनिक आरा लकड़ी के ठेकेदारों के लिए वरदान बना हुआ है क्योंकि मात्र 3000 से ये मार्केट में मिल जाता है, एनजीटी से निवेदन है कि इस आरे के लिए दुकानदारों और इसे खरीदने वालों को लाइसेंस अनिवार्य हो और सम्बन्धित फारेस्ट गार्ड के पास इसका ब्यौरा अनिवार्य रूप से हो।

ठेकेदार :- एनजीटी से निवेदन है कि लकड़ी का कटान मात्र चन्द लोग करते है इसलिए ऐसे लोगों को वन विभाग अपने पास रजिस्टर करे और उनकी सिक्युरिटी राशि भी जमा करे ताकि हर कोई पेड़ का कटान न पाए।

आरोपी ठेकेदार और लोकनिर्माण विभाग के खिलाफ कारवाई :- 201 पेड़ों के कटान मामलों में लोकनिर्माण विभाग मीडिया से कबूल करता रहा कि विभाग लोपिंग करवा रहा है लेकिन एनजीटी और पुलिस के समक्ष साफ मुकर गया। इतना माना है कि ठेकेदार लोक निर्माण विभाग का है तो ऐसे में उक्त ठेकेदार का लाइसेंस रद्द नहीं किया गया। ऐसी सूचना भी है कि पेड़ों के कटान मामले के बाद भी ठेकेदार को लोक निर्माण विभाग ठेके दे रहा है। मेरी एनजीटी से प्रार्थना है कि विभाग के अधिकारियों और ठेकेदार के खिलाफ कारवाई की सिफारिश की जाए।

धन्यवाद

अविनाश विद्रोही पत्रकार दैनिक जागरण

मोबाइल 9816148327



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No. 5934
HP Forest Department

Dated Una, the 3/8/2022

From: Divisional Forest Officer,
Una Forest Division, Una (HP).

To: The Deputy Commissioner,
Una, Distt. Una (HP).

Subject: Regarding Hon'ble NGT's order dated 04.07.2022 passed in OA No. 372/2022 titled as Avinash Vidrohi Vs State of H.P.

Sir.

In-continuation to this office letter endst. No. 5505 dated 20.07.2022 on the subject cited above.

2. In this connection **it is** submitted that as per discussions of Committee constituted by the Hon'ble NGT vide orders dated 04.07.2022 in the above cited case held during visit on 22.07.2022. detailed report is enclosed herewith for favour of further necessary action please.

Encl: As above.


Divisional Forest Officer,
Una Forest Division, Una (HP). 2

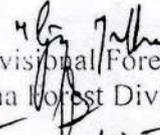
Endst. No. 5935-36 Dated Una, the 3/8/2022

Copy alongwith copy of detailed report is forwarded to:

1. CCF Hamirpur for favour of information w.r.t. his letter No. 2368 dated 23.07.2022.

2. The Regional Officer, HPSPCB, Rakkar Colony, Una, Distt. Una (HP) for information and necessary action.

Encl: As above.


Divisional Forest Officer,
Una Forest Division, Una (HP). 2

Report on illicit lopping of Mango trees and other trees on Guglehar to Daulatpur stretch.

Brief Report:

1) Reporting of incidence:

Range Officer, Amb and Bharwain vide their letters No. 2062/A dated 28.03.2022 and 1898/Bh dated 30.03.2022 respectively have intimated that during the course of inspection from tika Guglehar to Daulatpur and tika Saghnaï to Deoli, following trees have been found illicitly lopped/felled without proper permission by P.W.D. and their contractor Sh. Rohit Jaswal S/O Sh. Narender Jaswal R/O Dangoh, Tehsil Ghanari, Distt. Una (HP).

Sr. No.	Beat	No. of trees	No of branches found cut	Name of Range
1.	Jadla	59	108	Amb Range
2.	Mawa Sindhian	67	115	
3.	Badoh	28	36	
4.	Gagret	18	44	
	Total:	172	303	
5.	Saghnaï	29	84 (One tree totally damaged)	Bharwain Range
	Total:	29	84	
	G.Total:	201	387	

2) Action taken:

i) Recovery of lopped branches:

Following forest produce has been seized by the forest officials and stacked at Van Thana, Tatehra and Inspection Hut at Bhaderkali as per details given below:

Name of Range, Block and beats	Species	Botanical name	No. of trees	No. of branches cut	No. of logs seized	Volume	Stacked at
Amb/ Gagret/ Jadla	Mango	<i>Megifera Indica</i>	34	108	345	8.00 cum	Van Thana Tatehra
	Shisham	<i>Dalbergia Sissoo</i>	1				
	Jamun	<i>Syzygium cumini</i>	10				
	Other B.L.		14				

Amb/ Gagret/ Mawa Sindia	Mango	<i>Megifera Indica</i>	30	115	429	9.311 cum	-do-
	Shisham	<i>Dalbergia Sissoo</i>	6				
	Jamun	<i>Syzygium cumini</i>	11				
	Safeda	<i>Euclytus</i>	1				
	Other B.L.		19				
Amb/ Gagret/ Badoh	Mango	<i>Megifera Indica</i>	16	36	108	2.010 cum	-do-
	Jamun	<i>Syzygium cumini</i>	1				
	Safeda	<i>Euclytus</i>	2				
	Other B.L.		9				
Amb/ Gagret/ Gagret	Mango	<i>Megifera Indica</i>	14	44	132	3.00 cum	-do-
	Jamun	<i>Syzygium cumini</i>	2				
	Other B.L.		2				
Total Amb Range			172	303	1014	22.321 cum	
Bharwain/ Daulatpur/ Saghnai	Mango	<i>Megifera Indica</i>	25	84 (One tree totally damaged)	346	9.762 cum	I.Hut Bhaderkali
	Shisham	<i>Dalbergia Sissoo</i>	1				
	Jamun	<i>Syzygium cumini</i>	1				
	Kehmbal	<i>Lannea coromandelica</i>	1				
	Desi Toot	<i>Morus Alba</i>	1				
Total Bharwain Range			29	84 (One tree totally damaged)	346	9.762 cum	
G.Total:			201	387	1360	32.083 cum	

ii) **Institution of F.I.R.**

F.I.R. No. 022 dated 28.03.2022 has been registered in P.S. Gagret.

iii) Joint Chargesheet has been prepared against the concerned Forest Guards i.e. S/Shri Vikrant Kumar, Forest Guard, I/C Jadla beat, Sh. Dinesh Kumar, Forest Guard, I/C Mawa Sindhia beat, Sh. Pankaj Kumar, Forest Guard, I/C Badoh beat, Sh. Tarsem Lal, Forest Guard, I/C Gagret beat of Gagret. Block of Amb range and Sh. Gurdev Singh, Forest Guard, I/C Saghna beat of Daulatpur Block of Bharwain Range for dereliction in performing the Govt. duty.

Apart from above, following issues were raised by the petitioner:

i) **Large scale cutting of exempted species:**

Petitioner has shown his apprehension regarding large scale cutting of exempted species e.g. Siris, Simbal, Kachnar, Rumble, Buel, Eucalyptus and Poplar, Kamal etc.

State Govt. by way of order No. FFE-B-A(3)-1/2017 dated 20.04.2017 and 08.02.2021 has issued amendment in the order No. FFE-B-A(3)-4/99 dated 10th september, 2002 issued under Himachal Pradesh Land Preservation Act, 1978 vide which it has been amended that there shall be no prohibition or restriction on felling of various species of trees. (Copies enclosed).

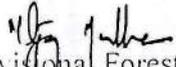
State Govt. by way of Notification No. FFE-B-A(3)-5/2020 dated 12.02.2021 has issued amendment in Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 2013 vide which it has been amended that Forest produce obtained from the various plant species growing on private land shall be exempted from the requirement of Transit Pass. However procedure for removal and transportation of the forest produce obtained from plants species listed in the schedule and growing on private lands has been notified. (Copy enclosed)

State Government by way of Notification No. FFE-B-A(3)-4/99-1 dtd 15.03.2017 has issued clarity of the various provisions under various Acts and rules governing felling of trees (copy enclosed).

ii) Petitioner has raised another apprehension that these exempted species are being exported out of State by non-registered contractors who have no liability in case of any mishappening.

F.D. Take on issue:

The permission is accorded by Range Officers to the applicant for carriage of these timber out of State.


Divisional Forest Officer,
Una Forest Division, Una (HP).

Annexure:

1. Before and after photo graphs
2. Copy of FIR
3. Depot wise recovery of logs
4. Copy of chargesheet

पुलिस थाना गगरेट



सेवा में,

उपायुक्त महोदय ,

ऊना, जिला ऊना (हि0प्र0)।

क्रमांक 2005/SA दिनांक:- 06/09/2022.

विषय:- स्टेटस रिपोर्ट मुकद्दमा न0 38/22 DT 29-03-2022 U/S 379 IPC &

32,33 IF ACT पुलिस थाना गगरेट।

श्रीमान जी

राजकीय कार्य के सन्दर्भ में निवेदन है कि दिनांक 27- 7-22 को अभिनाश विद्रोही V/S State of HP केस में PWD रैस्ट हाऊस गगरेट में हुई मीटिंग में उपायुक्त महोदय ऊना द्वारा मन INSP/SHO को उपरोक्त मुकद्दमा का स्टेटस रिपोर्ट उपायुक्त कार्यालय में भेजने के मौखिक निर्देश प्राप्त हुये थे । जिस सन्दर्भ में उपरोक्त मुकद्दमा हजा की स्टेटस रिपोर्ट माननीय उपायुक्त महोदय को प्रेषित की जा रही है । श्रीमान जी संक्षिप्त हालात मुकद्दमा हजा इस प्रकार से है कि मुताविक रपट न0 22 रोजनामचा दिनांक 28/03/2022 के

श्री सुभाष चन्द पुत्र श्री सीता राम निवासी नौशहरा तह0 देहरा जिला कागंडा हि0 प्र0 हाल
 वनखंड अधिकारी गगरेट ने हाजिर थाना आकर एक अदद शिकायत पत्र पेश पुलिस किया है।
 जिसका मजबूत जैल है, "प्रेषक:- वनखंड अधिकारी गगरेट वन खंड अधिकारी दौलतपुर।
 प्रेषित:- पुलिस थाना प्रभारी गगरेट। विषय:- सड़क के किनारे खड़े पेड़ों की हुई अवैध कटि की
 रिपोर्ट दर्ज करने वारे। महोदय, रिपोर्ट की जाती है कि टीका गुगलैहड से टीका अम्बोटा जांकि
 वन परिक्षेत्र के अधीन आता है। तथा टीका संघनेई से दियोली जो वन परिक्षेत्र भरवाई के
 अधीन आता है। गुगलैहड से दौलतपुर की सड़क के बीच आते टीको के किनारे खड़े वृक्षों
 201 न0 भिन्न-भिन्न प्रजाती के लगभग 387 टहने वन विभाग की अनुमति के विना PWD
 विभाग गग्रेट द्वारा अवैध रूप से काट लिये गये है जिससे वृक्षों व सरकार को काफी नुकसान
 हुआ है। जब यह अवैध कटान कर रहे थे तो श्री सुभाष चन्द वनखंड अधिकारी गगरेट द्वारा
 PWD के J.E से दूरभाष पर बात हुई तो उन्होंने बताया कि हमें उपर से आदेश है कि यह टहनें
 जोकि खतरे वाले है काट दिये जायें। ये टहने ठेकेदार रोहित जसवाल S/O नरेन्द्र जसवाल गांव
 व डाकघर डंगोह तह0 घनारी जिला ऊना हि0 प्र0 द्वारा काटे जा रहे थे। और बन रक्षक संघनेई
 वीट श्री गुरदेव सिंह ने भी बताया कि मेरी बात उपरोक्त ठेकेदार से दूरभाष पर बात हुई थी। तो
 उसने बताया कि PWD के SDO के कहने पर ही उपरोक्त पेड़ों के टहने काटे है। अतः लकड़ी
 को वन विभाग को अपने कब्जे में ले लिया है। वृक्षो व सरकार के वित्तीय नुकसान को देखते
 हुये उपरोक्त दोषियों के विरुद्ध प्राथमिकी दर्ज की जाए जो मजबूत शिकायत पत्र, तस्दीक
 हालात स्पट न0 22 रोजनामचा दिनांक 28/03/2022 से मामला जुर्म जेर धारा 379 IPC.
 32, 33 IF Act के बकूह मे आना पाया जाने पर मुकदमा पंजीकृत थाना किया गया। मुकदमा



हजा की तफतीश HC सुरेश कुमार न० 37 के इंटर कौर्स जमि के बाद HC राजकुमार न० 40 द्वारा अम्ल में लाई जा रही है।

दौराने तफतीश HC सुरेश कुमार न० 37 ने दिनांक 30-03-2022 को मौका का मुलाहजा मौका करके मुकाम गुगलैहड़ बीट से गगरेट बीट तक व संघनेई बीट का नक्शा मौका नजरी तैयार किया। दिनांक 31-03-2022 को मुकाम वन निरिक्षण कुटीर भद्रकाली में मुग्ग्मी पूर्ण राम पुत्र बसंत राम निवासी भैरा तहसील ज्वाली जिला कांगड़ा हाल B.O दौलतपुर ब्लाक ने मुकदमा हजा में संघनेई से दिओली तक सडक के किनारे खड़े 29 पेड़ों के कटे हुए 84 टहने लकड़ी आम जिनके कुल 346 Log लकड़ी तथा 8 वर्क फोटोग्राफ छायाप्रति व सूचि माप मपाई 5 वर्क को पेश पुलिस किया तथा बतलाया कि यह वही टहने है जो बीट संघनेई में संघनेई से दिओली तक सडक किनारे खड़े पेड़ों (29) वृक्ष को वन विभाग की अनुमति के बिना PWD विभाग गगरेट द्वारा ठेकेदार के माध्यम से अवैध रूप में काटा गया है जो उपरोक्त 346 Log लकड़ी को मार्क 1B/22 TO 346B/22 तक मार्क किया गया है जिन्हें बजरिया फर्ड पेशकर्दा/बरामदगी कब्जा पुलिस में लेकर मौका पर उसी फर्ड पर बजरिया मुपर्दागी 84 टहने लकड़ी कुल 346 मोछे (Log) को पूर्ण राम उपरोक्त के हवाले किया गया तथा नक्शा मौका जाय बरामदगी मुकाम भद्रकाली तैयार किया गया।

दिनांक 30-03-2022 को मुकाम वन थाना टटेहडा में वादी मुकदमा सुभाष चंद उपरोक्त ने 303 टहने लकड़ी बिभिन्न प्रजाति जिनके कुल 1014 Log 46 वर्क फोटोग्राफ मौका छायाप्रति 46 वर्क व माप मपाई 20 वर्क पेश पुलिस करी तथा बतलाया कि यह वही

टहने है जो बीट जाडला ,मवा सिंधियां ,बडोह ,व गगरेट से गुगलैहड़ तक सडक किनारे खंडे बिभिन्न प्रजाति के 172 वृक्षों को वन विभाग की अनुमति के बिना PWD विभाग गगरेट द्वारा ठेकेदार के माध्यम से काटा गया है जो 1014 Log लकड़ी का मार्क 1/22 TO 1014/22 मार्क किया गया है जो उपरोक्त सभी को बजरिया फर्ड पेशकर्दा/बरामदगी कब्जा पुलिस में लेकर मौका पर उसी फर्ड पर बजरिया सुपर्दारी 303 टहने लकड़ी बिभिन्न प्रजाति कुल 1014 Log लकड़ी को सुभाष चंद उपरोक्त के हवाले किया गया तथा नक्शा मौका जाय बरामदगी मुकाम टटेहडा तैयार किया गया | गवाहों के ब्यान उनके कहेनुसार जेर धारा 161 Cr.P.C कलमबंद किये गये |

दौराने तफतीश दिनाक 31-03-2022 को वन खंड अधिकारी वन खंड गगरेट द्वारा बीट जाडला,मवा सिंधिया ,बडोह ,तथा गगरेट से मुकदमा हजा में 172 पेड़ो के कटे हुए 303 टहनो के बरामद 1014 मोछो की अनुमानित कीमत हासिल करी गई जो मुब्लिग 3,22,545/- पाई गई है तथा वन खंड अधिकारी दौलतपुर से मुकदमा हजा में बीट संघनेई से 29 पेड़ो के कटे हुए 84 टहनो के बरामद 346 मोछे आम की अनुमानित कीमत हासिल करी गई जो मुब्लिग 1,21,697/- पाई गई है |

दिनाक 09-04-2022 को आरोपी रोहित जसवाल उपरोक्त ने हाजिर थाना आकर माननीय अदालत अतिरिक्त जिला एवम सत्र न्यायालय-1 ऊना द्वारा जारी अग्रिम जमानत याचिका के आदेश पेश पुलिस किये जिसे शामिल तफतीश करके दरयाफ्त अम्ल में लाई गई जिसने दौराने दरयाफ्त बतलाया कि GOVT Contractor है व पिछले 11/12 साल

से PWD विभाग के लिए कार्य कर रहा है माह फरवरी में अधीनस्थ अभियंता PWD विभाग ने इससे मौखिक तौर पर बात करी थी कि गगरेट परिक्षेत्र में रोड किनारे लगे पेड़ों की टहनियों जोकि रोड की तरफ इतनी झुकी हुई है के कारण कार्फैसडक हादसे हो रहे है यदि वन विभाग इनकी शनाई कर दे तो भविष्य में सडक हादसों से बचा जा सकता है यह बात इसके दिमाग में घर कर गई और इसने बिना किसी टेंडर/अनुमति के जनहित में अपनी लेवर कि इमदाद से गाँव गुगलैहड़ से दिओली तक सडक के किनारे खड़े पेड़ों के टहने जिनका झुकाव सडक कि तरफ था को अपनी मर्जी से काट दिया तथा कटे हुए टहनो को वही सडक के किनारे छोड़ दिया इस कटान के दौरान इसने PWD विभाग व वन विभाग से कोई भी अनुमति न ली थी। जिस पर आरोपी रोहित जसवाल द्वारा पेड़ काटने के लिए लगाई गई लेवर के ब्यान उनके कहनुसार जेर धारा 161 Cr.P.C कलमबंद किये गये मुताबिक ब्यान लेवर के पाया गया कि दिनांक 03-03-2022 को ठेकेदार रोहित जसवाल ने बतलाया कि इसे गुगलैहड़ से चलेट तक सडक के किनारे खड़े पेड़ों कि छंगाई का ठेका मिला है तथा रोहित जसवाल के कहने पर गुगलैहड़ से दिओली तक सडक के किनारे खड़े पेड़ों की छंगाई का काम किया तथा उक्त पेड़ों की लकड़ों को काटकर वही सडक के किनारे साइड में रख दिया इन्हें न पता था कि ठेकेदार रोहित जसवाल उपरोक्त के पास उक्त कार्य का कोई टेंडर/अनुमति न है।

दिनांक 10-04-2022 को आरोपी रोहित जसवाल उपरोक्त ने हाजिर थाना आकर मुकदमा हजा में पेड़ों को काटने के लिए प्रयोग किये औजार एक अदद पेट्रोल

आरा, एक अदद आरा लोहा, एक अदद कुलहाड़ी व एक अदद दयात को पेश पुलिस किया जिन्हें बजरिया फर्द कब्जा पुलिस में लिया गया।

दिनांक 10-04-2022 को आरोपी रोहित जसवाल उपरोक्त से माननीय अदालत के आदेशनुसार दरयाफ्त अम्ल में लाइ जाकर बजुआत गिरफ्तारी जुर्म जेर धारा 379 IPC, 32, 33 If Act गुजरने पर वर जमानत वर मुचलका तदादी 50,000/50,000/- रुपये पर पाबंद करके रिहा किया गया तथा आरोपी का सर्टिफिकेट शिनाख्त पुर किया गया। दिनांक 11-05-2022 को माननीय अदालत ने आरोपी रोहित जसवाल उपरोक्त की जमानत याचिका मंजूर फरमाई।

दिनांक 10-04-2022 को HPPWD विभाग सहायक अभियंता उपमंडल गंगोट व सहायक अभियंता, अधिशाषी अभियंता उपमंडल भरवाई से उपरोक्त कटे हुए पेड़ों को काटने वारा मंजूरी व टेंडर निकालने की जानकारी उपलब्ध करवाने वारा पत्राचार किया गया जिन्होंने उपरोक्त कटे पेड़ों को काटने वारा मंजूरी व टेंडर ठेकेदार रोहित जसवाल उपरोक्त को देने वारा लिखित तौर पर मना किया है तथा बतलाया की HPPWD विभाग की कार्यसूची (HPPWD Schedule of Rates) में ऐसा कोई कार्य सम्मिलित न है जिसके अनुसार वृक्षों की शाखाओं को काटा जा सकता है तथा उपरोक्त सूचि के अनुसार विभाग उपरोक्त किसी कार्य को नहीं करवाता है।

दिनांक 17-07-2022 को राजस्व विभाग ऊना से गुगलैहड़ से दिओली तक सडक के किनारे काटे गये पेड़ों के अक्स मुसाबी हासिल करके तहसीलदार साहब घनारी व

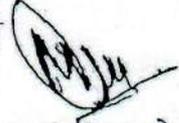
नायब तहसीलदार साहब क्लोह को निशानदेही करके रिपोर्ट देने वारा पत्राचार किया गया था जिस पर दिनांक 17-8-22 को तहसील घनारी से, संघनेई से दियोली तक काटे हुये वृक्षों की निशान देही रिपोर्ट मौसूल थाना हुई मुताविक रिपोर्ट राजस्व विभाग वृक्ष 1 ता 6 , 10 ता 14, 15 ता 18 , 19 ता 23,24 , 25 ता 29 मलकियत सरकार हि0 प्र0 कब्जा सार्वजनिक लोक निर्माण विभाग पाये गये व वृक्ष न0 7 मलकियत कुमारी शिखा आदि व वृक्ष न0 8 व 9 मलकियत नरेश कुमार आदि पाये गये है।

दिनांक 3-09-2022 को राजस्व विभाग से मुकाम गुगलैहड से अम्बोटा तक सडक के किनारे काटे गये पेडों की निशानदेही रिपोर्ट मौसूल थाना हुई है। जो मुताविक रिपोर्ट मुकाम मवां सिन्धियां निचली में काटे गये वृक्षों में वृक्ष न0 48,51,60,61 की भूमि गैर मुमकिन सडक मलकीयत सरकार हिमाचल प्रदेश कब्जा सर्वजनिक लोक निर्माण विभाग व वृक्ष न0 49,50,52,53,54,55,56,57,58,59,62,63,65,66 की भूमि निजी मलकीयती भूमि गैर मुमकिन सडक कब्जा सार्वजनिक लोक निर्माण विभाग,मुकाम पिपलु में वृक्ष न0 1 से 15 तक मुकाम वढेडा में वृक्ष न0 16 से 41 तक ,मुकाम ओयल में वृक्ष न0 1 से 20 तक मुकाम शिववाडी में वृक्ष न0 08 से 13 तक ,मुकाम डवाली अम्बोटा जिन्दवड में वृक्ष न0 14-18 तक मुकाम वडोह में वृक्ष न0 21 से 29 ,मुकाम गगरेट देवनगर में वृक्ष न0 1 से 07 तक ,मुकाम लोहारली निचली में वृक्ष न0 01-09 तक ,मुकाम टटेहडा में वृक्ष न0 67 मुकाम कोईडी में वृक्ष न0 42 से 59 व मुकाम कुठेडा जसवाला मे वृक्ष न0 10 से 47 तक की

भूमि, भूमि गैर मुमकिन सडक मलकीयत सरकार हिमाचल प्रदेश कब्जा सार्वजनिक लोक
निर्माण विभाग पाई गई है।

अतः स्टेटस रिपोर्ट मुकद्दमा उपरोक्त ब्राये अवलोकनार्थ महोदय की सेवा में
प्रेषित है।

प्रभारी



पुलिस थाना गगरेट,

श्री S. Gogri

जिला अफसर, हि0 प्र01

दिनांक:-6-09-2022

हिमाचल प्रदेश
लोक निर्माण विभाग

क्रमांक लो नि वि सी वी /जीए/ 711/22

दिनांक: 16/08/2022

सेवा में

जिलाधीश महोदय,
ऊना
जिला ऊना हि०प्र०

विषय :-

Regarding Hon'ble NGT' order dated 04.07.2022 passed in O.A. No. 372/2022 titled as Avinash Vidhrohi Vs State of H.P.

महोदय जी,

उपरोक्त विषय में आपके कार्यालय पत्र सख्या No.DCU/LFA/DFP- 145194-95 दिनांक 12.07.2022 के सन्दर्भ में सूचित किया जाता है कि लोक निर्माण विभाग का कार्यक्षेत्र सड़को व सरकारी भवनों का रखरखाव है / इस विभाग द्वारा सड़क के आसपास पेड कटान अथवा पेड़ों की लॉपिंग का कार्य नहीं किया जाता है। इस कार्यालय द्वारा जो भी कार्य करवाए जाते हैं उनका वकायदा पहले एस्टीमेट प्राक्लन बनता है और फिर टेंडर प्रक्रिया होती है। सबसे कम रेट वाले ठेकेदार को ही ये कार्य आवंटित किए जाते हैं। जिसके बाद इन कार्यों को अमलीजामा पहनाया जाता है लेकिन जहा तक लॉपिंग का सम्बंध है तो इस कार्यालय द्वारा ऐसे कार्य नहीं करवाया जाते हैं। और गुगलैहड - गगरेट - दौलतपुर सड़क के किनारे पेड़ों की लॉपिंग का ऐसा कोई टेंडर इस कार्यालय द्वारा नहीं लगाया गया है। इसके साथ यह भी सूचित किया जाता है कि उपरोक्त सड़क के किनारे पेड़ों का मालिकाना हक पंचायत समिति गगरेट का है। यह आपके सुचनार्थ तथा आगामी कार्यवाही हेतु प्रेषित है।

ADC/LFA

20370911

22/08/22

DC.

17.8.22

अधिशाषी अभियंता,
हि० प्र० लो० नि० वि० मंडल
भरवाई

Ketan Paul

TRUE COPY

Seen, be placed on records.

HAPE

29/8/22

From

ANNEXURE R-2

The Deputy Commissioner,
Una, District Una (H.P.).

To

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

No. 201 /ADC/LFA

Dated 20 .10.2022

Sub: - Original Application No. 372/2022 titled as Avinash
Vidhrohi versus State of H.P. pending before the Hon'ble
NGT.

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.

In this connection, 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. 5 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. Since no allegation has been levelled by the above named applicant against the respondent No.5 i.e. undersigned in his aforesaid application, therefore, the respondent No.5 i.e. undersigned has no submissions to the averments made in the said Application.

2. Response/Objections to the observations made in the report of Joint Committee.

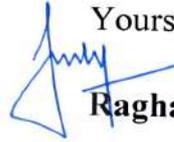
It is submitted that the Hon'ble National Green Tribunal, Principal Bench vide order dated 04.07.2022 constituted a Committee comprising representative of Regional Office of MoEF &CC at

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. undersigned 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 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 to be taken by the Forest Department as per the State Forest Policy and the Forest Department has already registered an FIR No. 022 in Police Station Gagret on 28.03.2022 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 Forest Department. The Joint Committee is also on the view of 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 respondent No.5 i.e. undersigned

is one of the member of the said Committee, therefore, the respondent No.5 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.

Yours faithfully,



Raghav Sharma,

Deputy Commissioner,

Una, District Una (H.P.).

Ph. No. 01975-225800.



TRUE COPY

ANNEXURE R-3

Himachal Pradesh
Public Works Department

No.PW/SEU/WS/Court Case Daulatpur Chowk/2023-1435
From

Dated:- 12⁰⁵/
23

The Superintending Engineer
15th Circle HP: PWD Una

To

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

Subject:- Original Application No.372/2022 titled as Avinash
Vidhrohi versus State of H.P.pending before the
Hon'ble NGT.

Sir,

Kindly refer to the order dated 28.09.2022 passed
by the Hon'ble National Green Tribunal in aforesaid Original Application
which has been supplied to this office by the Deputy Commissioner, Una
for further necessary action.

In this connection, 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 undersigned respectfully submits on behalf of respondent
No.3 as under:-

Response/reply to the averments made in the Application and observations made in the report of Joint Committee.

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. In reply to the allegations leveled by the above named applicant against the respondent No.3 i.e. Principal Secretary (PWD) to the Government of Himachal Pradesh, it is submitted that on receipt of the copy of O.A.No.372 of 2022 through Deputy Commissioner Una, the undersigned sought the report regarding pruning of mango trees from the Executive Engineer, HP:PWD Division Daulatpur Chowk vide office letter No.9023-24 dated 12.10.2022. The Executive Engineer HPPWD Division Daulatpur Chowk intimated vide his letter No.3102-03 dated 18.10.2022 that no any work for pruning of trees had been awarded to any contractor by his office. It is submitted that PWD executes every work after preparing the estimates according to HPPWD Schedule of Rates. It is pertinent to submit here that no such provision is there in the HPPWD Schedule of Rates according to which the branches of the trees are/can be pruned. The Executive Engineer HPPWD Division Daulatpur Chowk was requested to send the latest status of the case vide office letter No.943-44 dated 26.04.2023 and he has intimated vide his letter No.329-30 dated 11.05.2023 that some part of the Gagret Daulatpur road is related to H.P. Govt. and its possession vests with HPPWD as per revenue record and there are some small Khasra Nos. on both sides of the road which belong to local people of the area but possession is of HPPWD on these Khasra Nos. also. As per report of the Executive Engineer HPPWD Division Daulatpur Chowk, no work of pruning of trees had been awarded to Shri Rohit Jaswal, Contractor S/o Shri Narender Jaswal R/o Dangoh Tehsil Ghanari Distt. Una, H.P. and he had pruned the trees along the Gagret Daulatpur road at his own level without any permission from Forest Department as well as from this Department. Therefore, taking in consideration, the report of the Executive Engineer HPPWD Division Daulatpur Chowk and the F.I.R.No.38/2022 lodged against the above named contractor, a Show Cause Notice has been issued to Contractor Shri Rohit Jaswal under HPPWD Enlistment Rules-2021 for responding within three days from the issue of the Show Cause Notice failing which the action under relevant clause of HPPWD Enlistment Rules, 2021 will be initiated against the Contractor.

Further, the directions have been issued to the field staff i.e. Assistant Engineers, Junior Engineers and their subordinate staff to keep strict vigil on all the roads under their jurisdiction to avoid such type of illegal activity on the roads in future.

The reply/response is submitted for favour of consideration of the Hon'ble National Green Tribunal and the same may kindly be accepted.

Yours faithfully,



(Er. G.S.Rana)
Superintending Engineer,
15th Circle HP: PWD Una.

No.PW/SEU/WS/Court Case Daulatpur Chowk/2023-

134649

Dated:- 11th 20th 23

"SHOW CAUSE NOTICE"

Whereas an O.A.No.372/2022 titled as Avinash Vidhrohi versus State of H.P. regarding pruning of 200 Nos Mango trees on Gagret Daulatpur road has been filed in the National Green Tribunal New Delhi.

Whereas the Deputy Commissioner Una supplied the copy of O.A.No.372/2022 vide his letter No.194-98/ADC/LFA dated 04.10.2022 on which this office sought the report regarding pruning of mango trees from the Executive Engineer HPPWD Division Daulatpur Chowk vide this office letter No.9023-24 dated 12.10.2022.

Whereas the Executive Engineer HPPWD Division Daulatpur Chowk has intimated regarding pruning of trees on Gagret Daulatpur road vide his office letter No.3102-03 dated 18.10.2022 that no such work had been awarded to the contractor Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P. by the department.

Whereas an FIR No.38/2022 dated 29.03.2022 U/S 379 IPC & 32,33 IF Act has been lodged against Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P. in Police Station Gagret.

Whereas Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P.is a registered class -C Govt. Contractor of this department, but he was not awarded any work regarding pruning of trees as per report of the Executive Engineer HPPWD Division Daulatpur Chowk.

Whereas the Executive Engineer HPPWD Division Daulatpur Chowk has further intimated vide his letter No.329-30 dated 11.05.2023 that some part of the Gagret Daulatpur road is related to H.P. Govt. & possession vests with HPPWD as per revenue record and there are some small Khasra Nos.on both sides of the road which belong to local people of the area, but the possession is of HPPWD on these Khasra Nos. also.

Whereas the possession of the land under Gagret Daulatpur road is with the HPPWD Department and the trees along it have been pruned by the contractor Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P.at his own accord.

Now, whereas the contractor Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P.has acted illegally and rendered himself liable for action under H.P.Govt. Enlistment Rules.

Whereas the undersigned considered it necessary to serve a show cause notice to the said contractor for explaining the reasons for pruning the mango trees on Gagret Daulatpur Chowk road without any permission from the Forest Department as well as from this department.

Therefore, this show cause notice is hereby served upon Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P. that why did he prune the mango trees on Gagret Daulatpur road without permission from Forest Department as well as from this department and why not action be taken against him under relevant clauses of H.P.Govt. Enlistment Rules.

The reply should reach the undersigned within three days positively from the issue of this Show Cause Notice, failing which it will be presumed that he has nothing to say in his defence and the department will take action against him under relevant clause of the H.P.Govt. Enlistment Rules.

Registered

Sh.Rohit Jaswal S/O Sh.Narender Jaswal
R/O Dangoh Tehsil Ghanari Distt.Una


(Er. G.S.Rana)
Superintending Engineer,
15th Circle HP: PWD Una.

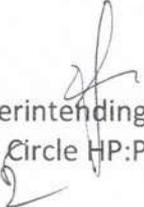
Copy to the Deputy Commissioner Una for information please.

Copy to the Divisional Forest Officer Una for information please.

Copy to the Executive Engineer, Daulatpur Division HPPWD Daulatpur Chowk for information.



TRUE COPY


Superintending Engineer,
15th Circle HP: PWD Una

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: -

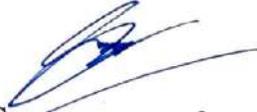
Response/reply on the behalf of Respondent No. 1 & 2 in Original Application No. 372/2022 titled as Avinash Vidhrohi versus State of H.P. pending before the Hon'ble NGT, through Principal Chief Conservator of Forests (HoFF) HP i.e. Respondent No. 2.

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.



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Proof of Service

KP Chambers <office@kpchambers.com>

In the matter O.A. No. 372 of 2022 titled Avinash Vidhrohi State of H.P & Ors

1 message

KP Chambers <office@kpchambers.com>

Sat, May 13, 2023 at 8:42 PM

To: nadeemqureshiadvocate1@gmail.com, avinashbhardwaj1@gmail.com

 [Status Report NGT FINAL \(2\)_pagenumber \(1\) \(1\)...](#)

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Chambers of Ketan Paul
Supreme Court of India

Office: J-29 (FF), Jangpura Extension, New Delhi - 110014
Ph: +91-8800314564, 011-49868149