

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

OA No. 386/2024

In the matter of

Vinay Prakash

Applicant

Versus

NCT of Delhi & Ors

Respondents

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**Date:29.04.2025**

**New Delhi**

**FILED BY:-**



**RAHUL KHURANA & HASIL JAIN**

**Advocates**

**Chamber No. 295, Lawyer Chamber Block II  
Delhi High Court, New Delhi**

**M. 9811894060, 7838707338**

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MOST RESPECTFULLY SHOWETH:

1. That the Hon'ble Tribunal in the present Original Application is considering the issue of felling and pruning of trees in the STC Housing Colony, Mehrauli Road, New Delhi.
2. That after taking cognizance of the grievance, the notice in present proceedings were issued to the Respondents including the Deputy Conservator of Forest, Municipal Corporation of Delhi and the private Respondents.
3. That vide reply dated 29.05.2024, the Deputy Conservator of Forest at para no. 4 (Page no. 67) has stated that Officials of his department found 17 Trees cut and 10 trees heavily pruned. And therefore, it is submitted that the happening of the illegal felling of trees is established.
4. That in reply filed by the Respondent no.4 Municipal Corporation of Delhi, it has been stated at para no.3 (Page no. 103) that the STC Housing Colony does not fall under the jurisdiction of the

Horticulture Department, South Zone, MCD. And it further stated that it has not conducted or carried out any pruning action in the area in question.

It is submitted that from the reply it is clear that MCD has no role in the cutting or pruning of trees.

5. That the reply by other respondent no. 6 and 7 namely State Trading Corporation states at para no.3 that- although it has responsibility of general maintenance of the STC, but it has no role whatsoever in the activity of cutting/pruning of trees at the STC Housing Colony.
6. In this regard it is submitted that the responsibility for the maintenance of the STC residential colony lies with the STC management, and security personnel have been deployed 24 hours in the housing colony by the STC management to prevent any illegal activities and crimes. There is only one gate used for entering and exiting the STC residential colony, and CCTV cameras have also been installed throughout the colony.
7. It is submitted that on one hand the Respondent no. 6 and 7 are admitting its general responsibility of maintenance of STC residential colony, whereas on the other hand they are denying any role in the cutting of trees in the same colony. It is submitted that such stand is inconsistent to each other. That, being the overall in charge of the general maintenance, the Respondent no.6 and 7 are accountable for the illegal acts committed in the area falling under their jurisdiction. Further the cutting of 17 trees is no small act which could be undertaken stealthily and without the active or passive knowledge of Respondent no. 6 and 7.

8. It is submitted that logs of cut trees have been removed under the nose of the Respondent no. 6 and 7. And therefore the Respondent no. 6 and 7 cannot get away from their accountability regarding illegal cutting of trees. It is submitted that the Respondent no. 6 and 7 are required to place on record the register being maintained at entry/exit gate having entries of In and out of vehicles. Similarly, CCTV camera recording of relevant period were required to be looked into by respondent No.6 and 7 and to place before this Hon'ble Tribunal and the Forest Department. But to cover the wrongs, such relevant materials are being kept in cover. The colony in question is in control of Respondent No.6 and under management of Respondent No.7. It is their duty not only to protect the trees but also to ensure action against the persons involved in illegal felling of trees. Nothing has been placed on record about amount received by private respondents in lieu of tree-produce transported out of the colony.
9. That as regards the reply of the Respondent no.8 the RWA through its President Ms. Himachal Devi, in order to hide her wrongs, she has come with false and irrelevant defence of some complaint to which Applicant has no concern.
10. Further at running page no. 84, there is communication dated 24.02.2024 sent by Respondent no.8 to the Deputy Conservator of Forest, wherein the Respondent no.8 has clearly admitted at various paragraphs that- *(translated in English by Applicant)*

"Since our colony comes under Govt residence, therefore no work is undertaken in colony by any outside authority or MCD."

.....

"Sir, when I saw the MCD workers doing pruning of trees outside the colony then we requested them to do pruning of trees of our colony

also, then during the same time we got the trees of colony pruned from them”

.....

“Sir, we were not having any intention to harm the trees because the trees in the colony have been planted in the past by the hands of the co-employees”

..

“I seek forgiveness for the act which occurred due to ignorance and I further assure you that in future we will not undertake any such activity without your information.....”

It is therefore submitted that actual commission of act of cutting and pruning were undertaken at the instance of the Respondent no.8 but cutting through MCD appears to be incorrect as per reply of MCD.

11. Further in its reply at para no. 12 (Page 43) the Respondent no.8 has stated that-

“no trees were ever transported outside the STC housing colony”.

12. And further at para no. 15 (page 44) the Respondent no.8 has stated that –

“It is further submitted that the trees that were cut by the MCD contract workers (for cutting and pruning of trees) are all lying in the STC colony premises as not even a single piece of wood of the trees has been sold.”

In this regard it is submitted that neither the Deputy Conservator of Forest in its reply has reported the finding/recovery of logs of trees nor any documentary proof on record is there to show that the cut trees are lying at the premises. Therefore, in the absence

of the same it can be concluded that the Respondent no.8 after cutting the trees sold the same for earning profits.

13. It is therefore humbly prayed before the Hon'ble Tribunal to kindly take on record the above submissions.

New Delhi  
29.04.2024



Applicant

Through



Counsel