

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**
Original Application No. 600/2024

IN THE MATTER OF:

Bhushan Lal Parimoo

...Applicant

Versus

Union Territory of Jammu & Kashmir
& Ors.

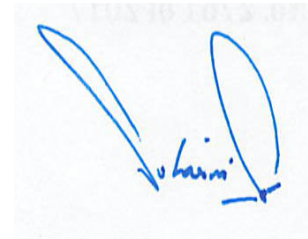
...Respondent(s)

N.D.O.H. – 24.12.2024

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THROUGH



SUHASINI SEN
(COUNSEL FOR MOEF&CC)
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New Delhi
Date: 23.12.2024

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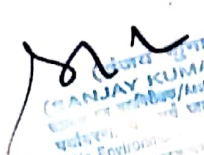
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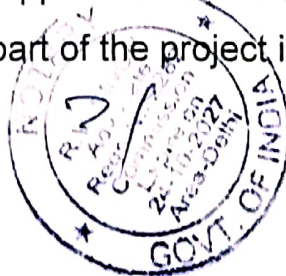
**AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE (RESPONDENT NO.1)**

I, Sanjay Kumar Chauhan, S/o Shri A.S.Chauhan, aged about 41 years working as the Assistant Inspector General of Forests (Forest Protection Division) in the Ministry of Environment, Forest and Climate Change (hereinafter referred to as MoEFCC) at New Delhi do hereby solemnly affirm and say on oath that, I am competent and authorized to swear this affidavit for and on behalf of the Respondent No.-1.

2. That, I have read and understood the contents of the present Affidavit, the contents thereof are true, and no part of it is false, and nothing material has been concealed therefrom.

3. That the matter relates to the possible cutting of trees located in the River Tawi Front Park at Bikram Chowk, Jammu, for the execution of the Smart City Project. The applicant has alleged that several trees have already been felled as part of the project implementation.


(SANJAY KUMAR CHAUHAN)
Assistant Inspector General of Forests
Ministry of Environment, Forest and Climate Change
Govt. of India

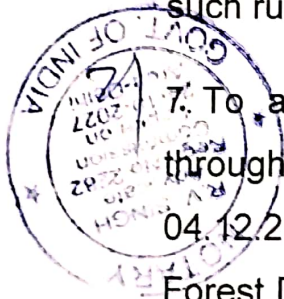


4. In this regard, it is humbly submitted that the role of the MoEFCC is to frame policy, provide directions and guidance in an advisory capacity, as well as to provide necessary approvals under the provisions of the relevant Central Acts so far as the protection and conservation of forest, wildlife and other environmental resources are concerned.

5. The 'land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, the State Government has the primary responsibility to determine the status of any parcel of land, giving due regard to gazette notifications, provisions under the State and Central Acts, and concerned judgments and directions of the Hon'ble Supreme Court/ High Courts.

6. It is submitted that the felling of trees in non-forest land is regulated by the respective State Government as per the provisions of various State Acts and Rules made thereunder. Many States have specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating the felling of trees in revenue lands and penal provisions for violations. The implementation of these rules is supervised by the designated authorities in the State Government, whose permission is necessary for the felling of reserved trees in Non- Forest Land, under such rules.

7. To ascertain the correct position/veracity of the issues raised through the application, the answering respondent vide letter dated 04.12.2024 and 11.12.2024 has sought a factual report from the State Forest Department, UT of Jammu & Kashmir in the matter. However,



(SARJAN KUMAR CHAUHAN)
 सारजन कुमार चौहान (Sarjan Kumar Chauhan)
 Joint Secretary/Asst. Inspector General of Forests
 M/o Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

the information from the Government of Jammu & Kashmir is awaited in this regard. A copy of the letter and the e-mail 04.12.2024 and 11.12.2024 respectively are enclosed in Annexure -1.

8. That, the answering respondent reserves the right to file additional information before the Hon'ble Tribunal, if required till Pendente-lite.

9. That, in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s)/directions as the Hon'ble Tribunal may deem fit and proper in the interest of justice.

DEPONENT

(संजय कुमार चौहान)
(SANJAY KUMAR CHAUHAN)
सहायक वन पर्यवेक्षक/Asstt. Inspector General of Forests
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



Verification

23 DEC 2024

Verified at New Delhi on this Day of, 2024, that the contents of this affidavit are true and correct to my knowledge based on the official record maintained in the daily course of its business, no part of this affidavit is false and nothing material has been concealed therefrom.

I Identified the Dependent/Executant who has signed in my presence

DEPONENT

(संजय कुमार चौहान)
(SANJAY KUMAR CHAUHAN)
सहायक वन पर्यवेक्षक/Asstt. Inspector General of Forests
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

CERTIFIED THAT THE DEPONENT, Shri/Smt. Sanjay Kumar Chauhan S/o. W/o. B/o Shri R/o Identified by Shri/Smt. R/o has solemnly sworn on 23 DEC 2024 that the contents of the affidavit which have been read over to him/ her are true & correct to his/her knowledge

Notary Public, Delhi

23 DEC 2024



ANNEXURE-1



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GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
क्षेत्रीय कार्यालय, चंडीगढ़, उपकार्यालय, जम्मू /Regional Office, Chandigarh
Sub-office, Jammu

File no: 62-08/2024-Sub-OfficeJammu

December, 2024

सेवा मे,

प्रधान मुख्य वन संरक्षक एवं वन बल प्रमुख
वन संसाधन प्रबंधन केंद्र, नरवाल, जम्मू
जम्मू और कश्मीर केंद्र शासित प्रदेश-180006
ईमेल: pccfjkforest@gmail.com

विषय: Bhusan Lal Parimoo & Anr. Vs. State of J&K and Ors. before Hon'ble NGT (PB), New Delhi-reg.

Ref: Original Application No. 600/2024 & I.A. 236/2024.

Sir,

With reference to the above-mentioned subject and the references therein, the Hon'ble National Green Tribunal (NGT) has taken *suo motu* cognizance regarding the possible cutting of trees located in the River Tawi Front Park at Bikram Chowk, Jammu, for the execution of the Smart City Project. The applicant has alleged that several trees have already been felled as part of the project's implementation.

The Hon'ble NGT heard the matter on 22.05.2024 and directed Respondent No. 6 (Jammu Smart City Ltd.) to file an affidavit (Annexure I). The matter was heard again on 09.09.2024 (Annexure II), during which Respondent No. 6 submitted a report disclosing that 712 plants are proposed to be relocated as part of the project's implementation.

As the Ministry of Environment, Forest and Climate Change (MoEF&CC) is also a respondent in this matter, it is requested that a factual report be submitted within a week to enable this office to file the necessary reply.

This is issued with the approval of the competent authority.

Encl: As above

Signed by Raja Ram Singh
Date: 04-12-2024 15:36:08

आपका विश्वासभाजन
हस्ता-/
(राजा राम सिंह)
उप वन महानिदेशक (के.)
उप-कार्यालय, जम्मू

प्रतिलिपि:- मुख्य वन संरक्षक, वन संसाधन प्रबंधन केंद्र, नरवाल, जम्मू, जम्मू और कश्मीर केंद्र शासित प्रदेश-180006 ईमेल: ccfjammul@gmail.com

True Copy
RS

To: moefcc ravi <moefcc.ravi@gmail.com>

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ANNEXURE-1

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Thanks & Regards,

Ravi Kumar**Associate Legal-C**

Forest Protection Division

Ministry of Environment, Forest and Climate Change,

Jor Bagh, New Delhi - 110003.

Mobile no. +91 9891536356

Email : moefcc.ravi@gmail.com

ravi.kr85@gov.in

===== Forwarded message =====

From: Sub Regional Office Jammu <iro.jammu-mefcc@gov.in>

To: "pccfjkforest"<pccfjkforest@gmail.com>

Cc: "ccfjammu1"<ccfjammu1@gmail.com>, "FPD"<fpd-moefcc@gov.in>, "RAVI KUMAR"<ravi.kr85@gov.in>

Date: Wed, 11 Dec 2024 10:54:53 +0530

Subject: Re: : Bhusan Lal Parimoo & Anr. Vs. State of J&K and Ors. before Hon'ble NGT (PB), Ne Delhi-reg.

===== Forwarded message =====

Reminder I

Sir,

With reference to above mentioned subject, I am directed to request you to kindly submit the factual report as soon as possible so that this office can file the necessary reply before the Hon'ble Court.

Regards

Dhanak Sharma**Office Assistant**

उप कार्यालय, जम्मू / Sub-office, Jammu

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय/ Ministry of Environment, Forest & Climate Change,

भारत सरकार/Government of India

379-A गांधी नगर, जम्मू / 379-A Gandhi Nagar, Jammu - 180004

दूरभाष संख्या: 0191-2959297

--- On Thu, 05 Dec 2024 11:22:47 +0530 Sub Regional Office Jammu <iro.jammu-mefcc@gov.in> wrote ---

[Quoted text hidden]

True copy
SS