

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

O.A NO. 739 OF 2023

IN THE MATTER OF:

ENVIRONMENT PROTECTION ...APPLICANT
SOCIETY (REGD.) S.A.S. NAGAR &
ANR

VERSUS

MINISTRY OF ENVIRONMENT, ...RESPONDENTS
FOREST AND CLIMATE CHANGE &
ORS

INDEX

SR. NO.	PARTICULARS	PG. NO.
1.	WRITTEN SUBMISSIONS ON BEHALF OF RESPONDENT NO. 6 I.E GREATER MOHALI AREA DEVELOPMENT AUTHORITY	1-6

NEW DELHI
DATED: 16.07.2024

THROUGH



PRASHANT MANCHANDA
COUNSEL FOR RESPONDENT NO.6
123, R.G. Complex II,
Prashant Vihar, Rohini,
Delhi – 110085
Prashantmanchanda.05@gmail.com
9971879203

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

O.A NO. 739 OF 2023

IN THE MATTER OF:

ENVIRONMENT PROTECTION
SOCIETY (REGD.) S.A.S. NAGAR &
ANR

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE &
ORS

...RESPONDENTS

**WRITTEN SUBMISSIONS ON BEHALF OF RESPONDENT NO. 6 i.e.
GREATER MOHALI AREA DEVELOPMENT AUTHORITY**

1. That it is humbly submitted that the respondent has undertaken the work of widening three roads passing through major sectors of Mohali. These roads, which currently have a width of 30 to 40 feet, are to be widened to 100 feet with the objective of bringing uniformity and consistency to the road infrastructure of Mohali. The planning for the said road widening has been duly carried out by the office of the District Town Planner of the respondent authority.
2. That the applicant society has filed the present application, inter alia, seeking quashing of the order issued vide letter No. Revenue/1455 dated 07.06.2023 by the Divisional Forest Officer, Department of Forests and Wildlife Preservation, Mohali, and consequential actions. Additionally, the applicant seeks fixation of a reasonable value for the fully grown trees and directions to the respondents to deposit the same. It is pertinent to mention that these matters fall within the domain of Respondent Nos. 2, 4, and 5.
3. That qua the issues pertaining to respondent no. 6 (GMADA), wherein the initial plan of the answering respondent involved the felling of 1,651 trees, and the applicant, in his application, prayed for exploring alternatives to tree cutting during the road widening process of the three roads, it is respectfully submitted that the trees in question are situated right at the edge of the road on both sides & the initial planning of the proposed widening the roads were to be done on

both sides. However, upon the receipt of the representation by the Applicant dated 22.08.2023, the Answering Respondent had immediately stopped the entire action of felling of trees and in view of the recommendations made by the Applicant, the re-planning of widening of this Road was considered and as per the proposed re-planning of this Road the widening the two roads will be done only from one side of the road thereby not affecting the trees at the other side of the road & length of the third road was decreased 2250 metres approx to only 1650 metre, resulting in a substantial reduction in the number of trees to be cut, which has also been acknowledged by the Punjab Pollution Control Board (PPCB) (herein respondent no. 7)(please refer pg 194, para 2)

Comparison of Proposed Tree Cutting Before and After Replanning of Road Widening Projects-

ROAD	EARLIER PROPOSED NO. OF TREES TO BE CUT	AFTER REPLANNING PROPOSED NO. OF TREES TO BE CUT
Road Dividing Sector 48/65 to Junction 49/64	306 trees	<i>(306 No. of trees were axed even before filing of the application. No future trees will be axed on this road)</i>
Road from Sector Junction 69/70-61/62 (Kumbra Chowk) to Sector Junction 65/66 (Bawa White House)	964 trees	460 trees
Road from SSP Residence to Mohali Village (now upto Diplast Chowk)	381 trees	165 trees

As per the new plan, 720 trees has been saved from cutting.

4. That it is further submitted that the respondent has acquired the land for the purpose of widening of the above mentioned roads as per the master plan of S.A.S. Nagar.

Road	Previous width	New Width /length of road to be constructed	Total land acquired
Road Dividing Sector 48/65 to Junction 49/64	30 feet	100ft road/ Total length 1620 m	48,600/- sq mtrs
Road from Sector Junction 69/70-61/62 (Kumbra Chowk) to Sector Junction 65/66 (Bawa White House)	30 feet	100ft road/ Total length 3200 m.	96,000/- sq mtrs
Road from SSP Residence to Mohali Village (now upto Diplast Chowk)	40 feet	100ft road/ Total length 1650 m.	49,500/- sq mtrs

5. That it is further submitted that, during the planning phase for the widening of the said roads, a detailed traffic volume study was conducted by the answering respondent in consultation with the Department of Civil Engineering, National Institute of Technical Teachers' Training and Research (MHRD, Government of India), Chandigarh-160019, in December 2022 (refer to report at Pg. Nos. 314 to 340). It is further submitted that the same agency was also engaged for designing the roads in accordance with the proposed scope of widening. The agency formulated the road designs based on the traffic volume study of the respective roads, taking into consideration the projected future traffic requirements as well.
6. That it is also pertinent to mention here that a new section of road is being constructed which is known as new route to International Airport. The progress of construction of this road is being monitored by Hon'ble Punjab and Haryana High Court vide case no. CM-8438-CWP-2022 in CWP-27436 of 2015 (Mohali Industries Association V/s Union of India). The sole purpose of the project is to reduce the congestion on the roads and provide easy and smooth flow of traffic on roads. Moreover, the roads coming from Chandigarh through Sector Junction 55/54, 54/53 and 53/52 of SAS Nagar are leading to roads between Sector Junction 58/59, 59/60 and 60/61 of SAS Nagar which are dual carriageway (4-lane) at present and traffic runs quite smoothly on these sections of roads. GMADA is working on Widening of Road from Sector

Junction 61/62-69/70 (Kumbra Chowk) to Sector Junction 65/66 (Bawa White House) which lies between the above-mentioned Dual Carriageway Roads on one side and new root to International Airport on the other side. Apparently, a bottleneck at this road section causes frequent traffic jams, hindering smooth traffic flow. This congestion also leads to increased particulate emissions, contributing to air pollution.

7. That it is further submitted that, in accordance with the recommendations contained in the letter issued by the Divisional Forest Officer, SAS Nagar, dated 07.06.2023, bearing No. Revenue/1455, the answering respondent has planted a total of 6,343 trees/saplings. These saplings are approximately 8 feet tall and are expected to grow into fully matured trees within a period of 3 to 4 years. The plantation work was undertaken through the following contractors, selected through a duly conducted tendering process:

- a. **M/s New Janta International**, Ludhiana Road, Malerkotla – 148023, for the supply and plantation of 3,485 permanent trees, at a tender amount of ₹1,30,23,091/-. (Please Refer Page No. 272)
- b. **M/s Jaskaran Singh Gill Contractors**, #106, Naka No. 7, Patti Tambu Sahib, Shri Muktsar Sahib, Punjab, for the plantation of 1,548 permanent trees, at a tender amount of ₹59,13,043/-. (please Refer Page No. 272)
- c. **M/s Mini Co-op L/C Society Ltd.**, SCF 118 (F.F), Phase 3B-2, SAS Nagar, for the supply and plantation of 1,210 permanent trees, at a tender amount of ₹38,88,356/-. (please Refer Page No. 268)

Copy of tenders are annexed in our reply affidavit dated 16.03.2024, annexed as Annexure R 6/2 colly. (please refer pg 89-104)

It is further submitted that the aforesaid contractors have also been engaged to maintenance the aforesaid planted trees for next three years.

It is also submitted that the maintenance period will be further extended by a period of 2 years as per the mandate of "Tree Preservation Policy for Non-Forest Government and Public Lands".

8. That it is pertinent to mention here that the planted trees are spread across Sectors 54, 56, 62, 63, 64, 65, 65A, 68, and 71. The distances from the Sector 48/65 road range between 2 to 7 kilometers; from the Kumbra Chowk to Bawa White House stretch, they vary between 1 to 8 kilometers; and from the SSP residence to Mohali village road, the distances range from 1 to 6 kilometers.
9. That with respect to the contentions of the Applicant regarding to the inadequate valuation of the trees, it is humbly submitted that the respondent is ready and will pay the value of trees whatsoever, is decided by the office of Divisional Forest Officer, SAS Nagar.

It is also submitted that if the respondent needs to axe trees for any future project, it will be done in accordance with the new policy notified by the Forest Department, and compensatory plantation will also be carried out accordingly.

10. It is pertinent to mention that as per the earlier report of the Horticulture Wing (*please refer pg 161*), it is reiterated that based on past experience, the success rate of tree transplantation as observed by the Horticulture Wing of GMADA is very low. Therefore, the transplantation of trees is not being undertaken.

That with regard to the contention of the applicant that the option of transplantation of trees has not been considered, it is respectfully submitted that the answering respondent had earlier attempted tree transplantation during the widening of the road from Phase 7 Lights Point to Phase 11 Lights Point, which is in proximity to the currently proposed widening of the three roads.

However, given the low success rate of 34.55%, transplantation of trees for the widening of these 3 roads has not been considered feasible.

A copy letter dated 11.11.2021, issuing allotment of work for transportation of trees has been annexed as Annexure R/6 in our reply affidavit dated 16.03.2024 (*please refer Pg 159*)

11. That in view of the foregoing submissions, it is most respectfully submitted that the answering respondent has taken all necessary steps in compliance with the applicable legal norms, environmental safeguards, and policy directions issued by the competent authorities. The respondent has shown due sensitivity towards environmental concerns, reduced the number of trees proposed to be

felled through revised planning, undertaken compensatory plantation as per the recommendations of the Divisional Forest Officer, and is committed to maintaining the same in accordance with the prescribed policies. The respondent further undertakes to strictly abide by any directions or orders that may be issued by this Hon'ble Court in the interest of justice and environmental protection.

NEW DELHI
DATED: 16.07.2024

THROUGH



PRASHANT MANCHANDA
COUNSEL FOR RESPONDENT NO.6
123, R.G. Complex II,
Prashant Vihar, Rohini,
Delhi – 110085
Prashantmanchanda.05@gmail.com
9971879203