

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार
पर्यावरण, वन एवं वन्यजीव विभाग
छठी मंजिल, सी-विंग, दिल्ली सचिवालय,
आई.पी.एस्टेट, नई दिल्ली-110002.

F.NO. 266/DCF(P&M)/VS/Q.274/2024-25/8403-06

दिनांक:- 26/03/2025

सेवा में

उप सचिव (प्रश्न शाखा)
राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार,
दिल्ली विधान सभा सचिवालय,
पुराना सचिवालय, दिल्ली-110054.

विषय: विधान सभा प्रश्न संख्या- 274 (अतारांकित) जो कि दिनांक 28.03.2025 को माननीय विधायक श्री अभय वर्मा द्वारा पूछा जाना है।

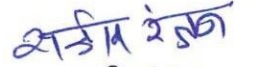
महोदय,

उपरोक्त प्रश्न के उत्तर की 100 प्रतियाँ आपकी अग्रिम कार्यवाही हेतु भेजी जा रही है।

यह माननीय मंत्री (पर्यावरण एवं वन), राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार के पूर्व अनुमोदन के पश्चात जारी किया जाता है।

भवदीय,

संलग्नक:- ऊपरोक्त अनुसार।



(राजीव रंजन)

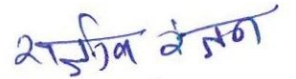
संयुक्त सचिव (पर्यावरण एवं वन)

F.NO. 266/DCF(P&M)/VS/Q.274/2024-25/8403-06

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प्रतिलिपि:

1. प्रधान सचिव, मुख्य मंत्री, दिल्ली सरकार, दिल्ली सचिवालय, दिल्ली।
2. प्रधान सचिव, पर्यावरण एवं वन विभाग, दिल्ली सरकार, दिल्ली सचिवालय, नई दिल्ली-02 के सूचनार्थ हेतु।
3. निदेशक, सूचना एवं प्रसारण, निर्देशालय दिल्ली सरकार, पुराना सचिवालय, दिल्ली। (150 प्रतियाँ)



(राजीव रंजन)

संयुक्त सचिव (पर्यावरण एवं वन)

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार
वन एवं वन्य जीव विभाग,
ए-ब्लॉक, द्वितीय तल, विकास भवन, आई. पी. एस्टेट,
नई दिल्ली-110002.

अतारांकित प्रश्न संख्या: 274

दिनांक - 28.03.2025

प्रश्नकर्ता का नाम - श्री अभय वर्मा

क्या माननीय पर्यावरण मंत्री यह बताने की कृपा करेंगे कि:

क्रम सं.	प्रश्न	उत्तर												
(क)	पूर्व मुख्यमंत्री के 6-फ्लैग स्टाफ रोड पर स्थित सरकारी आवास के निर्माण के दौरान कितने पेड़ काटे गये उसकी विस्तृत जानकारी दी जाए.	<p>दिल्ली वृक्ष (परिरक्षण) अधिनियम, 1994 के अंतर्गत वृक्ष अधिकारी (केंद्रीय) द्वारा 28 वृक्षों को प्रत्यारोपण एवं काटने के लिए अनुमति दी गयी थी और निरीक्षण दिनांक 25.02.2022 को किये गए निरीक्षण से ज्ञात हुआ कि 6 वृक्षों को हानि पहुंचाई गयी थी जिनका विवरण इस प्रकार है:-</p> <table><tr><th>क्रम संख्या</th><th>अनुमति का विवरण</th></tr><tr><td>1.</td><td>10.11.2020 को वृक्ष अधिकारी केन्द्रीय द्वारा 9 वृक्षों के प्रत्यारोपण हेतु अनुमति प्रदान की गई ।</td></tr><tr><td>2.</td><td>04.01.2021 को वृक्ष अधिकारी केन्द्रीय द्वारा 2 वृक्षों के प्रत्यारोपण हेतु अनुमति प्रदान की गई ।</td></tr><tr><td>3.</td><td>17.08.2021 को वृक्ष अधिकारी केन्द्रीय द्वारा 6 वृक्षों के काटने हेतु अनुमति प्रदान की गई ।</td></tr><tr><td>4.</td><td>28.02.2022 को वृक्ष अधिकारी केन्द्रीय द्वारा 04 वृक्षों के प्रत्यारोपण हेतु एवं 02 वृक्षों के काटने हेतु अनुमति प्रदान की गई ।</td></tr><tr><td>5.</td><td>12.04.2022 को वृक्ष अधिकारी केन्द्रीय द्वारा 4 वृक्षों के प्रत्यारोपण हेतु एवं 01 वृक्ष को काटने हेतु अनुमति प्रदान की गई ।</td></tr></table>	क्रम संख्या	अनुमति का विवरण	1.	10.11.2020 को वृक्ष अधिकारी केन्द्रीय द्वारा 9 वृक्षों के प्रत्यारोपण हेतु अनुमति प्रदान की गई ।	2.	04.01.2021 को वृक्ष अधिकारी केन्द्रीय द्वारा 2 वृक्षों के प्रत्यारोपण हेतु अनुमति प्रदान की गई ।	3.	17.08.2021 को वृक्ष अधिकारी केन्द्रीय द्वारा 6 वृक्षों के काटने हेतु अनुमति प्रदान की गई ।	4.	28.02.2022 को वृक्ष अधिकारी केन्द्रीय द्वारा 04 वृक्षों के प्रत्यारोपण हेतु एवं 02 वृक्षों के काटने हेतु अनुमति प्रदान की गई ।	5.	12.04.2022 को वृक्ष अधिकारी केन्द्रीय द्वारा 4 वृक्षों के प्रत्यारोपण हेतु एवं 01 वृक्ष को काटने हेतु अनुमति प्रदान की गई ।
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- कार्यकारी अभियंता लोक निर्माण विभाग ने 45-47, राजपुर रोड से 4 वृक्षों के प्रत्यारोपण और 02 वृक्षों की कटाई की अनुमति के लिए 23.02.2022 को आवेदन किया था, हालांकि, लोक निर्माण विभाग के अधिकारियों ने वन और वन्यजीव विभाग से कोई भी अनुमति प्राप्त करने से पहले ऐसे वृक्षों को नुकसान पहुंचाया। जब वन विभाग के अधिकारी ने अनुमति देने से पहले निरीक्षण के लिए 25.02.2022 को साइट का दौरा किया, तो निरीक्षण अधिकारी द्वारा 25.02.2022 को उनकी निरीक्षण रिपोर्ट के अनुसार साइट पर 6 वृक्षों की जड़ों को नुकसान पहुंचाने के वृक्ष अपराध की रिपोर्ट की गई थी।
- अनुमतियों की प्रतिलिपि **Annexure- A** और नोटिस की प्रतिलिपि **Annexure- B** पर संलग्न की गई है।


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(ख)	यदि विभाग के पास यह जानकारी उपलब्ध नहीं है तो जिस विभाग के पास उपलब्ध है, वहाँ से जानकारी प्राप्त कर याचित जानकारी उपलब्ध करायी जाए;	उपरोक्तानुसार लागू नहीं।
(ग)	पेड़ काटने के क्या नियम एवं शर्तें हैं, उसकी जानकारी दी जाए;	<ol style="list-style-type: none"> 1. गैर-वन क्षेत्र के लिए वृक्ष प्रत्यारोपण / काटने की अनुमति दिल्ली वृक्ष (परिरक्षण) अधिनियम, 1994 के प्रावधानों के अंतर्गत दी जाती है। यहां यह उल्लेख करना आवश्यक है कि माननीय न्यायालयों ने विभिन्न आदेश पारित किये है जो वृक्ष (परिरक्षण) अधिनियम, 1994 के अंतर्गत वृक्ष प्रत्यारोपण / काटने की अनुमति देने की प्रक्रिया को निर्देशित करते हैं। 2. माननीय सर्वोच्च न्यायालय के आदेश दिनांक 19.12.2024, उचित अधिनियम, नियम, माननीय दिल्ली उच्च न्यायालय के आदेश दिनांक 30.11.2011, 25.05.2015, 26.11.2021, 17.01.2022, 31.08.2023, 14.09.2023 व 09.08.2024 तथा माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 01.11.2013 की प्रतिलिपियाँ संदर्भ हेतु संलग्न हैं। जिसकी प्रतिलिपि Annexure- C पर संलग्न की गई है। 3. इस संबंध में यह भी सूचित किया जाता है कि माननीय सर्वोच्च न्यायालय, माननीय दिल्ली उच्च न्यायालय तथा माननीय राष्ट्रीय हरित अधिकरण का कोई अन्य प्रासंगिक आदेश वृक्ष प्रत्यारोपण/ काटने का आवेदन करते समय लागू होगा। 4. माननीय दिल्ली उच्च न्यायालय के निर्देशानुसार, भवरीन कंधारी बनाम श्री सीडी सिंह के मामले में दिनांक 31.08.2023 और 09.08.2024 के आदेश में, CONT. CAS. (C) संख्या 1149/2022 में, वृक्ष अधिकारी द्वारा वृक्ष प्रत्यारोपण / कटाई की अनुमति देने से पहले माननीय दिल्ली उच्च न्यायालय की पूर्व अनुमति प्राप्त करनी अनिवार्य है। 5. माननीय सर्वोच्च न्यायालय के दिनांक 19.12.2024 के आदेश के अनुसार, दिल्ली वृक्ष (परिरक्षण) अधिनियम, 1994 के संबंध में 49 से अधिक वृक्षों के प्रत्यारोपण/ कटाई का प्रस्ताव वृक्ष अधिकारी द्वारा गहन जांच के बाद अनुमोदन के लिए माननीय सर्वोच्च न्यायालय द्वारा गठित माननीय केंद्रीय सशक्तता समिति (Central Empowered Committee) को प्रस्तुत किया जाएगा। 6. हालांकि, वन और वन्यजीव विभाग, राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार ने दिल्ली वृक्ष (परिरक्षण) अधिनियम, 1994 के अन्तर्गत वृक्ष अधिकारियों द्वारा वृक्षों के प्रत्यारोपण / कटाई की अनुमति देने के संबंध में 31.08.2023, 14.09.2023 और 09.08.2024 के स्थगन / निरसन आदेशों को हटाने के लिए माननीय दिल्ली उच्च न्यायालय में एक C.M application (सं. 3370/2025 संपर्क CONT. CAS. (C) संख्या 1149/2022 में) दायर की गयी है।


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		<p>यह मामला न्यायालय में विचाराधीन है ।</p> <p>7. जिस भूमि से वृक्षों को हटाया जाना है यदि उसका क्षेत्रफल 1 हेक्टेयर या उससे अधिक हो तो वह प्रस्ताव दिल्ली वन (परिरक्षण) अधिनियम 1994 की धारा 29 के अंतर्गत छूट (exemption) के लिए मंजूरी हेतु राज्य सरकार को प्रेषित की जाती है। मंजूरी प्राप्त होने के पश्चात सचिव (पर्यावरण एवं वन) राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार के हस्ताक्षर के तहत अधिसूचना फॉर्म में जारी किया जाता है। उपरोक्त सभी प्रकार के अनुमोदन के पश्चात उप-वन संरक्षक द्वारा एक पत्र सुरक्षा जमा राशि हेतु जारी किया जाता है। इसके बाद आवेदक इस राशि को डी.डी./ चेक अथवा ऑनलाइन के माध्यम भुगतान कर सकता है। राशि प्राप्त होने के बाद सम्बंधित उप-वन संरक्षक आवेदक यानि उपभोगी संस्था/ व्यक्ति वृक्ष प्रत्यारोपण/ काटने/ हटाने की अनुमति प्रदान करता है ।</p> <p>8. यदि परियोजना क्षेत्र भू-आकृति विज्ञान रिज (रैर-वन) में आता है तो दिल्ली वृक्ष (परिरक्षण) अधिनियम, 1994 के अंतर्गत अनुमोदन प्राप्त करने से पहले रिज प्रबंधन बोर्ड (Ridge Management Board), माननीय केंद्रीय सशक्तता समिति (Central Empowered Committee) के द्वारा अनुशंसित एवं माननीय सर्वोच्च न्यायालय का अनुमोदन अनिवार्य है।</p> <p>9. वन क्षेत्रों के वृक्ष काटने हेतु वन (संरक्षण एवं संवर्धन) अधिनियम, 1980 के प्रावधान लागू होते हैं ।</p> <p>10. रिज वन क्षेत्र में वृक्ष काटने हेतु रिज प्रबंधन बोर्ड (Ridge Management Board), माननीय केंद्रीय सशक्तता समिति (Central Empowered Committee), माननीय सर्वोच्च न्यायालय तथा वन (संरक्षण एवं संवर्धन) अधिनियम, 1980 के अंतर्गत पूर्व अनुमति लेना आवश्यक है ।</p>
(घ)	उपरोक्त संदर्भ में यदि पेड़ काटने की अनुमति को लेकर कोई आवेदन दिया गया था तो उसकी प्रतिलिपि उपलब्ध करवायी जाए;	आवेदन की प्रतिलिपि Annexure- D संलग्न है ।
ड)	यदि इन पेड़ों को काटने की अनुमति सक्षम अधिकारी या विभाग से नहीं ली गयी तो जिम्मेदार अधिकारी के खिलाफ क्या कार्रवाई की गयी, विस्तृत जानकारी उपलब्ध करवायी जाए, और	अतः सभी वृक्षों के प्रत्यारोपण/ काटने की अनुमति ली गयी थी ।

- कार्यकारी अभियंता लोक निर्माण विभाग ने 45-47, राजपुर रोड से 4 वृक्षों के प्रत्यारोपण और 02 वृक्षों की कटाई की अनुमति के लिए 23.02.2022 को आवेदन किया था, हालांकि, लोक निर्माण विभाग के अधिकारियों ने वन और वन्यजीव विभाग से कोई भी अनुमति प्राप्त करने से पहले ऐसे वृक्षों को नुकसान पहुंचाया। जब वन विभाग के अधिकारी ने अनुमति देने से पहले निरीक्षण के लिए 25.02.2022 को साइट का दौरा किया, तो निरीक्षण अधिकारी द्वारा 25.02.2022 को उनकी निरीक्षण रिपोर्ट के अनुसार साइट पर 6 वृक्षों की जड़ों को नुकसान पहुंचाने के वृक्ष अपराध की रिपोर्ट की गई थी


 Dy. Conservator of Forest (P&M)
 Deptt. of Forests & Wildlife
 Govt. of NCT of Delhi
 A-Block, 2nd Floor, Vikas Bhawan,
 I.P. Estate, New Delhi-110002

2. वृक्ष अधिकारी के आदेश क्रमांक DCF(C)/DPTA/Offence/21-22/3572-74 दिनांक 04.07.2023 के अनुसार 06 वृक्षों की जड़ों को नुकसान पहुंचाने के वृक्ष अपराध के लिए कुल 60,000 /- रुपये का जुर्माना लगाया गया था, जिसे लोक निर्माण विभाग द्वारा 19.07.2023 को जमा करा दिया गया।
3. प्रतिपूरक वृक्षारोपण के मामले में, वृक्ष अधिकारी (केन्द्रीय) द्वारा कार्यकारी अभियंता को एक पत्र F.No.37/CFD/DCF(C)/ Site - inspection reports/2023-24/1220-24 दिनांक 04.05.2023 को जारी किया गया जिसमें सूचित किया गया कि शेष 197 वृक्षों की सुरक्षा जमा राशि जम्ब कर ली गई है और शेष वृक्षारोपण वन विभाग द्वारा प्रतिपूरक वृक्षारोपण पूर्ण करने के लिए किया जायेगा । जिसकी प्रतिलिपि **Annexure- E** पर संलग्न की गई है ।
4. पुनः वृक्ष अधिकारी (केन्द्रीय) ने लोक निर्माण विभाग को प्रतिपूरक वृक्षारोपण विफलता के बदले में 197 वृक्षों का 100 गुना अर्थात 19700 वृक्ष लगाने तथा 7 वर्षों तक इनके सफलतापूर्वक रखरखाव का निर्देश 14.08.2024 को दिया था । जिसकी प्रतिलिपि **Annexure- F** पर संलग्न की गई है ।
5. विभाग में उपलब्ध अभिलेख के अनुसार, वृक्ष अधिकारी केंद्रीय द्वारा माननीय राष्ट्रीय हरित अधिकरण OA No. 334 /2023 में एक हलफनामा जमा किया गया था जिसके अनुसार :-
 - a. लोक निर्माण विभाग के दो अधिकारी श्री विनय चौधरी, अधिशासी अभियंता और श्री रजत कांत सहायक अभियंता (अन्य संबंधित अधिकारियों के साथ) को 6, प्लैग स्टाफ रोड और 45-47 राजपुर रोड पर चल रहे निर्माण कार्यों में अवैधता / अनियमितताओं के साथ उनके कदाचार के लिए सतर्कता निदेशालय, राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार की अनुशंसा पर जुलाई, 2024 में उनके अनुशासनात्मक प्राधिकारी द्वारा निलंबित कर दिया गया था ।

समस्त प्रस्ताव केंद्रीय अन्वेषण ब्यूरो (प्रारंभिक जांच संख्या PE No. 0032023A0006) एवं माननीय राष्ट्रीय हरित अधिकरण (OA No. 334/2023 के नरेश चौधरी बनाम यूनियन ऑफ़ इंडिया और अन्य) के संज्ञान में है ।

च)	किसी के घर के दरवाजे के बीचों बीच पेड़ आ रहा है, तो उसे काटने के क्या नियम हैं, विस्तृत जानकारी दी जाए?	<p>उपरोक्त (ग) के अनुसार ।</p> <p>दिल्ली वृक्ष (परिरक्षण) अधिनियम, 1994 के धारा 8 (वृक्षों की कटाई और निष्कासन पर प्रतिबन्ध) के अनुसार :-</p> <p>इस अधिनियम अथवा इसके अंतर्गत बनाए गए नियमों में की गई व्यवस्था के अलावा, इस समय लागू किसी अन्य कानून अथवा किसी परंपरा अथवा दस्तूर या सविंदा में किसी बात के होते हुए, कोई भी व्यक्ति वृक्ष अधिकारी की पूर्वानुमति के बिना किसी भी भूमि में से चाहे वह उसके स्वामित्व में हो या उसके अधिकार में अथवा अन्यथा हो, किसी वृक्ष अथवा वनोपज को नहीं काटेगा, उसका निष्कासन नहीं करेगा या उसको नहीं बेचेगा;</p> <p>बशर्ते यदि वृक्ष को तत्काल नहीं हटाया गया और उससे जान माल या यातायात के लिए गंभीर खतरा पैदा होने की सम्भावना हो, तो भू-स्वामी ऐसे वृक्ष को काटने के लिए तत्काल कार्रवाई कर सकता है और उसकी सूचना 24 घंटे के अंदर संबंधित वृक्ष अधिकारी को देना अनिवार्य है ।</p>
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यह सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है ।


 Dy. Conservator of Forests (P&M)
 Dept. of Forests & Wildlife
 Govt. of NCT of Delhi
 A-Block, 2nd Floor, Vikas Bhawan,
 I.P. Estate, New Delhi-110002

**GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILDLIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
CENTRAL FOREST DIVISION, KAMLA NATHU RINGRD,
DELHI-110007(PH.:-23453561)**

Annexure-A

F. No.44/CFD/TC/ Online/Felling/2020-21/7521-23

Date: 28/2/22

To,

The Ex. Eng., FWD
M-323, A-Block, 1st Floor,
Vikas Bhawan-II, Near Metcalf House,
Upper Bela Road, Delhi-110034.

Sub- Application for felling/transplanting of 06 trees in 45-47 Rajpur Road, Delhi.

With reference to your online application ID No. 6288 received on e-Forest portal on the subject noted above, you are hereby informed that permission is granted for felling of 02 no. of trees and transplant of 04 trees at 45-47 Rajpur Road, Delhi, subject to the satisfaction of the terms and conditions hereinto specified.

The required security deposit of Rs. 3,42,000/- (Rupees Three Lakh Forty Two Thousand Only) vide payment DD No. 005904 date 25/02/2022 has been received from State bank of India, Delhi.

S. No.	Tree Sl. No.	Location	Remarks
01	Ashok-03	45-47 Rajpur Road, Delhi.	Permission for transplanting of 04 trees.
02	Bargad-01		
03	Ficus Benjaminia-01		Permission for felling of 02 trees.
04	Lasuda-01		

Terms & Conditions

1. Permission for felling/transplanting of trees is granted at your risk and without prejudice to the claim (s) of any other person/s who may be having any right (s) over the land or the trees.
2. Material produced from trees shall not be disposed without permission of the Tree Officer.
3. Felling of tree/s shall be completed within 30 days of issue of this letter.
4. Progress report of felling & transportation shall be submitted through Inspection Office concerned along with complete details of tree. You are requested to intimate this office a least 3 days in advance before starting the removal of felled trees.
5. The timber/wood arising out of felling is transported to the nearest public crematorium managed by MCD under proper receipt and at his expense. He shall submit copy of B receipt obtained from such crematorium to this office immediately thereafter.
6. The compensatory plantation of ten times the no. of tree permitted for felling shall be plant at ring road near Metcalf house. The 60 nos. of tree saplings shall be 6-7 ft. tall of nat species such as Arjun, Jamun, Gular, Pilkhan, Neem amaltas etc. and the plantation shall completed by the applicant within 9 months from the date of issue of this permission : successfully maintain the plantation for 07 (seven) years. The completion of plantation : be intimated to this office along with photographs.

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Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
225 A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

ANNEXURE - III

GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
NORTH FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007(PH.:23853561)

F. No. 19/NFD/TC/Felling/2020-21/1083-84

Date: 04/01/2021

To,

The Executive Engineer,
Central & New Delhi Building, (M-323),
Public Work Department,
A-Block, 1st Floor, Vikas Bhawan-II,
Nr. Metcalf House, Upper Bela Road,
Delhi-110054.

Sub: Permission for transplantation of 02 no. of trees from the residence of Hon'ble C.M., 6 Flag Staff Road, Civil Lines, Delhi-110054.

With reference to your application dt. 21.12.2020 on the subject noted above, you are hereby informed that permission is granted for transplantation of 02 no. of trees from the residence of Hon'ble C.M., 6 Flag Staff Road, Civil Lines, Delhi-110054 for construction of new Block, subject to the satisfaction of the terms and conditions hereinto specified.

The required security deposit of Rs. 1,14,000/- (Rupees One Lakh and Fourteen Thousand Only) vide payment DD No. "001754" date 30.12.2020, from State Bank of India, Tis Hazari, Delhi has been received.

S. No.	Species of trees	Location	Remarks
01.	Mango-02	From the residence of Hon'ble C.M., 6 Flag Staff Road, Civil Lines, Delhi-110054.	Permission for transplantation of 02 no. tree.

Terms & Conditions

1. Permission for transplantation of tree is granted at your risk and without prejudice to the claim (s) of any other person/s who may be having any right (s) over the land or the tree.
2. Material produced from trees shall not be disposed without permission of the Tree Officer.
3. Progress report of felling & transportation shall be submitted through Inspection Officer concerned along with complete details of tree. You are requested to intimate this office at least 3 days in advance before starting the removal of felled trees.
4. The timber/wood arising out of felling/transplantation is transported to the nearest public crematorium managed by MCD under proper receipt and at his expense. He shall submit copy of the receipt obtained from such crematorium to this office immediately thereafter.
5. Transplantation of tree shall be carried out in a scientific manner so as to ensure the survival of the trees at receptor site. A report regarding completion of transplantation and survival of the transplanted trees shall be submitted to this office without fail.

6. The compensatory plantation of ten times the no. of tree permitted felling/transplantation shall be planted at Ring Road (side verge) along with DPT Complex boundary Near Metcalf House and Ring Road Mall Road, Near Wazirabad Flyover, Delhi and the transplantation of all the 09 nos. trees shall be carried out at PWD Store/office, Khyber Pass, Kamla Nehru Ridge, Civil Lines, Delhi-07. The 90 nos. of tree saplings shall be 6-7 ft. tall of native species such as *Arjun*, *Jamun*, *Gular*, *Pilkhan*, *Neem amaltas* etc. and the plantation shall be completed by the applicant within 9 months from the date of issue of this permission and successfully maintain the plantation for 07 (seven) years. The completion of plantation shall be intimated to this office along with photographs.
7. In the event of failure on the part of the permit holder to carry out compensatory plantation as indicated at serial number 7 above, the Tree Officer shall himself arrange to plant tree saplings and recover the cost thereof from the permit holder by way of adjustment against the security deposit made by the permission holder, or failing that, by recovery as arrears of land revenue and take suitable action as per DPTA, 1994.


Dy. Conservator of Forest
North Forest Division


F. No. 19/NFD/TC/Felling/2020-21/

Date:

Copy to:-

1. The Conservator of Forests, Vikas Bhawan, A-Block, 2nd Floor, I.P. Estate, New Delhi-02 for information.
2. Sh. Ravinder Kumar, I.O. for information and necessary action.


Dy. Conservator of Forests
North Forest Division


Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

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GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007(PH.:23853561)

F. No. 13/CFD/TC/Felling/2021-22/ 2355-57

Date: 17-08-2021

To,

The Executive Engineer, PWD
Central & New Delhi Building (M-323)
A-Block, 1st Floor, Vikas Bhawan-II,
Near Metcalf House, Upper Bela Road, Delhi-54.

Sub:- Application for felling of 06 trees in 6 flag staff road, civil lines, Delhi.

With reference to your online application ID no. 3440 was received on e-forest portal on the subject noted above, you are hereby informed that permission is granted for felling of 06 trees in 6 flag staff road, civil lines, Delhi, subject to the satisfaction of the terms and conditions hereinto specified.


The required security deposit of Rs.3,42,000/- (Rupees Three Lakh Forty Two Thousand Only) vide payment DD/Cheque No. "004004" date 13.08.2021, from SBI Tis Hazari, Delhi has been received.

S. No.	Species name	Location	Remarks
01	Bottle palm -06	6 flag staff road, civil lines, Delhi.	Permission granted for felling of 06 trees.

Terms & Conditions

1. Permission for felling of trees is granted at your risk and without prejudice to the claim (s) of any other person/s who may be having any right (s) over the land or the trees.
2. Material produced from trees shall not be disposed without permission of the Tree Officer.
3. Felling of tree/s shall be completed within 30 days of issue of this letter.
4. Progress report of felling & transportation shall be submitted through Inspection Officer concerned along with complete details of tree. You are requested to intimate this office at least 3 days in advance before starting the removal of felled trees.
5. The timber/wood arising out of felling shall be auctioned by user agency and proceeds shall be deposited as revenue to the Government Treasury. Lops and tops arising out of trees be transported to the nearest public crematorium managed by MCD under proper receipt and at his expense. He shall submit copy of the receipt obtained from such crematorium to this office immediately thereafter.
6. The compensatory plantation of ten times the no. of trees permitted for felling shall be planted at Ring Road (side verge) along with DRDO Complex boundary Near Metcalf House and Ring Road Mall Road, Near Wazirabad Flyover, Delhi. The 60 nos. of tree saplings shall be 6-7 ft. tall of native species such as Arjun, Jamun, Gular, Pilkhan, Neem amaltas etc. and the plantation shall be completed by the applicant within 9 months from the date of issue of this permission and successfully maintain the plantation for 07 (seven) years. The completion of plantation shall be intimated to this office along with photographs.

- 11/c 20
7. In the event of failure on the part of the permit holder to carry out compensatory plantation as indicated at serial number 6 above, the Tree Officer shall himself arrange to plant tree saplings and recover the cost thereof from the permit holder by way of adjustment against the security deposit made by the permission holder, or failing that, by recovery as arrears of land revenue and take suitable action as per DPTA, 1994.



Dy. Conservator of Forest
Central Forest Division

F. No. 13/NFD/TC/Felling/2021-22/

Date:

Copy to:-

1. The Conservator of Forests, Vikas Bhawan, A-Block, 2nd Floor, I.P. Estate, New Delhi-02 for information.0
2. Sh. Ravinder Kumar, I.O. for information and necessary action.


Dy. Conservator of Forests
Central Forest Division

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

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593/C ANNEXURE-I

GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
NORTH FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007(PH.:23853561)

F. No. 09/NFD/TC/Felling/2020-21/989-90
To

Date: 10.11.2020

The Executive Engineer,
Central & New Delhi Building, (M-323),
Public Work Department,
A-Block, 1st Floor, Vikas Bhawan-II,
Nr. Metcalf House, Upper Bela Road,
Delhi-110054.

Sub: Permission for felling/transplant of 09 no. of trees from the residence of Hon'ble C.M., 6 Flag Staff Road, Civil Lines, Delhi-110054.

With reference to your application dt. 28.10.2020 on the subject noted above, you are hereby informed that permission is granted for transplantation of 09 no. of trees from the residence of Hon'ble C.M., 6 Flag Staff Road, Civil Lines, Delhi-110054 subject to the satisfaction of the terms and conditions hereinto specified:

The required security deposit of Rs. 5,13,000/- (Rupees Five Lakh and Thirteen Thousand Only) vide payment DD No. "001378" date 10.11.2020, from State Bank of India, Tis Hazari, Delhi has been received.

S. No.	Species of trees	Location	Remarks
01.	Mango-03	From the residence of Hon'ble C.M., 6 Flag Staff Road, Civil Lines, Delhi-110054	Permission for transplantation of 09 no. tree.
02.	Amla-02		
03.	Citrus-02		
04.	Karipatta-02		

Terms & Conditions

1. Permission for transplantation of tree is granted at your risk and without prejudice to the claim (s) of any other person/s who may be having any right (s) over the land or the tree.
2. Material produced from trees shall not be disposed without permission of the Tree Officer.
3. Progress report of felling & transportation shall be submitted through Inspection Officer concerned along with complete details of tree. You are requested to intimate this office at least 3 days in advance before starting the removal of felled trees.
4. The timber/wood arising out of felling/transplantation is transported to the nearest public crematorium managed by MCD under proper receipt and at his expense. He shall submit copy of the receipt obtained from such crematorium to this office immediately thereafter...

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

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592/c

5. The compensatory plantation of ten times the no. of tree permitted felling/transplantation shall be planted at Ring Road (side verge) along with DRDO Complex boundary Near Metcalf House and Ring Road Mall Road; Near Wazirabad Flyover, Delhi and the transplantation of all the 09 nos. trees shall be carried out at PWD Store/office, Khyber Pass, Kamla Nehru Ridge, Civil Lines, Delhi-07. The 90 nos. of tree saplings shall be 6-7 ft. tall of native species such as *Arjun*, *Jamun*, *Gular*, *Pilkhan*, *Neem amaltas* etc. and the plantation shall be completed by the applicant within 9 months from the date of issue of this permission and successfully maintain the plantation for 07 (seven) years. The completion of plantation shall be intimated to this office along with photographs.
6. In the event of failure on the part of the permit holder to carry out compensatory plantation as indicated at serial number 7 above, the Tree Officer shall himself arrange to plant tree saplings and recover the cost thereof from the permit holder by way of adjustment against the security deposit made by the permission holder, or failing that, by recovery as arrears of land revenue and take suitable action as per DPTA, 1994.



Dy. Conservator of Forest
North Forest Division

Date:

F. No. 09/NFD/TC/Felling/2020-21/

Copy to:-

1. The Conservator of Forests, Vikas Bhawan, A-Block, 2nd Floor, I.P. Estate, New Delhi-02 for information.
2. Sh. Vaseem Saifi, I.O. for information and necessary action.


Dy. Conservator of Forests
North Forest Division


Dy. Conservator of Forest (P&M)
Dept. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007, (Ph: 011 - 23853561)

Date: 12-06-2023

F. No. / DCF (C)/DPTA/Offence/21-22/2672

NOTICE UNDER DPTA, 1994

To

The Executive Engineer (Civil),
Office of the CBMD, Division
M-323, PWD, Vikas Bhawan-II,
Delhi-54

Whereas, it has been alleged that a tree offence has been committed by illegal pruning/cutting/damaging of tree/s located at 45-47, Rajpur Road, Delhi, without the permission, which is a violation of The Delhi Preservation of Trees Act, 1994.

And whereas, the statement/presence of the person (s) this notice addressed to are required to find out the factual position and to determine the extent of offence according to its merit.

Now, therefore, I, DCF (Central), Tree Officer, as empowered under of Delhi Preservation of Trees Act, 1994 call upon you to appear before me on 16.6.23 at 11:00 AM. in the office of Dy. Conservator of Forest cum Tree Officer, Central Forest Division, Kamla Nehru Ridge, Delhi-110007 in the event of failure to appear, legal action will be initiated against concerned and the matter would be proceeded ex-parte. As per section 136, CrPC, non-compliance of this notice will attract penal provisions u/s 188 of IPC.

Dy. Conservator of Forests
Central Forest Division/Tree Officer

Copy to:-

1. Tree Cell, I.O for information and necessary action.

Dy. Conservator of Forests
Central Forest Division/Tree Officer

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002



सत्यमेव जयते

F. No. / DCF (C)/DPTA/Offence/21-22/5555-56
GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007, (Ph: 011 - 23853561)

Date: 02/11/2022

NOTICE

To,

The Ex. Eng., Maintenance Department,
Lok Nayak Hospital,
New Delhi-02.

In continuation of this office notice F. No. DCF(C)/DPTA/Offence/21-22/7551 Dated 28/02/2022 on the matter of tree offence committed at 45-47, Rajpur Road, Delhi by illegal pruning/cutting/damaging of tree/s which is a violation of the Delhi Preservation of Trees Act, 1994.

And whereas, the statement/presence of the person (s) this notice addressed to are required to find out the factual position and to determine the extent of offence according to its merit.

Now, therefore, I, DCF (Central), Tree Officer, as empowered under the Delhi Preservation of Trees Act, 1994 call upon you to appear before me on 23.11.22 at 11:30 AM in the office of Dy. Conservator of Forest cum Tree Officer, Central Forest Division, Kamla Nehru Ridge, Delhi-110007.

Dy. Conservator of Forests
Central Forest Division/Tree Officer

Copy to:-

1. Sh. Ravinder Kumar, Tree Cell, I.O for information and necessary action.

Dy. Conservator of Forests
Central Forest Division/Tree Officer

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007, (Ph: 011 - 23853561)

F. No. / DCF (C/DPTA/Offence/21-22/7551

Dated: 28.02.2022

NOTICE

To,

The Ex. Eng., Maintenance Department,
Lok Nayak Hospital,
New Delhi-02.

Whereas, it has been alleged that a Tree Offence has been committed at 45-47, Rajpur Road, Delhi by illegal pruning/cutting/damaging of tree/s which is a violation of the Delhi Preservation of Trees Act, 1994.

And whereas, the statement/presence of the person (s) this notice addressed to are required to find out the factual position and to determine the extent of offence according to its merit.

Now, therefore, I, Aditya Madanpotra, Tree Officer, as empowered under the Delhi Preservation of Trees Act, 1994 call upon you to appear before me on 15-03-2022.... at 2.00 P.M. in the office of Dy. Conservator of Forest cum Tree Officer, Central Forest Division, Kamla Nehru Ridge, Delhi-110007.

Copy to:-

1. Sh. Ravinder Kumar, IO, Tree Cell for information and necessary action.

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
LP Estate, New Delhi-110002

Dy. Conservator of Forests
Central Forest Division/Tree Officer



GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007, (Ph: 011 - 23853561)

F. No. 44 / DCF (C)/DPTA/Offence/21-22/1658-59

Date: 12.05.2023

NOTICE

To,

The Ex. Eng., Maintenance Department,
Lok Nayak Hospital,
New Delhi-02.

In continuation of this office notice F. No. DCF(C)/DPTA/Offence/21-22/7551 Dated 28.02.2022 and F. No. DCF(C)/DPTA/Offence/21-22/5555-56 Dated 02.11.2022 & F. No. DCF(C)/DPTA/Offence/21-22/1135 Dated 02.05.2023 on the matter of tree offence committed at 45-47 Rajpur Road, Delhi by illegal pruning/cutting/damaging of tree/s which is a violation of the Delhi Preservation of Trees Act, 1994.

And whereas, the statement/presence of the person (s) this notice addressed to are required to find out the factual position and to determine the extent of offence according to its merit.

Now, therefore, I, DCF (Central)/Tree Officer, as empowered under the Delhi Preservation of Trees Act, 1994 call upon you to appear before me on 23.6.23 at 11.00 A.M. the office of Dy. Conservator of Forest cum Tree Officer, Central Forest Division, Kamla Nehru Ridge, Delhi-110007.

In the interest of justice and opportunity to be heard, the undersigned is of the opinion that one more opportunity be given to the addressee before passing an ex-parte order.


Dy. Conservator of Forests
Central Forest Division/Tree Officer

Copy to:-

1. Sh. Ravinder Kumar, I.O for information and necessary action.


Dy. Conservator of Forests
Central Forest Division/Tree Officer

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

F. No. 44 / DCF (C)/DPTA/Offence/21-22/ 1135
GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007, (Ph: 011 - 23853561)

Date: 2-05-2023.

NOTICE


To,
The Ex. Eng., Maintenance Department,
Lok Nayak Hospital,
New Delhi-02.

In continuation of this office notice F. No. DCF(C)/DPTA/Offence/21-22/7551 Dated 28/02/2022 & F. No. DCF(C)/DPTA/Offence/21-22/5555-56 Dated 02/11/2022 on the matter of tree offence committed at 45-47, Rajpur Road, Delhi by illegal pruning/cutting/damaging of tree/s which is a violation of the Delhi Preservation of Trees Act, 1994.

And whereas, the statement/presence of the person (s) this notice addressed to are required to find out the factual position and to determine the extent of offence according to its merit.


Now, therefore, I, DCF (Central), Tree Officer, as empowered under the Delhi Preservation of Trees Act, 1994 call upon you to appear before me on 9.5.23 at 11.00 AM. in the office of Dy. Conservator of Forest cum Tree Officer, Central Forest Division, Kamla Nehru Ridge, Delhi-110007.

It is reiterated that this is the final notice of appearance issued in the instant matter. In case, the alleged accused fails to appear before the undersigned, an ex-parte order will be issued for compounding of offence.


Dy. Conservator of Forests
Central Forest Division/Tree Officer

Copy to:-

1. Sh. Ravinder Kumar, Tree Cell, I.O for information and necessary action.


Dy. Conservator of Forests
Central Forest Division/Tree Officer


Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

o/c

S-17

* THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 3339/2011 & CM No.12417/2011 (for stay)

ASHOK KUMAR TANWAR

Through: Mr. M.K. Gautam & Mr. Ritesh
Tanwar, Advocates.

Versus

UNION OF INDIA AND ORS

Through: Mr. S.C. Sharma, Adv. for R-1&3 to 5.
Mr. Najmi Waziri with Ms. Neha
Kapoor, Advocates for R-2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

30.11.2011

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1. The petitioner is alleging unauthorized construction known as OTM accommodation for Supervisors/ORs of HQ DGBR at Naraina, New Delhi on land surrounded at West by Inderpuri Road and Naraina Industrial Area i.e. Central Ridge in NCT of Delhi as per Notification dated 24th May, 1994.
2. As per the petitioner, the area is part of Central Ridge and therefore as per the orders of the Supreme Court, no construction is permissible there upon. The Govt. of NCT of Delhi as well as Border Road Organization (BRO) have filed the affidavits explaining the nature of the land in question. As per Govt. of NCT of Delhi though it is not exactly ridge area, but it is geologically extended ridge area.
3. Today, short affidavit on behalf of Govt. of NCT of Delhi is handed over wherein it is stated that after carefully examining the matter and taking the views of Ridge Management Board following position emerges:

W.P.(C) 3339/2011

Page 1 of 4

DITITIZED DATA
Certified to be True CopyExaminer Judicial Department
High Court of Delhi
Authorized Under Section 70 of
Indian Evidence ActDy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Extension, New Delhi-110002

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i. That approximately 864 Hectares of ridge land of the Central Ridge was notified as 'proposed reserved forest' under Section 4 of the Indian Forest Act, 1927, vide Notification dated 24th May, 1994.

ii. That the Hon'ble Supreme Court in its order dated 9th May, 1996 in W.P.(C) No.4677/1985 viz. *M.C. Mehta Vs. UOI and Ors.* clearly enunciate that:

"...some parts of the Ridge have been erased in the Central City area. No further infringement of the Ridge is to be permitted. It should be maintained in its pristine glory...."

iii. That both impugned sites form a part of the Defense Estate Land and are of the character of a 'Geological Ridge', though falling outside the Notified Forest Ridge Land.

iv. That none of the organizations under the Ministry of Defence, Government of India have sought any clearance either from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committee (CEC), before undertaking any construction in the area. Such permission is a pre-requisite in view of the directions of the Hon'ble Supreme Court in its order as aforementioned.

v. That the Ridge Management Board in similar cases in the past has granted clearance to the DMRC for laying of Metro Lines and NHAI for upgradation of NH-236 in non-forest land having morphological features of the Ridge but situated outside the notified forest land. The said permission was also confirmed by the Hon'ble Supreme court through the CEC."

4. It is clear from the aforesaid that the area in question is given the character of a "Geological Ridge" though falling outside the Notified Forest Ridge Land. Even in respect of such a land, clearance from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committee is to be obtained before carrying out any construction. Such permission is a pre-requisite in view of the directions of

W.P.(C) 3338/2011

Page 2 of 4



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Examiner Judicial Department
High Court of Delhi
Authorized Under Section 70 of
Indian Evidence Act

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

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the Supreme Court. It is also mentioned that for laying of Metro Lines and NHAI for upgradation of NH-236 in the said area, DMRC and NHAI had taken permission of the Ridge Management Board in the non-forest land having morphological features of the Ridge. Admittedly, no such permission is sought by the BRO.

5. Learned counsel appearing for the BRO submits that the area does not fall in the Central Ridge Area which is concluded by the Ridge Committee constituted by the Supreme Court. He has drawn our attention to the Action Taken Report filed by Deputy Conservator of Forests (West) along with its covering letter dated 23rd September, 2010. No doubt according to the report this area is not a part of Ridge Area, however the report itself suggests that it morphologically appeared to be Ridge Area. The report further states that for this reason, even letter dated 10th June, 2009, was written to the BRO requesting it to stop ongoing construction work immediately till the status of the land is ascertained. Whether further deliberations were carried out by the said Committee and status of the area is finally determined or not, is not clear.

6. One fact which clearly emerges is that clearance of Ridge Management Board or the Supreme Court through the Central Empowered Committee is required for carrying out any construction. No such permission is sought, on the contrary Central Empowered Committee had asked the BRO vide letter dated 10th June, 2009 to stop the ongoing construction work.

W.P.(C) 3330/2011

Page 3 of 4



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Examiner Judicial Department
High Court of Delhi
Authorized Under Section 70 of
Indian Evidence Act

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

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7. In these circumstances, we restrain the BRO from carrying out any further construction works on the land aforesaid till it obtains necessary clearance from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committee

8. It is not necessary to go to other prayers as the Supreme Court is seized of the matter in *M.C. Mehta* case.

The petition is accordingly disposed of.

Sd/-
ACTING CHIEF JUSTICE

Sd/-
RAJIV SAHAI ENDLAW, J

NOVEMBER 30, 2011

Bs

Sd/-
Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002



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Executive Judicial Department
High Court of Delhi
Authorized Under Section 70 of
Indian Evidence Act



ANNEXURE-P/22

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 827/2015 & CM No. 1448/2015****BINDU KAPUREA & ORS.** Petitioners

Through: Mr Aagney Sail, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS. RespondentsThrough: Mr Raman Duggal, Standing Counsel
with Mr Sudhir Kumar, Adv. for R-1.

Mr Sanjeev Sabharwal, Adv. for DDA.

Ms Sunita Narain, Amicus Curiae.

CORAM:**HON'BLE MR. JUSTICE RAJIV SHAKDHER****ORDER**

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25.05.2015

1. The petitioners had approached this court, essentially, to ventilate their grievance with regard to the decision taken by respondent no. 1 and 2 to cut down 810 trees for facilitating their road widening project undertaken on the Mehrauli- Mahipalpur Road. The widening of the road is a project which has its starting point located at Andheria Modh and is supposed to terminate at the traffic light located at Fortis Hospital.

2. The petitioners, who are residents of Vasant Kunj, assailed the decision taken in this behalf by respondent no.1 and 2.

2.1 Primarily, the case which was set up by the petitioners before me, was that, respondent no.3 i.e. UTTIPEC, as per its own approved plan, had in the first instance, taken a decision that the road widening project would require felling of 226 trees, and this decision underwent a dramatic change as, thereafter, a view was firmed up to cut-down 810 trees.

2.2 Based on this plea, I had issued notice in the writ petition on



28.01.2015 and directed status quo to be maintained vis-à-vis felling of trees by the respondents.

2.3 Since, the matter required some amount of domain expertise, vide order dated 11.03.2015, I appointed Ms Sunita Narain, an environmentalist, who is associated with Centre for Science, to act as an amicus curiae. Thereafter several hearings were held in the matter and directions were issued by me, from time to time, so that a composite report could be prepared, which reflect the consensus of all those who are concerned and/or could possibly get impacted by the issue raised in the present writ petition.

2.4 Ms Narain, to achieve this end, convened several meetings which were attended to, by not only the representatives of the petitioner, but also, by the officials of respondent no.2/ PWD, UTTIPEC and the Forest Department. The consensus which has emerged, and which largely forms part of the final report dated 13.05.2015, submitted by Ms Narain, is as follows:

- (i) 167 trees, on the 6.4 metre (mtr) footpath, **will not be cut**. PWD will, however, ensure that the footpath is, appropriately, made so that pedestrians face no difficulty in using the same
- (ii) 43 trees in the 3 mtr median **will not be cut**.
- (iii) 309 trees, which fall in the 7 mtr, fourth (4th) bus lane, **will not be cut** for the present. In case fourth (4th) bus lane is required to be constructed, PWD will seek fresh permission for cutting the said trees. The UTTIPEC in its plan, I am told, for this stretch of road has indicated that the fourth (4th) bus lane/ BRT space, will be used as Multi-Utility Zone (MUZ) till it is actually constructed.
- (iv) 113 trees, on the 6 mtr cycle track **will be cut**. PWD, will attempt to minimize the number of trees which are required to be cut without



compromising safety and accessibility.

(v) 189 trees on the three (3) lane carriage way, falling on either side, ***will be cut*** so as to ensure safety of those who commute on the carriage way.

(vi) For the present 832 trees, which stand on the 27 mtr MUZ and shared street, ***will not be cut***. The area will be converted into a green buffer zone. Provision will be made for common services, such as, electricity etc. This area will be maintained as a green buffer zone to enable liveable conditions to sustain, for the nearby residents, and also help, in protecting them from dust, pollution and noise. As and when shared street is required for vehicular movement by PWD, the 446 trees standing thereon may be cut subject to PWD seeking the requisite permissions under the Delhi Preservation of Trees Act, 1994 (in short the Trees Act). PWD will, however, make this request only if, changed circumstances require the shared street to be used for vehicular movement.

(vii) PWD, as a measure of compensatory afforestation, will plant 644 trees on the same stretch of the road, in the area, which is demarcated as green buffer zone.

(viii) PWD, in consultation with the authorities dealing with traffic, will endeavour to install, if necessary, additional traffic lights, and also, Foot-Over Bridges (FOBs) to ensure safety and convenience of those persons, who would move around on foot.

(ix) Since, there is a bottleneck at the point, at which, Merhraul-Mahipalpur road meets, the Mehraul-Gurgaon stretch, because of delay, in the acquisition of land, in the interregnum, PWD will take measures which will do away with inconvenience caused to pedestrians, and those, who use public transport, such as, the metro rail.

(x) PWD, will construct the road as per the plan approved by UTTIPEC.



(xi) PWD, will also provide a footpath, having a minimum width of 1.5 mtr. In the interregnum, a temporary bus shelter will also be built. The carriageway will be 7 mtr wide, which situation will obtain till further land is acquired.

(xii) PWD, will place in public domain the composite road project plan. The said plan would, inter alia, provide details of trees that have to be cut, the provision made for pedestrian crossings including exit and entry points for residential sectors and other services which PWD would provide. The plan would also indicate the particulars of the person and the office which would be involved in the execution of the project. The said plan will also be uploaded on PWD's website for the benefit of general public.

(xiii) PWD will also upload on its website the details of its compensatory afforestation plan. A copy of the same will also be made available at the PWD project office.

(xiv) PWD, will ensure that the green buffer zone, which is adverted to above, will be maintained. Every endeavour will be made to ensure that it does not turn into a dumping ground for garbage. Steps will also be taken to prevent encroachment. In this behalf, PWD will collaborate with the Residents Welfare Association and Traders Association. The green buffer zone will be fenced with suitable entry and exit points.

3. I am informed that if the aforementioned directions are complied with, 298 trees will be saved, out of a total of 810 trees. Accordingly, the respondents are directed to adhere to the directions contained in para 2.4 (i) to 2.4 (xiv) above.

4. Apart from the above, what came to light, was that, more often than not, the difficulties which arose in the present matter, could have been avoided had the relevant authorities been brought on board at the appropriate



stage. Experience has shown that governmental authorities, which are tasked with executing infrastructural projects, approach the Forest Department under the Trees Act only after tenders have been issued and plans have been approved by UTTIPEC. Though personnel of the Forest Departments are inducted as members of the committees formed by UTTIPEC, their input at that stage is inadequate as they do not have with them the necessary information as regards the number of trees that are to be felled if, a project is to be implemented. As a matter of fact, delays are caused in obtaining relevant approval under the Trees Act and, more often than not, legal entanglements arise on this account. This causes prejudice to all stake holders, which include, inhabitants, bidders, public authorities etc.

5. Accordingly, in so far as future projects are concerned, once again, with the help of the amicus curiae, respondents have agreed to the following:

- (i) UTTIPEC will obtain from the PWD and other road owning agencies, in the very first instance, a composite plan which will include details of number of standing trees which obtain in the project area, and those, which are required to be cut-down. The information obtained by UTTIPEC should be provided to the Forest Department, as well. The Forest Department should participate in the proceedings at the project approval stage, so that, requisite inputs are obtained at that stage itself, and if, necessary, necessary modifications are incorporated in the plan so that least amount of damage is caused to the trees.
- (ii) A formal application should be made under the Trees Act by PWD, and other road owning agencies, after a modified plan with requisite input of Forest Department in place.
- (iii) The permission for cutting the trees would be given by the Deputy Conservator of Forest, who is the authorized tree officer.



(iv) The Forest Department should prepare a quarterly report detailing out the particulars of permission given in the city for felling of trees. This report should be placed in public domain by having it uploaded on its website.

(v) The Forest Department should monitor and ensure compensatory afforestation and in that behalf prepare an annual report of compliance. The report should also include details of instances, where security deposit, given for felling of trees, is forfeited. This report should also be placed in public domain by having it uploaded on its website.

(vi) In order to ensure, that in future road projects requisite provision is made for path ways and cycle tracks, PWD and other road owning agencies, would implement and execute the work envisaged in the UTTIPEC approved plans by adopting *end-to-middle* principle as against middle-to-end principle in the execution of its projects.

(vii) Post the execution of the project, UTTIPEC should carry out a compliance audit so as to ensure that the execution is in line with the approved plan/ drawings. The compliance report of the project should also be placed in the public domain by having it uploaded on the website of UTTIPEC as well as the road owning agency.

6. The aforesaid directions contained in paragraph 5(i) to 5(vii) will be complied with by the respondents and other road owning agencies qua their future projects.

6.1 Needless to say, the official respondents, in particular the PWD, would be entitled to apply for suitable adjustments in respect of 298 trees which would be saved as regards obligations undertaken by them for compensatory afforestation and monies deposited with the relevant authorities.

7. No further directions are called for. Writ petition and the pending

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2015:DHC:4720




application are disposed of in accordance with the directions contained hereinabove. Accordingly, the interim order stands vacated in view of the final directions issued by this order.

8. Before I conclude, I must record my appreciation for the assistance rendered by Ms Sunita Narain and the support extended to the cause, not only by the counsels who appeared for opposing parties, but also the officers of the various departments, who were involved in the matter.

MAY 25, 2015

kk

RAJIV SHAKDHER, J


Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

ANNEXURE-P/3

\$~ 11 (1)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + **CONT.CAS(C) 778/2021**

BHAVREEN KANDHARI

.....Petitioner

Through: Mr. Aditya N. Prasad and Ms. Dhriti Chhabra, Advocates.

versus

GYANESH BHARTI & ORS.

..... Respondents

Through: Mr. Sanjeev Sabharwal, Standing Counsel for SDMC/R-1.

Mr. Gautain Narayan, ASC for GNCTD with Mr. Aditya Nair, advocate.

Mr. Naushad Ahmed Khan, ASC (Civil), GNCTD along with Mr. Zahid and Ms. Manisha Chauhan, advocates for Delhi Police. (ascgnctd@gmail.com) (Mob.- 9868111799) SI Deepak Tanwar, PS-Vasant Vihar.

Mr. Shadan Farasat, ASC, GNCTD/PWD (sfarasat@farasatlaw.com) with Mr Bharat Gupta, Advocate.

CORAM:**HON'BLE MR. JUSTICE NAJMI WAZIRI****ORDER**

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26.11.2021

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. As per the report of the Tree Officer, 549 trees were concretized on the streets in Vasant Vihar, under the jurisdiction of PWD. They are as under:-

3.1 Munirka Marg - 65 trees,

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3.1 .2. A-9 .Marg - 99 trees

3. 1 .3. Poorvi Marg - 140 trees

3. 1.4. Paschimi .Marg - 145 trees

3.1.5 Vasant Marg- 100 trees.

2. Some of the photographs are reproduced hereunder:



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Ansht. Director (Horti)

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3. The court is informed that only in Block-A, Vasant Vihar, the earth around 651 trees, falling under the jurisdiction of South Delhi Municipal Corporation was found to have been concretized.

4. Requisite notices have been issued to both the PWD as well as the MCD for immediate de-concretization but despite issuance of notices by the Tree Officer, none appeared before him, on their behalf on the date fixed i.e., 17.11.2021. Let there be due appearance before the Tree Officer on 30.11.2021 and affidavits shall be filed by the said parties/noticees as to why they had not appeared on the earlier date fixed before the Tree Officer.

5. Mr Gautam Narayan, the learned Additional Standing Counsel for GNCTD submits that the Tree Officers, Department of Forests, GNCTD generally notice rampant cutting down of trees, either in private property or on public land, whenever some constructions and/or renovations are sanctioned. He further submits that it is a known fact that building plans are applied and sanctioned online, the construction sites are never visited by the Municipal Corporation; the latter is often taken unawares apropos the existence of trees – sometimes decades-old. Building plans are sanctioned unbeknownst of the consequences that would befall a neighbourhood by chopping-down fully-grown trees. Albeit, petitions are filed before this court seeking remedial measures but by that time irreparable damage has already been done. Mr. Narayan suggests that some cautionary and preventive steps be mandated by the Municipal Corporations so that building plans/modification plans/completion certificates are not sanctioned by the Municipal Corporation/Authority concerned, unless it is intimated in advance of the existence of trees or other foliage in and around the

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land/building apropos which approval of building plan is sought.

6. Let the Commissioners of each of the Municipal Corporations look into the matter and consider incorporating in the rules regarding submission of building plans, that photographs taken from inside as well as from the outside building/site, at least from east, west south and north directions, along with a panoramic photograph of the streets immediately outside the plot of land/building concerned, need to be filed along with the building plans, to facilitate the Corporation to ascertain as to whether any tree exists inside or outside the property, which could possibly be endangered by any kind of construction activity. Should it be so found, the Corporation would refer the matter to the Tree Officer, GNCTD to take appropriate action, as may be. There is no dispute between the learned counsel for the respondents apropos that preservation of fully grown trees is an absolute necessity especially because compensatory afforestation can never replace the lost green cover of a neighbourhood. In any case, compensatory afforestation ordinarily happens along the borders of NCT of Delhi, which would have no effect whatsoever on the affected neighbourhood, for almost two generations.

7. The learned counsel for the petitioner draws the court's attention to a communication from the Deputy Conservator Forests (South) which duly cautions all four municipal authorities in Delhi that if the callous attitude towards trees continues, then very soon the city will have no green cover left and all the care exercised in the past many decades would be reduced to naught, subjecting future generations to deprivation of natural trees and forests.

8. The learned counsel for the petitioner seeks to bring the said


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communication on record. Let him do so.

9. For the period that building construction and demolition activity has been kept in abeyance, the Municipal Corporation and PWD would do well to wash-off the layers of dust settled on trees in Vasant Vihar and its surrounding areas. Let the South Delhi Municipal Corporation and the PWD spray water on the trees lining the avenues maintained by them respectively. The learned counsel for the said authorities agree that this will assist in bringing down dust levels substantially and provide some respite to all living beings.

10. Should it be feasible the PWD may endeavour to extend this exercise to the entire stretch of Outer Ring Road, beginning from Modi Mills all the way to the Airport. Water may be sourced from the nearest STP, if deemed necessary.

11. The learned counsel for the parties submit that other streets bearing heavy motor-traffic such as Mukarba Chawk (North Delhi); Lajpat Nagar and Mathura Road (South Delhi) too, may be beneficiaries of similar ameliorative measures. Let the Municipal Corporations concerned look into the matter.

12. The Executive Engineer concerned shall be present in the court on the next date.

13. Renotify on 29.11.2021.

NAJMI WAZIRI, J

NOVEMBER 26, 2021/rd/ha

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ANNEXURE-P/4

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CONT.CAS(C) 778/2021****BHAVREEN KANDHARI**

.....Petitioner

Through: Mr. Aditya N. Prasad and Ms. Dhriti Chhabra, Advocates.

versus

GYANESH BHARTI & ORS.

..... Respondents

Through: Mr. Sanjeev Sabharwal, Standing Counsel for SDMC along with Mr. S.P. Meena, DDH/S2, Mr. Jaivir Singh, ADH/S2 and Mr. R.D. Chaudhary, AE (Civil).

Mr. Shadan Farasat, ASC, GNCTD and Mr. Bharat Gupta, Advocate along with Mr. Satbir Singh, DD (HRT), Mr. Vivek Anand Vats, AE (PWD) Civil and Mr. Anil Kumar Singh, EE (PWD) Civil for R-2. Mr. Naushad Ahmed Khan, ASC (Civil), GNCTD along with Ms. Manisha Chauhan, Advocate for Delhi Police with SI Deepak Tanwar.

Mr. Gautam Narayan, ASC, GNCTD along with Mr. Adithya Nair, Advocate for DCF (West).

CORAM:**HON'BLE MR. JUSTICE NAJMI WAZIRI****ORDER**

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17.01.2022

The hearing was conducted through video conferencing.

1. Mr. Shadan Farasat, the learned ASC, GNCTD refers to two compliance affidavits filed by PWD, GNCTD. The first one shows that the trees all along the outer Ring Road from Modi Mill to the Airport

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have been regularly washed and kept duly watered. Referring to the second compliance affidavit filed by the Horticulture Department, he submits that out of the 1793 trees in Vasant Vihar area, requisite de-concretization has been ensured around 1688 trees. Apropos the remaining trees, he submits that the Department is in the process of de-concretizing the area around them as well. That although the PWD is seeking community participation in the process it will nevertheless go ahead with the programme, so that the order is duly complied with. Let a compliance affidavit be filed, along with photographs, within two weeks.

2. The affidavit filed by Delhi Police is, yet again, evasive apropos parking of cars on the footpath of Vasant Vihar area. For reasons best known to the SHO PS Vasant Vihar, New Delhi, the affidavit shows photographs only with respect to the peripheral road around the colony and not of the footpath outside the houses. The court would note that the said affidavit was to be filed by the Delhi Police with prior approval of the DCP concerned. The court is assured by Mr. Khan, the learned ASC, GNCTD, upon instructions from SI Deepak Tanwar, who is present in the court during virtual hearing, that a compliance affidavit, with better particulars, will be filed by the Delhi Police, with prior approval of the DCP concerned before the next date. Let the same be done.
3. Extensive photographs have been shared by the learned Standing Counsel for SDMC, showing the removal of concrete around the trees; some horticultural care of the trees is seen, the trees have been numbered. Let a list of the numbered trees/census be filed. He submits


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that the process is on-going. It is heartening to see that all departments concerned have taken care of the vegetation in the colony.

4. The learned counsel for the petitioner refers to a letter dated 14.10.2021, which is more of an advice note, to the Commissioners of the three Municipal Corporations and to the Chairman of the New Delhi Municipal Council ('NDMC'). The said letter *inter-alia*, takes a holistic view of the gradual depletion of the tree count in residential colonies in Delhi. Therefore, he has requested the local bodies to ensure the following:

“ ...

I. All existing trees, located in the construction zone as well as the set-back area of the plot, be duly marked on the Site Plan as mandated by the UBBL in Chapter 2: Procedure and Documentation for Sanction/Occupancy-cum-Completion of Building Plans, Clause 2.04, Subclause (f): Details to be shown in Site Plan. Furthermore, all existing Tree(s) located just outside the plot boundary on public land/road be directed to be marked on the Site Plan.

II. Only the minimum number of gates/entrances should be approved/sanctioned in the Site Plan which are essential to provide requisite access to the parking spaces in the building.

III. All possibilities must be explored if modification of design/layout and location of gates can save the existing Trees(s). All efforts must be taken to minimise felling of Trees considering the impact on the environment.

...”

5. An affidavit, in this regard, would be imperative from the aforesaid municipal bodies. Let affidavits be filed by the Commissioners of the three Municipal Corporations of Delhi and by the Chairman of NDMC before the next date.


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6. There is no report regarding the levelling of footpaths or the removal of concrete-ramps over the footpaths. The EE, SDMC, shall file a layout plan of Vasant Vihar and ensure that all the footpath have been levelled and made user friendly. Photographs of each street shall be filed. Similar exercise shall be done by the EE, PWD. Both the executive engineers shall be present on the next date. The confusion regarding the ownership and maintenance of roads in Delhi, has been cleared by way of a notification dated 10.01.2012, issued by the Urban Development Department, GNCTD, whereby roads above 60ft in width are under the management and care of the PWD, GNCTD. All roads of lesser width are under the management and care of local bodies i.e. Municipal Corporations and the NDMC.
7. In view of the above, the roads in Vasant Vihar shall be maintained by the respective authorities, and an affidavit, apropos the same, shall be filed before the next date by the SDMC and the PWD. Let the petitioner too verify the action taken by the respondents.
8. In terms of the GNCTD's public notice dated 08.10.2015, a penalty of Rs.10,000/- was to be imposed upon all persons found to have victimized trees, under section 8 of the Delhi Preservation of Trees Act, 1994, by putting up sign boards, names, advertisements any kind of boards or signages, electric wires and high tension cables etc. placed on trees. The Conservator of Forest shall file an affidavit stating in how many cases such fines have been imposed and/or the amount collected in this regard or how many cases are pending apropos such complaints, as may be. Compliance in this regard is also to be done by all land owning agencies. It will be open to the departments, in this petition, to

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intimate if they have taken any action in terms of the said public notice, reiterated by GNCTD through a communication/advertisement on 30.11.2021, and subsequently re-advertised in local newspapers on 07.12.2201 and 15.12.2021. It will be open to the GNCTD to put in the public domain its aforesaid notice more prominently and the requirements to comply with the mandate of law, and the directions passed by this court and the NGT.

9. List on 14.02.2022.

10. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J

JANUARY 17, 2022/rd/ss

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1149/2022**

BHAVREEN KANDHARI

..... Petitioner

Through: Mr. AN Prasad, Mr. Harshvardhan,
Advs.

versus

SHRI C. D. SINGH AND ORS.

..... Respondent

Through: Mr. Anupam Srivastava, ASC with
Mr. Dhairya Gupta, Advs. for GNCTD

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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31.08.2023

CM APPL. 44854/2023-EX.

Allowed subject to all just exceptions.

The application stands disposed of.

CM APPL. 44853/2023- EARLY HEARING

1. This is an application seeking early hearing of the matter as it is stated that despite the order dated 28.04.2022. The respondents are recklessly granting permission for felling of trees.
2. A perusal of the permissions granted by the respondent for felling of trees seems to suggest that there is total non-application of mind while granting permissions. Some of the permissions show that trees have been permitted to be cut for individuals requiring parking spaces for their vehicles.
3. It is therefore, directed that the respondents shall bring the files pertaining to granting of permissions (as per this application) of all the trees which have been felled at 10:30 a.m. on the next date of hearing.
4. Mr. Prasad, learned counsel for the petitioner shall have a look at these

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files and the matter will be taken up on 14.09.2023 at 2:30 p.m.

5. The respondents shall join through video conferencing mode on those dates.
6. Mr Gupta states that till the next date of hearing no permission for felling of trees for any individuals will be granted and any permission required for important projects will be intimated to the Court.
7. List on 14.09.2023, the date already fixed.

JASMEET SINGH, J

AUGUST 31, 2023 / (MS)

[Click here to check corrigendum, if any](#)

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1149/2022 & CM APPL. 26421/2023, CM APPL. 44853/2023**

BHAVREEN KANDHARI Petitioner

Through: Mr. Aditya N Prasad, Adv.

versus

SHRI C. D. SINGH AND ORS. Respondent

Through: Mr. Sarvagya Vidyarthi, Ms. Nikita Mishra, Mr. Vipin, Adv.

Mr. Sarosh Ari, LC for DCF

Mr. Anupam Srivastava, ASC with Mr. Dhairya Gupta, Adv.

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+ **CONT.CAS(C) 387/2023**

HARSH VARDHAN Petitioner

Through: Mr. Aditya N Prasad, Adv.

versus

MANDEEP MITTAL & ANR. Respondent

Through: Mr. Avishkar Singhvi, Mr. Naved Ahmed, Mr. Vivek Kumar, Adv. for R-3-4

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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14.09.2023

1. Mr. Srivastava, learned ASC seeks and is granted 2 weeks to file a detailed status report with regard to the status of transplantation and compensatory replantation of trees. Let the same be done.
2. In the meantime, the directions contained in the order dated 31.08.2023 shall continue till the next date of hearing.
3. Further, no permission shall be granted for felling of trees for construction of houses.
4. The concerned DCF shall remain present through video conferencing

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mode.

5. List on 06.10.2023 at 3:30 p.m.

CM APPL. 29347/2023 in CONT.CAS(C) 387/2023

6. This is an application seeking impleadment of Delhi Police through DCP (South Police District) and SHO, PS Chittaranjan Park, Delhi for effective adjudication of the present petition.
7. For the reasons stated, the application is allowed and the Delhi Police through DCP (South Police District) and SHO, PS Chittaranjan Park, Delhi are impleaded as the respondent Nos. 5 and 6 respectively.
8. Let notice be issued to the newly impleaded respondents through Mr. Sameer Vashisht, learned ASC.

JASMEET SINGH, J

SEPTEMBER 14, 2023 / (MS)

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1149/2022**
BHAVREEN KANDHARI

.....Petitioner

Through: Mr. Gautam Narayan,
Ms. Prabhsahay Kaur, *Amici Curiae*
Mr. Aditya N Prasad, Mr. Pratyush Jain, Mr.
Satyam Chandra Gupta, Ms. Poorvi, Advs.

versus

SHRI C. D. SINGH AND ORS.

.....Respondent

Through: Ms. Mehak Nakra, ASC

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
09.08.2024

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CM APPL. 45986/2024

1. This is an application seeking stay of following felling permissions granted by the respondent:-
 - a. Permission dated 05.08.2024 for felling of 126 trees granted to the Irrigation and flood control department, GNCTD for Widening of Road of RME from RD 0 M to RD 3550 M (from Madanpur Khadar Police Post), New Delhi.
 - b. Permission dated 06.08.2024 for felling of 16 trees granted to the Irrigation and flood control department, GNCTD for Re-development of NCCE, Existing Hostel Building at National Co-operative Union of India (NCUI) complex 3, NCUI

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Institutional area, August Kranti Marg.

- c. Permission dated 05.08.2024 for felling of 100 Trees to the CPWD for construction of General Pool Residential Accommodation at Srinivaspuri Phase-II, New Delhi.
2. Additionally, it is also prayed that the Additional Chief Secretary (I & FC) and DG, CPWD shall maintain status quo with regard to permissions granted for felling of trees.
3. A perusal of the aforementioned permissions seem to suggest that even though the Tree Officer has inspected the site and has seen the site for the proposed transplantation, yet the permissions granted are totally silent on as to whether any effort has been made to see if some changes can be made in the plans to save the trees.
4. The Hon'ble Supreme Court recently in order dated 05.08.2024 passed in "**M.C. Mehta vs. Union of India & Ors.,**" WP(C) No. 13381/1984 has held as under:-

"23. Keeping in view the spirit of Article 51A of the Constitution of India and right of citizens to a healthy environment, every public authority which makes an application before this Court seeking permission for felling the trees must make the best endeavour to reduce the number of trees which are required to be cut by re-examining the alignment of the public project. The applicant(s) will re-do the exercise and will file an additional affidavit before 6th September, 2024."

5. Issue notice. Ms. Nakra, learned ASC accepts notice on behalf of the respondent, seeks and is granted 2 weeks to file a reply.
6. In the meanwhile, since there is nothing on record to show the efforts made to prevent felling of these trees, all the three permissions granted

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- shall remain stayed till the next date of hearing and Additional Chief Secretary (I & FC) and DG, CPWD are directed to maintain *status quo*.
7. The order has been passed in the presence of Ms. Nakra, learned ASC and has been told to communicate the same to Additional Chief Secretary (I & FC) and DG, CPWD through email as well as on Whatsapp during the course of the day. She shall also communicate the same to the concerned Department during the course of the day.
8. In addition, Mr. Narayan, learned *Amicus Curiae* has sought clarification of the order dated 31.08.2023 and more particularly paragraph 6, which reads as under:-

"6. Mr Gupta states that till the next date of hearing no permission for felling of trees for any individuals will be granted and any permission required for important projects will be intimated to the Court."

9. It is stated that the Tree Officer in purported compliance of the above said order has continued to grant permissions for felling of trees and sent a copy of the permissions as purported intimation to the court.
10. The purpose of the order dated 31.08.2023 is that in case any permission is required to be granted for felling / transplantation of trees, the same shall, in the first instance, be intimated to the Court by way of an application and only on allowing of the application, the permission shall be granted and communicated to the concerned parties. This position was previously clarified by this court in the order dated 29.05.2024 wherein the following was observed:-

"6. Even though on subsequent date, the application was withdrawn, the fact remains that even as per respondent No. 2's own understanding, respondent No. 2 was fully aware

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that permissions were to be intimated to this Hon'ble Court as mandated in the order dated 31.08.2023.

7. Despite the application as well as the clear ambit of the order dated 31.08.2023, admittedly, the permission granted by respondent No. 2 for construction of building at ISTM, Old JNU Campus has not been intimated to the court.

8. The above observations are in no way a blanket permission to the DCF's to construe that the order dated 31.08.2023 permits them to grant permission to cut trees for important projects."

11. Further, this court on 05.07.2024 once again made it clear that the Respondent No. 2 shall not grant any other further permissions till the contempt petition is decided by this Court. Nonetheless, the respondent has continued to grant permissions in contravention of orders of this court. This is unacceptable.
12. Additionally, the learned *Amicus Curiae* has shown satellite photographs of the site wherein on 14.08.2021 right next to the canal is a dense forest which has been cleared, as shown in image dated 15.02.2022, and subsequently concretised, as shown in image dated 15.10.2023. The photographs are reproduced below:-

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13. Similarly on 14.08.2021, there is another green dense forest, which is totally cleared on 08.12.2023 and seems to be concretised on 15.10.2023. The photographs of the same are reproduced below:-



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14. In this view, the respondent No.2, i.e. the Tree Officer (South), will ensure that the *status quo* is maintained with regard to these two areas shown in the application. In addition the respondent shall also file an affidavit regarding the above.
15. List on 03.09.2024, the date already fixed.
16. *Dasti* under the signature of the Court Master.

JASMEET SINGH, J

AUGUST 9, 2024 / (MS)

Click here to check corrigendum, if any

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ITEM NO.46

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION(S)(CIVIL) NO(S). 4677/1985

M.C.MEHTA

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

([TO BE TAKEN UP AT 2:00 P.M.] 1) IN RE: TREES ACT AND 2) I.A. NO. 135709/2024 (APPLN. FOR DIRECTION ON BEHALF OF BHAVREEN KANDHARI) 3) IA NOS. 267661 AND 267966/2024 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O INDERPURI RESIDENTS ASSN.) AND 4) IN RE: COMPLIANCE OF ORDER DT. 26.06.2024 AND 30.09.2024 NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST : MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.) MS. ANITHA SHENOY, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. PRAVEEN SWARUP, MS. MANIKA TRIPATHY, MR. CHIRAG M. SHROFF, MS. MALVIKA KAPILA, MR. ANAND VERMA MR. MAYANK AGGARWAL MR. KARUNAKAR MAHALIK, MR. ZEESHAN DIWAN, MR. MANAN VERMA, ADVOCATES)

WITH Diary No(s). 57901/2024

Date : 19-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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Digitally signed by
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Date: 2024.12.21
18:49:28 IST
Reason: —

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UPON hearing the counsel the Court made the following
O R D E R

WRIT PETITION(CIVIL)NO.4677/1985

1. The first issue we are dealing with is about the implementation of the Delhi Preservation of Trees Act, 1994 (for short, "the 1994 Act"). At the outset, we must say that much can be said about the failure of all the concerned Authorities to implement the 1994 Act effectively. We have already flagged the issue of providing proper infrastructure to the Tree Officers and the Tree Authority.

2. After having perused the provisions of the 1994 Act, we must state here that the object of the 1994 Act is to preserve the trees and not to permit cutting or felling of the trees. Considering the object of the 1994 Act, it is evident that permission for felling or cutting of the trees can be granted only by way of an exception and not in a routine manner. The provisions of the 1994 Act reiterate the public trust doctrine, which enjoins the State to protect the natural resources, including the trees. On a conjoint reading of Articles 21, 48A and 51A(g) of the Constitution of India, it is apparent that the State is mandated to protect and improve the natural environment and safeguard the environment. Trees are a vital part of our environment. The precautionary principle requires the governments to anticipate, prevent, and remedy or eradicate the causes of environmental

degradation, including acting sternly against the violators. Illegal felling of even one fully grown tree hurts the environment and several human beings.

3. There are three major parts of the 1994 Act. The first part deals with the grant of permissions to fell the trees, the second part is about the duties of the Tree Authority, and the third part is about penalising the persons for committing breaches of the provisions of the 1994 Act. There are other provisions, such as the obligation of the owners of the lands to preserve the trees.

4. Today, we are taking up the issue regarding the grant of permissions by the Tree Officers under Section 8 read with Section 9 of the 1994 Act. We are of the view that considering the limited infrastructure available to the Tree Officers and the manner in which the provisions have been implemented, the work of granting permissions for tree felling must be supervised. We, therefore, direct that whenever a Tree Officer grants permission for the felling of 50 or more trees in accordance with Section 8 read with Section 9 of the 1994 Act, the said permission shall not be acted upon unless the same is approved by the Central Empowered Committee (for short, "the CEC"). Whenever the Tree Officers under the 1994 Act grant permission for the felling of 50 or more trees, immediately after granting such permission, the Tree Officers shall forward the entire record of the application along with a copy of the permission to the CEC. Upon receipt of the documents, it will be open for the CEC to call

upon the concerned Tree Officer to furnish additional information and additional documents.

5. The CEC will carefully consider the applications and all relevant aspects and will decide whether the permission deserves to be granted or whether any modification is required to the permission or the terms and conditions imposed under the permission. We make it clear that while granting permission to fell 50 or more trees, unless the case is exceptional, a condition should be imposed that unless compliance is made with the requirement of planting trees by way of compensatory afforestation, actual tree-cutting work shall not be undertaken. After receiving orders of the CEC, the Tree officers shall amend the orders passed by them to give effect to the order of the CEC. What will prevail will be the order of the CEC.

6. The CEC, after examining the entire case, shall be empowered either to allow or reject the application, to allow the application partly or to modify the terms and conditions on which permission is granted by the Tree Officer. After the Tree Officer passes an order granting permission, copies thereof shall not be provided to the applicant. Only after the CEC passes an appropriate order, the Tree Officer will supply the copy of his order as amended by the CEC to the concerned applicant.

7. Our attention is invited to sub-Section (4) of Section 9 of the 1994 Act which introduces a deeming fiction. We direct the Tree

Officers to ensure that a decision on every application is taken within sixty days from receipt, as provided in sub-Section (3) of Section 9. We also direct that as soon as an application is received under Section 9, the Tree Officers shall forward copies to the CEC so that the CEC can ensure that sub-Section (4) of Section 9 does not operate. For the time being, in the exercise of our jurisdiction under Article 142 of the Constitution of India, we direct that no one shall act upon the deemed permission under sub-Section (4) of Section 9 without prior consent of this Court.

8. We direct the Tree Officers to inform every applicant as soon as the application is received that even if the Tree Officer grants permission, the same shall not be acted upon unless the application is vetted and cleared by the CEC. As soon as the application is made, the Tree Officer shall issue a communication to the applicant that under no circumstances will the applicant be entitled to take benefit of sub-Section (4) of Section 9 of the 1994 Act because of the directions mentioned above issued by us under Article 142 of the Constitution.

9. The *proviso* to sub-Section (3) of Section 9 reads thus:

"9. Procedure for obtaining permission to fell, cut, remove or dispose of, a tree.-

(3)...

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time."

10. If the Tree Officer finds that a second application is made in the same year in respect of the same area for the felling of trees and if the total number of trees covered by the first and second applications exceeds 49, the directions issued as above will apply to the second application even if the permission sought by the second application is in respect of fewer than 50 trees and the permission granted on the second application shall not be acted upon unless the same is vetted and approved by the CEC as directed above. We also direct that the Tree Officers shall not entertain any application under Section 9 of the 1994 Act unless there is a declaration supported by documents about the number of applications made under Section 9 of the 1994 Act in that particular year regarding the same property. We also clarify that on the requisition being made by the CEC, the project proponent or the applicant who makes an application under Section 9 of the 1994 Act shall be bound to appear before the CEC.

TREE CENSUS

11. The most vital obligation of the Tree Authority under Section 7(b) of the 1994 Act is to carry out the census of the existing trees and obtain, whenever necessary, declarations from all owners or occupants about the number of trees in their lands. Though the 1994 Act is 30 years old, unfortunately, this important duty has not been performed by the Tree Authority. We must highlight the importance of carrying out the census of the existing trees. Unless the data of existing trees is available, it will be impossible for any of the Authorities to ascertain whether anyone has engaged in illegal tree

fellling or cutting. Therefore, we direct the Tree Authority constituted under the 1994 Act to immediately undertake the census of the existing trees in terms of clause (b) of Section 7 of the 1994 Act. The Tree Authority shall appoint the Forest Research Institute (FRI), Kaulagarh Road, PO. I.P.E. 248195, Dehradun, Uttarakhand, as an Authority to carry out census in terms of clause (b) of Section 7 of the 1994 Act. The Tree Authority, as well as the FRI, shall take guidance from the following three experts: Shri Ishwar Singh, a retired IFS Officer; Shri Sunil Limaye, a retired IFS officer; and Shri Pradip Kishen, an ecological gardener. The Tree Authority, the FRI and the three experts shall act as a team. The funds required for carrying out the activities in terms of clause (b) of Section 7 of the 1994 Act shall be provided by the Government of India on the requisition being made by the Tree Authority. The Tree Authority shall immediately pass a formal order appointing the FRI and the aforesaid three experts. After holding meetings with FRI and the three experts, the Tree Authority shall file an affidavit before this Court setting out the manner and mode in which the census of the existing trees shall be carried out. The affidavit will also indicate the necessary timelines. The said affidavit shall be filed on or before 10th February, 2025, which shall be considered at an appropriate stage. We make it clear that all the Departments of the State Government, as well as the Government of India, shall assist the Tree Authority and FRI in carrying out the census work. Needless to add, while carrying out the census work, the second part of clause (b) of Section 7 of getting a declaration from

the owners and occupants shall be given effect. It will be open for the Government of India to utilise the Compensatory Afforestation Fund to meet the expenses of the trees census.

12. Coming back to the issue of granting permissions under Section 9 of the 1994 Act, we reiterate what we have stated earlier. The basic function and duty of the Tree Authority and the Tree Officers is to preserve the trees and, therefore, only in case of necessity and for good reasons that the permissions for cutting or felling of trees can be granted. It is obvious that the Tree Officer cannot grant permissions mechanically. Firstly, the Tree Officers will have to apply their mind after visiting the site whether the felling or trans-location of the trees as sought by the applicant is really necessary. The Tree Officers will make an effort to save as many trees as possible. This is the first satisfaction that the Tree Officers must record. Secondly, the Tree Officers cannot pass a mechanical order of compensatory afforestation. They will have to decide the type of trees which should be planted and also at which place. If the applicant has offered a particular land for compensatory afforestation, the Tree Officers will have to examine the site and, thereafter, apply their mind to which category of trees should be planted which are suitable for that land. While doing so, the Tree Officers shall consider whether, by pruning or by some other methods, the trees can be saved from felling. These are the broad considerations that the Tree Officers must consider while dealing with the applications for the felling of trees. However,

what we have laid down is not exhaustive. It will always be open for the CEC to lay down additional guidelines for consideration of the Tree Officers.

13. We reiterate that it will be the duty of the Tree Officers to implement all the suggestions/directions issued by the CEC.

14. The affidavits filed by the Tree Officers indicate that in the past, a number of permissions have been granted for the felling of trees. We direct the concerned Tree Officers to undertake a systematic exercise of ascertaining whether compliance with the conditions on which the tree felling was permitted has been made. The Tree Officers will also have to ascertain whether the plantations made by way of compensatory afforestation have survived. We grant time till the end of February 2025 to all the Tree Officers to complete this exercise. A comprehensive report shall be prepared by the State Government after collating the reports submitted by the Tree Officers so that this Court can initiate action. Needless to add, wherever the Tree Officers find that the breaches of the terms and conditions have been committed on which the permission for cutting or felling of trees was granted, the Tree Officers shall initiate action as provided in Chapter VI of the 1994 Act.

15. As in the earlier orders, we had flagged the issue of making available the proper infrastructure to the Tree Authority and the Tree Officers. At the appropriate stage, the CEC may ascertain whether the

infrastructural machinery provided to the Tree Authority and the Tree Officers is adequate and submit a report in that behalf to this Court. The report on that behalf shall be submitted by the CEC in the first week of March 2025.

16. Our attention is invited to Section 29 of the 1994 Act. Whenever the State Government exercises the powers under Section 29, we make it clear that the order under Section 29 shall not be given effect unless it is vetted and approved by the CEC. The orders will be subject to the orders passed by the CEC.

17. We clarify that the directions issued under this order will apply to all the pending applications under Section 8, read with Section 9 of the 1994 Act.

18. At the appropriate stage, we will take up the issue of strict implementation of the other provisions of the 1994 Act.

19. At this stage, we may note that for dealing with different issues, different dates have been assigned. We modify our earlier orders and direct that the issues shall be considered on the following dates:

Sl. No.	Issue	Date Given for Hearing
1.	IA No. 267661/2024 and 267966/2024 (application for intervention/impleadment and appropriate orders/directions on behalf of Manan Verma)	17.01.2025
2.	IA No. 77503 and 82069/2024 (applications for directions and permission on behalf of Indian Oil Corp): Counsel for A seeks further time for	17.01.2025

	instructions. Posted finally.	
3.	IA No. 230937 and 230939/2024 (application for setting aside order interim relief): Issue notice to the MCD and other parties.	17.01.2025
4.	To consider Report No. 189 of the Monitoring Committee. [regarding replacement of Mr. Nand Kishore Gupta]	17.01.2025
5.	IA No. 203618/2024: Direct MCD to respond to Para 6 of the affidavit dt. 06.12.24 within a period of 1 month.	17.01.2025
6.	IA No. 204094 and 218090/2024: Direct MCD to respond to Para 6 of the affidavit dt. 06.12.24 within a period of 1 month.	17.01.2025
7.	IA No. 140093 and 140094/2019: SC directed the applicant to implead Delhi Urban Shelter Improvement Board through its Chief Executive Officer as a party respondent to the application. Issue notice to the added party.	17.01.2025
8.	IA No. 181186 and 181193/2022: We grant time to the Delhi Government till the end of the year.	17.01.2025
9.	The Deputy Commissioner admits that 140 trees planted have not survived. Delhi Police to plant 280 plants of various species at an identified suitable land and will submit a proposal to the CEC. If CEC is satisfied with the location, it should decide the species of trees planted and communicate it to the Delhi Police. Exercise to be completed by 24.01.2025. For Compliance.	31.01.2025
10.	SC directs CEC to verify the correctness of the statements made in the affidavit of Shri Manoj Kumar, Chief Engineer including the rate of survival.	31.01.2025
11.	In Re: NBCC (Construction of Craft Complex, Vasant Kunj): Compliance affidavit is not clear about how many trees were felled or the number of trees planted by way of compensatory afforestation.	31.01.2025
12.	In Re: NBCC (Construction of CBI Housing Complex): A green belt of trees along with the boundary of the proposed site adjacent to the Sanctuary has not been made. CEC will verify	31.01.2025

	compliance regarding creation of percolation pond in terms of order dt. 09.08.18. CEC shall file an affidavit by 24.01.2025	
13.	In Re: Directorate of Revenue Intelligence: CEC shall look into all aspects of compliance with various terms and conditions of the order dt. 08.02.23 and submit a report by 24.01.25.	31.01.2025
14.	In Re: Ministry of Defence (Navy): CEC will examine the conditions for permitting right of way to lay 2500 meters long optical fibre cable.	31.01.2025
15.	In Re: JNU and MCD: JNU and MCD have not complied with directions contained in order dt. 06.09.24 and 25.10.24. For Compliance.	31.01.2025
16.	In Re: Report No. 192: DDA and MCD have not complied with the directions contained in para 25 of order dt. 25.10.24.	31.01.2025

20. If the CEC faces any difficulty as regards the implementation of the directions issued above, the CEC is free to submit a report to seek necessary clarification or further directions.

DIARY NO(S). 57901/2024

21. We permit the petitioner to file an additional affidavit within a period of three weeks from today.

22. To be listed on 17th January, 2025 at the end of the cause list.

(ASHISH KONDLE)
COURT MASTER

(AVGV RAMU)
COURT MASTER

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THE DELHI PRESERVATION OF TREES ACT, 1994

INTRODUCTION

Due to ever increasing population in the National Capital Territory of Delhi the need for accommodating large number of people has forced the private as well as Government agencies to construct more and more residential as well as commercial complexes with the result the forest area in and around the National Capital Territory of Delhi is declining. The trees are being axed indiscriminately either to pave way for the residential or commercial complexes or for widening of roads for free flow of increasing traffic. The declining forest area, urbanisation of rural belts and widening of roads has been affecting the environment very badly. In order to safeguard the forest area and to provide for the preservation of trees the Delhi Preservation of Trees Bill was introduced in the Legislative Assembly.

ACT 11 OF 1994

The Delhi Preservation of Trees Bill having been passed by the Legislative Assembly received its assent on 12th October, 1994. It came on the Statute Book as THE DELHI PRESERVATION OF TREES ACT, 1994 (11 of 1994).

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THE DELHI PRESERVATION OF TREES ACT, 1994

(Delhi Act 11 of 1994)

An Act to provide for the preservation of trees in the National Capital Territory of Delhi. [12th October, 1994]

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty-fifth Year of Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act, may be called the Delhi Preservation of Trees Act, 1994.

(2) It shall extend to the whole of the National Capital Territory of Delhi.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires,—

- (a) "Appellate Authority" means an authority appointed by the Government as appellate authority under this Act;
- (b) "Deputy Conservator of Forests" means a forest officer in charge of a forest division and exercising jurisdiction over the area;
- (c) "Secretary" means the Secretary of Forests, Government of the National Capital Territory of Delhi;
- (d) "forest produce" includes—

- (a) the following whether found in, or brought from, forest or not, that is to say:—
 - (i) trees and leaves, flowers and fruits, and all the other parts of produce and herein before mentioned, of trees,
 - (ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,
 - (iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and
 - (iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and oil products of mines or quarries);
- (b) the following when found in, or brought from, a forest, that is to say:—

- (i) trees and leaves, flowers and fruits, and all the other parts of produce and herein before mentioned, of trees,
 - (ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,
 - (iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and
 - (iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and oil products of mines or quarries);
- (e) "Government" means the Government of the National Capital Territory of Delhi;

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Sec. 3]

The Delhi Preservation of Trees Act, 1994

3

(f) "notification" means a notification published in the Official Gazette;

(g) "organisation" means any company (public or private) government or semi-government department, undertaking, board or local authority;

(h) "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bulldozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner;

(i) "tree" means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than five centimetres in diameter at a height of thirty centimetres from the ground level and is not less than one metre in height from the ground level;

(j) "Tree Officer" means a forest officer appointed as such by the Government for the purposes of this Act;

(k) "prescribed" means prescribed by rules made under this Act;

(l) words and expressions used in this Act and defined in the Indian Forest Act, 1927 (Central Act 16 of 1927), but not defined in this Act, shall have the meanings respectively assigned to them in that Act.

CHAPTER II TREE AUTHORITY

3. Establishment of the Tree Authority.—(1) The Government shall, by notification, constitute a Tree Authority for the whole of the National Capital Territory of Delhi.

(2) The Tree Authority shall consist of the following members, namely:—

- (i) Secretary of Forests or any other officer not below the rank of Secretary to the Government nominated by the Government.
 - (ii) Deputy Commissioner, Delhi.
 - (iii) Two Members of the Legislative Assembly Dominated by the Government.
 - (iv) Two Representatives of the local bodies nominated by the Government.
 - (v) Deputy Conservator of Forests, Secretary.
- Chairman
—Member
—Members
—Members
—Member—

(3) The Tree Authority may co-opt as members in such manner and for such period as it may determine not more than five representatives of non-official organisations and Government Departments having special knowledge or practical experience in the preservation of trees.

NOTIFICATION

In exercise of the powers conferred under sub-section (1) and (2) of section 3 of the Delhi Preservation of Trees Act, 1994 (Act No. 11 of 1994) and in supersession of all the previous notifications, the Lt. Governor of National Capital Territory of Delhi, constitutes the Tree Authority for the purposes of the said Act as mentioned in Sections 4 and 7, for whole of the National Capital Territory of Delhi, comprising of the following:—

- | | |
|---|-------------------------------|
| i. Secretary (E&F), Government of NCT of Delhi | —Chairman |
| ii. Shri Anil Choudhury, Member of the Legislative Assembly of NCT of Delhi | —Member |
| iii. Shri Devendra Yadav, Member of the Legislative Assembly of NCT of Delhi | —Member |
| iv. Addl. Pr. Chief Conservator of Forests, Govt. of NCT of Delhi | —Member |
| v. Chief Conservator of Forests & Chief Wildlife Warden, Govt. of NCT of Delhi | —Member |
| vi. Additional District Magistrate (HQ) as representative of Divisional Commissioner, Govt. of NCT of Delhi. | —Member |
| vii. Director (Hort), MCD as representative of the local bodies | —Member |
| viii. Director (Hort.), NDMC as representative of the local bodies | —Member |
| ix. Prof. C. R. Babu, Director, CMEDE, Delhi University, Delhi | —Co-opted Official Member |
| x. Smt. Usha Srinivasan of Development Alternatives | —Co-opted Non-official Member |
| xi. Managing Director, DMRC or his representative | —Co-opted Non-official Member |
| xii. Chief Executive Officer, Delhi Parks & Gardens Society, Department of Environment, Govt. of NCT of Delhi | —Co-opted Non-official Member |
| xiii. Director (Hort.), Delhi Development Authority | —Co-opted Non-official Member |
| xiv. Conservator of Forests | —Member-Secretary |

[Vide Notification No. F. 8(193)/CF/TA/07-08/6144 - 6160, dated 28th December, 2011, published in the Delhi Gazette, Extra., Pt. IV, dated 28th December, 2011.]

4. Meeting of the Tree Authority.—(1) The Tree Authority shall meet at least once in three months at such place and time as the Chairman may decide.

(2) The quorum to constitute a meeting of the Tree Authority, shall be three members referred to in sub-section (2) of section 3.

(3) No co-opted member shall have the right to vote at a meeting.

(4) In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.

CHAPTER III

OFFICERS AND SERVANTS

5. Appointment of Tree Officer.—The Government may appoint one or more Forest Officers of the rank not below that of a Deputy Conservator of Forests as Tree Officers for the purposes of this Act.

6. Appointment of other officers.—The Government may, from time to time, appoint such other officers and servants as may be considered necessary who shall be subordinate to the Tree Officer.

CHAPTER IV

DUTIES OF TREE AUTHORITY

7. Duties of Tree Authority.—Notwithstanding anything contained in any other law for the time being in force, the Tree Authority shall, subject to any general or special order of the Government, be responsible for—

- the preservation of all trees within its jurisdiction;
- carrying out census of the existing trees and obtaining, whenever considered necessary, declarations from all owners or occupants about the number of trees in their lands;
- development and maintenance of nurseries, supply of seeds, saplings and trees to persons, who are required to plant new trees or to replace trees which have been felled;
- getting planting and transplanting of trees necessitated by construction of buildings, new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger of life and property;
- organization of demonstrations and extension services for the purposes of this Act and assisting private and public institution is connected with planting and preservation of trees;
- undertaking such schemes or measures as may be directed from time-to-time by the Government for achieving the objects of this Act;
- undertaking critical study of the proposals of various government departments and private bodies for construction of buildings, roads, factories, irrigation works, laying out of electric, telephone, telegraph and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible.

CHAPTER V

RESTRICTIONS ON FELLING AND REMOVAL OF TREES AND LIABILITIES FOR PRESERVATION OF TREES

8. Restrictions on felling and removal of trees.—Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no

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person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer:

Provided that if the tree is not immediately felled, there would be grave danger to life or property or traffic, the owner of the land may take immediate action to fell such tree and report the fact to the Tree Officer within twenty-four hours of such felling.

COMMENTS

No person can fell or remove or dispose of any tree or forest produce in any land either owned or occupied by him, without the permission of the Tree Officer, but in case if the tree is not immediately felled, there would be grave danger to life or property or traffic, the owner of the land can take immediate action to fell such tree and should report the fact to the Tree Officer within twenty-four hours.

9. Procedure for obtaining permission to fell, cut, remove or dispose of, a tree.—(1) Any person desiring to fell or remove or otherwise dispose of, by any means, a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of such documents as may be prescribed in support of ownership over the land, (the number and kind of trees to be cut, their girth measure at a height of 1.85 metres from ground level and the reasons therefor, copy of *sojra* showing clearly the site and *klansra* numbers of the property.

(2) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing, refuse permission:

Provided that such permission may not be refused if the tree—

- (i) is dead, diseased or wind fallen; or
- (ii) is silviculturally mature, provided it does not occur on a steep slope; or
- (iii) constitutes a danger to life or property; or
- (iv) constitutes obstruction to traffic; or
- (v) is substantially damaged or destroyed by fire, lightning, rain or other natural causes; or
- (vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof, or any part thereof for *bona fide* use for fuel, fodder, agricultural implements or other domestic use.

(3) The Tree Officer shall give his decision within sixty days from the date of receipt of the application:

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.

(4) If the Tree Officer fails to communicate his permission on request within the period specified under sub-section (3), the permission referred to in section 8, shall be deemed to have been granted.

(5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed.

COMMENTS

Any person who wants to fell or remove or otherwise dispose of any tree has to make an application to the concerned Tree Officer and with the application he has to submit attested copies of the documents in support of his ownership on the land. He has also to state the number and kind of trees to be cut, their girth measure at a height of 1.85 meters from ground level and the reasons therefore. A copy of *sojra* showing the site and *klansra* numbers of the property is also required to be submitted.

10. Obligation to plant trees.—Every person, who is granted permission under this Act to fell or dispose of any tree, shall be bound to plant such number and kind of trees in the area from which the tree is felled or disposed of by him under such permission as may be directed by the Tree Officer:

Provided that the Tree Officer may, for reasons to be recorded in writing, permit lesser number of trees to be planted or trees to be planted in any different area or exempt any person from the obligation to plant or tend any tree.

COMMENTS

Every person, to whom permission has been granted to fell or dispose of any tree, is bound to plant such number and kind of trees in the area from which the tree is felled or disposed of by him as may be directed by the Tree Officer.

11. Preservation of trees.—(1) Subject to the provisions of section 13, it shall be the duty of the owner of the land to comply with an order made under section 9, or a direction issued under section 10 and to plant trees in accordance with such an order or direction and to ensure that they grow well and are well preserved.

(2) All the owners shall effectively protect all lands or trees growing in the lands or the areas under their control and where the Tree Officer is of the opinion that adequate measures have not been taken to protect the trees from any damage, he may direct the owner to take such measures as are considered necessary to protect trees from damage. In case of default, the Tree Officer may himself arrange such measures and recover the expenditure thereon from the owner in the prescribed manner.

12. Implementation of order made or direction given under sections 9 and 10 and recovery of expenditure on failure to comply with them.—(1) Every person who is under an obligation to plant trees under an order made under section 9 or a direction given under section 10 shall start preparatory work within thirty days of the date of receipt of the order or directions, as the case may be, and shall plant trees in accordance with such order or direction in the ensuing or following rainy season or within such extended time as the Tree Officer may allow and shall provide adequate and effective protection to the trees that exist or are planted in the land or the area from any damage.

(2) In case of default by such person, the Tree Officer may cause trees to be planted and may recover the cost of plantation from such person in the prescribed manner.

13. Adoption of trees.—Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Tree Authority may, subject to such terms and conditions as it may specify in that behalf, after giving notice to the owner of the tree to show cause, if any, as to why the trees should not be given in adoption, allow, by a written permission, any body corporate or institution to adopt the tree for such period as may be specified in the permission and during

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such period, the said body corporate or institution shall be responsible for the maintenance and preservation of the said tree.

14. Appeal.—(1) An appeal shall lie against the order or direction of the Tree Officer under sections 9, 10 and 11, to the Appellate Authority within a period of thirty days of passing the order or direction by the Tree Officer.

(2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the order or direction appealed against and a fee of rupees ten.

(3) In disposing of an appeal, the Appellate Authority shall follow such procedure as may be prescribed.

Provided that no appeal shall be disposed of unless the applicant has been given a reasonable opportunity of being heard.

CHAPTER VI

PENALTIES AND PROCEDURE

15. Seizure of property.—Where the Tree Officer has reasons to believe that an offence under this Act has been committed in respect of any tree, he may seize the tools, implements, any boats, vehicles, animals or other conveyances used for the commission of the said offence, along with the tree or part thereof, which has been severed from the ground or the trunk, as the case may be.

COMMENTS

If any offence has been committed under the Act in respect of any tree, the Tree Officer can seize the tools, implements, any boats, vehicles, animals or other conveyances used for the commission of the said offence, along with the tree or part thereof.

16. Forfeiture of timber and other produce from the tree, implements used for felling and the vehicle and animals used for transport of such trees.—(1) Where any person is convicted of an offence under this Act, any timber of the tree in respect of which an offence is committed, the tools and implements used for felling and any boats, vehicles, animals or other conveyances used for its transport, may be ordered by the court to be forfeited to Government.

(2) Any timber produce from the tree, tools and implements, etc., and any boats, animals or other conveyances forfeited under sub-section (1) shall be disposed of by the Tree Officer in such manner as may be prescribed.

17. Power to release property seized under section 15.—The Tree Officer may release the property seized under section 15 if the owner of the land executes a bond in such form as may be prescribed for its production whenever required.

18. Power to arrest without warrant.—(1) Any Tree Officer or a Forest Officer not below the rank of a Forest Ranger or a Police Officer or a Forest Officer Sub-Inspector may, without a warrant, arrest any person reasonably suspected of having been concerned in any offence under this Act, and such person refuses to give his name or address or gives a name or address which the concerned officer has reason to believe to be false or if he has reason to believe that the person will abscond.

(2) Any person arrested under sub-section (1) shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest

Magistrate having jurisdiction in the case within twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of the Magistrate.

COMMENTS

Any person suspected of having been concerned in any offence under the Act, and if such person refuses to give his name or address or gives a name or address which is believed to be false or he is likely to abscond, can be arrested without a warrant by the Tree Officer or a Forest Officer not below the rank of a Forest Ranger or a Police Officer not below the rank of a Sub-Inspector.

19. Power to release person arrested.—Any officer, who has arrested any person under the provision of sub-section (1) of section 18 may release such person on his executing a bond with proper surety to appear, if and when so required before the Magistrate having jurisdiction in the case, or before the Police or the Forest Officer not below the rank of Deputy Conservator of Forests or the Tree Officer.

20. Power to prevent commission of offence.—Every Tree Officer or his subordinates or any Forest, Revenue or Police Officer shall prevent and may interfere, for the purpose of preventing the commission of any offence under this Act.

21. Power to compound offence.—(1) The Government may, by notification empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forest—

- (a) to compound any offence committed under this Act on payment of—
 - (i) a sum not exceeding rupees ten thousand by way of composition for the offence which such person is suspected to have committed; and
 - (ii) the value of timber and other produce, if any, from the tree in respect of which the offence has been committed;
- (b) to release any property seized or liable to confiscation, on payment of the value thereof as estimated by such officer and the amount determined 'as payable for composition of the offence, as of ordered by the Tree Officer or any Forest Officer, as the case may be.

(2) On the payment of such sums or such value or both, as the case may be, to such officer, the property seized and the offender, if in custody, shall be released and no further proceeding shall be taken against such offender or property.

22. Contravention of Act to be reported by certain officers.—It shall be the duty of every Forest Officer, Panchayat Secretary, Police Constable or any officer superior to him and every officer of the Department of Agriculture, Horticulture, Block Development and Revenue—

- (a) to give immediate information coming to his knowledge of any contravention of section 8 and of preparation to commit such contravention to the Tree Officer or the Deputy Conservator of Forests;
- (b) to take all reasonable measures in his power to prevent such contravention which he may know or has reason to believe that it is about or likely to be committed.

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23. Offences by organisations.—If the person committing an offence under this Act, is an organisation, the organisation as well as every person in charge of, and responsible to, the organisation for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be prosecuted against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by an organisation and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of its Head of the Department/officer/unit, director, manager, secretary, treasurer or other officer of the organisation shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

COMMENTS

If any organisation commits any offence under the Act, the organisation as well as every person in charge of, and responsible to, the organisation for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be prosecuted against and punished accordingly.

24. Penalty.—(1) Any person who contravenes any of the provisions of this Act or rules or orders made thereunder shall, on conviction, be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

COMMENTS

Contravention of any of the provisions of the Act or rules or orders made thereunder is, on conviction, punishable with imprisonment up to one year or with fine up to one thousand rupees or with both.

25. Award of penalty of forfeiture not to interfere with other punishment.—The award of penalty or forfeiture of any property under this Act shall not prevent the inflicting or any punishment to which the person affected thereby is liable under any other law.

CHAPTER VII

MISCELLANEOUS

26. Officers to be public servants.—The officers exercising powers or discharging any duties or functions under the Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, (Central Act 45 of 1860).

27. Bar of proceedings.—No suit or proceedings shall lie against the Government or any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything done or purporting to be done or omitted to be done in good faith under this Act or the rules and orders made thereunder.

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28. Execution of order for payment of money.—Any sum, including any amount of composition of an offence, the payment of which has been directed to be made by any person under this Act shall, without prejudice to any other mode of recovery under any law for the time being in force, be recoverable from him as an arrear of land revenue.

29. Power of the Government to exempt.—Subject to such conditions, if any, as may be imposed, the Government may, if it considers it necessary so to do in the public interest, by notification, exempt any area or any species of trees from all or any of the provisions of this Act.

30. Power of the Government for preservation of trees.—(1) The Government may in the interest of general public, declare by notification that any class of trees shall not be felled for such period as is specified in that notification.

(2) The management of such trees shall be regulated in the prescribed manner.

31. Investing Trees Officer with certain powers.—(1) The Government may, by notification, invest the Tree Officers and other officers with all or any of the following powers, namely:—

- (a) power to enter upon any land arid to survey, demarcate and make a map of the same;
- (b) powers of a civil court to compel the attendance of witness and the production of documents and material objects;
- (c) power to issue a search warrant under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);
- (d) power to hold enquiries into offence under the Act and in the course of such inquiry to receive and record evidence;
- (e) power to take possession of property under the Act;
- (f) power to direct release of property or withdrawal of charges; and
- (g) power to require any person to plant tree or trees of suitable species in adequate numbers on any land owned or occupied by him.

32. Transit of felled material.—The provisions of sections 41 and 42 of the Indian Forest Act, 1927 (Central Act 16 of 1972) shall *mutatis mutandis*, apply to the transit of the felled trees under this Act.

33. Power of the Government to give directions.—The Government may, from time to time, give to the Tree Officers, other officers of the Tree Authority and officers subordinate to them general or special directions regarding the discharge of their functions and for carrying out effectively the purposes of this Act, and such Tree Officers and other officers shall comply with the directions issued.

34. Power to make rules.—(1) The Government may, after previous publication make, by notification, in the Official Gazette, rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) specifying attested copies of documents to be attached with application for obtaining permission to fell, cut, remove or otherwise dispose of a tree and prescribing the form in which such permission shall be granted;

- (b) specifying the manner for recovery of the expenditure by Tree Officer from owners who default to protect trees from damage;
 - (c) specifying the manner for recovery of cost of plantation from persons who fail to plant trees;
 - (d) regulating the procedure for disposal of appeal by the Appellate Authority;
 - (e) specifying the manner of disposal of forfeited timber, other produce from the trees, tools and implement etc.;
 - (f) prescribing the form of bond to be executed by an owner in case of release of property seized under section 15;
 - (g) specifying the manner of regulating the management of class of trees felling of which for specified period is prohibited;
 - (h) any other manner which is to be, or may be, prescribed under this Act.
- (3) Every rule made by the Government under this Act, shall be laid as soon as may be after it is made, before the Legislative Assembly.

35. Provision of this Act to be in addition to any other law for the time being in force.—Nothing in this Act shall be deemed to affect the operation of any other law and the rules made thereunder and the provisions of this Act shall be in addition to and not in derogation of the provisions of the said Act and rules made thereunder.

Dy. Conservator of Forest (P&M)
 Deptt. of Forests & Wildlife
 Govt. of NCT of Delhi
 A-Block, 2nd Floor, Vikas Bhawan,
 I.P. Estate, New Delhi-110002

THE DELHI PRESERVATION OF TREES RULES, 1996¹

In exercise of the powers conferred by section 34 of the Delhi Preservation of Trees Act, 1994 (Delhi Act 11 of 1994), the Government of National Capital Territory of Delhi, hereby makes the following rules, namely:—

1. Short title, extent and commencement.—(1) These rules may be called the Delhi Preservation of Trees Rules, 1996.

(2) They extend to the whole of the National Capital Territory of Delhi.

(3) They shall come into force with effect from the date² of their publication in the Delhi Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,

(a) "Act" means the Delhi Preservation of Trees Act, 1994 (Delhi Act 11 of 1994);

(b) "Form" means a Form appended to these rules;

(c) "Section" means a section of the Act;

(2) Words and expressions which are used in these rules but not defined under these rules or the Act, shall have the meaning as assigned to them under the Indian Forest Act, 1927 (Central Act 16 of 1927).

3. Form of report under section 8.—Every report of trees felled under section 8 shall be made in Form A.

4. Form of application under section 9.—(1) Every application for permission for felling a tree shall be made in Form B.

(2) Every application for removal or disposal of a tree of forest produce shall be made in Form C.

(3) Court-fee stamps of the value 5.00 (rupees five only) shall be affixed on every application, made under these rules.

5. Form of Register.—A register of applications made under section 9 shall be in Form D.

6. Form of Permission.—(1) The permission which may be granted under section 9 shall be in one of the following forms and shall be subject to the terms and conditions specified therein:—

(i) in respect of felling of a tree.....Form E;

(ii) in respect of removal or disposal of trees or forest produce.....Form F.

7. Obligation to plant Trees.—The Tree Officer, while granting permission to fell or dispose of a tree or forest produce under section 9, shall, after giving the applicant a reasonable opportunity of being heard and having due regard to his wish for planting any particular kind of tree, his capacity to plant the required

1. Vide Notification No. F. 10/PA/DCF/94/5131, dated 8th November, 1996, published in the Delhi Gazette, Extra, Pt. IV, No. 182, dated 8th November, 1996.

2. Came into force on 8.11.1996.

kind and number of trees and also the nature of land, make an order directing the applicant to plant such number and kind of trees as deemed proper by him.

8. **Preservation of Trees.**—(1) Where a Tree Officer has reason to believe that the owner or occupier of any property has failed to array out any direction given by him under the Act or these rules with regard to the taking of measures for the protection of any tree in such property, he shall issue a notice in Form C to such owner or occupier of the property, as the case may be.

(2) The Tree Officer shall, after giving the owner or occupier of the property a reasonable opportunity of being heard and having due regard to his wishes, incapacity and nature of land, make an order, specifying the measures which he proposes to take for protection of the tree and the cost thereof, which such owner or the occupier shall be liable to reimburse to the Tree Officer within such reasonable period as the Tree Officer may specify in the order.

9. **Implementation of orders made under section 9 or 10(1).**—Where the Tree Officer has reason to believe that any person has failed to carry out the obligations regarding planting of trees pursuant to an order made under section 9 or a direction given under section 10, he shall issue a notice in Form H to such persons.

(2) The Tree Officer shall, after giving the owner or occupier of the property a reasonable opportunity of being heard, as regards the cost of which the trees shall be planted or the measures for the protection of the trees shall be taken by him, pass an order, as regards the cost, which such person shall be liable to reimburse to the Tree Officer within such reasonable period as the Tree Officer may specify in the order.

10. **Procedure of Appellate Authority.**—(1) Every petition of appeal shall be presented to the Appellate Authority in person or through a legal practitioner or a duly authorised agent.

(2) Every petition shall state succinctly the grounds of appeal and the relief prayed for.

(3) The Appellate Authority shall, on receipt of a petition of appeal, cause it to be registered in the Form I and give notice of such appeal to all persons concerned who, in his opinion, may be interested in the same.

(4) The Appellate Authority may, after holding such enquiry as it deems fit and after giving the persons concerned a reasonable opportunity of being heard, confirm, modify or set aside the order appealed against or pass such order as it may deem fit.

11. **Record of forfeited property.**—The Tree Officer shall maintain a register of the property forfeited to the Government, under section 16 in Form J.

12. **Preparation of valuation report of forfeited property.**—(1) On receipt of the property forfeited to the Government the Tree Officer shall prepare a valuation report of such property.

(2) In preparing the valuation report, the Tree Officer shall give due regard to the condition of such property and shall follow the instructions issued by the Government from time-to-time in the matter of preparing such report.

(3) The Tree Officer shall make a report alongwith a copy of the valuation report to the Secretary of Forests of the Government and dispose of the forfeited

property in accordance with the instruction issued by the Secretary of Forests of the Government from time-to-time in that behalf.

13. **Release of seized property.**—The bond to be executed by the owner or occupant for release of the seized property under section 17 shall be in Form K.

14. **Management of certain classes of trees.**—(1) Every owner or occupant of the land on which trees notified under section 30 exist shall, within sixty days of the date of the notification, number such trees and furnish the following particulars of such trees to the Tree Officer, with a copy thereof to the Secretary of Forests of the Government—

Serial Number	Species	Diameter at 30 cm from the ground level
(2)	Whereas such owner or occupant is not in a position to number such trees and make a report within the specified period in sub-rule (1), he may seek extension of time for making such report and the Tree Officer, if satisfied with the reasons given, may extend the time limit by another thirty days.	

(3) The Tree officer shall cause all such trees to be marked by suitable identification marks, within Sixty days of the date of receipt of the report under sub-rule (1) or sub-rule (2) and report compliance to the Secretary or Forests of the Government.

(4) The Tree Officer shall also keep a record of such trees in a Register in Form L.

FORM A (See rule 3)

The Tree Officer,

Sr.

I have to report that I have felled on.....(date) at.....(time)..... (number) tree/trees from the property owned by me/under my occupation in the village.....and District.....I declare that if the said tree/s not been immediately felled, it/they would have posed grave danger to life/property/traffic (delete inapplicable words).

2. The following details are furnished:—

- Name and full address of the signatory (In block letters).
- Title in respect of land in which tree(s) was/were situated.
- Location of the site from which tree/s felled (give name and khasra number of plot and indicate as clearly as possible the actual situation of the tree).
- (a) Species of the tree felled.
(b) Its approximate age.
(c) Its girth measured at a height of 1.35 metres from ground level.
- Justification for felling the tree/trees (Here describe the way in which the tree posed danger and the reason why you could not wait to seek permission for cutting it).

Place.....

Date.....

Dy. Conservator of Forest (P&F)
Deptt. of Forests & Wildlife
GOVT. OF DELHI
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

Signature

FORM B

[See sub-rule (1) of rule 4]

The Tree Officer,

Sir,

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

- (i) Applicant's name and address (In block letters).
 - (ii) Name and address of the owner of the property (if different from applicant).
 - (iii) Title of the applicant i.e., whether owner/occupant of the property, etc.
 - (iv) Name of the village and khasra number of property.
 - (v) Total area of the property with description of the boundaries.
 - (vi) Total number of trees (species-wise) whose trunk or body is not less than 5 cm. in diameter at a height of 30 cms from the ground and whose height is not less than one metre from the ground.
 - (vii) The exact area (in Sq. metres) from which felling of trees for which permit is sought (description of the boundaries).
 - (viii) Total number of trees to be felled.
 - (ix) Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details species-wise are.
Species No. Girth
 - (x) Purpose for which the felling of trees are intended.
 - (xi) Intended use of felled trees (e.g.) for sale, for domestic use, etc.
 - (xii) Intended use of land after felling of trees.
 - (xiii) Number and species of trees intended to be planted after felling (give details of arrangements for raising, planting and protecting trees).
 - (xiv) Name/s and address/es of the owners/occupants adjoining property/ies.
2. I am enclosing an affidavit and below mentioned papers in support of my application.

DECLARATION

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

Place:

Date:

Attested copies of:—

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

Applicant's Signature

Form C]

The Delhi Preservation of Trees Rules, 1996

17

(vii) "No-Objection Certificate" from adjoining property owners.

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

I, aged years, resident of village wife/son/daughter of do hereby solemnly affirm and declare as under:—

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

East:

West:

North:

South:

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

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

Deponent

Verification

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

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

Deponent

FORM C

[See sub-rule (2) of rule 4]

To

The Tree Officer and Conservator of Forests,

Sir,

I apply for grant of permission for removal and disposal of tree/s located in the property situated in the village and District I furnish below the details in support of my application:—

- (i) Applicant's name and address (In Block letters).
- (ii) Name and address of the owner of the property (if different from the applicant) from which trees were felled.
- (iii) Title of the applicant i.e., whether owner/occupant of the property etc., from which trees were felled.
- (iv) Name of village and khasra number of the property from which trees were felled.
- (v) Total area of the property with description of the boundaries.
- (vi) Total number of felled trees (species-wise) whose trunk or body is not less than 5 cm. in diameter at a height 30 cm. from the ground and whose height was not less than one metre from the ground.

(Sd/-) MCD/
Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

(vii) Describe the circumstances under which the tree/s were felled i.e., whether the tree/s was/were felled after obtaining the permit (a copy of the permit is to be enclosed) or under the proviso to section 8 of the Act or had fallen due to natural causes, etc.

(viii) Details of material obtained from the felled trees Species Vol. in M3 or Wt. in Qtls. Use timber of fuel (Attach measurement in case of scating).

(ix) The manner in which the material would be removed.

(x) Transit route.

(xi) Removal of the material will be completed by (date).

(xii) The material is intended to be disposed in the manner indicated below:

- (a) For self use Species Volume in M3 or Wt. in Qtls. Use timber of fuel.
 (b) By sale Species Volume in M3 or Wt. in Qtls. Use timber of fuel
 (c) Name(s) and full address(es) of the persons/parties to whom the material would be disposed by sale.

I am enclosing below mentioned papers in support of my application.

DECLARATION

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

Place:

Date: Applicant's Signature

Attested copies of:—

- (i) Property/occupancy documents.
 (ii) Plan of the property showing the khasra number.
 (iii) Boundary list (duly signed by the applicant).
 (iv) Latest jamabandi of land record issued by the Tehsildar.
 (v) Report, if any, made pursuant to proviso to section 8 of the Act.
 (vi) Permit if any, granted by the Tree Officer.

FORM D

(See rule 5)

Sl. No.	Name & address of the applicant	Details of the application		
		Date	Date of receipt or removal/disposal	Last Date for disposal
(1)	(2)	(3)		

Name of the village in which trees to be felled or removed/disposed is are situated	Nature	Details of decision taken		Remarks
		Date on which taken	Date of communication to be applicant.	
(4)	(5)	(6)		

Dy. Conservator of Forest (P&M)
 Deptt. of Forests & Wildlife
 Govt. of NCT of Delhi
 A-Block, 2nd Floor, Vikas Bhawan,

FORM E

(See rule 6)

Tree Officer and
 Conservator of Forests,
 Government of National Capital
 Territory of Delhi.

Dated:20.....

Subject:—Permission to fell trees.

With reference to his/her application dated.....for grant of permission to fell trees, Shri/Smt.....is hereby informed that he/she is granted permission to fell the tree/s (as per details indicated below) from the private property situated in subject to the satisfaction of the terms and conditions here into specified:—

Details of Trees

Sl. No.	Species of trees	No. of trees
Shri/Smt.....	(.....)	Tree Officer and Conservator of Forests

TERMS AND CONDITIONS

1. The Ranger Forest Officer shall mark the trees before cutting them.
2. Permission to fell the trees is granted at his/her own risk and without prejudice to the claim(s) of any other person/s who may be having any right(s) over the land or the trees.
3. Felling of trees shall be completed within.....days.
4. Material produced from felled trees shall not be removed or disposed without permission of the Tree Officer.
5. He/She shall replant trees, as per details given below during the ensuing/next planting season i.e., commencing from June.....to August.....in the property from which the trees will be felled.

Sl. No.	Species	No
---------	---------	----

6. He/she shall deposit a sum of Rs.(Rupees.....) only as security in the office of.....before starting felling of the tree/s for ensuring the replanting of the trees indicated at serial No. 5 above.

7. In the event of failure on the part of the permit-holder to replant the trees as indicated at serial number 5 above then the Tree Officer shall himself arrange to replant the trees and recover the cost thereof from the permit holder by way of adjustment against the security deposit made by the permit holder or failing that, by recovery of as arrears of land revenue.

Copy submitted for information to:-

1. The Secretary of Forests, Government of National Capital Territory of Delhi.
2. The Range Forest Officer.....

FORM F
(See rule 6)

Tree Officer and
Conservator of Forests,
Government of National Capital
Territory of Delhi.

Dated.....20.....

Subject: Permission to remove/dispose of/trees

With reference to his/her application dated.....for grant of permission to remove or dispose of felled tree/s or forest produce, Shri/Smt.....is hereby informed that he/she is granted permission to remove or dispose of the material (as per details indicated below) from the private property known as.....khasra number.....situated at.....subject to the terms and conditions hereunder specified:

Sl. No.	Description of the material	No.	Vol. or Wt.	Destination where property is to be removed	Period of validity of the permit	Remarks
1.	2	3	4	5	6	7

Note: The Driver of the vehicle, while transporting the forest produce, will carry an attested photocopy of this permission letter.

(.....)
Tree Officer and
Conservator of Forests

FORM G
[See sub-rule (1) of rule 8]
NOTICE

Whereas Shri/Smt.....is the owner/occupant of the property known as.....being khasra number.....and situated in the village.....and district.....

And whereas I, Shri.....Tree Officer and Conservator of Forests had found that adequate measures were not taken by him/her for protection of tree/s existing on the aforesaid property and had, therefore, given him/her directions in letter number.....dated.....which was received by him/her on or about.....specifying the measures, he/she has to take for protection of the tree/s;

And whereas I have inspected the property on.....and have received a report from.....(copy of the inspection report/report enclosed which is self-explanatory);

And whereas I am of the opinion that he/she has failed to take the measures as specified in letter number.....dated.....within the stipulated period/measures taken are not adequate for protection of the tree/s (strike off whichever is not applicable).

Now, therefore, I hereby call upon Shri/Smt.....to show cause within 10 days of the date of receipt of this notice as to why the undersigned should not arrange measures as specified in letter number.....dated.....for protection of trees in the aforesaid property at the cost of Rs.(Rupees.....) only approximately on his/her behalf and recover the expenses incurred from him/her. (.....)

(.....)
Tree Officer and
Conservator of Forests

Shri/Smt.

Copy to:-

1. The Range Forest Officer..... This has reference to his letter No.
2. The Secretary of Forests, Government of National Capital Territory of Delhi.

FORM H

[See sub-rule (1) of rule 9]

NOTICE

Whereas Shri/Smt.....was ordered/directed to plant trees in the property known as.....bearing khasra No.and situated in the village.....and district.....vide specified therein;

And whereas I.....(name).....(designation) have inspected his property on.....have received a report from.....regarding the number of trees planted etc., in the aforesaid property (copy of the inspection report/report enclosed which is self-explanatory);

And whereas I am of the opinion that Shri/Smt.....has failed to carry out his/her obligation regarding planting of trees as specified under reference bearing No.Dated.....



Now, therefore, I hereby call upon Shri/Smt.....to show cause within 10 days of the date of receipt of this notice as to why I should not arrange planting of trees in the aforesaid property in such number, of such species and in such manner as specified under reference No.dated.....at the cost of Rs.(Rupees.....) only approximately on his/her behalf and recover expenses incurred thereunder from him/her.

(.....)
Tree Officer and
Conservator of Forests

Shri/Smt.

Dy. Conservator of Forests (P&W)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
Indraprastha, New Delhi-110002

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
PUBLIC WORKS DEPARTMENT

	<p>कार्यालय कार्यपालक अभियंता लोक निर्माण विभाग, दिल्ली सरकार सेन्ट्रल एण्ड नई दिल्ली भवन, ए-ब्लॉक, प्रथम तल, विकास भवन-II नजदीक मेटकाल्फ हाउस, अपर बेला रोड, दिल्ली-110054.</p>	<p>OFFICE OF EXECUTIVE ENGINEER PUBLIC WORKS DEPARTMENT CENTRAL & NEW DELHI BUILDING A-BLOCK, 1ST FLOOR, VIKAS BHAWAN-II, NEAR METCALF HOUSE, UPPER BELA ROAD DELHI-110054.</p>	
<p>011-23813979</p>	<p>Fax:-011-23813997</p>	<p>New E-mail:- eepwddelhim323@gmail.com</p>	<p>दिनांक 13/12/20</p>
<p>23(CMR)/डीबी/सेन्ट्रल एण्ड नई दिल्ली भवन (एम-323)/1857/E</p>			

The Deputy Conservator of Forest,
Kamla Nehru Ridge,
DU-Area Civil Lines, Delhi

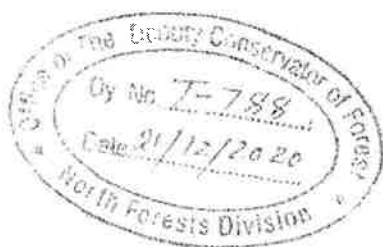
Subject:- Regarding ~~Transplant~~/Removing of 2 Nos. Trees.
Re:- In continuation of permission of felling/~~transplant~~ of 9 nos of trees from the residence of Hon'ble residence C.M., 6 Flag Staff Road, Civil lines Delhi-54 vide letter no 09/NFD/TC/2020-21/989-90 dated 10-11-2020 (enclosed)

With reference to the above cited subject, and in continuation of above referred letter it is to inform that 2 nos more trees to be ~~transplanted~~/Removed from residence of Hon'ble C.M., 6 Flag staff road, Civil Line, Delhi because the construction of new Block has been started in the campus of 6 Flag staff road. The changes are essential due to rotation of alignment of building recommended by DUAC.

Hence it is requested for taking necessary action of ~~transplant~~/Removing of 2 Nos. trees as above please. The said trees are in dry state This may treated as most urgent.

Executive Engineer
C&ND M-323, PWD
Vikas Bhawan-II, Delhi

1. The Assistant Engineer, M-323(N) PWD, 16 Rajpur Road, Delhi-54 for information & N/A Please.
2. The Assistant Director (Horticulture), V.S. Mihar Bhoj Vatika, NH-24, 2nd Nizamuddin Bridge, New Delhi-110091 for information.



Executive Engineer

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

GOVT. OF NCT OF DELHI
OFFICE OF THE DCE/TREE OFFICER

FORM 'B'
SUB RULE (1) OF RULE (4)

T5,

The Tree Officer

Kamla Nehru Ridge
Delhi 110007

Sir

I apply for grant of permission for felling tree/s located in the property situated in the village 6 Flag Staff Rd civil lines Delhi 54 & District New Delhi. I furnish below the following details in support of my application:

1. Applicant's name & address :

(In block letters)

VINAY CHAUDHARY

Executive Engineer

Central & New Delhi

Road Division, Delhi 54

2. Name & address of the owner of the property :

(If different from applicant)

6 Flag Staff Rd civil lines Delhi 54

3. Title of the applicant i.e. whether

owner/occupant of the property etc.

6 Flag Staff Rd civil lines Delhi 54

4. Name of the vill. & h. No. of the property

6 Flag Staff Rd civil lines Delhi 54

5. Total area of the property with

description of the boundaries

2 H. mango tree for removal

6. Total no. of trees (species-wise) whose

trunk or body is not less than 5 cm in dia

at a ht. of 30 cm from the ground & whose ht.

is not less than 01 mts. from the ground

Removal of 2 Nos mango tree

7. The exact area (in sq. mtrs.) from which

felling of trees for which permit is sought

(description of the boundaries)

50 Sqm

8. Total no. of trees to be felled

2 Nos mango Tr-ee

9. Trees to be felled are numerically numbered in paints, their girth measured at a ht. of 1.3

mts. from ground level & their details species are :

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

S No.

Tree No.

Species

Girth

10. Purpose for which the felling of the

trees are intended :

Not applicable

11. Intended use of felled trees (e.g.)

for sale for domestic use etc. :

12. Intended use of land after

felling of trees :

Only Removal

13. No. of species of trees intended to

be planted after felling (give details

of arrangements for raising, planting

& protecting trees) :

Nil - Because of Removal

14. Name/s & address/es of the

owners/occupants adjoining

property/ies. :

VINAY CHAUDHARI
Executive Engineer
Civil & Water
Div. 1, G-10, Block
54

I am enclosing an affidavit & below mentioned papers in support of my application.

DECLARATION

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

[Signature]
Applicants Signature:

Place :

Date :

Attested copies of:

1. Property/occupancy documents
2. Plan of the property showing the khasra number
3. Enumeration list (list signed by the applicant)
4. Latest jamabandi of land record issued by the Tehsildar
5. "No Objection Certificate" from the concerned local body (e.g. NDMC/MCD/DDA)
6. Boundary list (duly signed by the applicant)
7. "No Objection Certificate" from the adjoining property owners.
8. Rs. 5/- Court fee stamp.
9. Photographs of trees.

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

[Signature]
Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

Draft language of the Affidavit to be submitted along with 'B' Form

I Pragatya Chaudhary aged 25 resident of Central & New Delhi Road Div 8106
village Chagga Rd Civil wife/son/daughter of Pragatya Chaudhary
do hereby solemnly affirm and declare as under:

1. That I am the legal owner/occupant of the private property known as situated at Chagga Rd Civil village Delhi bearing khasra no. Delhi of Delhi boundaries of which are as follows:

East :

North: North Delhi

West :

South :

2. That I have applied to the Tree Officer for removal of 2 No. mango Tree for permission to fell Removal of 2 No. mango Tree trees from the aforesaid property. All the trees have been numbered with paint.

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

Pragatya Chaudhary
DEPONENT

Verification

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that no material has been concealed or omitted there from.

Verified at this days of 2014.

Pragatya Chaudhary
DEPONENT

Pragatya Chaudhary
Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002



सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL17398093370284S
Certificate Issued Date	: 14-Dec-2020 01:41 PM
Account Reference	: IMPACC (IV)/ dl899703/ DELHI/ DL-DLH
Unique Doc. Reference	: SUBIN-DL89970339034004073434S
Purchased by	: VINAY CHAUDHARY
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: VINAY CHAUDHARY
Second Party	: Not Applicable
Stamp Duty Paid By	: VINAY CHAUDHARY
Stamp Duty Amount(Rs.)	: 10 (Ten only)



.....Please write or type below this line.....

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shclstamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.



कार्यालय कार्यपालक अभियंता
सेन्ट्रल एवं नई दिल्ली भवन (एम-323)
लोक निर्माण विभाग, दिल्ली सरकार
ए-ब्लॉक, प्रथम तल, विकास भवन-ए
नजदीक मेटकाल्फ हाउस, अपर बेला
रोड, दिल्ली-110054.

OFFICE OF EXECUTIVE ENGINEER
CENTRAL & NEW DELHI BUILDING (M-323)
PUBLIC WORKS DEPARTMENT
A-BLOCK, 1ST FLOOR, VIKAS BHAWAN-II,
NEAR METCALF HOUSE,
UPPER BELA ROAD DELHI-110054.



Ph:- 011-23813979

Fax:-011-23813997

E-mail :- eepwddelhim323@gmail.com

सं- 23(26/1)/DB/सि.भ.अनु. मंडल एम-323/2020-21/1500

दिनांक: 28/10/2020

To,

The Deputy Conservator of Forest,
Kamla Nehru Ridge,
DU-Area Civil Lines, Delhi

Subject:- Regarding Transplant/Removing of 9 Nos. Trees.

With reference to the above cited subject, it is to inform that the trees to be transplanted/Removed from residence of Hon'ble C.M., 6 Flag staff road, Civil Line, Delhi because the construction of new Block has been started in the campus of 6 Flag staff road.

Hence it is requested for taking necessary action of transplant/Removing of 9 Nos. trees as above please. This may treated as most urgent.

Executive Engineer
C&ND M-323, PWD
Vikas Bhawan-II, Delhi

Copy to:-

1. The Assistant Engineer, M-3231(N) PWD, 16 Rajpur Road, Delhi-54 for information & N/A Please.
2. The Assistant Director (Horticulture) G.S. Mihar Bhoj Vatika, NH-24, 2nd Nizamuddin Bridge, New Delhi-110091 for information.

T-668
28/10/2020

Executive Engineer
C&ND M-323, PWD
Vikas Bhawan-II, Delhi

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

GOVT. OF NCT OF DELHI
OFFICE OF THE DCF/TREE OFFICER

FORM 'B'
SUB RULE (1) OF RULE (4)

To,

The Tree Officer

Kamla Nehru Ridge
Delhi 110007

Sir

I apply for grant of permission for felling tree/s located in the property situated in the village 6 Flag Staff Rd civil line Delhi & District Delhi furnish below the following details in support of my application:

1. Applicant's name & address :

(In block letters)

VINEY CHAUDHARY
Executive Engineer
C.B.M.D - m-321, P.O.D

2. Name & address of the owner of the property :

(If different from applicant)

6 Flag Staff Rd civil line Delhi

3. Title of the applicant i.e. whether

owner/occupant of the property etc.

6 Flag Staff Rd civil line Delhi

4. Name of the vill. & h. No. of the property

6 Flag Staff Rd civil line Delhi

5. Total area of the property with

description of the boundaries

1.127 Acres

6. Total no. of trees (species-wise) whose

trunk or body is not less than 5 cm in dia

at a ht. of 30 cm from the ground & whose ht.

is not less than 01 mts. from the ground

9 Nos Trees for removing

7. The exact area (in sq. mtrs.) from which

felling of trees for which permit is sought

(description of the boundaries)

1.127 Acres

8. Total no. of trees to be felled

9 Nos Trees

9. Trees to be felled are numerically numbered in paints, their girth measured at a ht. of 1.3 mtrs. from ground level & their details species are :

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

S. No.

Tree No.

Species

Girth

10. Purpose for which the felling of the trees are intended :

for construction of New Block

11. Intended use of felled trees (e.g.) for sale for domestic use etc. :

- N.A -

12. Intended use of land after felling of trees :

Removing of 9 N.T.S.

13. No. of species of trees intended to be planted after felling (give details of arrangements for raising, planting & protecting trees) :

Removing only.

14. Name/s & address/es of the owners/occupants adjoining property/ies. :

VINEY CHAUDHARY
Executive Engineer
C.M.D. - M-221, P.W.D.

I am enclosing an affidavit & below mentioned papers in support of my application.

DECLARATION

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

Applicants Signature

Place :

Date :

Attested copies of:

1. Property/occupancy documents
2. Plan of the property showing the khasra number
3. Enumeration list (list signed by the applicant)
4. Latest jamabandi of land record issued by the Tehsildar
5. "No Objection Certificate" from the concerned local body (e.g. NDMC/MCD/DDA)
6. Boundary list (duly signed by the applicant)
7. "No Objection Certificate" from the adjoining property owners.
8. Rs. 5/- Court fee stamp.
9. Photographs of trees.

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

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi

A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

Draft language of the Affidavit to be submitted along with 'B' Form

I, Shri. Chaitanya, Executive Engineer, P.W.D. aged 45 resident of 1/1, 1st Floor, P.W.D. Office, New Delhi village 1/1, 1st Floor, P.W.D. Office, New Delhi wife/son/daughter of Shri. Chaitanya, Executive Engineer, P.W.D. do hereby solemnly affirm and declare as under:

1. That I am the legal owner/occupant of the private property known as situated at 1/1, 1st Floor, P.W.D. Office, New Delhi village 1/1, 1st Floor, P.W.D. Office, New Delhi bearing khasra no. 1/1, 1st Floor, P.W.D. Office, New Delhi of 1/1, 1st Floor, P.W.D. Office, New Delhi boundaries of which are as follows:

East :

North :

West :

South :

2. That I have applied to the Tree Officer for removing of 9 Nos Trees for permission to fell 9 Nos Trees for removing trees from the aforesaid property. All the trees have been numbered with paint.

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

DEPONENT

Verification

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that no material has been concealed or omitted there from.

Verified at this days of 2014.

DEPONENT

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002



INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Consent No. : IN-DL98631557812559S
Consent Issued Date : 27-Oct-2020 02:25 PM
Account Reference : IMPACC (IV)/ dl721003/ DELHI/ DL-DLH
Unique Doc. Reference : SUBIN-DL72100303760593530846S
Paid by : VINAY CHAUDHARY
Description of Document : Article 4 Affidavit
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : VINAY CHAUDHARY
Second Party : Not Applicable
Stamp Duty Paid By : VINAY CHAUDHARY
Stamp Duty Amount(Rs.) : 10
(Ten only)



Please write or type below this line.

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

AFFIDAVIT

I, Vinay Chaudhary, Executive Engineer, PWD, at 6, BMD-M-321, PWD, Flat Staff Road, Civil Lines, Delhi-110054 do hereby solemnly affirm and declare as under:

1. That I am the legal owner/occupant of the private property known as 6, Flat Staff Road, Civil Lines, Delhi-110054, boundaries of which are as follows:-
East :
North : North Delhi
West :
South :
2. That I have applied to the Tree Officer, for removing of 9 Nos. Tree to fell for permission to Removing of 9 Nos. Trees from the aforesaid property.
3. That there is no other owner/occupant of this property of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation if any, that may arise at any time in later regarding the ownership/occupancy of the said property or the forest produce from the said property.

VERIFICATION

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that no material has been concealed or omitted there from.

Verified at New Delhi this 27th day of October, 2020.

DEPONENT

VINAY CHAUDHARY

ATTESTED

NOTARY PUBLIC
(INDIA)

DEPONENT

VINAY CHAUDHARY

Dy. Conservator of Forest (P&M)
Dept. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002



Dashboard (Dashboardeforest.aspx)

Reports

Print Application (Print_Application.aspx)

Anamika/Tree
Officer DCF
(Central)

Application Detail

Application ID : 3440

Application Documents SitePhotos

Application Summary

Applicant's Photo			
Applicant's Name	CHANDAN KUMAR	Applicant's Address	Dy. Director (Hort.)HD (EAST) M - 214, P.W.D., G.N.C.T.D.,G.S.M.B.V.,NH-24,
Mobile No	8745006647	Email Id	ddhpwddelhim214@gmail.com
Application Category	Govt. Department		
Revenue District where trees to be Felled	Central		
Property Owner Name	Vinay Chaudhary	Property Owner Address	6 flag staff road

Property Information

Name of the Village/ Location of the Property	6 flag staff road civil line	Khasra number	6
Pincode	110054		
Latitude & Longitude of the Property			
Latitude 28° 41' 24" N	Longitude 77° 13' 14" E		
Total area of the property	1050.000	The exact area (in Sq.mtrs) from which felling of trees permit is sought	100.000
Description of Boundaries			
North Delhi Vidhan Sabha	South session house	East ambedkar memorial	West bhiku jain marg

Name(s) and addresses of the owners/occupants of adjoining property/ies	vinay chaudhary 6 flag staff road	Landmark	C.M house
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Tree Information

Total number of trees	50			Number of trees to be felled	6		
Details of trees to be felled (grith measured at height of 1.35m)	S.No.	Tree S.No	Tree Name	Girth (in centi meters)	S.No.	Tree Name	Tree Count
	1	39	Bottle Palm	120	1	Bottle Palm	3
	2	35	Bottle Palm	90	2		3
	3	34	Bottle Palm	80			
	4	28	Others	40			
	5	29	Others	40			
	6	30	Others	30			

Plantation Information

The exact area (in Sq.mtrs) of the land for alternative plantation	2174.000	Address of the land for alternative plantation	Ring Road side varge along with DRDO complex
Longitude 24° 40' 56" N	Latitude 77° 13' 21" E		

Miscellaneous Information

Purpose for which the felling of the trees are intended	construction of new block in campus of 6 flag staff	Intended use of felled trees (e.g) for sale for or domestic use	domestic
Intended use of land after felling of trees	construction of block		

Action Report

Action Report

Dy. Conservator of Forest (P&M)
 Deptt. of Forests & Wildlife
 Govt. of NCT of Delhi
 A-Block, 2nd Floor, Vikas Bhawan,
 I.P. Estate, New Delhi-110002

S.No.	Tree S.No	Tree Name	Girth (in cm's)	Recommendation	Justification	Approved	Remarks
1	39	Bottle Palm	120	Recommended for Felling	Permission can be given	Yes for Felling	As per IO report permission can be given
2	35	Bottle Palm	90	Recommended for Felling	Permission can be given	Yes for Felling	As per IO report permission can be given
3	34	Bottle Palm	80	Recommended for Felling	Permission can be given	Yes for Felling	As per IO report permission can be given
4	28	Others	40	Recommended for Felling	Permission can be given	Yes for Felling	As per IO report permission can be given for felling of palm tree
5	29	Others	40	Recommended for Felling	Permission can be given for felling of palm tree	Yes for Felling	As per IO report permission can be given for felling of palm tree
6	30	Others	30	Recommended for Felling	Permission can be given for felling of palm tree.	Yes for Felling	As per IO report permission can be given for felling of palm tree

VIEW UNDERTAKING

Dy. Conservator of Forest (P&M)
 Deptt. of Forests & Wildlife
 Govt. of NCT of Delhi
 A-Block, 2nd Floor, Vikas Bhawan,
 I.P. Estate, New Delhi-110002



Process

Dashboard (Dashboard for Feedbacks (Pending Feedbacks))

Divisional
officer of
Central

Tree Felling Application Detail

Application ID : 6483

Application

Documents

SitePhotos

Application Summary

Applicant's Photo



Applicant's Name

Israr Ahmed

Applicant's Address

E.E. Health Maintenance
Department , Lok Nayak
Hospital, New Delhi
eepwddelhib231@gmail.com

Mobile No

9717455493

Email Id

Applicantion

Govt. Department

Category

Revenue District

Central

where trees to be
Felled

Property Owner
Name

Vinay chaudhary

Property Owner Address E.E-C&ND

Property Information

Name of the Village/

45-47 Rajpur road

Khasra number

45-47

Location of the Property

Pincode

110054

Latitude & Longitude of the Property

Latitude 28° 41' 13" N Longitude 17° 13' 10" E

Total area of the
property

13099.000

The exact area (in

580.000

Sq.mtrs) from which

felling of trees permit is
sought

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi

A-Block, 2nd Floor, Vikas Bhawan,
1st Estate, New Delhi-110002

Description of Boundaries

No. 6 Flag staff road South RAJpur road East 2 Northend road West Civil Lines
 Name(s) and addresses Vinay Chadhary Landmark 45-47 Rajpur road
 of the E.E.C&ND, Building
 owners/occupants of New
 adjoining property/ies

Tree Information

Total number of trees 135

Number of trees to be 5
felledDetails of trees to be
felled (grith measured
at height of 1.35m)

S.No.	Tree S.No	Tree Name	Girth (in centi meters)
1	124	Ashok (Polyalthia longifolia)	50
2	128	Jamun (Syzygium cumini)	60
3	130	Ashok (Polyalthia longifolia)	30
4	131	Ashok (Polyalthia longifolia)	40
5	132	Neem/nimbi (Azadirachta indica)	260

S.No.	Tree Name	Tree Count
1	Ashok (Polyalthia longifolia)	3
2	Neem/nimbi (Azadirachta indica)	1
3	Jamun (Syzygium cumini)	1

Plantation Information

The exact area (in 2174.000
Sq.mtrs) of the land for
alternative plantation

Address of the land for I.P. Estate ITO
alternative plantation

Longitude 28° 37' 39" Latitude 77° 14' 57" E
N

Miscellaneous Information

Purpose for which the Semi Permanent Intended use of felled Domestic
felling of the trees are structure of Camp officetrees (e.g) for sale for
intended 45-47 Rajpur road or domestic use
Intended use of land Semi Permanent structure of Camp office 45-47 RAJpur road
after felling of trees

Dy. Conservator of Forest (P&M)
 Deptt. of Forests & Wildlife
 Govt. of NCT of Delhi
 A-Block, 2nd Floor, Vikas Bhawan,
 I.P. Estate, New Delhi-110002

Keeping in view the directions of the Hon'ble NGT, the following details have been collated from DCF (Central) / Tree Officer which is having jurisdiction over the area under consideration:-

(i) DCF (Central) / Tree Officer has issued permission for felling of List of felling permissions:-

SN	Permission No. / date	Permission given for Transplant/Felling	Location of Transplant	Location of Compensatory Plantation (CP)
1.	F. No.09/NFD/TC/Felling/2020-21 dated 10.11.2020	9 trees (Mango-3, Amla-2, Citrus-2, Kadipatta-2) for transplant from 6 Flag Staff Road, Civil Lines	PWD Office, Khyber pass, KNR, Civil Lines	90 trees to be planted at Green belt at Metcalfe House, DRDO Complex.
2.	F.No.19/NFD/TC /Felling/20-21 dated 04.01.2021	2 nos. of Mango trees to be transplant from 6 Flag Staff Road, Civil Lines	PWD Office, Khyber pass KNR, Civil Lines	20 trees to be planted at Green belt at Metcalfe House, DRDO Complex.
3.	F.No.13/NFD/TC /Felling/2021-22 dated 17.08.2021	6 nos. of bottle palm trees for felling from 6 Flag Staff Road, Civil Lines	Nil	60 trees to be planted at Green belt at Metcalfe House, DRDO Complex.
4.	F.No.44/CFD/TC /online/Felling/21-22 dated 28.02.2022	06 trees (Transplant-4 (Ashok-3, Bargad-1) and Felling-2 (Ficus benjamina-1 & Lasoda-1) from 45-47 Rajpur road	PWD Nursery near Majnuka Tila	60 trees to be planted at Green belt at Metcalfe House, DRDO Complex.
5.	F.No.05/CFD/TC Felling/online ID 6483/22-23 dated 12.04.2022	05 trees (Transplant-4 & Felling-1) (Ashok-3, Jamun-1, Neem-1) at 45-47 Rajpur road	PWD Nursery near Majnuka Tila	50 trees to be planted at Green belt at Metcalfe House, DRDO Complex.
		Total: 28 Trees Felling: 9 trees Transplantation: 19 Trees		280 trees to be planted at CP site.

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002



Process

Dashboard (Dashboard of forest department) (Pending Feedback)

Print Application (Print_Application.aspx)

Divisional officer of
Central

Application Detail

Application ID : 6288

Application Documents Site Photos

Application Summary

Applicant's Photo



Applicant's Name

Israr Ahmed

Applicant's Address

E.E. Health Maintenance
Department, Lok Nayak
Hospital, New Delhi
eepwddelhib231@gmail.com

Mobile No

9717455493

Email Id

Application Category

Govt. Department

Revenue District where trees to be
Felled

Central

Property Owner Name

vinay chaudhary

Property Owner Address

45-47 rajpur road

Property Information

Name of the Village/ Location of the
Property

45-47 rajpur road

Khasra number

45-47 Raj pur road

Pincode

110054

Latitude & Longitude of the Property

Latitude 28° 41' 13" N

Longitude 17° 13' 10" E

Total area of the property

13099.000

The exact area (in Sq.mtrs) from
which felling of trees permit is sought

580.000

Description of Boundaries

North 6 flag staff road

South rajpur road

East boundary wall of 6 flag
LandmarkWest civil line
45-47 rajpur roadName(s) and addresses of the
owners/occupants of adjoining
property/ies

Tree Information

Total number of trees

135

Details of trees to be felled (girth
measured at height of 1.35m)

S.No.	Tree S.No	Tree Name	Girth (in centi meters)
1	125	Ashok (Polyalthia longifolia)	40
2	126	Ashok (Polyalthia longifolia)	45
3	127	Ashok (Polyalthia longifolia)	40
4	96	Ficus Benjamina	60
5	99	Bargod/banyan (Ficus benghalensis)	50
6	97	Lasuda	60

Number of trees to be felled

6

S.No.	Tree Name	Tree Count
1	Ashok (Polyalthia longifolia)	3
2	Bargod/banyan (Ficus benghalensis)	1
3	Ficus Benjamina	1
4	Lasuda	1

Plantation Information

The exact area (in Sq.mtrs) of the
land for alternative plantation

2174.000

Address of the land for alternative
plantation

ring road near metcalf house

Longitude 28° 40' 56" N

Latitude 77° 13' 21" E

No. of Trees intended to be planted
after felling

60

Details of Trees intended to be planted
after felling

S.No.	Tree Name	Tree Count
1	Champa	60

Miscellaneous Information

Purpose for which the felling of the trees are intended: Semi permanent structure of camp office in 45-47 rajpur roads
 Intended use of land after felling of trees: Semi permanent structure of camp office

(e.g) for NA

c/m

The exact area (in Sq.mtrs) from which felling of Trees permit is sought :- 51

Action Report

Filled By Applicant				Report of Tree Inspector		Tree Officer Action	
S.No.	Tree S.No	Tree Name	Girth (In cm's)	Recommendation	Justification	Approved	Remarks
1	125	Ashok (Polyalthia longifolia)	40	Recommended for Transplanting	The said ashok tree recommended for transplanting of tree	Yes for Transplanting	As per the IO report recommended for transplanting of tree
2	126	Ashok (Polyalthia longifolia)	45	Recommended for Transplanting	The said ashok tree recommended for transplanting of tree	Yes for Transplanting	As per IO report recommended for transplanting of tree
3	127	Ashok (Polyalthia longifolia)	40	Recommended for Transplanting	The said jamun tree recommended for transplanting of tree	Yes for Transplanting	As per the IO report recommended for transplanting of tree
4	96	Ficus Benjamina	60	Recommended for Felling	The said ficus tree recommended for felling of tree	Yes for Felling	As per the IO report recommended for felling of tree
5	99	Bargad/banyan (Ficus benghalensis)	50	Recommended for Transplanting	The said banyan tree recommended for transplanting of tree	Yes for Transplanting	As per the IO report recommended for transplanting of tree
6	97	Lasuda	60	Recommended for Felling	The said tree recommended for felling of tree	Yes for Felling	As per the IO report recommended for felling of tree

APPROVE

Send Back with Objection

Dy. Conservator of Forest (P&M)
 Deptt. of Forests & Wildlife
 Govt. of NCT of Delhi
 A-Block, 2nd Floor, Vikas Bhawan,
 I.P. Estate, New Delhi-110002



ANNEXURE-E

GOVT. OF NCT OF DELHI

DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007(PH:-23853561)

F.No.337/CFD/DCF(C)/Site-Inspection Reports/2023-24/1220-24

Date: 04.05.2023

To,

The Exe. Engineer,
Maintenance Department, PWD,
Lok Nayak Hospital, New Delhi

Sub: Forfeiture of security deposit due to non-compliance of the Terms & Condition of
Tree Transplantation/Felling Permissions-reg

This is to bring to your notice that the following tree transplantation/felling permissions were issued against the following tree felling applications from the office of the undersigned:

S.No	File. No.	Date	No. of trees Affected
1.	F.No. 09/NFD/TC/Felling/2020-21 (Offline Mode)	10.11.2020	09 trees to be Transplanted
2.	F.No. 19/NFD/TC/Felling/2020-21 (Offline Mode)	04.01.2021	02 trees to be Transplanted
3.	F.No. 13/NFD/TC/Felling/2021-22 (I.D. No. 3440)	17.08.2021	06 trees to be Felled
4.	F.No. 44/CFD/TC/Online/Felling/2021-22 (I.D. No. 6288)	28.02.2022	04 trees to be transplanted, 02 trees to be felled
5.	F.No. 05/CFD/TC/Online/Felling/2021-22 (I.D. No. 6483)	12.04.2022	04 trees to be transplanted, 01 tree to be felled
	TOTAL AFFECTED TREES		28 Trees

As per the status report dated 01.05.2023 filed by Sh. Ravinder Kumar (DRO), only 83 nos. trees were found to be planted as Compensatory Plantation against total of 280 trees which were to be planted at the compensatory plantation site i.e. Green Belt at Metcalfe House, DRDO Complex.

अधीक्षक
[Signature]
05/05/23

Dy. Conservator of Forest (P&M)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

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ANNEXURE-F

**GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007(PH:-23853561)**

F. No. 44/DCF(C)/DPTA/Offence/21-22/2531-2533

Dated:- 14/08/24

To,

The Director DESIDOC,
DRDO Complex,
Metcalf House, Civil Lines,
Delhi- 110054

**Subject :- Maintenance of Compensatory Plantation Created vide order F.No. 69/CFD/TC/
Check-List /2023-24/2281-83 dated 31/05/2023.**

Sir/Madam,

It is here to inform that in compliance of the office order F.No. 69/CFD/TC/Check-List/2023-24/2281-83 dated 31/05/2023 197 saplings have been planted at DRDO Complex Metcalfe House, Delhi on 22/06/2023 against the permission granted for felling of trees vide F. No. 44/CFD/TC/Online/Felling/2021-22/7521-23 dated 28/02/2022 and other connected permissions. During the creation of said plantation DRDO officials have extended their full cooperation. Further to state that for the maintenance of the created plantation when the staff of Forest department reached to the plantation site the officials of DRDO had barred them to get inside the premises.

It is pertinent to mention here that the said plantation was created in compliance to the matter O.A. No. 334/2023 titled Naresh Chaudhary Vs UOI and ors. which is a matter subjudice before the Hon'ble National Green Tribunal, Principal Bench, Delhi and the plantation which was carried out inside your premises is essential for compliance in the same matter. Further as per the provisions of DPTA 1994 compensatory plantation is to be maintained for minimum 7 years and due to denying entry to the Forest staff for maintenance of the plantation all the positive efforts made by the Forest Department in the plantation will go in vain and may result in failure of the plantation.

ble

**Dy. Conservator of Forest (P&M)
Dept. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan,
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