

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Application No. 60 of 2013**

**Sonya Ghosh Vs. Govt. of NCT of Delhi & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER  
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

**Present:** Appellant: Ms. Parul Gupta, Advocate  
Respondent No.1&2: Mr. D. Rajeshwar Rao, Advocate along with Mr. Rajagopal Prashant, DCFCW  
Respondent No. 3: Mr. Dushyant Ahlawat, Advocate and Mr. Kamal Singh, Executive Engineer and Mr. Dinesh Kumar, Chief Engineer

Date and Remarks	Orders of the Tribunal
Item No. 8 May 20, 2013	<p>Learned counsel appearing for the Forest Department and NCT of Delhi submits that different Applications moved by the Public Works Department (PWD) seeking permission to remove/fell trees on the widening of road of Mehruali to Mahipalpur from Andheria Mor to T-junction with Aruna Asaf Ali Road were returned to the PWD in other words they had not granted any permission to fell any tree on this Project.</p> <p>It is further stated that after Notice have been issued in the present Application, the PWD has moved another Application which is pending with the Forest Department as of now.</p> <p>Mr. Kamal Singh, Executive Engineer, PWD, who was present before us and had made incorrect statement before us, tenders unqualified apology for making such statement that no trees have been removed under this Project. At this stage we would not proceed with taking of any further action against this officer particularly in view of the fact that the Chief Engineer, PWD himself apologized and assured that further directions issued by the Tribunal would be carried out without default and delay.</p> <p>It is obvious that the trees have been felled while in the progress of this Project unauthorizedly and illegally without leave of the Forest Department. Besides this being also without the permission of the Forest Department it is also a damage to the environment as</p>

grown up trees in a large number have been unauthorizedly and illegally felled or cut in execution of this Project. This amounts to the contempt at the very threshold.

However, now since damage has already been done to large extent, same questions arise for consideration before Tribunal in the present case.

Constitution of an Expert Team to find out and report on the following is warranted:-

- a) How many trees have already been felled unauthorizedly and illegally.
- b) How many trees which are still standing and have not been completely uprooted or even otherwise whether there is possibility of transplantation of these trees to the appropriate site in the very same area.
- c) Compensatory afforestation and extent thereof in the same area.
- d) Whether the remaining part of the Project can be moved to save as many trees as possible and lastly what causes and compensation should be awarded by the Tribunal for unauthorized and illegal removal/ cutting of trees under this Project.

We make it clear that whatever costs of compensation we award shall be payable by the concerned Authorities of the PWD, Contractor who has unauthorizedly and illegally remove the trees and proportionately by the Government itself.

In order to consider all these questions objectively in accordance with law, we direct that the Chief Engineer, PWD, Department of Forest and the Applicant shall conduct inspection of the entire Project within one week from today and report to the Tribunal on the above issues.

Let this Report be submitted within one week and all the persons be present before the Tribunal.

The Contractor of M/s S.K.C. Co. is hereby Noticed to remain present on the next date of hearing.

List on 28<sup>th</sup> May, 2013.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D. K. Agrawal)

.....,EM  
(Dr. G.K. Pandey)

.....,EM  
(Prof. A. R. Yousuf)

