

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

Original Application No. 149of 2013

P.C. Prasad & Ors. 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 MR. JUSTICE S.N. HUSSAIN, JUDICIAL MEMBER
HON'BLE MR. P. S. RAO, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant No.2: Mr. Aditya Prasad, Applicant in person
Applicant No.3: Mr. Rajeev Mahunta and Mr. Viday Kasana,
Advocate
Respondent No. 1 to 3 : Mr. Sanjay Dewan, Advocate and Mr. Rajagopal
Prashant, DCF (W)
Respondent No. 4: Ms. Neelam Rathore, Advocate along with Ms.
Syed Amber, and Mr. Vikramjeet Advocate

Date and Remarks	Orders of the Tribunal
Item No. 4 July 23, 2013	<p>Reply on behalf of the Respondent No. 1, 2 and 3 has already been filed. Copies provided to the Applicant. The Applicant prays for time to file Rejoinder. Rejoinder, if any, be filed within two weeks from today.</p> <p>Learned counsel appearing for Respondent No. 4 prays for further time to file Reply. By way of last opportunity two weeks time is granted to file Reply. Rejoinder, if any, within one week thereafter.</p> <p>Learned counsel appearing for Respondent No. 1 to 3 prays that the interim order dated 28th June, 2013 be modified in the interest of development of the project for road widening as well as construction of elevated road, the progress of which is being hampered as a result of the interim order.</p> <p>It is commonly conceded before us that in this project nearly 14076 trees are to be uprooted or felled for carrying on this project. Most of these trees are fully grown up trees i.e. of an age of 20 years plus and as such uprooting of these trees would have immediate serious impact on environment.</p> <p>Keeping in view the fact that Delhi is one of the polluting cities in the world, the greenery is probably the most important savior of environment from pollution. The principle of sustainable development contemplates a balanced development and not a development which will</p>

completely and irretrievably destroy the environment. Such a development would not be permissible.

We are also compelled to notice that the Forest Department of NCT of Delhi is taking such matters very lightly and orders/notifications are being issued in a very mechanical fashion. Proper application of mind by the Forest Experts is, therefore, needed.

It is not disputed by these Respondents before us that factors like re-plantation of trees, making proper alignment of the road so as to save trees and effective steps for compensatory plantation are prerequisite for grant of such permission. Having given our considered view to the respective contentions raised by the parties, we pass the following orders:-

- a. We constitute a special Committee consisting of Conservator of Forest, Delhi, Superintending Engineer of Respondent No. 3, a Senior Officer from UTTIPEC and one Scientist to be nominated by ICFRC. This Committee shall pay personal visit to the entire Project area.
- b. It shall then examine as to which of the 1400 trees can be transplanted. If the answer is in the positive and trees to be transplanted are identified then transplantation of the trees shall take place at a first instance.
- c. This Committee shall identify the exact places with Khasra Numbers in village Malikpura and Jatikara where the saplings are to be planted. The compensatory plantation shall be 10 times of the trees which are sought to be felled/uprooted or removed in any manner whatsoever.
- d. This Committee shall also earmark the space on the sides of the road under developmental expansion and construction of elevated corridor, where the trees would be either transplanted or saplings shall be planted.

All these conditions in fact are in consonance with the notification issued by the Forest Department and in fact it is primarily their stringent implementation that we are directing.

The sapling plantation shall start forthwith. The progress in matter be reported to the Tribunal on the next date of hearing.

We make it clear that the Committee should submit its Report within one week from today as prayed for by the Learned counsel appearing for the Applicant keeping in view the urgency involved.

Liberty to the parties to pray for vacation/modification of the Order dated 28th June, 2013 on that date.

It will be an obligation upon the Committee/Officers to ensure compliance.

The Committee will also identify the species of the trees which have been transplanted as well as planted.

List on 31st July, 2013.

.....,CP
(Swatanter Kumar)

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

.....,JM
(S.N. Hussain)

.....,EM
(P. S. Rao)

.....,EM
(Ranjan Chatterjee)

