

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

.....

Original Application No.127/2013

And

Original Application No. 155/2013

And

Original Application No. 156/2013

And

Original Application No. 120/2013

In the matters of:

1. Mrs. Ranjana Jetley
R/o House No. 185,
National Media Centre,
Gurgaon-122002
Haryana
2. Mrs. Harsaran Bir Kaur Pandey
R/o House No. 87,
National Media Centre,
Gurgaon-122002
Haryana
3. Mrs. Sudha Kumar
R/o House No. 100,
National Media Centre,
Gurgaon-122002
Haryana
4. Mr. Sanjay Ahirwal
R/o House No. 184,

National Media Centre,
Gurgaon-122002
Haryana

5. Mr. Lavneet Gyani
R/o House No. 65,
National Media Centre,
Gurgaon-122002
Haryana

.....Applicants

AND

1. Union of India,
Ministry of Environment and Forest
Through the Environment Secretary
Government of India
Paryavaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi-110003
2. Central Pollution Control Board
Through its Secretary
Parivesh Bhawan,
CBD-cum-Office Complex
East Arjun Nagar,
Delhi-110032
3. The State of Haryana
Through the Chief Secretary,
Having office at:
4th Floor, Haryana,
Civil Secretariat, Sector-1,
Chandigarh
4. Haryana State Pollution Control Board
Through its Secretary
C-11, Sector-6,
Panchkula,
Haryana

5. Haryana Urban Development Authority
Through its Chairman
HUDA Office Complex,
C-3, Sector 6,
Panchkula
Haryana
6. Deputy Commissioner
Gurgaon Division
DC Office
Gurgaon
7. Commissioner of Police, Gurgaon
Police Commissionerate,
Gurgaon,
Haryana
8. DLF Limited
Through its Managing Director,
Having registered office at:
Shopping Mall, 3rd Floor,
Arjun Marg, DLF City Phase-I,
Gurgaon,
Haryana 122002

Also at

DLF Centre,
Sansad Marg,
Connaught Place,
New Delhi

.....Respondents

Counsel for Applicant:

Mr. Chetan Chawla, Sr. Adv. Along with Ms. Megha Mehta
Agarwal, Adv.

Mr. Rahul Choudhary, Adv. along with Ms. Richa Relhan, Adv. in Original Application No. 120/2013.

Counsel for Respondents:

Mr. Narender Hooda, Sr. Adv. , Mr. Vineet Malik, Adv. & Mr. D.P. Singh, Adv. for Respondent No. 1 & 2 in Original Application No. 120/2013

Ms. P. Batra Singh, Adv. and Mr. Salauddin Khan, Adv. for Respondent No. 1 in Original Application Nos. 127, 155, 156/2013

Mr. Rajkumar, Adv. for Respondent No. 2

Mr. Narender Hooda, Sr. Adv. with Mr. D.P. Singh, Adv. and Mr. Vineet Malik, Adv. for Respondent Nos. 3,4,6,7 & 10

Ms. Anubha Agrawal, Adv. with Mr. Ravneet Joshi and Mr. Pratham Devedi, Adv. for Respondent No. 5

Mr. Rajiv Nayar, Sr. Adv. and Mr. Karan Chopra, Adv., Ms. Deepti Sarin, Adv., Mr. Ishant Gaur, Adv. for Respondent No. 8

Mr. S. Nanda Kumar, Adv., Mr. Parivesh Singh & Mr. R. Satish Kumar, Adv., Mr. P. Dhayanand, Adv. for Respondent No. 9

JUDGMENT

PRESENT:

HON'BLE MR. JUSTICE DR. P. JYOTHIMANI (JUDICIAL MEMBER)

HON'BLE MR. JUSTICE M.S. NAMBIAR (JUDICIAL MEMBER)

HON'BLE DR. G.K. PANDEY (EXPERT MEMBER)

HON'BLE PROF. A. R. YOUSUF (EXPERT MEMBER)

Hon'ble Dr. G.K. Pandey (EM)

Date: 1st, April, 2014

1. The above applications were filed in NGT against the proposed widening of sectoral roads involving cutting of number of trees in front of National Media Centre (NMC). The Project Proponents stated to be involved in the project are Haryana Development Authority (HUDA) and DLF Ltd. The main contention of the applicants is that there will be significant air and noise pollution problems due to movement of traffic in the area due to cutting of trees which were acting as a buffer and reducing noise & dust pollution. Incidentally, an email was received by NGT from Haryali Welfare Society addressed to the Hon'ble Chief Minister of Haryana and the Copy was sent to NGT raising the similar issues pertaining to the cutting of trees by DLF/HUDA, which was treated as an Application no. 120/2013. Regarding this Application No. 120/2013, NGT passed the order restraining the Respondents from cutting/felling or uprooting any tree on the site in

question on 2/08/2013. Besides these two applications, other two applications were registered i.e. Application No. 156/2013 filed by Mrs. Krishan Devi and Application No. 155/2013 filed by Mr. Rajpal Yadav & Ors. VS Union of India & Ors.

2. The applicants have mentioned that there have been violations of numerous environmental obligations by the Respondents in respect of road widening project in Gurgaon being undertaken by Respondent no. 8 (DLF) and Respondent no. 5 (HUDA). The applicants have stated in their applications that there is NH-8 passing close to the National Media Centre (hereinafter referred to as "NMC") which is a housing society in which the applicants are residing. The area of NMC is about 2 acres having 200 meters of length and 50 meters of width. The plot of 2 acres was stated to be owned by the society. However, when the licence was issued by the State of Haryana (Respondent No.3), it was mentioned that the said area shall be retained as green belt. According to the applicant, there were 111 trees of various species and sizes with 51 trees of above 20 feet height. The contention of the applicant is that respondent no. 8 (DLF) has obtained right on the said 2 acres of land to expand the slip road appurtenant to NH-8 into their own projects and properties which are next to the NMC. Even though the slip road is adjacent to National Highway but the

extension of the slip road is being done privately by Respondent no. 8 for its own private use and for the purpose of making value addition of its own properties. It is alleged by the Applicant that this project will increase value of DLF property but is being undertaken by HUDA in a 50:50 participation basis. The Applicants submit that in order to achieve the goal of expanding the slip road, the Respondent No. 8, is seeking to destroy the entire green belt and to achieve the said purpose is removing the trees from the said plot of land. The entire extended 8 lanes fall upon the 50 meters green belt and would thereby destroy all trees on the said green belt which acts as a buffer against vehicular pollution. It is averred that the destruction of green belt would expose the residents to severe and incessant pollution which is likely to cause respiratory diseases as well as cancer, with the elderly and children being more prone to the ill effects.

3. Another Applicant, Haryali Welfare Society through Application No. 120/2013, has submitted that maintaining of green belt is a part of Para 4.2 of the National Forest Policy, 1988, which provides that green belt should be raised in urban/industrial areas as well as in arid tracts. The policy also provides for modifying the laws wherever necessary to facilitate and motivate individual institution to undertake tree farming. Further, in Lafarge Umiam Mining (P) Ltd. v. Union of India (2011)

7 SCC 338, the Hon'ble Supreme Court has held that the principles/guidelines mentioned in the National Forest Policy, 1988 should be read as part of the provisions of the Environment (Protection) Act, 1986 read together with the Forest (Conservation) Act, 1980. According to the applicant there is no requirement of widening of road from 60 meters to 78 meters from NH-8 to Sector-55 & 56 in Gurgaon. Also an accusation has been made by the applicants that the land available for compensatory plantation or the type of trees which will be planted by the HUDA is doubtful and without looking at the availability of land with HUDA, the Forest Department simply granted permission for cutting down 1055 trees in April 2012 for the purpose of the widening of the aforementioned road. The counsel for the applicants has also raised the requirement of seeking EC under the EIA Notification 2006 for the said project of widening of sectoral road. Ld. Counsel for the applicant has, further, submitted that the said road widening project has been done in the green belt area and no new green belt areas are being developed and already existing green belt areas are being shown as the areas for compensatory plantation works indicating that we are losing the green belt area for developmental works but not adding any further areas to be compensated for the losses of the green belt. In addition, there is no disclosure of the location of 246 transplanted trees and

their status about survival and the Forest Department has not verified the same.

4. While hearing the applications, the NGT felt the need of directing vide its order dated 06/01/2014 to the State of Haryana to file a specific affidavit to the effect as to whether the disputed land forms part of the extent of 1,54,706 hectares of land which includes 12,527.94 hectares stated to have been declared as forest land by the Government of Haryana. In addition to that the Ld. Additional Advocate General under took to produce copy of the affidavits before NGT which were filed before the Hon'ble Supreme Court on earlier occasion. In a written statement of Sh. SR Jotriwal, Principal Chief Conservator of Forest (PCCF), Haryana, it has been submitted that the land in question is a green belt maintained by Haryana Urban Development Authority where avenue plantations were raised by HUDA on either side of the HUDA sector road connecting National Highway No. 8 to HUDA sector 55/56 of Gurgaon. The said green belt in question has never been treated or maintained in Government record as forest and is not a part of 1,54,706 hectares of land including 11513/12527.94 hectares of land notified under section 4 and 5 of The Punjab Land Preservation Act (PLPA), 1900 as mentioned in the affidavit dated 8/12/1996 filed by the PCCF, Haryana in the Hon'ble Supreme Court in civil writ petition number 171 of 1996

in the case titled Environmental Awareness Forum vs State of Jammu & Kashmir and others. It has further been submitted by the PCCF, Haryana that the Forest Department has no jurisdiction or control on the said land except for giving permission for felling of trees on the land in question. It is seen from the document submitted before NGT that HUDA had written to the Forest Department on 24/11/2011 and 25/11/2011 seeking permission for cutting of 1080 Nos. of trees including transplantation of trees in respect of the upgradation of 60 meter wide road adjacent to NH-8 in Sector 55-56, Gurgaon for which the work was awarded to M/s DLF Ltd. The Forest Department on 22 March 2012 has accorded permission for transplantation of 236 trees with certain conditions. The Forest Department also granted permission on 4/4/2012 for felling of 1055 trees under Section 4 of the Punjab Land Preservation Act, 1900 with a condition that 10 times of the trees felled be planted at owners cost and preferably on owners land which will be monitored by the Forest Department. It also stated in its permission that out of 1055 trees, there are 246 trees falling in Misc. categories such as Eucalyptus, Poplar, etc. which are exempted and need no permission. A notification dated 28/11/1997 was brought out by the Forest Department which is valid for the period of 15 years from the date of its publication in the official gazette for

the specified areas that the cutting of trees or timber except Eucalyptus and Poplar or the collection or removal or subjection to any manufacturing process of any forest produce other than flower, fruit and honey, are allowed for bonafide domestic or agricultural purposes to the right holders in the land, provided that the owners of the land may sell trees or timber after obtaining permit to do so from the Forest Department. This notification was valid for 15 years from the date of its publication in the official gazette which has expired on 27/11/2012, and it is not known from the records available to us as to whether the notification/order dated 28/11/1997 has been further extended or not.

5. The horticultural division of HUDA of Gurgaon has intimated to the Range Forest Department, Gurgaon on 3/7/2013 that 11000 number of plants of various species have been planted/being planted by HUDA in the various sectors which include sector 9A Gurgaon, Sector 31, STP plant area in Gurgaon, Sector 90, 91, 92 in Gurgaon and Sector 53 in Gurgaon and photographs of afforestation were also submitted. It is seen from the photographs that mostly champa plants (smaller trees) have been planted which doesn't provide proper green cover and is of basically ornamental nature. As such, it may not serve the purpose of green belt which is expected to provide coverage at 3 levels i.e. Lower level, middle level and

upper level. In fact, this has been one of the contentions of the Ld. Counsel Mr. Rahul Choudhary for the Appellant No. 120/2013 that HUDA has mainly planted champa trees and such other species which do not provide proper green coverage to cover the 3 levels and the species planted can be cut without seeking permission from the Forest Department, thereby defeating the aims and objectives of the purpose of compensatory afforestation. The Ld. Counsel for the applicant Haryali Welfare Society also submitted that HUDA/DLF require EC for the road widening project and as the area under construction is more than 20,000 sq. meters, he felt that the provisions as given in the Schedule of the EIA notification, 2006 under 7(f) and 8(a) be read together and as such EC would be needed for the said project. He also emphasised that under the Forest Policy, it is necessary as per para 4.2 to maintain green belt in the urban areas, especially para 4.2.2 which reads as below:

“It is necessary to encourage the planting of trees alongside of roads, railway lines, rivers and streams and canals, and on other unutilised lands under State/corporate, institutional or private ownership. Green belts should be raised in urban/industrial areas as well as in arid tracks. Such a programme will help to check erosion and desertification as well as improve the microclimate.” But

then the Forest Policy has not been statutorily recognised so as to make it enforceable.

6. Ld. Counsel Mr. Rahul Choudhary for the applicant has also argued that HUDA has not indicated any new areas where green belt will be provided as also the details of the plant species to be planted have not been given. Also, there is no averment made by the Forest Department with respect to the monitoring of the stipulated conditions which were provided by them during the time of according permission for cutting of various trees.

7. Mr. Rahul Choudhary, Ld. Adv. has also cited the NGT judgement dated 08/04/2013 passed in Application No. 15/13 (P.B. No. 13/2011 THC) in the matter of Association of Socio Environmental Assistance & Action Vs Union of India, wherein the need of raising green belt was emphasised and project proponent was directed to provide the same failing which the project proponent was made liable to pay a compensation of Rs. 5 crores.

8. Mr. Chetan Chawla, Ld. Senior Adv. for the appellant contended that it is HUDA and the State Government that are answering the issues raised during the hearing and the DLF did not answer/ reply to the arguments on merit in respect of environmental concerns raised. The provision of Section 14 of the NGT Act are applicable in this case as water table is diminishing in Gurgaon and the provisions of The Air (Prevention and Control of Pollution)

Act, 1981 are also attracted due to the said widening of sectoral road project which may lead to air pollution creating noise problems to the residents of the area due to movement of vehicles. He also submitted that the prevailing ambient noise levels in the area which were already on higher side may further go up.

9. The Counsel for the respondents have however refuted the contentions made by the advocate for the applicant and stated that the relevant issues are not covered in the Forest Conservation Act 1986 as forest land is not involved in cutting of the green belt as also the provisions of the EIA Notification 2006 and EPA, 1986 are not attracted as no EC is required. However, the Advocate for the Applicant, disagreeing with the above submissions stated that India is signatory to a number of International Treaties and Conventions on environment and there are substantial questions of environment involved due to cutting of large number of trees and emissions of toxic gases from the vehicles which may have adverse effects on the residents of the area, especially on the NMC residents who are located in close proximity to the widening of sectoral road project. He vehemently opposed the project in question which he felt is against the protection provided to the citizens under the Article 21 of the Constitution of India, which states that no person shall be deprived of his life or personal liberty except through the procedure

established by law. Right to Life is one of the basic human right and not even the State has the authority to violate that right; *Siddharam Satlingappa Mhetre v. State of Maharashtra*, JT 2010 (13) SC 247: (2010) 12 SCALE 691.

10. He, further, argued that about 150 trees have already been cut by DLF/HUDA and 75 trees are only left in the area in question. However, according to the Ld. Additional Advocate General, Haryana, only 26 trees are required to be cut. Mr. Chetan Chawla, Ld. Senior Adv. for the appellant further stated that urban areas should have green belt as per para 4.2 of the National Forest Policy 1988. He also cited Lafarge Case decided by the Hon'ble Supreme Court in I.A. NOs.1868, 2091, 2225-2227, 2380, 2568 AND 2937 IN WRIT PETITION (CIVIL) No. 202 OF 1995 highlighting the importance of green belt/cover and afforestation. He also cited NGT judgement on Goa Foundation in M.A. 49 of 2013 in Application No. 26 of 2012 regarding maintainability in terms of the provisions of the NGT Act. All cases where substantial question relating to environment and disputes are involved, they fall in the domain of NGT.

11. Mr. Narender Hooda, Ld. Sr. Adv. appearing for R-3, R-4, R-6, R-7 and R-10, has stated that in the matter of *T.N. Godavarman Thirumulkpad vs Union of India & Ors.* on 12 December, 1996, the State Government has informed to the Hon'ble Apex Court that about 12,000 hectares of

land is forest land in Haryana. He clarified that the project in question does not fall under the category of the said forest land and as such the provisions of the Forest Conservation Act, 1980, are not attracted. He, further, informed that the project is not falling under the Aravalli Notification of MoEF and is about 20 Km. away from the Sultanpur National Park. The documents submitted by HUDA also indicate that the plants to be cut are not part of Aravalli Plantations. He, also stated that the provisions of the EIA Notification 2006, are also not applicable to the project in question as it does not fall under widening of the National Highways or State Highways. In fact the project in question involves the widening of the Slip/sectoral road and at best the project is covered under The Punjab Land Preservation Act, 1900 and for cutting of trees proper permission was taken under Section 4 of The Punjab Land Preservation Act. In fact, Mr. Hooda, Sr. Adv. also raised the issue of maintainability of the application under Section 14 of the NGT Act as none of the Acts included under the Schedule given to the NGT Act, 2010 are involved in this case.

12. Ms. Anubha Agrawal, Adv. for R-5(HUDA) informed the court that no forest land is involved for the project site in question and the land in the disputed site falls in the category of the green belt which is out of the purview of the forest land. EC is also not required from MoEF for the

widening of the side/ sectoral roads and she categorically stated that the project in question is not an extension of the National Highway or the State Highway. Efforts have already been made to save maximum number of trees possible and the plants/trees have been cut or proposed to be cut to the bare minimum and after taking proper permission from the Forest Department. She, further, stated that the larger public interest is involved in the project in question and as such interest of individuals or small group of people may not be looked into as laid down by the Hon'ble Supreme Court. She also stated that the project in question is also out of the Aravalli Notification. Ld. Advocate for DLF has also expressed the similar views, akin to HUDA & State Govt's views on the disputed site in question.

13. From the above averments and documents placed before us, basically the following issues are required to be settled in respect of the project in question:-

1. Whether the land falling in the widening of the side/ sectoral road (project in question) is a forest land?
2. Whether required permission for cutting of trees was taken?
3. Whether the residents of the NMC will be affected due to the project in question?
4. Whether proper permission from environmental angle was obtained by the project proponent?

5. Whether afforestation work has been proposed/ undertaken in lieu of cutting of the trees at the site of the project in question?

14. Now we propose to address the above issues one by one.

Issue No: 1

It has been clearly stated by the Ld. Senior Counsel for Respondents- 3, 4, 6, 7 and 10 that the project site involving widening of the side road does not fall in the forest area as informed by the State Government to the Hon'ble Supreme Court. Even though, the land in question is basically impinging on the green belt which was raised by the State Government as side road plantations for the purpose of raising green belt. However, it can be put to other uses after taking the required permission, including permission for cutting of trees. The documents filed to show that the land in question does not fall in the forest land are quite clear. We hold no reason to that the land in question does not fall within the domain of the forest land and as such the provision of the Forest Conservation Act, 1980 are not attracted as has been categorically asserted by the Ld. Sr. Counsel of the State Government. The issue is answered accordingly.

Issue No: 2

According to the project proponent all efforts were made to save the trees but certain trees which are coming on the

way of alignment/widening of the said road cannot be saved and are required to be cut (about 26 trees). He has stated that efforts have been made/will be made to transplant certain trees if it is feasible and for every tree cut at least 10 trees will be planted as per the permission obtained from the Forest Department. As permission has already been obtained from the competent authority, while answering the issue in favour of the respondents, we feel it necessary to issue suitable directions for compensatory afforestation.

Issue No: 3

It has been stated by the Ld. Counsel for Applicants that about 190 families are living for the last several years in NMC and a green cover of 50 m. wide and 200 m. in length existed which the project proponent started cutting and it was pointed out by the Ld. Counsel for Applicant that a number of trees have already been illegally cut. The project proponent mentioned that as per the revised plan only 26 trees will be required to be cut in front of the NMC in the land which belongs to the Government. No tree will be cut from the land belonging to the NMC which has considerable width of green belt in front of the project in question. Due to the widening of the slip road/ sectoral road proposed to be undertaken, it is expected that the same will result in smooth flow of traffic and as such the congestion and traffic jams will be taken care of. This

may result in containing air and noise pollution which would have otherwise been continued if no expansion or widening of the sectoral road have been taken due to the resultant congestion and slow movement of vehicles in the area in question.

Ambient noise levels encountered in the area are exceeding the residential area standards as per the report submitted by the Applicant which was measured on 05.02.2014 by Shri Ram Analytical Laboratory, Ghaziabad. Similarly, the report filed by HUDA on ambient noise levels indicated that the noise levels were found to exceed the prescribed standards. This report was got prepared by M/s. Perfact Researchers Pvt. Ltd. which is NABL accredited laboratory. In both the reports, the ambient noise levels in residential areas were found exceeding the prescribed threshold limits. Therefore, we feel that there is need to provide proper measures including acoustical barriers to reduce vehicular noise so as to minimise the adverse impact on the residents on NMC and other human settlements of the nearby areas. In view of this matter, we strongly feel that acoustic barriers must be provided to safeguard nearby residents from the noise pollution problems. In addition, wherever possible plantation work must be taken up in close proximity of the project in question as also in the other areas not very far from the said project. By this process the noise level

would be mitigated to the benefit of the residents. Issue answered accordingly.

Issue No: 4

From the various averments, documents and submissions made before us, it is quite clear that for the project in question EC is not required under the EIA notification 2006. Also no forest clearance is required under the Forest Conservation Act, 1980. The project is also far away from Sultanpur Bird Sanctuary (about 20 km) and the provision of Aravalli Notification brought by MOEF are also not attracted as the plants in question are not part of Aravalli Plantations as per the records submitted before us. However, permission is required to be taken from the Forest Department for the cutting of trees for which it was stated before us by the counsel for the respondents that no tree will be cut without taking proper permission and that afforestation work will be undertaken in lieu of the trees which are required to be removed as per the conditions stipulated by the regulatory authority. Issue answered accordingly.

Issue No. 5

It was stated by the Ld. Counsel appearing for the Applicants that HUDA has cut number of trees in different sectors and no proper afforestation work has been undertaken by the HUDA or other concerned departments which has resulted in considerable reduction of green

cover in Gurgaon. According to him, the green cover left in Gurgaon is only 3.8 per cent in the year 2010 and it might have gone further down due to massive urbanisation policy of HUDA. He, further, mentioned that 3.8 per cent green cover in Gurgaon is against the State Policy of having 20 per cent green cover which is even much shorter of the requirement of 33 per cent of green cover as per the National Forest Policy. Be that as it may, there are no two opinions that there is need to have more and more greenery in the urban areas where significant concretisation/number of building structures have come up in Gurgaon making it difficult for the residents to have fresh air to breath. We, therefore, call upon the Forest Department and HUDA to make it compulsory that environmental issues right from beginning at the project planning stage itself should become the necessary component of the project so that environmental and forestry issues are addressed early and become an integral part of the project.

The concept of sustainable development is to be considered in terms of the pressing requirement of expanding infrastructure pertaining to transport sector. Urban city roads/sectoral roads are required to be expanded in order to avoid congestion and traffic jams due to increased Vehicular population and are required to be addressed by increasing the supportive and assimilating

capacity of traffic movement in the area. While applying the concept of sustainable development, one has to keep in mind the “Principle of Proportionality” based on the concept of balance and there is a need to have trade-off between the development & environment. As such, we have to balance the priorities of development on the one hand and environmental problems on the other. So sustainable development should address the requirement of development that can be allowed and which can be sustained by environment with or without any significant adverse impacts, keeping in view the public interests rather than the interests of handful of persons or group of persons, according to a ‘reasonable person’s test’.

NGT in its recent judgement in Appeal No. 12/2012 in the matter of M.P. Patil Vs. UOI & Ors. has stated as below:-

“It has to be respectfully accepted as a proposition of law that individual interest or, for that matter, smaller public interest must yield to the larger public interest.

To an extent, there is a right to development. However, even this right is not free of limitations and regulations. It is not an unfettered right so as to completely give a go by to the issues of environment. Development may be carried out to satisfy the need of a developing society but it has to be regulated so as to satisfy the requirement of preservation and nurturing of the natural recourses, which are the real assets of the society.”

15. In the light of the above principles, we have to ensure that the widening of road project does not unduly affect the residents of nearby areas.

16. Traversing through the documents, affidavits, counter affidavits, and submissions made by the applicants and respondents and banking upon the Principles of Sustainable Development and recognising the need of the project in question which will serve the larger public interest by way of resulting in smoother flow of traffic, we are of the opinion that the project in question may be allowed subject to the environmental safeguard which would keep the likely adverse impacts to the bare minimum. We, therefore, feel that the following directions are required to be issued for implementation of the project without causing any significant adverse impacts on environment:-

1. Afforestation work- The project proponent must have a proper plan with time frame and financial commitment to undertake afforestation work according to the permission given by the Forest Department. Local plant species should be preferred involving smaller, medium and larger trees to be forming part of the green belt. The Forest Department must ensure that the project proponent implement the conditions so stipulated by them and the periodical check-up/verification be undertaken. In case it is found that the project proponent has done any violation with respect of

raising of green belt, a penalty upto Rs. 5 crore will be imposed on DLF/HUDA.

We direct HUDA to internalise environmental issues at the project planning stage and all effort should be made to cut bare minimum number of trees and undertake massive afforestation works wherever possible in the urban areas.

As was stated by Ld. Additional Advocate General, Haryana that not more than 26 trees will be cut in the area in question after re-orientation of alignment of sectoral road, we direct HUDA/DLF not to cut more than 26 trees in the project area. The Forest Department will supervise the cutting operation and maintain record. They shall submit a status report on the total number of trees cut at the project site along with the details of afforestation done by the Project Proponent within six months.

2. Noise Prevention- The project proponent should provide adequate and effective acoustic barrier in front of NMC and other nearby human settlements to avoid any noise pollution problems to the residents. Also, this stretch of land in question be declared as “No Honking Zone”. The Haryana Pollution Control Board and Traffic Police through Superintendent of Police, Gurgaon, will ensure that such measures are provided and there is no violation of the noise standards as per the provision of The Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act, 1986.

3. Internalisation of Environmental Issues- In order to internalise environmental issues at the planning stage of the projects, it will be desirable for DLF & HUDA to have an Environmental Adviser who would report to the top Executive, say Chairman or Managing Director so that environmental issues get addressed quickly by way of policy interventions and financial commitments at the initial stage of the projects.

The above directions shall be implemented *pari passu* with the construction work of the proposed project.

The applications are disposed of with the above directions the concerned Departments shall submit compliance report within 6 months before the Registry.

Hon'ble Mr. Justice Dr. P. JYOTHIMANI
Judicial Member

Hon'ble Mr. Justice M.S. NAMBIAR
Judicial Member

Hon'ble Dr. G.K. Pandey
Expert Member

Hon'ble Prof. A. R. Yousuf
Expert Member

New Delhi