BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

M.A. No. 557 of 2013 In Original Application No. 82 of 2013

Aditya N. Prasad Vs. Union of India & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

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: Mr. Rajiv Dutta, Sr. Advocate, Mr. Arijeet Singh,

Advocate, Mr. Aditya n Prasad, Applicant

Mr. Arijeet Singh, Advocate

Respondent No. 1: Mr. Vikramjeet, Advocate for Ms. Neelam

Rathore, Advocate

Ms. Puja Kalra, Advocate Respondent No. 2: Respondent No. 3&4: Mr. Balendu Shekhar, advocate Respondent No. 5, 10&12: Mr. D. Rajeshwar Rao, advocate Respondent No. 6: Mr. Sunil Satyarthi, advocate

Respondent No. 7: Mr.Jitendra Kumar, Advocate for M. Dutta,

Advocate

Ms. P.L. Gautam, Advocate Respondent No. 8:

Respondent No. 9: Mr. Sangram Patnaik, Advocate, Ms. Swayam

Singh and Mr. Braj Lal, Director Hort. DDA

Mr. Parivesh Singh, Advocate, Mr. S. Nanda Kumar, Advocate and Mr. K. Armugam, Respondent No. 11:

Advocate

Respondent No. 15: Mr. Ankur Gupta, Advocate

Amit Shrivastava, Adv for Contempt Petitioner

Respondent

Date and Remarks	Orders of the Tribunal		
Item No. 8 August 8, 2013	M.A. No. 557 of 2013		
27 /	Liberty to the Respondents to file their Reply within		
	two weeks from today with advance copy to the Learned		
	counsel appearing for the Applicant, who may file Rejoinder,		
152	if any, within one week thereafter.		
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	Original Application No. 82 of 2013		
	Having heard Learned counsel appearing for the		
	parties and upon perusing Affidavits filed by the different		
	Authorities in regard to the de-concretization of the trees in		
	various parts of Delhi, we pass the following directions:-		
	1. The Vice Chairman of DDA shall be Chairperson for		
	execution of the orders already passed by this Tribunal		
	as well as the directions made in the present Order.		
	2. The Vice Chairman of DDA shall call the		
	Commissioners of all Corporations and Chief		

- Engineers of PWD, CPWD, NDMC, Delhi Cantonment Board, Conservator of Forest Department.
- 3. They shall define each time 6 colonies of Delhi wherein the de-concretization of trees shall positively be done before the next date of hearing.

This direction is necessitated in view of the Affidavit filed on behalf of the Authorities for example the DDA submits that in the colonies of R.K. Puram, Hauz Khas and Ashok Vihar, belonging to DDA, Giri Nagar (Central Zone), Rajouri Garden (West Zone) and Sadhna Enclave (South Zone), belonging to SDMC de-concretization has been carried while in other areas of the same colonies the same could not be done as those areas belonged to Corporations or PWD as the case may be.

We would have expected the Authorities to act in cooperation and coordination with each other and pick up number of colonies where they can carry out deconcretization and ensure compliance of the Order of the Tribunal. Be that as it may.

The Vice Chairman DDA at the first instance would pick up R.K. Puram, Hauz Khas and Ashok Vihar and direct completion of de-concretization in these colonies and thereafter pick up 6 set of colonies each time. We would appreciate if the entire work of de-concretization would be completed in all colonies of Delhi before the next date of hearing.

NDMC shall ensure that all the work of deconcretization of the trees particularly in Northern Zone be completed before the next date of hearing and without fail.

It has been brought to our Notice that when deconcretization of the trees is being done by machines like JCB, damage has been done by the machines to the trees as their roots are exposed and trunks are damaged.

We direct the Authorities to ensure that damage done to the trees which was shown in the photographs, the same would be cured and damage would not occur forthwith in future. The person operating any machines for deconcretization shall ensure that no damage is caused to the trees and their roots are not left exposed.

We make it clear that if now in future it is shown before us that any damage is done to the stumps of trees or roots are exposed as a result of mechanical de-concretization of the trees, the person operating such machines and the Executive Engineer under whose jurisdiction that work is being carried out will personally be liable to pay compensation.

The Vice Chairman, DDA would call all the heads of Corporations and others and mark the areas in the set of 6 each to be complete at the first instance.

The meeting shall be conducted positively by the Chairperson of the Committee on Tuesday.

List on 19th September, 2013 for further directions.

	C/D
(<mark>Sw</mark> atanter Kumar)	,CP
(S.N. Hussain)	,JM
(P.S. Rao)	,EM
(Ranjan Ch <mark>atte</mark> rjee)	,EM