

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

Original Application No. 161 of 2016

(M.A. No. 718/2016, M.A. No. 1093/2016, M.A. No. 81/2017, M.A. No. 376/2017,
M.A. No. 1193/2017, M.A. No. 1446/2017, M.A. No. 1448/2017, M.A. No.
1549/2017, M.A. No. 1560/2017, M.A. No. 1561/2017, M.A. No. 76/2018, M.A.
No. 93/2018, M.A. No. 112/2018, M.A. No. 113/2018, M.A. No. 114/2018, M.A.
No. 124/2018, M.A. No. 125/2018, M.A. No. 126/2018, M.A. No. 127/2018, M.A.
No. 129/2018, M.A. No. 188/2018, M.A. No. 194/2018, M.A. No. 200/2018, M.A.
No. 238 /2018, M.A. No. 272/2018 & M.A. No. 273/2018)

And

Original Application No. 162 of 2016

(M.A. Nos. 640/2016 & 994/2016)

IN THE MATTER OF :

Dr. Amandeep Aggarwal Vs. State of Punjab & Ors.

And

Peacock Environment & Wild Life Protection Society Vs. State of Punjab

**CORAM : HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Present: Applicant:

Mr. Saurabh Sharma, Adv.

Mr. H.M. Singh, Adv.

Respondents

**Mr. Saurabh Mishra and Mr. Abhishek Singh
Adv.**

**Mr. Sandeep Mishra, Ms. Isha Arora and Ms.
Sonan Singh, Adv. in MA 238/18**

Mr. Naginder Benipal, Adv.

Mr. Mukesh Kumar, Adv. for NHAI

Mr. Praksah Kumar Singh, Adv for CPCB

Mr. Kamal Jeet Singh, AAG for State of Punjab

Mr. Om Prakash, Adv.

| Date and Remarks | Orders of the Tribunal |
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| Item Nos. 51-52 March 09, 2018 AG | <p style="text-align: center;"><u>M.A No. 238 of 2018</u></p> <p>This application is moved by M/s Preetech Power Pvt. Ltd., seeking approval of this Tribunal for felling of trees on the private land. In support of the relief, it is averred that the applicant has undertaken the project for construction of 850 KW Mini Hydro Power project at Sabraon Branch Canal RD 34160 on L/s Village Tuglawala, Tehsil Shri Hargobindpur Forest Division and District, Gurdaspur, Punjab.</p> <p>The applicant owns 0.4528 Hectare which is the land to be used in the project. As per the standard procedure the applicant has applied for approval of</p> |

**Item Nos.
51-52**

**March 09,
2018**

AG

permission from the Government under Section 2 of the Forest (Conservation) Act, 1980 and the Ministry concerned has granted the said permission. The Forest clearance has been granted under Section 2 and all other requisite formalities are also complied. However, felling of the tree could not be done in view of the direction of this tribunal that any permission granted shall be subject to approval of this Tribunal. They have thus approached this Tribunal for grant of approval.

Learned Counsel appearing for the State of Punjab submits that in response to this application a detailed affidavit has been filed which is at Page 2649 (50) wherein the competent officer, namely, Mr. Willbrt Samson of Punjab Forest Service Divisional Forest Officer, Gurdaspur has averred in detail that they found the request made for felling trees could be granted as there is no legal impediment.

In the circumstances, we also feel as the Project Proponent has complied with all legal formalities and the project is legally permissible we grant our approval subject to final order, if any to be passed by State Government in this regard.

Therefore, M.A No. 238 of 2018 stands disposed of accordingly with no order as to costs.

M.A No. 273 of 2018

The applicant, Gram Panchayat, Chohal through its Sarpanch has sought approval of this Tribunal for grant of permission to fell the trees as detailed in the application.

The Learned Counsel for the applicant submits State Government had granted permission to fell the trees but in view of the stay granted by this Tribunal, the period

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| | <p>Item Nos. 51-52</p> <p>March 09, 2018</p> <p>AG</p> | <p>fixed within which it had to be done has lapsed and thereafter they applied fresh.</p> <p>In the circumstances, they seek further direction of this Tribunal.</p> <p>Learned Counsel appearing for the State of Punjab submits the statement made by the applicant that the State had granted them permission is factually correct but that lapsed, however, the applicant is seeking felling of 2563 trees which could be granted as the species of the trees are not within the restriction.</p> <p>The applicant had permit dated 31.12.2014 which has lapsed and fresh application was made on which the State has granted permission on 27.02.2018. After obtaining such application, the applicant has approached this Tribunal. Learned Counsel appearing for Applicant further submits in similar circumstances this Tribunal granted approval when the State Government had issued permit. The same benefit may be given. We are also satisfied on parity the applicant is entitled to relief as it appears the State has granted fresh permit to them on 27.02.2018 for cutting of trees.</p> <p>We are further informed that the date fixed is to expire by 15.03.2018 but cannot be extended by the State. However, the time available to the applicant is till 31st March, 2018 for removal of trees and it is also stated that the time fixed for both these acts could be merged. If that is permissible then the applicant may apply to the State Government who shall give consent /or pass appropriate order.</p> <p>Therefore, M.A No. 273 of 2018 stands disposed of accordingly with no order as to costs.</p> |
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| | <p>Item Nos. 51-52</p> <p>March 09, 2018</p> <p>AG</p> | <p>Copy of the order be given Dasti.</p> <p>List the main matter on 19th March, 2018.</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Satyawan Singh Garbyal)</p> <p>09.03.2018</p> |
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