

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

Original Application No. 480/2015

Eshita Baruah Vs. Union of India & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant / Appellant :
Respondent No. 1 : Mr. Maheen Pradhan and Dr. Abhishek Atrey,
Advs.
Respondent No. 5 : Ms. Puja Kalra, Adv with Sh. K. S. Meena,
Adv.**

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 04 October 28, 2015</p>	<p>Perused affidavit of service. Service is complete.</p> <p>We have before us the Learned Counsel appearing on behalf of the Respondent No. 1 and 5. The Learned Counsel appearing on behalf of the Respondent No. 5 makes a statement that heavy pruning of the trees in Jangpura Park, the subject matter of the application was done unauthorisedly at the behest of the Respondent No. 4 - Mr. Ravi Kalsi, Councilor, Jangpura Extension, New Delhi and a complaint in that regard has been made to Respondent No. 3 - the Forest Officer, Department of Forest, Government of NCT on 20.10.2015.</p> <p>Respondent No. 4 - Mr. Ravi Kalsi appears in person. He submits that he is a Councilor from Jangpura, South Delhi Municipal Corporation and there was a popular demand for pruning the trees as its foliage covered the street lights. He further submits that he also was of the opinion that these trees needed pruning in order to allow the street light to spread its glow properly on the street to facilitate young and</p>

elderly alive to move during dark hours. He further submits that he approached Respondent No. 5 with the request to carry out pruning of the trees in question. However, he did not get any response. He makes a statement that the trees were pruned by Respondent No. 5 - Horticultural Department of South Delhi Municipal Corporation.

The Learned Counsel appearing on behalf of Respondent No. 5 submits that the statement made by the Respondent No. 4 - Mr. Ravi Kalsi is false. She submits that light pruning is done to allow the street lights to spread its glow properly. However, no heavy pruning is ever conceived by the Horticultural Department of South Delhi Municipal Corporation for such purposes.

The Learned Counsel appearing on behalf of the Applicant submits that heavy pruning was done unauthorisedly by Respondent No. 4 - Mr. Ravi Kalsi, and there is no accountability in respect of logs of woods and other material recovered from cutting of branches and it is not known how the cut branches were disposed of.

We find from the rival statements that there is a dispute as to who pruned the trees in question and whether heavy pruning of trees was carried out unauthorisedly. The controversy thus raised by the rival submissions need to be considered by the Tree Officer under Delhi Preservation of Trees Act, 1994 as appropriate action in that regard as envisaged under the said provisions can be taken by him. The Learned

Counsel appearing on behalf of the Respondent No. 5 on instructions submits that Respondent No. 3 - the Forest Officer of the Department of Forest referred to herein is a Tree Officer.

We, therefore, direct the Applicant, Respondent No. 4 - Mr. Ravi Kalsi, Respondent No. 5 - The Assistant Director of South Delhi Municipal Corporation to approach the Respondent No. 3 - the Forest Officer, Department of Forest, Government of NCT who is designated as Tree Officer under provisions of the Delhi Preservation of Trees Act, 1994 with their rival contentions on 04.11.2015 and the concerned Tree Officer shall inquire into the complaint dated 20.10.2015 lodged by the Respondent No. 5, consider the rival contentions and such other material and pass orders in accordance with the law.

If the Tree Officer comes to conclusion that there has been contravention of the provisions of Delhi Preservation of Trees Act, 1994 he shall be at liberty to initiate the prosecution under the said Act.

With these directions, we dispose of Application No. 480 of 2015.

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

.....,EM
(Ranjan Chatterjee)