

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

**M.A. No. 736 of 2013**

**In**

**Original Application No. 229/2013**

**Giriraj Parikrama Sanrakshan Sansthan & Ors.**

**Vs.**

**Department of Environment & Forests & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

**Present:** Applicant / Appellant : Mr. Rahul Sharma and Mr. Ajay Sipahiya,  
Advocates.  
Respondents No. 1 to 3 :Mr. Raman Yadav, Adv.  
Respondent No. 4 : Mr. Pradeep Misra and Mr. Daleep Kr.  
Dhyani, Advs.  
Respondent No. 5 : Ms. Savitri Pandey, Adv.  
Respondent No. 6 : Mr. Vikas Malhotra with Mr. M.P. Sahay,  
Adv.

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 8 April 2, 2014</b>	<p>The Learned Counsel appearing for the Applicant submits that the PWD of the State Government of Uttar Pradesh has violated the Order of the Court dated 3<sup>rd</sup> September, 2013 with impunity. He has placed certain documents including photographs on record to show that the trees have been indiscriminately damaged or fell.</p> <p>The Learned Counsel appearing for the project proponent submits that they have not obtained any forest clearance or permission to cut trees for the reason that they had informed the Authorities that no trees are going to be fell or cut for carrying out the project. It is further stated that there are no trees which have been felled or cut in execution of the project.</p> <p>In view of the conflicting stands taken by the parties before the Tribunal, it is necessary for Tribunal to find out the exact position at the site before passing any further directions.</p> <p>Consequently, we appoint Mr. Rachit Mittal, Advocate, who is present in Court as Local Commissioner who shall visit the site today itself to carry out local investigation. He need not give any further Notice to the parties as the Order is being passed in the presence of parties. He shall visit and submit a complete and comprehensive Report answering the question as to whether in the execution of project any trees have been</p>

damaged or are likely to be damaged. He is at liberty to take photographs or prepare video as the case may be. We direct all the Officials including the Officials of the PWD to present the drawing, contract and outlay plan for completion of the project in question before the Local Commissioner. Applicant can also show photographs and the site where the photographs were taken to the Local Commissioner.

The Local Commissioners fee is fixed at Rs 10,000 in addition to expenses that he would incur. The Applicant shall provide the conveyance and shall pay the fee of the Commissioner at the first instance. Further, if the Respondents are found to have violated the Orders of the Tribunal and if any unauthorised or illegal cutting of trees is found, it shall be the responsibility of the Respondent to pay the cost.

List this matter on 17<sup>th</sup> April, 2014.

.....,CP  
(Swatanter Kumar)

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

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(B.S. Sajwan)

.....,EM  
(Dr. R.C. Trivedi)

