

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

**Original Application No. 82 of 2013
(M.A. No. 296 of 2014, M.A. No. 297 of 2014 and M.A. No. 887 of 2014)**

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

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER**

Present:

Applicant:	Mr. Aditya Prasad
Respondent No. 1 & 3:	Mr. Ardhendumauli Kumar Prasad, Adv.
Respondent No. 2:	Ms. Puja Kalra, Adv. for North MCD
Respondent No.4:	Mr. Sakshi Popli, Adv. for NDMC
Respondent No.5:	Mr. Biraja Mahapatra, Adv.
Respondent No.6:	Mr. Sunil Satyarthi, Adv.
Respondent No. 7 :	Mr. Sandeep Mahapatra, Adv. CPWD
Respondent No. 8:	Mr. M. Acharya, Sr. Adv. with Ms. Mini Pushkarma, Standing Counsel, SDML
Respondent No.9:	Mr. Rajiv Bansal and Mr. Kush Sharma, Adv.
Respondent Nos. 10:	Mr. D. Rajeshwar Rao, Adv. and Mr. Charanjeet Singh, Adv.
Respondent No.11:	Mr. M. Soundarasaran Kumar, Mr. Parivesh Singh and Mr. Prateek Gupta, Adv.
Respondent No. 14:	Mr. Vikar Malhotra and Mr. M.P. Sahay, Adv. MoEF Mr. Sanhavrethar, DTC, Mr. Suresh Tripathy, DJB, Mr. Balendu Shekhar, Adv. and Mr. Jaipal Singh, DDH, EDMC, Mr. Sanjay Diwan, Adv. Forest Dept., Mr. Ankur Chhibber, Adv. Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar and Mr. Prashant Mathur, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 20 March 05, 2015	<p>We have heard the Learned Counsel appearing for the parties.</p> <p>The Forest Department has filed status report wherein it has been pointed out that nine trees have been uprooted, by the Project that has been undertaken by the Delhi Jal Board. However, learned counsel appearing for Delhi Jal Board submits that it was not their project and even other public Authorities had carried out their projects on that site and the trees might have been uprooted by others. In any case the investigation is pending. The Forest Department is directed to submit its final report within four weeks from today as to how nine trees have been uprooted.</p>

We direct 90 trees in their places shall be planted in the same area and preferably on the same place from where 9 trees have been uprooted. These saplings will be duly protected in all respects and Authority concerned shall ensure that they grow properly.

It has also been brought to our notice that while carrying deconcretization of the trees often the roots of the trees are damaged or are exposed which ultimately results in felling of the trees.

We may notice that by our order dated 10th February, 2015, we had clearly directed that deconcretization of trees would be carried with care and caution following prescribed procedure. We had directed that where roots of the trees are exposed immediate steps would be taken to layer them with soil and ensure that their roots are provided with support. All public Authorities were directed to comply with these directions. Despite the above, they failed to comply with the directions. Now we place all the Authorities on Notice that in the event of any damages to the roots of the trees, the Head of the Department shall be personally responsible for the same. We direct that operation with regard to the deconcretization of the trees would be carried out by the Authorities under the supervision of atleast an Officer of the rank of the Executive Engineer, supported by Officers from the Horticulture Department of NCT of Delhi. These officers could make recommendation to the Tribunal. If removal of Chabutaras made around the trees would prove fatal to the trees, because of total exposing of roots, it shall be made certain where Chabutara could be permitted and only top surface of the Chabutara will be allowed and it would be

entirely soil covered with. Both these Officers in such cases would submit photographs along with their recommendation to the Tribunal.

The applicant also refers to the report submitted by South Delhi Municipal Corporation where it has been stated that the deconcretization was being carried on unscientifically and trees were being damaged. He further refers to the order that the Authorities concerned were required to submit a report to the Committee which has not been submitted till date. However, Learned counsel appearing for the DDA and South Delhi Municipal Corporation submit that the reports have already been submitted. Let the final comments of the Committee be submitted to the Tribunal on the next date of hearing.

List this matter on 07th April, 2015.

.....,CP
(Swatanter Kumar)

.....,EM
(M.S. Nambiar)

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

		<p>entirely soil covered with. Both these Officers in such cases would submit photographs along with their recommendation to the Tribunal.</p> <p>The applicant also refers to the report submitted by South Delhi Municipal Corporation where it has been stated that the deconcretization was being carried on unscientifically and trees were being damaged. He further refers to the order that the Authorities concerned were required to submit a report to the Committee which has not been submitted till date. However, Learned counsel appearing for the DDA and South Delhi Municipal Corporation submit that the reports have already been submitted. Let the final comments of the Committee be submitted to the Tribunal on the next date of hearing.</p> <p>List this matter on 07th April, 2015.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (M.S. Nambiar)</p> <p>.....,EM (Dr. D.K. Agrawal)</p>
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