

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

Original Application No. 1038/2024

Hardeep Sharma

Applicant

Versus

State of U.K.& Ors.

Respondents

Date of hearing: 24.02.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Harshit S Gahlot, Proxy Advocate for Mr. Vivek Kumar Tandon, Advocate for Moef & CC.
Mr. Mukesh Verma, Advocate for UKPCB (through VC).

ORDER

1. The applicant-Hardeep Sharma has sent letter petition dated 09.01.2024 complaining that in Village Chandpur, Pratapur of District Udham Singh Nagar, a colony is being developed for plotting purpose, wherein 1100 green and matured trees were standing and permission for cutting of 150 trees was granted but more than 600 trees have already been cut.

2. Vide order dated 07.11.2024, this Tribunal constituted a Joint Committee with direction to submit factual report within one month.

3. In compliance thereof, report dated 27.01.2025 of the Joint Committee has been filed by MoEF&CC. The conclusion and

recommendation of the Joint Committee in the above said report read as under:-

“E. CONCLUSION AND RECOMMENDATION OF THE JOINT COMMITTEE:

After perusal of the reports and as per the site visit, the member of Joint Committee is of the view that a total number of 264 (88+176) trees were felled without permission in the nap (niji) land. The Forest Department has already recovered an amount of Rs. 4,44,000/- from the violators for felling of 88 trees as a compensation under the Protection of Trees Act, 1976. In addition, a case No. 3/kashi0/2024-25 has also been registered by the DFO, Tarai West Ramnagar under the Protection of Trees Act, 1976 for felling of 176 trees and Uttarakhand Pollution Control Board has also imposed fine of Rs 67,26,375/- upon the violators as an environmental compensation.

Therefore, the member of Joint Committee are of the opinion that fine may be recovered from the violators under the Protection of Trees Act, 1976 for illegally felling of 176 trees and fine imposed by the UKPCB of Rs 67,26,375/- may also be recovered as an environmental compensation.”

4. In view of the averments in the application and observations in the report of the Joint Committee, we consider it necessary to have response of (1) State of Uttarakhand through Chief Secretary, Government of Uttarkhand, (2) District Magistrate, Udham Singh Nagar, (3) Integrated Regional Office, MoEF & CC, Dehradun, (4) DFO, Tarai West Forest Division, Ramnagar, (5) Uttarakhand State Pollution Control Board (UKSPCB), (6) Manish Gupta, resident of Chandpur, Tehsil Kashipur, District Udham Singh Nagar, Uttarakhand (7) Naresh Gupta, resident of Chandpur, Tehsil Kashipur, District Udham Singh Nagar, Uttarakhand, (8) Sudhir Gupta, resident of village Chandpur, Tehsil Kashipur, District Udham Singh Nagar, Uttarakhand, (9) Nakul Kumar Gupta, resident of village Chandpur, Tehsil Kashipur, Udham Singh Nagar, Uttarakhand who are impleaded as respondents no. 1 to 9.

5. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents no. 1 to 9 requiring them to

file their replies/responses at least three days before the date of hearing fixed.

6. Notices be served on Respondent no.-6 Manish Gupta, Respondent no.-7 Naresh Gupta, Respondent no.-8, Sudhir Gupta, and Respondent no.-9, Nakul Kumar Gupta through the District Magistrate, Udham Singh Nagar and for this purpose notices issued to them may be sent to the District Magistrate, Udham Singh Nagar by E-mail for taking print out thereof and get the service of the same effected on them and sending his report in this regard.

7. List on 07.04.2025 for further consideration.

8. In view of the facts and circumstance of the case, we also consider personal appearance of the Member Secretary, UKPCB and PCCF (HoFF), Uttarakhand before this Tribunal physically or through V.C. on the next date of hearing to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly, they are directed to remain present before this Tribunal on that date with the relevant record.

9. A copy of this order be sent to the Member Secretary, UKPCB and PCCF (HoFF), Uttarakhand by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 24th, 2025
Original Application No. 1038/2024
AB