

Item No. 6

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 911/2022

Prof. Dr. Sanjeev Bagai & Ors.

...Applicants

Versus

Department of Environment, GNCTD & Ors.

...Respondents

Date of hearing: 20.12.2022

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

Applicant: Mr. Anu Monga, Mr. Shobhit Sharma and Mr. Shubham Khanna, Advocates.

Application under Section 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. Prof. Dr. Sanjeev Bagai and others have filed the present application under Section 14 and 15 of the National Green Tribunal Act, 2010, seeking *inter alia* issuance of directions to respondents no. 1 to 6 to take appropriate remedial and penal action against respondent no. 12 to 17 for illegal act of cutting, felling and pruning of trees in Vasant Vihar.

2. The applicants have submitted that some trees were cut/felled in Vasant Vihar on 30.09.2022 without any permission and a complaint dated 28.10.2022 was lodged in this regard by applicant no. 1 with various authorities. On 18.11.2022, the applicants received a Whatsapp Communication from respondent no. 14 stating that there are around

7000 trees in Vasant Vihar pruning of which was long due and the pruning would start from 21.11.2022. It was further stated that Municipal Corporation of Delhi (MCD) does not have the means to carry out pruning and had conveyed its inability to carry out pruning of trees in Vasant Vihar. The applicants raised objections to the same and also sought information from the MCD under the Right to Information Act, 2005 but did not receive any response. The contractor engaged by respondents no. 12 to 17 started pruning of trees in Vasant Vihar w.e.f. 20.11.2022 without obtaining requisite permission under the Delhi Preservation of Trees Act, 1994 and the Guidelines dated 01.10.2019 for pruning of trees. The applicants made complaints to the concerned authorities but no action has been taken on the same.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. In view of the serious nature of the averments made in the application and the facts and circumstances of the case, we consider it appropriate to have the response, in the first instance, from the respondent no. 2-Commissioner, MCD, respondent no. 3-the Deputy Conservator of Forest, West Forests Division (Tree Officer) and respondent no. 18-the Vasant Vihar Welfare Association, through its Secretary. Let notices along with copies of the application and documents attached with the same be issued to respondents no. 2, 3 and 18 requiring them to appear and file reply/response and produce the relevant record on 21.12.2022.

5. List for further consideration on 21.12.2022.

6. The applicants are directed to take requisite steps for getting service of the notices effected on respondents no. 2, 3 and 18 for this purpose notices may be given *Dasti* to them.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 07, 2022
AVT