

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

**Original Application No. 638 of 2016  
(M.A. No. 142/2017)**

**IN THE MATTER OF:**

**Poonam Gehlot Vs. State of Himachal Pradesh & Ors.**

**CORAM :** HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

**Present:** **Applicant:**  
**Respondent:** Ms. Seema Sharma, DAG and Mr. D. K. Thakur,  
AAG for the State of Himachal Pradesh  
Mr. Devendra Dedha, Adv. for Himachal Pradesh  
Pollution Control Board  
Mr. Raj Kumar, Adv. with Mr. Bhupender Shahi  
and Ms. Niti Chaudhary, LA, Central

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 03</b> <b>March 28, 2017</b>	<p style="text-align: center;"><b><u>M.A. No. 142 of 2017</u></b></p> <p>In response to the Notice of admission of this application, the respondents through counsel appeared. On 02<sup>nd</sup> December, 2016, an interim order was passed directing the respondent not to fell any trees without specific permissions of the Tribunal.</p> <p>Thereafter, replies of respondents have been filed and respondent - State has taken contention that the State Government has decided that some trees which are endangering the life of habitants, to be cut.</p> <p>The Learned Counsel further submits, the liberty was granted to the State on 02<sup>nd</sup> December, 2016 itself to apply to the Tribunal in case the trees are dangerous to the inhabitants for further orders.</p> <p>By way of the additional affidavit, it is stated that 40 trees require immediate cutting to prevent loss of life. The Learned Counsel for the Applicant submits that so far they have not filed reply to the State's statement because the supporting documents to the additional affidavit does</p>

	<p><b>Item No. 03</b></p> <p><b>March 28, 2017</b></p>	<p>not appear to be genuine. Besides, he disputes the contention of the State that the 40 trees are worth less and are to be felled.</p> <p>As there is serious dispute about the condition of the trees, it is but necessary that Commissioner be appointed for local inspection to ascertain condition of the trees which are proposed to be cut.</p> <p>For this purpose, we appoint a Local Commissioner Mr. A. Venkatesh, Adv. present in court, who will visit the place and examine condition of the trees in question and submit a report with photographs before the Tribunal. He may take assistance of the Divisional Forest Officer (DFO) for this purpose and he may obtain certificate with regard to the condition of the trees. The Commissioner may also report, whether the trees which are shown in the photographs filed by the Applicant are included in the list of 40 trees which the Government want to fell.</p> <p>The Applicant's Counsel to provide to the Commissioner a set of the photographs filed by them and so also the State along with the photographs produced along with the additional affidavit to assist the commission including the photographs filed on 09<sup>th</sup> December, 2016 to assist the Commissioner.</p> <p>The District Collector and Director, Forest Department are directed to provide due assistance to the Commissioner. All the logistic support such as Conveyance, Accommodation, Staff, Security, etc. is to be provided by Director, Environment to execute the commission.</p> <p>Initially the fee of the Commissioner is fixed Rs. 25,000/- subject to further order that would be passed in</p>
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	<p><b>Item No. 03</b></p> <p><b>March 28, 2017</b></p>	<p>this regard excluding the cost of logistic support. The fee of the Local Commissioner will be paid by the State of Himachal Pradesh.</p> <p>The report shall be submitted before the Tribunal by the next date of hearing.</p> <p>List it for further proceedings on 17<sup>th</sup> April, 2017.</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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