$~29

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 812/2017 & CM APPL. 9795/2022

ADITYA N PRASAD ..... Petitioner

Through: Petitioner in Person.

versus

GOVERNMENT OF NCT OF DELHI & ORS. ..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD with Ms. Ayushi Bansal, Ms. Arshya Singh and Mr. Yash Upadhyay, Advs. for R-1,2,4 and 5.
Mr. Rahul Sharma, CGSC with Mr. Ayush Bhatt, Adv. for R-3.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

O R D E R
% **19.09.2023**

1. The present Writ Petition has been filed for implementation of the Order dated 05.08.2011, passed by the Central Information Commission in Complaint No. CIC/SG/C/2010/001439.

2. The Central Information Commission *vide* the said Order has passed the following order:

> "*In view of the above the Commission by virtue of the powers vested in it under section 19 (8) (a) of the RTI act, 2005, hereby directs the department to fulfil its obligations under the RTI Act by specifically making the following information available on its website from 1st September 2011 onwards:-*

1) Details of permissions given for felling and pruning trees, together with the details of applicants, the number of trees, locations, the status of the application and detailed reasons for approval or rejection of the same. This shall be done for all applications received after r' September 2011.

2) Details of complaints received on the tree helpline, together with the details of the number of trees threatened/ cut, location(s), the status of the complaint and status of prosecution undertaken till the date of final disposal. This shall be done for all complaints received after 1st September 2011.

3) The department shall also publish details regarding monitoring done, if any, for effective implementation of the Directions of the High Court of Delhi in the matter of Kalpavriksh vs. Union of India & Others W.P (C) 1772/2007, with regard to de-concretization carried out by various civic agencies. All documents and correspondences done with the civic agencies in this regard shall be published on the website.

4) The department shall also publish on the website the projects/studies/surveys undertaken, if any, regarding Biodiversity in neighbourhood parks.

All civic agencies carrying out any construction work shall also display along with the monetary costs and details of the project, the environmental cost, indicating the number of trees being felled and the location of compensatory plantation. The Respondents viz. the Urban Development Ministry, Govt. of India, and the Chief Secretary Delhi, shall direct the concerned agencies under them to comply with this direction.

Necessary standing instructions shall be issued in this

regard to all concerned officers, and the information should be updated by the 10th of each following month.

The above noted information shall be made available on the website of the department(s) before 1" September 2011. The Respondents shall send a compliance report of die above directions to rtimonitoring@gmail.com by the 10th of September 2011. The Report must include:

1. The details of standing instructions issued.

2. Measures put in place to ensure regular updating of the information uploaded on the website.

3. The exact web link where the information is available.

Notice of this decision be given free of cost to the parties. Any information in compliance with this order will be provided free of cost as per section 7(6) of RTI, Act, 2005."

3.   The Petitioner, who appears in person, states that a similar order has been passed by the Coordinate Bench of this Court on 25.05.2015 in W.P.(C) 827/2015. Relevant portion of the said Order reads as under:

> *"5. Accordingly, in so far as future projects are concerned, once again, with the help of the amicus curiae, respondents have agreed to the following:*
>
> *(i) UTTIPEC will obtain from the PWD and other road owning agencies, in the very first instance, a composite plan which will include details of number of standing trees which obtain in the project area, and those, which are required to be cut-down. The information obtained by UTTIPEC should be provided to the Forest Department, as well. The Forest Department*

should participate in the proceedings at the project approval stage, so that, requisite inputs are obtained at that stage itself, and if, necessary, necessary modifications are incorporated in the plan so that least amount of damage is caused to the trees.

(ii) A formal application should be made under the Trees Act by PWD, and other road owning agencies, after a modified plan with requisite input of Forest Department in place.

(iii) The permission for cutting the trees would be given by the Deputy Conservator of Forest, who is the authorized tree officer.

(iv) The Forest Department should prepare a quarterly report detailing out the particulars of permission given in the city for felling of trees. This report should be placed in public domain by having it uploaded on its website.

(v) The Forest Department should monitor and ensure compensatory afforestation and in that behalf prepare an annual report of compliance. The report should also include details of instances, where security deposit, given for felling of trees, is forfeited. This report should also be placed in public domain by having it uploaded on its website.

(vi) In order to ensure, that in future road projects requisite provision is made for path ways and cycle tracks, PWD and other road owning agencies, would implement and execute the work envisaged in the UTTIPEC approved plans by adopting end-to-middle principle as against middle-toend principle in the execution of its projects.

(vii) Post the execution of the project, UTTIPEC

should carry out a compliance audit so as to ensure that the execution is in line with the approved plan/ drawings. The compliance report of the project should also be placed in the public domain by having it uploaded on the website of UTTIPEC as well as the road owning agency.

6. The aforesaid directions contained in paragraph 5(i) to 5(vii) will be complied with by the respondents and other road owning agencies qua their future projects.

6.1 Needless to say, the official respondents, in particular the PWD, would be entitled to apply for suitable adjustments in respect of 298 trees which would be saved as regards obligations undertaken by them for compensatory afforestation and monies deposited with the relevant authorities.

7. No further directions are called for. Writ petition and the pending application are disposed of in accordance with the directions contained hereinabove. Accordingly, the interim order stands vacated in view of the final directions issued by this order."

4.   It is stated by learned Counsel for the GNCTD that the State is complying with the orders in right earnest.

5.   This fact is disputed by the Petitioner, who appears in person, by stating that unless responsibility is not fixed on an Officer, the orders of the CIC will not be complied with.

6.   At this juncture, learned Counsel for the GNCTD states that the Tree Officers of the concerned Divisions would be responsible for timely updation of the data, as stated in the Order passed by the CIC and this Court.

7.   Statement of the learned Counsel for GNCTD is taken on record.

8.   As far as construction being carried out by the Union of India is

concerned, the details of such project, i.e. the environmental cost, the number of trees being felled and the location of compensatory plantation, should be indicated at the site of the construction. An officer not less than the rank of Joint Secretary in the Ministry of Urban Development should be made responsible to ensure that this order is complied with. The information would also contain the name of the civic agency which is carrying out the construction.

9.   With these observations, the Writ Petition is disposed of. Pending applications, if any, also stand disposed of.

                                                    SUBRAMONIUM PRASAD, J

SEPTEMBER 19, 2023
Rahul