

Item No. 06

Court No. 1

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

(BY HYBRID MODE)

Original Application No. 518/2022

Vivek Verma

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 22.08.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Akash Vashishtha, Adv. (Amicus Curiae)

Respondents: Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Mukesh Verma, Adv. for UKPCB
Mr. Pramod Kumar, SDM, Nainital
Mr. Raj Kumar, SDFO, Nainital
Dr. D.K. Joshi, RO Haldwani, UKPCB

ORDER

1. The grievance in this application is unauthorized cutting of trees in forest area adjacent to Nainital city belonging to endangered species. There is sewage water and solid waste in the storm water drain flowing into the Naini Lake and outlets of houses are discharging domestic sewage directly into the storm water drain, reckless vertical hill cutting causing massive slope exposure and exposure of roots of trees, which become vulnerable to fall anytime. This practice is seen almost every year in the region causing damage to environment and landslides resulting due to exposure of roots in the process of vertical hill cutting and the entire patch of tree vegetation has dried up owing to constructions inside a forest area. There are more than 148 hotels running in the Nagar Palika Parishad, Nainital without any relevant authority from the State PCB and discharging their untreated water/sewage into the Naini Lake. The ill

felling of trees by hotel owners to expand the area are adversely affecting the environment and ecology of the area.

2. The DFO, SDM and the Regional Officer attended the proceedings and no sufficient information has been given by the authorities concerned, while the action has not been taken against the violators of law for cutting the trees without any authority and while the penal action in addition to calculation and realization of environmental compensation has not been acted upon by the authorities concerned. The calculation of cost of trees by the DFO is too less and meagre and less than the cost of trees itself which may indirectly promote the cutting of the tree and to pay the penalty. The Regional Officer who is statutorily bound to act against the violators failed to exercise his duties sincerely, fairly and honestly and failed to control the illegal cutting of the trees and also failed to ensure the compliances of environmental rules by not taking any action for running of hotels without any Environmental Clearance and discharging their sewage water or untreated water into the lake or water body in violation of the Water (Prevention and Control of Pollution) Act, 1974. There are serious violations of environmental rules for which the authorities, statutorily bound to take action are responsible. Member Secretary, State PCB is directed to initiated disciplinary action against RO concerned for non-compliance of environment rules rather encouraging the violators.

3. Accordingly, we direct the Forest Department to take action for realization of cost of the trees not according to the value but according to the parameters to be punitive so that no one can dare to cut the tree and to initiate prosecution according to the rules. State PCB, District Magistrate and the Municipal Corporation are directed to take action against illegal cutting of trees and planting trees with proper species as

narrated above and to ensure plantation atleast 10 times of the trees which were fallen in the hands of violators. Further action taken be filed by the authorities concerned before the Tribunal within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The action taken report shall include, preventing discharge of sewage into drains leading to Naini lake, collection, processing and disposal of solid waste and status be furnished in quantifiable terms and removing and preventing encroachments on drains and other places causing traffic congestion.

4. List the matter for further consideration on 28.11.2023.

5. The officers present today be even present with the action taken report on the date fixed.

6. A copy of this order be forwarded to State PCB, District Magistrate, Nainital and the Municipal Corporation, Nainital by e-mail for compliance.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 22, 2023
Original Application No. 518/2022
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