

Item No.03

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.518/2022

Vivek Verma

...Applicant

Versus

State of Uttarakhand & Ors.

...Respondents

Date of hearing: 03.05.2023

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

Applicant: None.

Respondents: Mr. Rahul Verma, AAG for Respondents No. 1 to 5
(through VC).
Mr. Chandershekhar Joshi, DFO, Nainital (through VC).
Mr. Mukesh Verma, Advocate for Respondent No. 7-
UKPCB (through VC)
Mr. Akash Vashishtha, Amicus Curiae (through VC).

Application is registered based on a letter petition received by Post.

ORDER

1. The grievance in this application is about unauthorised cutting of trees in forest area adjacent to Nainital city during the last few years. The applicant has submitted that some of the trees belonged to endangered species. The forest area is also getting damaged due to illegal felling of trees. Since Naini Lake gets recharged by forest areas around it, there is danger of loss of catchment area of Naini Lake due to destruction of forest area by illegal cutting of trees.

2. Vide order dated 01.09.2022, this Tribunal constituted a Joint Committee and directed the same to submit factual and action taken report within two months.
3. In compliance thereof, report of the Joint Committee was filed vide email dated 31.10.2022.
4. Vide order dated 24.11.2022, notices were ordered to be issued to Respondents requiring them to file their reply/response and Mr. Akash Vashishtha, Advocate was appointed as amicus curie to assist this Tribunal in just and fair adjudication of the questions involved in the case.
5. Pursuant to notice, replies/response have been filed by Respondent No. 6 vide email dated 23.12.2023 and by Respondent No. 7 vide email dated 30.01.2023.
6. Mr. Akash Vashishtha, learned amicus curie has filed his report vide email dated 21.04.2023.
7. The UKSPCB is directed to pay an amount of Rs. 50,000/- to the learned *amicus curie* besides expenses incurred on transportation (including economy class Air fare), Boarding/Lodging and other related/incidental charges.
8. Mr. Rahul Verma, AAG has appeared for Respondents No. 1 to 5 and seeks time to file replies/response on behalf of Respondents No. 1 to 5
9. Replies/response by Respondents No. 1 to 5 to the observations/recommendations made by the Joint Committee and report of the learned amicus curie be filed **within two months** by way of email at

judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

10. Mr. Chandershekhar Joshi, DFO, Nainital has appeared through VC and we have interacted with him.

11. The DFO, Nainital is directed to file affidavit specifically mentioning the present status/latest position in respect of all incidents of illegal felling of trees reported by the Joint Committee. In his affidavit DFO, Nainital shall also mention about feasibility and tentative costs of geo-tagging of old trees in Nainital particularly Deodar and Oak trees.

12. In his reply respondent no. 5-PCCF (HoF) shall specifically mention the steps taken for setting up of Grievance Redressal Cell in compliance with the recommendation made by the Joint Committee in its report dated 31.10.2022. We are of the considered view that such Grievance Redressal Cell must have (i) a Control Room with dedicated Hot-line/web-portal where any Member of the Public should be able to make a complaint regarding illegal felling of trees and (ii) a quick response team for taking prompt action in case of receipt of any such complaint regarding illegal felling of trees to prevent illegal felling of trees and to ensure immediate seizure of illegally cut trees along with vehicles and equipments used and arrest and prosecution of the offenders.

13. List for further consideration on 22.08.2023.

14. In view of the facts and circumstance of the case, we consider personal appearance of the DFO, Nainital, Regional Officer, UKSPCB and officer not below the rank of SDM duly authorised by the District Magistrate, Nainital before this Tribunal physically 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 and they are accordingly directed to remain present before this Tribunal on that date.

15. A copy of this order be forwarded to DFO, Nainital, Regional Officer, UKSPCB and the District Magistrate, Nainital by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 03, 2023
AG