

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

Original Application No. 649/2018
(M.A. No. 199/2019)

(With report dated 13.11.2019)

C. Janardana Reddy

Applicant(s)

Versus

Jeo Reliance Company

Respondent(s)

Date of hearing: 03.01.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

ORDER

1. The issue taken up for consideration is illegal felling of trees in Kurnool District of Andhra Pradesh for laying underground Optic Fibre line from Nannoor to Veldurthy Village by 'JIO-Reliance'. On 01.10.2018, the Tribunal directed the Divisional Forest Officer to furnish a factual and action report in the matter.

2. The matter was thereafter considered on 17.10.2019 as follows:

"2. Vide order dated 09.01.2019, having regard to the factual report dated 31.10.2018 from the Divisional Forest Officer (DFO) that 125 avenue trees of species such as Kanuga, Seematangedu, Peltofurum and Neem had been felled without any permission, we directed the DFO to take further action in accordance with law which was to be overseen by the Principal Chief Conservator of Forest (HoFF), Andhra Pradesh.

3. The report has not yet been received but letter dated 15.07.2019 was filed by the DFO seeking time. In view of the said letter, the matter which was to come up on 15.04.2019 was rescheduled to

24.05.2019, 17.07.2019, 28.08.2019 and finally for today but no report has been received even till date.

4. Let the Principal Chief Conservator of Forest (HoFF), Andhra Pradesh ensure that the report is positively furnished within one month from today, failing which this Tribunal will have no other option except to take coercive measures.”

3. Accordingly, action taken report has been filed on 13.11.2019 to the following effect:

“In obedience to the orders issued by the Hon'ble National Green Tribunal on 09.01.2019 & 17.10.2019 in connection with O.A.No.649/20tB (M.A.no.199/2019) between C. Janardana Reddy (Applicant) Vs Jio Reliance Company (Respondent) on the issue of illegal felling 125 no. of Avenue trees in Kurnool District for laying Optical Fibre Cable from Nannur to Veldurthy Villages, it is submitted that, the District Forest Officer, Kurnool issued a show-cause notice to M/s. Reliance Jio Company in Rc.no.3290/2018-H6, dt:15 .07.2019 and M/s. Reliance Jio Company replied to the show-cause notice on 26.08.2019 stating that the allegations in the show-cause notice are wholly incorrect and further replied that M/s. Reliance Jio Company has filed M.A.no. 1965/2019 before the Hon'ble National Green Tribunal seeking to set aside the ex-parte orders dated: 01.1.2018 & 09.01.2019 passed by the Hon'ble National Green Tribunal.

However, having not satisfied with the reply furnished by M/s Reliance Jio company, the District Forest Officer, Kurnool has requested for further reply from M/s Reliance Jio Company on illegal felling of 125 no. of Avenue trees and also informed that if further reply is not received within 4 days of receipt of the District Forest Officer, Kurnool letter dated: 13.09.2019, action would be taken against M/s Reliance Jio Company as per Andhra Pradesh (Protection of Trees & Timber in Public Premises) Rules, 1989.

Since, no further reply was received from M/s Reliance Jio Company, the District Forest Officer, Kurnool in Proceeding no.3290/2018-H3, dt: 30.10.2019 issued directions to remit an amount of Rs.2,09,825 /- towards NPV for damaging 125 avenue trees and damage caused to the environment by violating the rules in force, to the Government Head of Account. As per the proceedings, M/s Laxmi Constructions (engaged by M/s Reliance Jio Company) has remitted an amount of Rs.2,09,825 /- to the Government Head of Account. Further, an offence case has also been registered against M/s. Laxmi Constructions in POR no. 16, Dated:01.11.2019 and OR no. 2912019-20 for damaging 125 no. of Avenue trees under section 28 (5) of A.P Water Land and Trees Ac.,2002 and Rules 4 & 5 of Andhra Pradesh (Protection of Trees and Timber in Public Premises) Rules, 1989. Further, action has already been initiated for arresting the accused by name, Sri Gogula Sreenivasulu, S/o G. Pullaiah, R/o Velugodu, of M/s.

Laxmi Constructions engaged by M/s Reliance Jio Company and sending to judicial custody.”

4. In view of acknowledged violations and magnitude thereof, we are satisfied that there is no basis for limiting the amount of compensation to about Rs. 2 lakhs. Having regard to the totality of circumstances, we are of the view that the amount should be enhanced to Rs. 10 lakhs. Ordered accordingly.
5. The amount may be deposited within one month and may be spent by the Forest Department for restoration of the area.

The application stands disposed of in above terms.

Adarsh Kumar Goel, CP

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 03, 2020
Original Application No. 649/2018
DV

