

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

**M.A. No.751 of 2013
In
Original Application No.91 of 2012**

IN THE MATTER OF:

Devendra Kumar Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER**

Present:

Applicant :	Mr. Rahul Choudhary along with Ms. Pallavi Talware, Advocates
Respondent No. 1 :	Mr. Vivek Chib along with Mr. Kushal Gupta, Advocates
Respondent No. 2 to 4:	Mr. Narender Hooda, Sr. Advocate along with Mr. Vineet Mallik, Advocates
Respondent No. 5 :	Ms. Anubha Agrawal, Advocate for Municipal Corporation, Gurgaon
Respondent No. 6 :	Ms. Alpna Poddar, Advocate along with Ms. Kritika, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 8 October 14, 2014	<p>The Learned Counsel appearing for Respondent No.5 and the Learned Counsel appearing for the State of Haryana submit that substantial work of removal of debris from the forest area has been carried out and a very small part remains to be completed.</p> <p>The Learned Counsel appearing for the private parties submits that even the work of plantation and protection of the plants already planted is in progress and would be completed shortly. However, the Learned Counsel appearing for the Applicant submits that the work still requires to be done substantially and particularly variety of trees which were directed to be planted are not being planted by the Respondent.</p> <p>In view of the controversy raised before us, before we pass the final order in this Application, it would be just, proper and equitable that we get a report from the Local Commissioner to be appointed by the Tribunal.</p>

Consequently, we appoint Mr. Karamvir, Advocate as Local Commissioner and his fee would be Rs.35,000/- in addition to the expenses the Commissioner would incur. The Commissioner's fee would be paid jointly at the first instance by the private party. The Commissioner would give a report on the following:

- 1) Whether the entire debris or marble or otherwise is removed from the forest area or not?
- 2) Are there any machinery being used by the private persons who are presently occupying the forest area.
- 3) Whether plants of different kinds have been planted in that area and if so, the number of plantation and whether such plants have been provided with due protection or not?
- 4) The Commissioner may also submit the report whether the plants, which is stated to be planted for a period now, have come up and/or what is the mortality rate?.
- 5) The Commissioner will also observe whether any fresh debris have been produced or dumped in that area.

Let Report be submitted before the next date of hearing. The Commissioner will give Notices to all the Learned Counsel appearing in the case.

List this matter on 24th November, 2014.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)