

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

**Original Application No. 272/2013**

**Vikas V/s DMRC & Ors.**

**CORAM: HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER  
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant / Appellant : Appearance not given  
Respondent No. 1 : Mr. A.S. Rao, Law Officer  
Respondent No. 2 : Mr. Vivek Kumar Tandon, Adv.  
Respondent No. 3 : Mr. Vikas Malhotra with Mr. M.P. Sahay, Adv.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 5 May 6, 2014</b>	<p>The application is filed under section 18(1) read with sections 14 to 17 of the National Green Tribunal Act, 2010. The relief sought for by the applicant is a direction to respondent no. 1 (DMRC) to stop damages to the trees and their felling on the National Highway No. 10, Rohtak Road, not to build the pillars on the Mundka-Tikri Border line, on the central verge but on the footpaths and service lane and consider the alternative alignment suggested by the applicant in the interest of preserving the green cover of the area.</p> <p>The applicant would contend that approximately 2000 trees are to be felled for the project in which approximately 1500 trees have already been felled and the applicant is concerned about the rest of 500 odd trees, which can be saved by re-adjusting the alignment of the project.</p> <p>The question of realignment and saving and removing trees was considered earlier and by order dated 11.12.2013, it was already found that the proposed alignment suggested by the applicant cannot be accepted at the belated stage. Therefore, the interim order restraining cutting of the remaining trees originally</p>

passed on 10.09.2013 was modified and respondent no. 1 was permitted to proceed with the construction work. It was based on an affidavit filed by the respondent no. 1 that permission was granted to the respondent no. 1 to fell 491 trees and to transplant 7 trees on condition that 4980 trees, as against the trees to be cut, are to be planted and for that purpose respondent no. 1 has already deposited Rs. 1,61,05,320/- with the Department of Forests in compliance of the permission granted. The affidavit also disclosed that the Department of Forests and Wildlife identified the land for carrying-out the plantation and permission was granted by the Deputy Conservator of Forest/Tree Officer on 20.06.2013, to fell 491 trees and transplant 7 trees in lieu of which 4980 trees will be planted by the Department of Forests at the allotted land at Ghummanhera forest land and for that purpose, the deposit of Rs. 1,61,05,320/- will be utilised. In such circumstances, the relief sought for in the application does not survive.

By order dated 05.03.2014, the Forest Department was directed to file a status report on the plantation made as well as the nature of the trees to be planted. The respondent no. 2 accordingly filed a status report which was considered by the Tribunal on 18.03.2014. As per the status report, it was found that 3950 saplings were proposed to be planted. The names of the trees are also mentioned in the report.

Today, a status report is filed to the effect that a total of 5000 plants have already been planted till date and subsequent maintenance of the plantations shall be continued for a period of at least five years, extendable upto seven years, so that a successful plantation having at least 80% survival is achieved. The report also shows that at present about 90% saplings planted are surviving and it is expected that due to the extreme weather

over the next two months more mortality will occur. It is also undertaken that replacement of those plants shall be done after the onset of monsoon. Strangely, the report does not show that 10% of the plants which have already been reported as not surviving shall be replaced. It is made clear that for this 10% saplings, which are found to be not surviving, re-placement shall be made immediately on the commencement of the monsoon alongwith the plants expected to be not surviving.

We also find that the details of the species given in the status report submitted earlier, and the status report submitted today differs. As per the original status report, the plants proposed to be planted include Peepal, Bargad also. But those trees are seen not planted by the status report filed today.

In such circumstances, considering the nature of those trees and that they are better varieties considering the ecology, respondent no. 2 is directed to plant Bargad and Peepal trees as indicated in the original status report. Those plants are also to be planted on the commencement of the next monsoon.

Respondent no. 2 shall submit a status report of all the plants planted, including the status of the trees covered by the status report submitted today, after the next monsoon season is over.

The application is disposed of accordingly.

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

....., EM  
(Dr. G.K. Pandey)

....., EM  
(Prof. (Dr.) P.C. Mishra)

....., EM  
(Prof. A.R. Yousuf)

....., EM  
(Ranjan Chatterjee)

