

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

**M.A. No. 557 of 2013, M.A. No. 881 of 2013, M.A. No. 1067/2013,
M.A. No. 1068 of 2013, M.A. No. 290 of 2014, M.A. No. 296 of 2014**

**&
M.A. No. 297 of 2014**

**In
Original Application No. 82 of 2013**

Aditya N. Prasad Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

Present:

Applicant:	Mr. Aditya N. Prasad, Applicant in person and and Ms. Padmawati Dwedi and Ms. Vallavi Sheel
Respondent Nos. 1&13:	Mr. B.V. Niren and Mr. Mankur Chhibber, DU
Respondent No. 2:	Ms. Puja Kalra, Advocate.
Respondent Nos. 4:	Mr. Balendu Shekhar, advocate
Respondent No. 5:	Mr. Sanjay Dewan, Advocate
Respondent No. 6:	Mr. Sunil Satyarthi ,Advocate.
Respondent No. 7:	Ms Sunieta Ojha, Advocate
Respondent No. 9:	Mr. Rajiv Bansal and Mr. Kush Sharma, Advs.
Respondent Nos. 11:	Mr. S. Nanda kumar and Mr. Prateek Gupta, Advs.
Respondent No. 14:	Mr. Vikas Malhotra and Mr. M.P. Sahah, Advocates.

	Date and Remarks	Orders of the Tribunal
	Item No. 15 August 26, 2014	<u>Original Application No. 82 of 2013</u> We have heard the Learned counsel appearing for various public Authorities/Corporations as well as the Applicants. The Applicant contends that despite various Orders of the Tribunal the Authorities concerned have not carried out the work of deconcretization effectively. According to him even in the 4 colonies which were specifically directed to be deconcretized as a pilot project have not been completed till today. He refers to the Orders passed by the Hon'ble Delhi High Court dated 19 th September, 2007 and 03 rd March, 2010 where the Authorities were directed to comply with the guidelines and take care of these trees by deconcretization in accordance with the prescribed guidelines. According to him the Authorities had even mis-

represented the High Court that 80% of the trees in Delhi under the jurisdiction of the various Authorities have been deconcretized. He submits that the Authorities must be held responsible for non-compliance of the Orders of the Tribunal and of the High Court.

The Learned counsel appearing for different Authorities submit that larger work of deconcretization has been carried out in the 4 colonies which were taken up as pilot project i.e. R.K. Puram, SDA, Ashok Vihar and Hauz Khas.

Learned counsel appearing for DDA, Principal Commissioner of which was directed to be the Chairperson of the Committee, to formulate policy/guidelines and ensure deconcretization of the trees in Delhi so that the trees would not die and get proper air and water. Submitted that major portion of the work is completed.

Be that as it may, we do not wish to involve ourselves in the controversies being raised in the present Application. Fact of the matter remains that trees need to be protected as they are vital part of our environment and ecology. Trees of a city particularly like Delhi, where emission is so high and violate all the parameters, are the lungs of the city. Need of the hour and statutory obligations of all the concerned Authorities is to preserve and protect them.

In light of the above discussions, we pass the following directions:-

1. All the Authorities concerned in relation to the 4 colonies of Delhi which were subject matter of the pilot project before the Tribunal, are directed to complete the remaining work of deconcretization within one week from today. All the Head of the Departments of the respective bodies shall be

responsible for execution of this work.

We appoint Mr. Sharan Thakur, Advocate who is present in Court as a Local Commissioner in this matter. After one week the Local Commissioner shall visit the 4 colonies and report to the Tribunal as to the completion of the work of deconcretization of trees in all these 4 colonies. All the Authorities including the SHO's of the concerned Police Stations shall assist and provide due protection and assistance to the Local Commissioner for execution of the Order of this Tribunal.

The Local Commissioner shall commence the inspection on day today basis with effect from 03rd September, 2014 at 11.00 AM beginning from SDA colony.

The fee of the Local Commissioner is fixed at Rs. 25000/- which shall be paid by the DDA and shall be equally shared by all the public Authorities/Corporations.

Let the fee of the Commissioner be paid within one week from today, in addition to the expenses that the Local Commissioner may incur.

The Report of the Local Commissioner should be complete and comprehensive and should be submitted before the next date of hearing.

The Local Commissioner shall observe if there are any trees existing in these colonies, the deconcretization of which is not possible for any reason whatsoever.

The concerned Executive Engineer of the respective Corporation / Authorities, Director Horticulture and the concerned Police Officers shall accompany the Local Commissioner during the inspection on all the days.

We also direct that the following Committees proposed by the Learned counsel appearing for DDA, which are result of consultation process of the various Authorities and Corporation of Delhi, are approved. The said Committees shall be deemed to have been constituted by the Tribunal under this Order.

Committee (1)	Committee (2)	Committee (3)	Committee (4)	Committee (5)
a) Chief Engineer *	a) Chief Engineer *	a) Chief Engineer *	a) Chief Engineer *	a) Chief Engineer *
b) Dir. (Hort.)	b) Dir. (Hort)	b) Dir. (Hort)	b) Dir. (Hort.)/Equivalent	b) Dir. (Hort)/Equivalent
c) DDA (1)**	c) DDA (1)**	c) DDA (1)**	c) CPWD**	c) CPWD(1)**
d) CPWD (1) **	d) CPWD **	d) CPWD **	d) PWD **	d) PWD(1) **
e) PWD**	e) PWD**	e) PWD**	e) DDA**	

* *Chairman of the Committee*

** *One representative each.*

*** *Two representatives each*

Learned counsel appearing for the DDA has also placed on record the guidelines which are more comprehensive than any other guidelines issued by the concerned Authorities. Furthermore, they provide complete methodology and responsibility for execution of the work of deconcretization in the entire Delhi. These guidelines shall also be treated to be part to this Order and shall be implemented by the concerned Authorities through the Committees constituted (*supra*).

We further direct that the deconcretization should be taken up effectively and sincerely by all the Committees in the areas falling under their respective jurisdiction. Quarterly report shall be submitted by each Committee to the Tribunal giving the action

taken status report, colonywise and workwise.

The report so submitted by the respective Committee shall be placed, by the Registry of the Tribunal, before the Tribunal for directions as may be deemed appropriate by the Tribunal.

We grant liberty to the Applicant to move the Tribunal for any further direction as may be necessary, depending upon the contents of the reports submitted to the Tribunal.

List this matter for further directions on 11th November, 2014.

M.A. No. 296 of 2014 & M.A. No. 297 of 2014

These Applications are filed on behalf of the Applicants praying that the status report should be filed by the Forest Department. Let the Forest Department file the status report before the next date of hearing.

With the above directions, M.A. Nos. 296 of 2014 and 297 of 2012 stand disposed of.

.....,CP
(Swatanter Kumar)

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

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

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

.....,EM
(Dr. R.C. Trivedi)