BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Original Application No. 60/2013 (T_{HC})

Sonya Ghosh Vs. Govt. of NCT of Delhi & Ors.

CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER HON'BLE DR. G. K. PANDEY, EXPERT MEMBER HON'BLE SHRI BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant / Appellant Respondents No. 1&2 Respondent No. 3 :Ms. Parul Gupta, Adv.
:Mr. Sanjay Dewan, Adv.
:Mr. Rajeshwar Rao and Mr. Charanjeet Singh, Advs.
:Mr. Abhijit and Mr. Rishabh Bansal, Advs. ofr KCC Buildcon pvt. Ltd..

Date and	Orders of the Tribunal
Remarks	orders of the filbunar
Item No. 6 August 29,	Heard. Perused.
2014	The present petition brought forth the grievance regarding
	illegal felling of the trees undertaken for widening of Andheria Mor
	and Mehrauli-Mahipalpur stretch. Today the Public Work
	Department, (PWD) has placed before us permission to cut/fell the
V.	trees vide notification dated 11-08-2014 issued under Section 29
	of the Delhi Preservation of Trees Act, 1994.
	Learned Counsel appearing on behalf of the PWD submits
	that 810 trees are required to be removed or transplanted in the
	first phase of the works of widening of the road between Andheria
	Mod to Fortis Hospital and the permission for such removal of
	transplantation has been granted on the condition of
	compensatory plantation of 10,000 trees. He submits that 102
	trees out of 810 trees would be transplanted or translocated on
	the same stretch of road and 6400 new trees/saplings would be
	planted on the same stretch of road and the balance trees out of
	10,000 would be planted by the forest department in the area
	under their control.
	We believe that if at all the applicant or anybody is

aggrieved by the permission that is granted under Section 29 of

the Delhi Preservation of Trees Act, 1994, she or any other person is free to challenge the said permission before the Appellant Authority under Section 14 of the Delhi Preservation of Trees Act, 1994 in accordance with law. Copies of this order be furnished to the applicant for further action.

However, for us the only concern that remains is regarding the compensatory plantation of the balance number of trees. Now it is pointed out that the said order also indicates the manner in which the compensatory plantation would be done. It shows that the compensatory plantations will be raised and maintained for five years i.e. 6400 numbers of trees compensatory plantations will be done by the User Agency i.e. PWD in the vacant land available at the construction site at Andheria Mod to Fortis Hospital Red Light on both sides and 3600 trees by the Forest Departm<mark>ent in</mark> Kharkkhari Jat<mark>mat</mark>, Delhi. We, therefore, do not find any justification for continuing of interim ban on the widening of the road in first phase i.e. between Andheria Mod and Fortis Hospital, Red Light. However, the issue of compensation arising out of illegal felling of the trees i.e. felling of the trees without requisite permission under Section 29 of the said Act shall remain open.

Interim order against widening of road from Andheria Mod to Fortis Hospital and for felling of trees along it stands vacated on deposit of Rs. 2, 00,000 with the registry towards the ad-hoc compensation for illegal cutting of the trees before grant of the requisite permission under law. There shall be no tree felling on rest of the phases of the project without permission under Section 29 of the Delhi Preservation of Trees Act, 1994.

