

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

M. A. NOS. 759/2013, 882/2013, 940/2013, 1022/2013 & 1023/2013

IN

Original Application No. 281 of 2013

Haryali Welfare Society Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.N. HUSSAIN, JUDICIAL MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

**Present: Applicant: Mr. Raj Panjwani, Sr. Advocate, Mr. Rahul Choudhary and Mr. Ritwick Dutta, Advocates
Respondent No.1: Mr. Vikas Malhotra along with Ms. M.P.Sahay, Advocates
Respondent Nos. 2 to 7: Mr. Narender Hooda, Sr. Advocate and Mr. Vineet Malik, Advocate**

Date and Remarks	Orders of the Tribunal
<p>Item No. 4 November 13, 2013</p>	<p>We have heard the Learned counsel appearing for the parties. The Applicant in this Application had submitted that Respondent State was allowing felling and sale of trees by auction inviting tenders from the private contractors which was contrary to the Order of the Hon'ble Supreme Court of India as well as the National Policy and the Policy framed and approved by the Competent Authority. According to the Applicant this was besides being contrary to the law of land was even environmentally injurious, as under the garb of felling of standing dead/diseased trees auctioned even the trees not covered under the contract were being felled by the private parties.</p> <p>For this purpose, Learned counsel appearing for the Applicant had relied upon the judgment in Writ Petition (C) No. 202 of 1995 in the matter of T.N. Godavarman Thirumulpad Vs. Union of India & Ors. dated 12th December, 1996 and 15th January, , 1998, wherein the Hon'ble Supreme Court of India had directed that the felling of trees in all forests was to remain suspended except in accordance with the working plans of the State Governments, as approved by the Central Government. In the absence of any working plan in any particular State, such as Arunachal Pradesh, where the permit system exists, the felling of trees under the permits can be done</p>

only by the Forest Department of the State Government or the State Forest Corporation.

On the contrary, Learned counsel appearing for the State of Haryana while relying upon the same judgment submitted that the State has formulated its Policy which stands approved by the Central Government and they are functioning in accordance with the said Policy and are not violating the judgment of the Hon'ble Supreme Court of India.

It is not necessary for us to deliberate upon the rival contentions raised before us by the Learned counsel appearing for the parties. In view of the course of action that we propose to adopt by the consent of the Learned counsel appearing for the parties. The consented Order is :-

1. As far as felling of trees at Sirsa is concerned, it is stated that the contract has not been awarded for felling of any standing trees and infact it is a contract for sale of dead trees majority of them have already been fallen of their own and some may be standing but are dead wood. There is no specific contract given for felling of tree as such. This contract has already been awarded for a total sum of Rs.7,11,70,100 and the private party has already deposited a sum of Rs. 2.5 crores with the Government and 35% of the material has already been left out. Before finally awarding the contract to the private parties the forest Department of the State of Haryana had asked the Haryana Forest Development Corporation whether they would be willing to take this contract at the value offered by the private parties, which was in consonance with the State Policy. Thus, the Contract was awarded after the Corporation did not come forward. In view of this no interference with the awarding of the contract by the Sirsa Division is warranted.

2. As far as Palwan Division is concerned, it is stated that the Policy framed by the State of Haryana as approved by the Central Government contemplates that: dead, dying, diseased and fallen trees should be disposed of as soon as they become available. Delay in disposing of these trees will result in their illicit removal. The old system of disposing of these trees by open auctions should continue. At least 4 auctions in a year will be held. Forest produce so disposed will not be part of overall felling limits. It also requires that Corporation should be given preference in granting contract for disposal of dead trees at market value. However, this is Policy of 1980, while the Orders were passed by the Hon'ble Supreme Court of India are of 12th December, 1996 and 15th January, 1998 respectively in the matter of T.N. Godavarman Thirumulpad Vs. Union of India & Ors.. In view of this, we direct:-

- (i) The State of Haryana may frame an appropriate working plan for its Forest Division while keeping in view the said judgment of the Hon'ble Supreme Court of India and the law in force.
- (ii) The State of Haryana shall fell all standing dead, dying and diseased trees through its Forest Department (Logging and Production Department) and offer it for the sale from the Depot/s located at a distance from designated Forests, for which the tenders may be invited.
- (iii) The highest tenderer would be given the contract to remove the wood felled but they shall be subject to the condition that the State of Haryana would offer the felled wood at the highest bidders price,, to the Haryana Forest Corporation before finally awarding the contract to the private parties. If the State Corporation fails to accept such offer within a reasonable time not exceeding two weeks from

the date of the offer, the contract shall be awarded to the private party offering highest bid.

These terms and conditions would remain in force till an appropriate working plan for felling of trees is framed by the State of Haryana and is further duly approved by the Central Government.

Accordingly, Original Application No. 281 of 2013 is disposed of by leaving the parties to bear their own costs.

In view of the Orders passed in the main Application i.e. Original Application No. 281 of 2013 all Misc. Applications therein have been rendered infructuous and are accordingly dismissed.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,JM
(S.N. Hussain)

.....,EM
(B.S. Sajwan)

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

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