

Item No. 6

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 614/2022

Rasesh B Vissanji & Others

...Applicants

Versus

State of Uttarakhand & Ors.

...Respondents

Date of hearing: 06.01.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondents: Mr. Rahul Verma, AAG for the State of Uttarakhand-  
Respondents No. 1 to 3 and 5.  
Mr. Mukesh Verma, Advocate for UKPCB-Respondent No.  
4 (through VC).

**Application is registered based on a letter petition received by post.**

**ORDER**

1. The grievance of the applicants in the present application is about Illegal cutting of trees by using JCB for construction of proposed 6 Kms of Chitai Manjoli Petshal National Highway. It is also submitted that the construction material (muck) has been disposed of illegally on fertile agricultural land of poor farmers damaging the crops.

2. Vide email dated 23.09.2022, this Tribunal constituted a Joint Committee comprising of representatives of the Uttarakhand Pollution Control Board (UKPCB), the Executive Engineer, PWD, Almora, the DFO and the District Magistrate, Almora and directed the same to verify the factual position and submit its report within one month.

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3. In compliance of order dated 23.09.2022, Factual and Action Taken Report of the Joint Committee has been submitted by the UKPCB vide email dated 04.01.2023.

4. In view of the averments made in the application and observations made in the report, we consider it appropriate to have response of (1) the State of Uttarakhand, through Chief Secretary, Government of Uttarakhand; (2) the Chief Engineer, Public Works Department (PWD), Uttarakhand; (3) the Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand; (4) the UKPCB and (5) the District Magistrate, Almora, who stand impleaded as Respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application.

5. Mr. Rahul Verma, Additional Advocate General, who is already appearing for the State of Uttarakhand before this Tribunal accepts notice on behalf of Respondents No. 1 to 3 and 5.

6. Mr. Mukesh Verma, Advocate, who is also appearing for the UKPCB before this Tribunal accepts notice on behalf of Respondent No. 4.

7. Reply/response on behalf of Respondents No. 1 to 5 be filed **within two months** at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

8. In their reply/response the respondents shall give requisite details regarding action plan formulated for compensatory afforestation, budgetary provisions made, the species to be planted, particulars of land selected for afforestation, specific timeline for said plantation and steps

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to be taken for protection of the trees planted and also for their maintenance for ensuring survival thereof.

9. List for further consideration on 06.03.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 06, 2023  
AVT