

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P.ESTATE,
NEW DELHI-110002

F.1 (2546)/HQ/Legal/2022-23/DCFP/33

Dated: 01.08.2022

Sub: Grant of felling permission under DPTA, 1994 in compliance of the order dated 29.07.2022 in W.P. (C) 11261/2022 in the matter of DDA vs. DCF (W) – reg.

Ref: i. Order dated 28.04.2022 passed in Cont. Cas (C): Neeraj Sharma vs. Vinay Sheel Saxena.
ii. Order dated 19.05.2022 passed in Cont. Cas (C): Neeraj Sharma vs. Vinay Sheel Saxena.
iii. Order dated 29.07.2022 passed in W.P. (C) 11261/2022: DDA vs. DCF.

This is in reference to the directions passed by the Hon'ble High Court of Delhi in WP(C) 11261/2022 in the matter of DDA vs DCF(W) wherein transplantation of 637 trees and felling of 56 trees have been allowed for the construction of the Storm Water Drain at Sector-8, Dwarka subject to compliance of directions dated 28.04.2022 and 19.05.2022 passed in Cont. Cas(C) 851/2022 in the matter of Neeraj Sharma vs. Vinay Sheel Saxena.

The operative part of the order is given below:

- "6. However, it is clear that the order of 19.05.2022 also reiterates that issue of transplantation was not precluded where transplantation was feasible. Clearly the aforesaid order is a reiteration of earlier order of 28.04.2022. In the present case over 90% of the trees were to be transplanted. Additionally ten times of the number of trees which would be affected by the project /tree felling were directed to be planted in the same neighborhood.*
- 9. From the above it is evident that the impugned order of 29.06.2022 has misconstrued the aforesaid two orders passed in Neeraj Sharma (supra). Therefore, the impugned order is set aside."*

The above directions are subject to compliance of observations of the Hon'ble High Court in case number WP(C) 11261/2022 in the matter of DDA vs. DCF(W) which are given below:-

"3. that permission of felling of trees had been restricted on account of order dated 28.04.2022 passed by this Court in Neeraj Sharma vs Vinav Sheel Saxena & Ors. CONT.CAS(C) No. 851/2021. The relevant portion of the said order inter alia reads as under:

"..... 4. It will be logical and prudent to transplant fully grown trees instead of cutting them down....."

8. In the circumstances, it would be appropriate that the Tree Officer(s) give due consideration to transplantation of each tree which is sought to be cut, before granting any further permission for cutting of trees. This would entail inspection of the trees which are sought. The reason for grant or denial of permission would



have to be spelt out in the order of the Tree Officer along with photographs of each tree...."

4. *The import of the said order required that **the denial or permission of cutting, of a tree would be preceded by inspection of the tree and consideration whether it could be transplanted.** The Tree Officer had visited the DDA's project site, carried out inspection, considered the matter and found that 637 trees could be transplanted while 56 trees could be cut — the latter being belonging to the vilayti keekar species. The corollary compensatory plantation and deposit of monies etc. was accordingly permitted by the aforesaid notification.*
10. *DDA has undertaken to abide by the directions of the DCF as detailed in notification dated 17.05.2022 and also to keep the said officer informed of progress in the matter. An affidavit has been handed over by the learned Standing Counsel for the DDA, in which the Deputy Director (Horticulture), DDA has undertaken as under:*

"...4. The deponent undertakes to maintain the above said trees and scrupulously adhere to all the conditions imposed by the Delhi Preservation of Trees Act, 1994 and the Notification/Permission dated 17.05.2022 and ensure the highest possible survival rate..."

In view of the above, all concerned are advised to review all tree felling applications under active consideration and dispose of all such tree felling applications in a time bound manner in accordance with the provisions of DPTA, 1994. The denial or permission of cutting of a tree would be preceded by inspection of the tree and consideration whether it could be transplanted.

In addition, undertakings as modified (format attached) for each case in view of above order shall have to be submitted along with all proposals submitted for approval of competent authority.

This issues with the approval of the competent authority.

Encl: As above

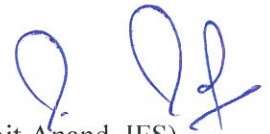


(Amit Anand, IFS)

Dy. Conservator of Forests (P&M)

To

1. The DCF (North), MGICCC, Alipur, Bakhtawarpur Road, New Delhi-110036.
2. The DCF (West), Mandir Marg, Mandir Lane Delhi-110060
3. The DCF (Central), Kamla Nehru Ridge, Delhi-110007
4. The DCF (South), Near Dr. Karni Singh Shooting Range Tughlakabad, Delhi-110044
5. PS to PCCF, Department of Forests and Wildlife, Govt. of NCT of Delhi.
6. PS to CCF, Department of Forests and Wildlife, Govt. of NCT of Delhi.
7. PA to CF, Department of Forests and Wildlife, Govt. of NCT of Delhi.



(Amit Anand, IFS)

Dy. Conservator of Forests (P&M)

UNDERTAKING FOR TREE TRANSPLANTATION SITE

(To be given by Tree Officer under whose jurisdiction Tree Transplantation site falls)

Tree Officer (*South/ North/ West/ Central*) hereby certifies that:-

1. The tree transplantation site at _____ (Location of Tree Transplantation site) for (Name of the project & area) was visited by undersigned on _____ (date) and all trees as per definition of Delhi (Preservation) of Trees Act (DPTA), 1994 have been counted and brought on record for processing under DPTA, 1994. The total number of trees in the area is _____ (number of trees).
2. The status of area proposed for Tree Transplantation has been checked and it has been found that:-
 - a. The Tree Transplantation area isha.
 - b. The net area available for Tree Transplantation is ha. and is sufficient to transplant _____ (number of trees) trees as per Tree Transplantation Policy, 2020.
 - c. The Tree Preservation plan has been submitted by the User Agency and has been found complete as per the requirements of Tree Transplantation Policy, 2020.
 - d. The Tree Transplantation area has been surveyed using DGPS/ Total Station Method (TSM) and data has been provided by the User Agency for Boundary of the area and all standing trees in the area.
 - e. It falls/ does not fall in rocky surface/ denuded hills of Aravali Range.
 - f. It falls/ does not fall in notified forest area under Indian Forest Act (IFA), 1927.
 - g. It falls/ does not fall under definition of Deemed Forest as per affidavit of GNCTD in case No. W.P (C) No. 202 of 1995 in the Hon'ble Supreme Court.
 - h. It falls/ does not fall in notified protected areas under Wildlife (Protection) Act (WPA), 1972.
 - i. It falls/ does not fall in Eco Sensitive Zone of Asola Bhatti Wildlife Sanctuary (ABWLS) and Okhla Bird Sanctuary.
 - j. I have complied with all directions issued by Hon'ble High Court order dated 28.04.2022 & 19.05.2022 in Contempt Case No. 851/2021, titled as "Neeraj Sharma" Vs. Vinay Sheel Saxena & Ors".
 - k. The details of offences under Delhi Preservation of Trees Act, 1994, Forest (Conservation) Act, 1980, Indian Forest Act, 1927 and Wildlife (Protection) Act, 1972 with respect to above proposed project area is/ are given as under:-

	Name of Act under which offence has been booked	Details of Offence

Date:-

Place:-

Signature of Tree Officer
(Name, Designation with stamp)

UNDERTAKING FOR TREE TRANSPLANTATION/ FELLING IN PROJECT AREA

(To be given by Tree Officer under whose jurisdiction project area falls)

Tree Officer (*South/ North/ West/ Central*) hereby certifies that:-

1. The project area (Name of the project & area) was visited by undersigned on (date) and all trees as per definition of Delhi (Preservation) of Trees Act (DPTA), 1994 have been counted and brought on record for processing under DPTA, 1994. The total number of trees in the area is (number of trees) out of which (number of trees) number of trees have been proposed for transplantation, (number of trees) have been proposed for felling and (number of trees) have been proposed for pruning.
2. The status of land where project is proposed has been checked and it has been found that:-
 - a. The project area isha.
 - b. The project area has been surveyed using DGPS/ Total Station Method (TSM) and data has been provided by the User Agency for Boundary of the area and all standing trees in the area.
 - c. It falls/ does not fall in rocky surface/ denuded hills of Aravali Range.
 - d. It falls/ does not fall in notified forest area under Indian Forest Act (IFA), 1927.
 - e. It falls/ does not fall under definition of Deemed Forest as per affidavit of GNCTD in case No. W.P (C) No. 202 of 1995 in the Hon'ble Supreme Court.
 - f. It falls/ does not fall in notified protected areas under Wildlife (Protection) Act (WPA), 1972.
 - g. It falls/ does not fall in Eco Sensitive Zone of Asola Bhatti Wildlife Sanctuary (ABWLS) and Okhla Bird Sanctuary.
 - h. I have complied with all directions issued by Hon'ble High Court order dated 28.04.2022 & 19.05.2022 in Contempt Case No. 851/2021, titled as "Neeraj Sharma" Vs. Vinay Sheel Saxena & Ors".
 - i. The details of offences under Delhi Preservation of Trees Act, 1994, Forest (Conservation) Act, 1980, Indian Forest Act, 1927 and Wildlife (Protection) Act, 1972 with respect to above proposed project area is/ are given as under:-

SN	Name of Act under which offence has been booked	Details of Offence

Date:-

Place:-

Signature of Tree Officer
(Name, Designation with stamp)