

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

FAWL-L/6/2023-TreeCell/Part-II/2023-24/8419-22

Dated:- 27.02.2024


OFFICE ORDER

Hon'ble Delhi High Court vide Order dated 28.04.2022 in the matter of Neeraj Sharma versus Vinay Sheel Saxena & Ors, directed the following:-

“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”.

In view of this, a model ‘Speaking Order’ including a broad and mandatory checklist is enclosed for reference. It is reiterated that the check list consists only of mandatory steps / documents and is indicative in nature. Tree Officers shall be free to ask for any other document and take any other steps to ensure due diligence within the ambit of DPTA, 1994, relevant rules and guidelines, Administrative orders and directions of Hon’ble Courts etc.

Further, it has been observed that many a time incomplete proposals are being submitted by user agencies and respective Tree Officers which delays the process of approval of proposal. Therefore, all user agencies and Tree Officers are directed to ensure that the documents of the proposals are checked as per the checklist enclosed (as per DPTA, 1994, various Rules & Guidelines, various administrative directions and orders of Hon’ble Courts etc). In case of any delay caused in processing of the proposal (s) due to non- compliance of this direction, the responsibility shall lie with the concerned user agency and respective Deputy Conservator of Forests / Tree Officer.



27/2/24
(Saurabh Sharma IFS)
Conservator of Forests /
Tree Officer

To,

The Deputy Conservator of Forests / Tree Officer,
West / South / North/ Central Forest Division,
Govt. of NCT of Delhi.

Copy to:-

1. APCCF / HOD, Department of Forests and Wildlife, GNCTD.
2. CCF (A), Department of Forests and Wildlife, GNCTD.
3. DCF (P&M), Department of Forests and Wildlife, GNCTD, with a request to the facility of filling the speaking order on DPTA e-Forest portal by the Tree Officers.


27/2/24
(Saurabh Sharma IFS)
Conservator of Forests /
Tree Officer

**Order for Tree felling / Transplantation under section 9 of Delhi
Preservation of Trees At, 1994.**

WHEREAS, a proposal for (details of project) with all the requisite documents and details has been submitted by (name of user agency) pertaining to transplantation of (number) trees and felling of (number) trees on (date) under section-9 of Delhi Preservations of Trees Act (DPTA), 1994

AND WHEREAS, the project area spread over (number) (sqm) at (location) was visited / inspected by the undersigned on (date) and all trees as per the definition of DPTA, 1994 have been counted and brought on record for processing under DPTA, 1994. The total number of trees in the area is (number) (sqm) out of which (number) trees have been found to be suitable for transplantation and number trees have been found justified for felling as per the precautionary principle approach.

AND WHEREAS, Compensatory plantation site proposed at (location) was visited by undersigned / concerned DCF on (date) and the site is suitable to plant (number) of tree saplings in ratio of 1:10 as per DPTA, 1994.

AND WHEREAS, Tree Transplantation site at location was visited by undersigned / concerned DCF on date and the site is suitable for transplantation of number of trees as per the Tree Transplantation Policy, 2020.

AND WHEREAS, in compliance of Hon'ble National Green Tribunal order dated 01.11.2013 in the OA 169 of 2013 and Hon'ble Delhi High Court's Order dated 25.05.2015 in the matter of Bindu Kapurea & Ors. vs Government of NCT of Delhi & Ors., W.P (C) 827/2015 and as per the Notification No..... of DDA dated..... vide which Conservator of Forests (CF) has been made a member of UTTIPEC, the CF / representative of Department of Forests and Wildlife, GNCTD was invited and attended the meeting of UTTIPEC where this proposal was discussed.

As per
applicability

AND WHEREAS, requisite inputs of Forest Department have been obtained and necessary modifications are incorporated in the plan so that least amount of damage is caused to the trees.

AND WHEREAS, the proposal was duly recommended by the UTTIPEC on date



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AND WHEREAS, it has been ensured that orders of Hon'ble Delhi High Court dated 26.11.2021 and 17.01.2022 in Cont. Cas (C) 778 of 2021, titled Bhavreen Kandhari Vs. Gyanesh Bharti & Ors have been complied with.

As per
applicability

AND WHEREAS, the details of (number) of layout plans explored by the applicant along with justification that the approved layout plan minimizes the number of trees affected has been provided by the applicant and is found acceptable.

AND WHEREAS, the reason for granting / denying the permission for transplantation / felling of each tree including the details along with photographs of each tree is annexed.

NOW THEREFORE, the permission is granted for transplantation of (number) trees and felling of (number) trees as per annexure mentioned above.



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Indicative Check List

1. All requisite documents should be added with the proposal, according to the provisions of the Delhi Preservation of Trees Act (DPTA), 1994 which are duly signed and sealed by the user agency / govt. department/ individual.
2. Whether directions issued on 11.04.2023 regarding e-office have been complied or not.
3. Whether directions issued on 12.09.2023 regarding details of previous permissions have been complied or not.
4. Whether directions issued on 13.10.2023 regarding layout plans for minimize felling of trees have been complied or not.
5. Whether the conditions for granting felling of trees in accordance with Hon'ble High Court of Delhi, order dated 28.04.2022 in **Neeraj Sharma Vs. Vinay Sheel Saxena & Ors.** Cont. Cas(C) 851 of 2021 have been complied or not.
6. Whether the conditions for granting felling of trees in accordance with Hon'ble High Court of Delhi, order dated 10.05.2023 in **Prof Dr. Sanjeev Bagai & Ors. VS. Department Of Environment Govt Of NCT Of Delhi** W.P.(C) 2317 of 2023 have been complied or not.
7. Whether the conditions for granting felling of trees in accordance with Hon'ble High Court of Delhi order dated 22.05.23 in **Bhavreen Kandhari vs. Shri C. D. Singh and Ors** of CONT.CAS(C) 1149/2022 have been complied or not.
8. Whether the proposal was recommended by the Tree Officer or not.
9. Whether all the trees in this proposal were recommended by the Tree Officer or not.
10. Whether the directions issued on 01.08.2022 regarding Undertaking of Tree Officer for Project Area, Compensatory Plantation and Tree Transplantation which is generated online have been complied or not.
11. Whether representative of Forest Department was in the UTTIPEC meeting pertaining to this proposal.
12. Whether the proposal falling under the ambit of UTTIPEC has been recommended by UTTIPEC.
13. Whether the conditions for building plan in accordance with Hon'ble Delhi High Court dated 26.11.2021 and 17.01.2022 in Cont. Cas (C) 778 of 2021, titled **Bhavreen Kandhari Vs. Gyanesh Bharti & Ors**
14. Whether the conditions for uploading the copy of permission for felling of trees within 48 hours in accordance with Hon'ble High Court of Delhi order dated 02.11.2022 **Bhavreen Kandhari vs. The Tree Officer And DCF (South)** in W.P.(C) 10217/2022 has been complied or not.


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15. Whether a **quarterly report of permission given for felling of trees and was placed on the public domain** in accordance with Hon'ble High Court of Delhi order dated 25.05.2015 in the matter of *Bindu Kapurea & Ors. vs Government of NCT of Delhi & Ors.*, W.P (C) 827/2015 or not.
16. Undertakings in compliance of any administrative order/direction issued by the State Government/Forest HQ.



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