

NGT scraps decision to clear 250 tree-cutting proposals

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Pune: The National Green Tribunal (NGT) bench here on Wednesday scrapped a January 16 decision by the Pune Municipal Corporation's (PMC) Tree Authority to allow 250 proposals to cut trees across the city.

"The bench directed the civic tree officer to process these proposals expeditiously only after personally inspecting each of the 250 sites and satisfying himself about the fulfilment of all conditions laid under the law governing tree cutting," senior lawyer S K Jain, who appeared for PMC, told TOI.

Lawyer Sunita Kinkar, who assi-

sted Jain, said, "The bench also directed the PMC to ensure that all the decisions, from the stage of application for tree cutting moved by an individual till the approval by the tree authority, are uploaded on the PMC's website for public information."

The bench of Justice UD Salvi and Ajay A Deshpande disposed off an application by activist Vinod Raichand Jain accusing the PMC authorities of disobedience of the tribunal and the Bombay high court's orders relating to procedures to be followed for approval of tree cutting proposals.

The proposals are subject to provi-

sions under the Maharashtra (Urban Area) Protection and Preservation of Trees Act, 1975, and the rules framed under this act. The Bombay high court as well as the NGT have issued guidelines to be followed by the civic bodies while clearing such proposals.

Vinod Jain had stated in his plea filed through lawyer Harshad Mandke that the civic authorities were not following these guidelines properly and tree-cutting proposals were being cleared casually without tree officers personally inspecting and verifying facts at the proposed sites.

At a previous hearing, the civic

body informed the bench that the Tree Authority had merely taken the decision to allow the 250 proposals after following all procedures and had not executed the same in view of the tribunal's notice. It had assured the bench that the decision won't be executed unless the matter was decided by the bench.

Mandke said, "Our argument that the tree-cutting proposals were not being cleared by following the prescribed norms and guidelines, stand vindicated through the tribunal's order. The tribunal has also stated that the applicant was at liberty to initiate legal action against the concerned PMC officials as per law."

INSPECTION A MUST



Breather for 250 tree-cutting plans

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Pune: The Pune Municipal Corporation (PMC) has informed the National Green Tribunal (NGT) bench here that it would not implement a decision allowing 250 proposals for tree-cutting across the city unless the decision was examined on its merits and cleared by the tribunal.

The bench of Justice UD Salvi and Ajay A Deshpande directed the PMC to file a response by February 15 detailing how the decision to allow these proposals was taken and whether the guidelines prescribed earlier by the tribunal were followed.

The bench was hearing an application by activist Vinod Raichand Jain alleging dis-

obedience of the tribunal's November 20, 2014, directions by the civic authorities on the procedures to be followed while clearing tree-felling proposals.

"We will seek the appointment of a court commissioner for a joint inspection of the spots mentioned in the 250 proposals," Jain's lawyer Harshad Mandke told TOI on Wednesday.

Senior lawyer S K Jain, who along with lawyer Sunita Kinkar, is representing the civic body and other respondents in the matter, said, "The tree authority, at its meeting in January 2016, had concluded that permissions can be given to the 250 proposals. However, before the tree

authority could convey the decision to those who had moved these proposals, it received a notice from the NGT which was in response to Vinod Jain's plea. The decision was since withheld."

At the hearing on February 1, Kinkar submitted that the concerned officials cannot be said to have committed any disobedience of the tribunal's order and would place all the relevant facts before the tribunal for due consideration.

Taking instructions from assistant municipal commissioner Rajendra Jagtap, Kinkar submitted that merely a decision was taken to allow the 250 proposals for tree cutting and no tree cutting in

pursuance of such decision would be undertaken by the respondents till the issue is heard and the merits of the action contemplated are vetted. The bench then granted time to PMC to file its response.

Mandke said, "Proposals for tree cutting are normally moved before the tree authority headed by the municipal commissioner. The tree officer is supposed to visit and inspect the site mentioned in such a proposal and submit a report to the tree authority. Later, the decision to grant or reject permission is taken. Our argument is that the tree officers rarely inspect the site and most permissions granted are void ab initio and against the provisions of the law and rules."

RESPONSE TO NGT