

# PMC commissioner under NGT axe for violating Tree Act

250 illegal tree-cutting proposals scrapped; green tribunal urges petitioner to initiate criminal proceedings against tree authority headed by Kunal Kumar

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**T**he National Green Tribunal (NGT) has caught the Pune Municipal Corporation (PMC) on the wrong foot yet again for its proposals to fell the city's green cover. But, this time, it seems municipal commissioner Kunal Kumar is directly in the line of fire for being the tree authority chairman. On Wednesday, an NGT bench scrapped all 250 of the alleged illegal tree-cutting proposals by the tree authority as they were in gross violation of the Tree Act. Not just that, the bench also granted liberty to the petitioner to initiate criminal proceedings against the errant officials. So, even Kumar is likely to face prosecution.

Speaking to *Pune Mirror*, petitioner Vinod Jain said, "We are going to approach the Pune police commissioner's office on Monday to file a criminal complaint against the offenders. The tree authority claims it had merely decided to allow the 250 proposals after following all procedures and had not executed them in view of the tribunal's notice. But, that is not true. Trees have already been cut in a number of places. Therefore, being chairperson of the tree authority, Kumar is responsible for the violation." Jain is expected to lodge a criminal complaint with the Pune police for the violation of sections 26 and 28 of the National Green Tribunal Act, 2010. The Act states that the offender (civic officials in this case) is liable to face a fine of up to Rs 10 crore or imprisonment of up to three years or both.

Jain stressed, "We are going to file another complaint with the state Anti-corruption Bureau (ACB) to check financial transactions in the case. As far as I know, over 1,500 fully-grown scheduled trees were to be hacked without following any procedure. The timber mafia is also involved in all these malpractices." Some of the places where alleged tree-cutting has taken place are Ghole Road, Laxminagar, Yerwada, Pune station near Le Meridian,

Baner-Balewadi and Kothrud, among others.

A bench of justice U D Salvi and expert member Ajay A Deshpande further directed the 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 under the law governing tree cutting. Jain had complained that the PMC and the tree authority did not follow the Bombay High Court's orders as well as the NGT's guidelines while clearing such proposals and had granted permission to cut the trees on the basis of survey reports by mistris (class IV employees). It was also alleged that the proposals were not treated in keeping with provisions under the Maharashtra (Urban Area) Protection and Preservation of Trees Act, 1975, and the rules framed under this Act.

In the final order, the bench also directed the PMC to ensure that all the decisions — from the application stage to the approval by the tree authority — are uploaded on the PMC website for public information. Advocate Harshad Mandake, who represents Jain, told *Mirror*, "We will file a non-cognisable offence in this case. This is probably the first case in the state where the civic chief would be implicated under the NGT Act. We had requested the tribunal to initiate action against the offenders for violating HC and NGT orders. But, the bench permitted us to go ahead."

Even though Kumar didn't reply to *Mirror's* queries, additional municipal commissioner Rajendra Jagtap clarified on behalf of him that the PMC did not allow any tree cutting after the first notice was issued regarding the 250 proposals and the allegations by the petitioner are not correct. "There is no directive by the NGT to initiate criminal proceedings against the municipal commissioner, but it has given the petitioner liberty to initiate proceedings. Anyone can go to the law enforcement agencies given the provisions of law. We are now bound to follow the NGT order. In case there is any violation of the fresh order, then only are we liable to face prosecution," insisted Jagtap.