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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAC.APP. 978/2018
NEW INDIA ASSURANCE CO LTD Appellant
Through: None.

versus

HIMANSHU SHARMA & ORS. Respondents
Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **29.05.2023**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. About Rs.80 lacs were deposited in the court as costs that were imposed on the defaulting litigants in scores of contempt petitions and writ petitions, etc. These monies are to be utilized for larger public good. Plantation of trees is one such exercise which the court would consider because trees, for as long as they are alive, be it for decades or for centuries, would incessantly and silently provide multiple benefits to the city; provided however, that people and the land-owning agencies do not interfere in or hinder their growth. The benefit that trees would provide to generations of residents of Delhi, by way of fresh oxygen would be immeasurable. They would also serve as carbon sump, to absorb in some measure, the atmospheric pollution which plagues the city all year round. Additionally, they would lend beauty and grace of the city and provide a soothing ambience to every passerby.

2. As has been directed in the order dated 24.05.2023, over Rs.70 lacs are to be transferred into the bank account of the Deputy Conservator of Forests, GNCTD maintained at UCO Bank, Delhi High Court Branch, New Delhi. Let the said monies be utilised by the DCF, with the assistance of PWD, GNCTD to plant trees in such areas as may be identified by 1) Mr. Shadan Farasat, ASC, (M: 9818009824) (info@farasatlaw.com), 2) Mr. Avishkar Singhvi, ASC, GNCTD, (M:9910778076) (chamber.singhvi@gmail.com), 3) Mr. Tushar Sannu, Standing Counsel, NDMC, (M: 9911991166) (adv.tusharsannu@gmail.com), 4) Mr Aditya N. Prasad, (M:9213155390) (chambersanp@gmail.com) and 5) Mr. Atul Bhuchar, (M: 9891096655) (atulbhuchar@bhucharlegal.com). They shall each have at least 2500 trees planted. They are hereby appointed as Court Commissioners. Assistance apropos their transportation, etc. shall be arranged by the PWD/ Forest Department, GNCTD. The local police shall assist the DCF as well as the Court Commissioners in the plantation exercise.
3. Depending upon the soil type and topography, the DCF may consider planting the following variety of trees, along with PWD/MCD roads.
- (i) Pilkhan
 - (ii) Papdi/Chudail papdi
 - (iii) Kachnaar
 - (iv) Goolar
 - (v) Kala Siris/Safed Siris
 - (vi) Jamun

(vii) Amaltas

(viii) Kadamb

(ix) Badh

4. Each tree shall have a minimum of three-years' nursery-age and a minimum trunk height of 10 feet. From the Rs.70 lacs at least 10,000/- trees shall be planted. Let it be so done. A compliance affidavit, along with photographs showing the plantation sites before and after plantation, duly protected by tree-guards/fences, shall be filed both by the DCF concerned and the Court Commissioners. Community participation, to the extent plausible, in the plantation and maintenance of the trees shall be encouraged. Copy of this order be served upon DCF concerned through the Standing Counsel (Civil) GNCTD, 430 Lawyer's Chambers, Delhi High Court, who shall coordinate the plantation exercise. The Registry is directed to serve a copy of this order upon the learned Court Commissioners through email and WhatsApp.
5. The sites for plantation, preferably public roads, shall be identified by the learned Court Commissioners. DCF (Protection and monitoring too shall assist in this regard. The account for procurement of trees shall be filed by the DCF and a copy of the same shall be supplied to the learned Court Commissioners as well. Liberty is granted to the latter to approach the court in case of difficulty and in case of non-compliance of the orders or non-cooperation by any agency. Signboards shall be put-up at prominent places to inform the public that the plantation has been carried-out under the directions of the Delhi High Court. The land-owning agency shall plant them under

supervision of the Tree Officer/DCF, GNCTD. They shall file their report along with photographs. In case of any attrition of the trees or any damage to them, the land-owning agency shall promptly remedy the situation with the advice of the Tree Officer and keep the learned Court Commissioners informed with photographs. Status Reports with photographs, be filed by the Tree Officer/DCF every six months. In case of default the case be listed for directions. However, for perusal of the first status report, list on 07.07.2023.

NAJMI WAZIRI, J

MAY 29, 2023