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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 14129/2022**

SAGAR AGGARWAL

..... Petitioner

Through: Mr. Rajat Sang, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Avishkar Singhvi, Mr. Vivek
Kumar, Mr. Naved Ahmed, Adv.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

% **06.10.2022**

CM APPL. 43165/2022(for exemption)

Allowed, subject to all just exceptions.

The application shall stand disposed of.

W.P.(C) 14129/2022 & CM APPL. 43164/2022(Interim Order)

Notice. Since the respondent is duly represented by Mr. Singhvi, let a counter affidavit be filed within a period of eight weeks from today. The petitioner may file a rejoinder affidavit within a period of four weeks thereafter.

Prima facie, the Court finds merit in the contention of learned counsel for the petitioner who submits that the impugned order does not record any cogent reasons for the imposition of penalty upon the petitioner. It was further argued that the Tree Officer had not provided any material to the petitioner on the basis of which the allegation of illegal tree felling is stated to have been found to be established.



It is urged that the imposition of a penalty of Rs. 1,00,000/- is ultra vires the powers conferred on the Tree Officer under the Act itself. Matter requires consideration.

Till the next date of listing, there shall be stay of the impugned order dated 02 September 2022 only to the extent that it requires the petitioner to deposit penalty of Rs. 1,00,000/-.

List again on 21.03.2023.

YASHWANT VARMA, J.

OCTOBER 6, 2022/neha