



Tree felling in Aarey forest: SC pulls up Mumbai Metro for 'overreach', imposes Rs 10 lakh fine

18 April 2023

The Supreme Court Monday pulled up the Mumbai Metro Rail Corporation Ltd (MMRCL) for trying to “overreach” its earlier order that allowed the corporation to seek the felling of 84 trees in Aarey forest for a Metro car shed project. The court directed the corporation to pay Rs 10 lakh as penalty.

The top court had allowed MMRCL to approach the tree authority for the felling of the trees in a November 29, 2022 order. But MMRCL, in its application before the authority, sought the felling of more trees than was permitted by the SC order. This application was cleared.

On Monday, a three-judge bench, presided by Chief Justice of India D.Y. Chandrachud and comprising Justices P. S. Narasimha and J. B. Pardiwala, termed MMRCL’s action “improper” and added that “if circumstances had transpired which led to a variation in the number of trees to be cut, the only correct course of action would have been to move this court”.

The bench, however, refused to stay the March 15, 2023 order by the tree authorities that allowed the felling of 124 trees and transplanting of 53 trees (a total of 177 trees).

The top court said: “Any such direction will have the consequence of bringing the public project to a standstill. Such a course of action would not be desirable. As the court noticed in its previous order, substantial steps have already been taken by felling over 2000 trees for the purpose of the project. In this backdrop we modify the previous order by permitting the MMRCL to act in compliance with the order dated March 15, 2023”.

It said: “We are hence of the view that it would be necessary for the court to penalise MMRCL for its conduct.”

The bench clarified that this will be subject to the corporation fulfilling certain conditions.

“MMRCL shall within a period of two weeks deposit of Rs 10 lakhs with the Chief Conservator of Forests... the conservator of forests shall ensure that all directions contained in the previous orders of the tree authorities for afforestation have been duly complied with... the conservator of forests shall submit before this court the status of compliance in regard to the directions which have been issued for afforestation,” it added.

Source: <https://indianexpress.com/article/india/tree-felling-in-aarey-forest-sc-pulls-up-mumbai-metro-for-overreach-imposes-rs-10-lakh-fine-8561958/>