

686
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
OA NO. 793 OF 2022

IN THE MATTER OF:

COUNCIL OF ENGINEERS AND ORS.

...APPLICANTS

VERSUS

STATE OF PUNJAB AND ORS

...RESPONDENTS

INDEX

SR. NO.	PARTICULARS	PAGE NO.
1.	ADDITIONAL AFFIDAVIT OF ADITYA DACHALWAL , IAS, COMMISSIONER, MC LUDHIANA.	
2.	ANNEXURE -A The copy of site plan	
3.	ANNEXURE A-1 The copy of resolution no. 5148 dated 18.11.2021.	
4.	ANNEXURE A-2 The copy of resolution no. 5892 dated 14.12.2021	

THROUGH

NAGINDER BENIPAL

ADVOCATESCH

NO.460, LAWYERS CHAMBERS BLOCK-1, DELHI

HIGH COURT, DELHI-110003

Contact: 9999329299 Email:

chambersofnaginderbenipal@gmail.com

DATE:

PLACE: NEW DELHI

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
OA NO. 793 OF 2022

IN THE MATTER OF:

COUNCIL OF ENGINEERS AND ORS. ...APPLICANTS
VERSUS
STATE OF PUNJAB AND ORS ...RESPONDENTS

**ADDITIONAL AFFIDAVIT OF ADITYA DACHALWAL, IAS,
COMMISSIONER, MUNICIPAL CORPORATION, LUDHIANA.**

MOST RESPECTFULLY SHOWETH:

1. That the undersigned is currently working as Commissioner, Municipal Corporation, Ludhiana and is well conversant with facts and circumstances of the present case and duly authorized and competent to swear this affidavit in my official capacity.



That the present matter was listed before this Hon'ble Tribunal on 02.09.2024 when this Hon'ble Tribunal had permitted:

Learned Counsel appearing for Municipal Corporation, Ludhiana stated that he may be permitted to file additional affidavit to show what is area of construction of library as also area of Maharana Pratap under relevant records of Municipality and Revenue Authorities by placing approved layout plan".

3. That the details regarding construction of Library Building with number of resolution, sanctioned budget amounts and year of sanction and construction are given below for the kind perusal of this Hon'ble Tribunal.
 1. That the total area of the said park is around 1124 Sq. Yards out of which the share of land used for construction of library is only 4% i.e the built up area is around 52 Sq. Yards only.

II. That the area in question is a part of Right of Way alongside the Old GT Road and initially there was never a green belt as shown in the site plan. The said park/green belt was later on developed in the Right of Way in order to prevent the said area from encroachments and later on in view of the Local residents demand and their sentiments, a library was constructed in the name of Maharana Pratap after following the due process. Site plan of the said area is annexed herewith as **Annexure-A**.

III. That on 18.11.2021, by keeping the demands of local residents, an estimate of Rs. 17.76 lakhs was sanctioned through F&CC Resolution No. 5148

for the construction of library at Maharana Pratap Park, located near Manju Cinema in Ward no. 51, along the Right of way of old G.T. Road. The copy of resolution no. 5148 dated 18.11.2021 is annexed herewith as **ANNEXURE A-1**.

IV. That on 14.12.2021, following the approval, tenders were invited for the same and work was allotted to M/s R.K. Construction with tendered amount of Rs. 14.72 lakhs vide Finance and Contract Committee resolution no. 5892. The copy of resolution no. 5892 dated 14.12.2021 is annexed herewith as **ANNEXURE A-2**.

4. That the Municipal Corporation, Ludhiana is taking every possible steps to safeguard the environment.

Varinder Kaur
I know the deponent/ executant
& He/She signed or R.T.I./L.T.I.
Marked in my presence

Certified that the affidavit S.P.M.G.P.A has been readover & explained to the deponent who seemed perfectly understand at same at the time making there

DEPONENT

Verified on this 16th day of **SEPTEMBER** 2024 that the contents of above affidavit are true and correct as per my knowledge and information and also as per the records available and no part of its false and nothing material has been concealed therefrom.

DEPONENT

SIGNATURE ATTESTED

Notary Public, Ludhiana. (Pb.)

16 SEP 2024

Item No. 400 / Eng:Branch/ in-anticipation approved / Ward No. 51

Zone C / Estimate/General Quota/Estimated Rs.14.76 lakh.

Subj. Const. of Library in Maharana Partap Park Near Manju
cinema in ward no- 51.

Estimated Cost:-Rs.14.76 Lakh

Note Junior Engineer (B&R) dated Nil for the approval of which motivation Assistant Engineer (B&R) dated Nil and Supervising Engineer (B&R) has approved on 26.08.2021. An estimate cost of 14.76 lakh rupees for this work was given by the Hon'ble Cabinet Minister Food and Supply Punjab in a meeting with the Hon'ble Mayor Municipal Corporation Ludhiana and Municipal Corporation officials for constructing a library on the vacant land of Maharana Partap Park under Ward No. 51. The direction is prepared above. Park construction site report has been received from drawing branch. Estimated rates are based on CSR and CP, and NSR rates are based on rates pre-approved by the Municipal Corporation or market rates. After the approval of the Finance and Contracts Committee, this work will be carried out as per the rules by inviting tenders through e-tendering system from the general quota as per the norms prescribed by the P.W.D. Keeping public interest in mind, the estimated cost of Rs.14.76 lakh is approved by the Finance and Contracts Committee.

Hon'ble Additional Commissioner has given administrative approval of the case on 27.08.2021 as "Submitted for approval".

Hon'ble Commissioner has given administrative approval of the case on 03.09.2021 as "To be discussed & decided in F&CC".

Hon'ble Mayor on dated 06.09.2021 forwarded the case in anticipation of the approval of Finance and Contracts Committee "Approved in-anticipation of F&CC".

The case is submitted to F&CC for approval.

Resolution no.5148

Approved

Correct-

Mayor

08.11.2021

Item No: 468 / Eng: Branch / Zone-C / General Quota / Work Order /
Tender Amount Rs.15.66 Lakhs Sub:- Construction of Library in
Maharaja Park, Near Manju Cinema In W.No.51

Estimated Cost- Rs.14.766 Lakhs

Tender Cost-Rs.15.66 Lakhs

Note: Junior Engineer (B&R) dated Nil, whose approval of which motivation Assistant Engineer (B&R) dated Nil, Executive Engineers on dated 09.12.2021 and Supervising Engineer (BDR) on dated 09.12.2021. A rough cost estimate of Rs.14.76 lakhs for the work mentioned in the subject was approved vide F&CC vide Resolution No. 5148 dated 08.11.2021. The tenders for this work have been received for the second time through NIT NO.09, dated 16.11.2021. According to the comparative statement sent by the TIC Branch, the following 2 tenders have been received.

Sr. No.	Name of Agency	OAS(%)	Tender Expenditure
1	Apex Developers	7.66	1618552
2	R.K. Construction Co	6.09	1565884/-

According to the comparative report R.K. Construction Co. The rates of are found to be the lowest but these rates are found to be higher than the estimates. The concerned contractor was called to this office to reduce his rates. On which he has agreed to do this work by reducing his rates (-) 0.25% overall saving. With an estimated amount of

338

Rs 14,76,000/- lakhs and (-) 0.25% overall saving, the total cost of the Tender becomes Rs.14,72,310/- and its estimated cost of saving is Rs.14,76,000/- and Rs.3690/- is more. It is to be mentioned here that the rates of Steel, Saria, Bricks and Carriage have been increased (from 10% to 15%) for the building work and as per the premium list issued by the Punjab Government on 08.10.2021. But this estimate is based on the old rates. Because it is very important to do this work in the public interest. Hence the work order for this work (-) at 0.25% O.A.S with a tender amount of Rs.14,72,310/- lakh to R.K Construction Co. The case is referred to the Finance and Contracts Committee for approval to approve the work.

Hon'ble Additional Commissioner (A) on 13.12.2021 administrative approval of the case as follows "Submitted for approval before F&CC".

Hon'ble Commissioner has given administrative approval of the case on 13.12.2021 as follows: "To be decided in F&CC"

Hon'ble Mayor has allowed the case to be presented R.K. Construction Co. Ltd in Finance and Contracts Committee vide date 13.12.2021. The case is submitted to F&CC for approval.

Resolution No: 5892

Approved

Correct

Mayor

Dated:14-12-2021

True Translation From
Punjabi/Hindi/Urdu into English
NOTARY PUBLIC (LDH.)
04 JAN 2024