

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
(In Original Application No. 626 of 2025)

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Date: 17-12-2025

(Er. Kapil Dev)

Place: Ludhiana

Applicant No. 2

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, DELHI**

(in O.A. No. 626 of 2025)

In the matter of:

Council of Engineers & ors.

.... Applicants

vs.

State of Punjab & ors.

..... Respondents

Additional Submission by Applicant in regard with facts depicting delisted being same as decided in matter I.A. No. 976 in I.A. No. 727 in W.P. (Civil) 202/1995 by the Hon'ble Supreme Court

Hon'ble sir,

It is most respectfully showeth:

The Applicants humbly submit as under:

1. That Respondent No. 2, the Principal Secretary, has **wilfully, deliberately and with intent to give undue benefits to violators and real estate developers**, suppressed material facts by **omitting to disclose the exact details and extent of the delisted lands in the State of Punjab**, thereby **camouflaging the fact that the said delisted area belongs to land which was the subject matter of adjudication before the Hon'ble Supreme Court in W.P.(C) No. 202 of 1995**, which mandates that any land recorded as forest or otherwise satisfying the dictionary meaning of forest remains

subject to forest laws irrespective of subsequent nomenclature or administrative action.

2. That in Paragraph No. 9 of the impugned notification, Respondent No. 2 has disclosed the location of the delisted area in a tabular form as falling within **SAS Nagar, Roopnagar, Shaheed Bhagat Singh Nagar (Nawanshahar), Hoshiarpur, Pathankot and Gurdaspur**. That **SAS Nagar (Mohali)** was earlier a part of **District Roopnagar (Ropar)** and was **declared as a separate district on 14.04.2006**. Therefore, for the period relevant to the **in-principle approval dated 16.03.2006**, the land presently falling within SAS Nagar (also known as Mohali) was **administratively and territorially part of District Roopnagar and still being denoted as Roopnagar**. It is, however, **pertinent to submit that the entire area measuring 707 + 55,339.95 = 56046.95 hectares**, which received **final approval vide letter dated 10-08-2006 & 24-07-2009**, out of the **total 65,670.26 hectares granted in-principle approval, is situated exclusively within the aforesaid districts**, thereby leaving no ambiguity that the delisted land corresponds wholly to the said areas.

3. That since the documents pertaining to letter dated 16-03-2006 for in-principle approval as well as letter dated 24-07-2009 final approval couldn't be found in Public Domain, the Applicants have produced Annexure-3 & Annexure-4 issued by Punjab Government which contains the contents of both the letters. However, the Original Application involves issue of delisted area of entire 55339.95 Hectares for which final Approval was granted by the **Ministry of Environment and Forests (MoEF), Government of India**

vide order letter no. F. No. 8-19/2006-FC dated 24-07-2009. It is pertinent to humbly submit here that Final approval for delisting of 707 Ha of cultivated and habitation areas falling in Mohali district vide letter No. 8-19/2006-FC dated 10-08-2006 i.e. the total issue involves 55339.95 Ha + 707 Ha = 56046.95 Ha and same is referred to in meeting chaired by the Respondent No. 1 (Annexure P-4 from Page 70 onwards).

4. That the Clause No. 17 of impugned notification dated 20-11-2025 refers to decision taken in the meeting chaired by the Chief Secretary, Punjab dated 26-04-2010 (from Page No. 70 of Annexure P-4) for transfer of jurisdiction of delisted areas from Forest Department to other Departments. It is humbly submitted that the Annexure P-4 (Page No. 70 onwards), it is specifically mentioned as under:

Financial Commissioner (Forests) gave the brief introduction on the subject. He informed that this issue related to the orders of Hon'ble Supreme Court of India dated 12-12-1996, which strictly prohibited the diversion of any forest land for no forestry purpose without prior approval of Government of India under Forest Conservation Act, 1980 (FCA). This orders also defined the forest and forest land for the purpose of FCA 1980. In these orders, Hon'ble Supreme Court had also directed the States to submit the list of forest areas and in compliance with these orders, Punjab Government submitted the list of forest areas, which included 165000 Ha of Kandi Belt managed by the State Forest Department under PLPA 1900. **The area also included the areas, which were actually under cultivation and habitation but were**

recorded as Forest in the records of the Forest Department.

Punjab Government, therefore, approached the Hon'ble Supreme Court in October 1999 for permission to delete the cultivated and habitation areas closed under PLPA from the list of forest areas already submitted to them. The matter was referred by the Hon'ble Supreme Court to the Central Empowered Committee (CEC). After considering the matter, CEC recommended delisting of cultivated and habitation areas from the list of forest areas. The Hon'ble Supreme Court in its order dated 09-09-2005 directed the Ministry of Environment & Forests (MoEF), Government of India (GoI) to consider the proposal of Punjab government in accordance with the rules and procedures laid down under FCA 1980. Ministry of Environment & Forests, GoI after considering this case accorded in-principle approval to delist cultivated and habitation areas from the list of forest areas with certain conditions vide letter No. 8-19/2006-FC dated 16-03-2006. **Afterwards Government of India initially gave approval for delisting of 707 Ha of cultivated and habitation areas falling in Mohali district vide letter No. 8-19/2006-FC dated 10-08-2006 and then gave final approval for 55339.95 Ha falling in Ropar, Mohali, Navashahar, Hoshiarpur and Gurdaspur Districts vide letter No. 8-19/2005-FC dated 24-07-2009 with following conditions.**

- i. The State Government shall ensure that no commercial activity is permitted on such de-listed land.
- ii. The de-listed land shall be used only for bona fide use for agriculture and for sustaining the livelihood of the people/owner of the land.

iii. If inadvertently, any notified or otherwise forest areas are found to have been included in the present list of areas being considered for de-listing, such areas shall not be deemed to have been delisted from the list of forest areas of the State.

5. That from above produced facts, it is evidently clear that the impugned notification belongs to the delisted land of 55339.95 Ha + 707 Ha = 56046.95 Ha from in-principle approval of 65670.26 Ha. The Respondent No. 2 has willfully not detailed the facts pertaining to delisted area to give undue benefits to Real Estate Sector and other owners who have already constructed permanent structures for Farm Houses in the delisted areas illegally, therefore the Respondent No. 1 & 2 may kindly be directed to submit documents pertaining to Cabinet Nod & related proceedings held by the Punjab Cabinet before issuance of impugned notification, if deemed necessary by this Hon'ble Tribunal. Further, it is heard that the Punjab Government has already started giving CLU to many such developers immediately after issuance of notification dated 20-11-2025, the details of which may kindly be directed to be submitted by Respondent No. 1 and 2. Keeping in view of the above facts as well as facts produced in both the original Applications, the Applicants humbly prays this Hon'ble Tribunal to accept our prayer as submitted in the Original Application.



Dated 17-12-2025
Place: Ludhiana

Er. Kapil Dev
(Applicant in person)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

(in O.A No. 626. of 2025)

IN THE MATTER OF:
COUNCIL OF ENGINEERS & ORS.

APPLICANT

VERSUS

STATE OF PUNJAB & ORS

RESPONDENTS

AFFIDAVIT

I, Er. Kapil Dev (aged 49 years) s/o Sh. Jagdish Chander, r/o 186-E, BRS Nagar, Ludhiana do solemnly affirms as under:

1. That the deponent is Applicant No. 2 in the Original Application No. 626 of 2025 and is filing Additional Submission for kind consideration by this Hon'ble Tribunal.
2. That I have read the accompanying additional submission from paragraphs 1 to 5 from pages 1 to 6 and have understood the contents thereof. The facts stated there in are true and correct to the best of my knowledge and nothing has been concealed there from.

2684
17-12-2025

Confirmed that the affidavit has been read over & explained to the deponent applicant who seemed directly to understand same at the time making thereof
VERIFICATION

[Signature]
DEPONENT

Verified at Ludhiana on this 17th day of December 2025, I the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.



[Signature]
DEPONENT

know the Deponent/Executants personally and he/she has signed their submission in my presence

ATTESTED AS IDENTIFIED
[Signature] 17-12-2025
NOTARY PUBLIC
LUDHIANA (PB.)

17 DEC 2025