

27 MAR 2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRICIPAL BENCH, NEW DELHI**

MA NO. 16/2025

IN

OA NO. 394/2024

**IN THE MATTER OF:-**

Shivcharanjit Singh

...Applicant

Versus

State of Punjab

... Respondent(s)

**NDOH: 01.04.2025****INDEX**

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THROUGH COUNSEL



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27 MAR 2025

PLACE: DELHI  
DATE: 28.03.2025.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****PRICIPAL BENCH, NEW DELHI**

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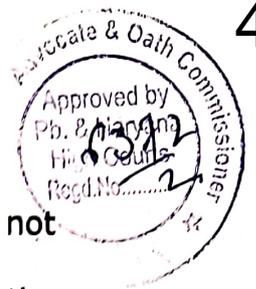
State of Punjab

... Respondent(s)

**SHORT AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4.**

I, Manisha Rana, Chief Administrator, Bathinda Development Authority, Bathinda in terms of the order dated 10.02.2025, do hereby solemnly affirm and declare as under:-

1. That I am the authorized signatory in the abovementioned matter and am fully conversant with the facts of the present case, competent to affirm and sign this affidavit.
2. That the answering respondent has received notice issued by this Hon'ble Tribunal vide order dated 10.02.2025, and the present short affidavit is being filed in compliance with the said order due to paucity of time.
3. That the answering respondent respectfully submits that the notice from this Hon'ble Tribunal was received on



27.02.2025. However, the office of the deponent has not received a copy of the original application. Consequently, the answering respondent is unable to file a comprehensive reply due to the lack of access to the entire issue being adjudicated before the Hon'ble Tribunal.

4. Notwithstanding the above, based on the limited information available, the answering respondent makes the following submissions:

- a) That by order dated 02.07.2024 in OA No.394/2024 titled Shiv Charanjit Singh v. State of Punjab, the Hon'ble Tribunal, Principal Bench, New Delhi, constituted a Joint Committee comprising the Deputy Commissioner, Bathinda, the Divisional Forest Officer, Bathinda, the State Pollution Control Board, and a representative from the Bathinda Development Authority to investigate the grievance raised by the complainant and submit a compliance report.
- b) That in compliance with the aforementioned order, a joint site visit was conducted on 15.07.2024 under the guidance of the Additional Deputy Commissioner (G), Bathinda. Reports were sought from various wings of the Bathinda Development Authority (BDA), which indicated unauthorized construction of Shri

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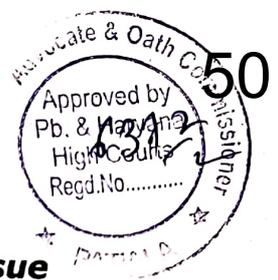


Gurudwara Sahib In the green belt of Park No. 10 and a Mandir In Park No. 14, as per the approved colony layout.

- c) That the subject colony, Omaxe City, Goniana Road, Bathinda, is a licensed colony under the Mega Policy. As per the licensing provisions and the Punjab Apartment and Property Regulation Act, 1995 (PAPRA), the promoter is responsible for completing the colony and handing over open spaces to the State Government or local authority. However, the promoter has not obtained the completion certificate, due to which the colony, including its green areas, remains under its control.
- d) That as per Section 5(13) of PAPRA, the promoter is responsible for maintaining roads, open spaces, public parks, and public health services for five years from the date of the completion certificate or until they are transferred to the State Government or local authority. The relevant section is reproduced herein for reference:

***"Section 5(13): The promoter shall be responsible for the maintenance and upkeep of all roads, open spaces, public parks, and public health services for a***

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***period of five years from the date of issue of completion certificate or till the date of transfer of the same, free of cost, to the State Government or the local authority..."***

- e) That in Civil Suit titled Manvir Gupta & Another v. Omaxe Build Home Pvt. Ltd., the Civil Judge (Junior Division), Bathinda, restrained the defendants from changing the nature of Park No. 10 and from raising any construction therein, except in due course of law. A copy of the order dated 16.09.2023 is annexed herewith as **ANNEXURE R/4-1**.
- f) That upon receiving the court order, the deponent's office directed the District Town Planner (Regulatory), Bathinda, to take necessary action in accordance with the District Court's orders.
- g) That the promoter has violated Section 20 of PAPRA, 1995, by undertaking unauthorized construction without amending the approved layout plan. Accordingly, the Additional Chief Administrator, BDA, issued Notice No. 4090 dated 23.08.2024, directing the promoter company to halt construction, submit a clarification, and restore the green belt within 30 days.

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- h) That in response, the promoter claimed that unauthorized construction was carried out by miscreants posing as religious groups and denied any violations on their part.
- i) That the Additional Chief Administrator, BDA, called the promoter for a personal hearing on 28.10.2024, which was later rescheduled to 26.11.2024 on the request of the promoter. During the hearing, the promoter contended that they were negotiating with the encroachers and sought assistance from the authorities to remove unauthorized constructions.
- j) That the Additional Chief Administrator, BDA, vide letter No. 1203 dated 25.02.2025, issued a final notice to the promoter to remove unauthorized structures and complete the green belt restoration. A hearing was held on 28.02.2025, and the promoter submitted a written reply on 27.02.2025.
- k) That in its reply, the promoter stated that their approved layout plan includes surplus green area (10.80% instead of the mandatory 6%). They proposed a revised site plan incorporating the Shri Gurudwara Sahib and Mandir while maintaining the required green area under the Mega Policy.

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1) That the promoter's request for approval of the revised layout plan is under consideration by the competent authority.

5. That in light of the above, the answering respondent respectfully prays that the petitioner be directed to provide a complete copy of the original application. Further, the answering respondent may be granted adequate time to file a detailed and comprehensive reply.

6. That the present affidavit is filed based on the limited information available with the answering respondent, and it is prayed that this Hon'ble Tribunal may allow sufficient time for the submission of a comprehensive reply upon receipt of the original application.

DEPONENT.  
Chief Administrator  
B.D.A., Bathinda

*Handwritten note:*  
I have verified the genuineness of the documents submitted by the deponent.

**VERIFICATION:-**

I, the deponent above named do hereby verify that the contents of foregoing affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Bathinda on this 27<sup>th</sup> day of March, 2025.

I certify that the above statement is made on solemn affirmation before me this Thursday day of March at Bathinda Dist. Bathinda.  
Who has been declared by me as Shri Viret Bansal personally known to me.  
& year of Register 6372 Advocate & Oath Commissioner  
Patiala

**ATTESTED**

BAL KRISHAN  
Advocate & Oath Commissioner  
PATIALA

DEPONENT.  
Chief Administrator  
B.D.A., Bathinda

(6372)

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**ANNEXURE R/4-1**CIS No.CS/1664/2023Manvir Gupta and another Vs. Omaxe Buildhome Pvt. Ltd. And others

Present: Sh. Vikas Singla, Advocate, Counsel for the plaintiffs.

1. Suit received by entrustment. Report of Reader seen. It be registered. Alongwith the suit, an application under Order 39 Rules 1 & 2 read with Section 151 CPC has been filed for the grant of ad-interim injunction.
2. Heard on the exparte ad-interim injunction. The applicants/plaintiffs have filed the present suit stating that the plaintiff no.1 is owner of plot no.22, situated in Omaxe Colony, Goniana Road, Bathinda. Similarly, the plaintiff no.2 is owner of plot no.1 situated in abovesaid colony. The back of the aforesaid plots adjoins each other and there is site of green belt on one side of the said plots of the plaintiffs i.e. site for park no.10. At the time of purchase of the aforesaid plots, the defendants no.1 and 2 had assured the plaintiffs that the area of green belt is situated alongside the aforesaid plots and park no.10 shall be developed in the said property as per the sanctioned layout plan of the residential colony and the said site shall not be used for any other purpose other than green belt i.e. for the purpose of park. The plaintiffs have now come to know that the defendants no.1 and 2 are now trying to change the layout plan of the colony without any prior permission from the competent authorities and without getting the site plan sanctioned from the competent authorities, the defendants no.1 and 2 are trying to raise illegal and unauthorized construction in a portion of the aforesaid site for green belt i.e. park no.10 and are trying to raise the construction of Gurudwara Sahib in a portion of the said property and to open the gate of the same towards 40 ft. road in front of the plot no.22 of the plaintiff no.1 although the defendants no.1 and 2 have no right to do so, but the defendants have already got installed

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Assistant Environmental Engineer  
Punjab Pollution Control Board  
Regional Office Bathinda

Nishan Sahib in a portion of the said property of green belt. Hence, the present suit and application.

3. Applicants have furnished on record documents regarding the ownership of plaintiff no.1 over plot no.22, documents regarding the ownership of plaintiff no.2 over plot no.1, approved site plan of Omaxe Colony as approved by Chief Town Planner, Punjab and one photograph in which some construction has been raised. The plaintiffs have placed on record the allotment letters dated 07.06.2012 and 15.04.2019 qua plot no.22 and plot no.1 respectively in favour of plaintiffs no.1 and 2. Perusal of the aforesaid approved layout plan of the Omaxe City, as approved by Chief Town Planner, Punjab reveals that the said plan was approved on 26.08.2021. As per the said layout plan, there has been shown a park P-10 adjacent to the plot no.1 and plot no.22 in the said plan. Alongwith the site plan, the plaintiffs have placed on record the photograph wherein some portion/construction has been raised. This Court is of the view that without prior approval for change in the layout plan, the defendants no.1 and 2 cannot raise any construction in the green belt shown as park P-10 in the layout plan. Hence, a prima-facie case is established in favour of the applicants/plaintiffs. Balance of convenience also lies in favour of applicants/plaintiffs because their rights shall be protected by law and also an irreparable loss would be caused if the construction is further raised. Also, the suit of the plaintiffs shall be rendered infructuous if the injunction is not granted in the present case. Therefore, in view of the above said discussion, exparte injunction is granted qua defendants upto the next date of hearing i.e. 26.09.2023, unless extended further, with the direction that the defendants are restrained from changing the nature of site of green belt of park no.10 as shown in green in colour in layout plan, as detailed in the head

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Assistant Environmental Engineer  
Punjab Pollution Control Board  
Regional Office Bathinda

note of the plaint and further they are restrained from raising any kind of construction in the said property of green belt, except in due course of law.

4. This order of the court shall not be operative against any proceeding initiated under SARFAESI Act, 2002. This order shall be operative only to the parties to the suit.

5. This order of the court shall have no bearing upon the merits of the case. The applicants are directed to deliver to the opposite party or to send to them by registered post immediately within 24 hours after passing this order, a copy of application for the injunction together with the copy of affidavit filed in support of the application, copy of the plaint and the copies of the documents on which the applicants rely. If the applicants fail to comply with any of the above stated conditions, the order granting exparte ad interim temporary injunction shall automatically stand vacated.

6. Notice to defendants be issued through ordinary process as well as RC/AD for 26.09.2023 on filing of RC/AD within a week. Dasti be also taken, if desired.

Sumit Garg, PCS,  
CJJD/Bathinda,  
16.09.2023.  
UID PB0608.

Priyanka, Stenographer-II

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Assistant Environmental Engineer  
Punjab Pollution Control Board  
Regional Office Bathinda

  
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**SERVICE: Short Affidavit on behalf of Respondent No.4/Bathinda Development Authority, Bathinda in MA/16/2025 IN OA/394/2024.**

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**From** Shubham Bhalla <shubhambhalla@hotmail.com>

**Date** Fri 3/28/2025 11:55 AM

**To** secy.te@punjab.gov.in <secy.te@punjab.gov.in>; cmcbathinda@gmail.com <cmcbathinda@gmail.com>; de.btd@punjab.gov.in <de.btd@punjab.gov.in>; dtpbathinda@gmail.com <dtpbathinda@gmail.com>; msppcb@gmail.com <msppcb@gmail.com>

1 attachment (4 MB)

Short Affidavit.pdf;

Sir/Ma'am,

Please find attached with this email short affidavit on behalf of Respondent No.4/Bathinda Development Authority, Bathinda in MA/16/2025 IN OA/394/2024.

Please acknowledge receipt. Thank you.

Regards

**SHUBHAM BHALLA**

Advocate-on-Record

OFFICE : D-52, BASEMENT, PANCHSHEEL ENCLAVE,  
NEW DELHI- 110017

CHAMBER: CH. NO. 206, C.K. DAPTHARY CHAMBERS,  
SUPREME COURT OF INDIA, NEW DELHI - 110001.

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