

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO: 216 OF 2024**

IN THE MATTER OF:

Gaurav Sharma

.....APPLICANT

VERSUS

Radha Soami Satsang Beas Dera Baba Jaimal Singh And Ors

.....RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 AND 4,
GOVERNMENT OF INDIA, MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE, NEW DELHI**

MOST RESPECTFULLY SHOWETH:

I, Dr. K.Muthamizh Selvan S/o Muthu Kanaga Raj, aged about 41 years working as Scientist 'E' in the Regional Office Chandigarh of the Ministry of Environment, Forest and Climate Change at Chandigarh do hereby solemnly affirm and state as under:



I say and submit that I have perused the copy of the Original Application and the relevant documents annexed thereto. I say that I am conversant with the facts and circumstances of the case and therefore able to depose to the same. I am filing this Affidavit for the limited purpose of opposing the

Darshan Lal

admission of this Petition and the grant of any interim relief as prayed for therein.

2. I, hereby deny the correctness of each and every contention, statement, allegation and/or averment which is in any way contrary to or inconsistent with any statement and/or submission made in this affidavit, as if it were specifically traversed. I further say and submit that any omission to deal with any statement, contention, allegation and/or averment made in this Petition, should not be treated as an admission thereof.

STATEMENT OF FACTS:

3. It is humbly submitted that 'Land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, being the repository of the land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme Court.

4. That prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (Formerly known as the Forest (Conservation) Act, 1980) is required for carrying out any non-forest activity on forest land.



Darshan Lal

5. The Government of Haryana vide letter No. 597-Ft-III-92/3051 dated 04.03.1992 submitted the proposal to the Central Government seeking prior approval under Section 2 of the Van(Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of 40.34 ha of forest land for setting up Satsang Centre for the Radha Swami Satsang in Haryana.
 6. The Ministry after examining the proposal and the recommendations of the State Government, granted Stage-I '*In-Principle*' approval under Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 subject to fulfilment of certain conditions.(True Copy of the Stage I Approval dated 13.02.1997 is annexed as "**Annexure R1**".)
 7. The State Government submitted the compliance of the conditions of the Stage I Approval and after due deliberation, the Ministry vide its letter dated 06.01.1998 conveyed its approval under Section 2 of the Van(Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of 40.34 ha. of forest land setting up Satsang Centre for the Radha Swami Satsang in Haryana with the following conditions:
 - a) Legal status of the forest land shall remain unchanged.
 - b) Compensatory Afforestation shall be carried out over 80 ha. of non-forest land at the project cost, and the area will be notified as protected or reserved forest.
- The forest land will be utilized only for plantation of trees and no construction will be undertaken over this land.



A handwritten signature in blue ink, appearing to be "Darshan Lal", written over the stamp.

d) Any other condition which the State Government may impose from time to time in the interest of afforestation and protection of forests. (True Copy of the Stage II Approval dated 06.01.1998 is annexed as “**Annexure R2**”.)

8. It is humbly submitted that this Hon’ble Tribunal vide order dated 13.05.2024 in the present matter had directed that the “*allegation which has been made in subject cited original application needs to be verified and if found to be correct then appropriate remedial action is required to be taken/ensured at the first instance by RO, MOEF&CC, Chandigarh*”.

The Ho’ble NGT further directed as follow:

“Hence, we direct RO, MOEF&CC, Chandigarh to duly examine the truthfulness of the allegations made in the original application and ascertain the extent of violation of environmental norms, if any, and if the allegations are found to be correct and submit action taken report before the Tribunal within three months.”

9. In compliance to the above said Order of the Hon’ble Tribunal, the Regional Office, MoEF&CC, Chandigarh had conducted the Site Inspection on 01.08.2024 of the land under question. The site inspection was carried out in the presence of the DFO, Panchkula and the Applicant.

Further, vide letter dated 29.08.2024, the Site Inspection report was submitted to the Hon’ble NGT, Principal Bench, New Delhi which was taken on record vide Order dated 30.08.2024.



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10. During the site inspection, the State Government was requested to provide information on the following:

- I. The historical compartment history including plantation and felling details of the forest area under question in the instant OA. Further, tree cutting permission for safeda and State Rules under which permission was granted.
- II. Authentic Wildlife death/kill data from the concern wildlife division against the allegation made by the complainant; in case no kill then certificate in this regard.
- III. Comments on the mining and other activities in the nearby River as alleged in instant OA.
- IV. Total area under construction activities by the User Agency in forest land along with the map of the same.

The said information was not received from the State Government, hence the Regional Office, Chandigarh wrote a letter dated 04.09.2024 requesting to provide the said information. However, till date, no information has been received from the State Government. (True Copy of the letter dated 04.09.2024 is annexed as “Annexure R3”)

11. Further, a proposal (Proposal No. FP/HR/REDIV/493246/2024- 2.0234 ha) for change in land use in 2.0234 ha out of the already diverted forest land 40.34 Hectare for setting up of Satsang Centre for Radha Soami Satang Beas bearing Khasra No. 11/1, 15/2, 14/2 situated at Village – Bir



[Handwritten signature]

Ghaggar, District – Panchkula (HR) has been received in the Ministry on 02.12.2024 in PARIVESH 2.0 portal and the proposal is under examination.

12.The answering Respondent craves liberty to file additional information, if any, till *pendente lite*.

13.Hence, in light of the above submissions made by the Answering Respondent, it is prayed that this Hon'ble Tribunal may take the instant counter affidavit on record and consider above submissions and pass an order as it may deem fit in the interest of justice.

ced
10 DEC 2024

[Signature]
DEPONENT

VERIFICATION

I, the above named Deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

Verified at Chandigarh on this 10.12. 2024.

ced
10 DEC 2024

[Signature]
DEPONENT

Identified the deponent who has signed / thumb marked in my presence
Signature



Certified That above Statement made on Oath/S.A. before me at Chandigarh
BY.....
Son/Daughter/Wife of.....
Resident of.....
Teh..... Dist.....
Identified by.....
entered at S. No..... Page No.....
Date 10/12/24 10510 16 *[Signature]*

ATTESTED
[Signature]
DARSHAN LAL
OATH COMMISSIONER
CHANDIGARH

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तार

Telegram : PARYAVARAN,
NEW DELHI

दूरभाष :

Telephone :

टेलिक्स (द्विभाषीय) :

Telex : (bi-lingual) : W-66185 DOE IN

FAX : 4360678

भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

पर्यावरण भवन, सी० जी० ओ० कॉम्प्लेक्स

PARYAVARAN BHAWAN, CGO COMPLEX

लोदी रोड, नई दिल्ली - 110003

LODHI ROAD, NEW DELHI-110003

No. B-79/92-BC

Dated: 13.2.1997.

To

The Secretary to the Govt. of Haryana,
Forests Department,
CHANDIGARH.

Sub : Transfer of land Bir Ghaghar protected Forest for setting
up one Big Satsang Centre for the Radha Swami Satsang.

.....

Sir,

I am directed to refer to Government of Haryana,
Forest Department's letter No. 597-Ft-III-92/3051 dated 4th
March, 1992 on the above mentioned subject seeking prior
approval of the Central Government in accordance with Section 2
of the Forest (Conservation) Act, 1980. ✓

2. After careful consideration of the proposal of the
State Government, the Central Government hereby agrees in
principle for approval for diversion of 40.34 ha. of forest
land for setting up Satsang Centre for the Radha Swami Satsang,
subject to fulfilment of following conditions :

- (i) Immediate action be taken for transfer and mutation
of 80 ha. of non-forest land in favour of State Forest
Department.
- (ii) The user agency will transfer the cost of compensatory
afforestation (based on the site specific estimate
prepared by the Divisional Forest Officer) in favour
of the Forest Department.

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3. After receipt of the compliance report on the fulfilment of the above conditions from the State Government, formal approval will be issued in this regard under Section 2 of the Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be effected by the State Government till formal order approving diversion of forest land are issued by the Central Government.

Yours faithfully,

(D.C. Khanduri)
Sr. Asstt. Inspector General

Copy to:

1. principal Chief Conservator of Forests, Government of Haryana, Chandigarh.
2. The CF(Central), Regional Office, Chandigarh.
3. The AIG, RO(HQ), New Delhi.
4. Guard file.

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S
11/2/97

(D.C. Khanduri)
Sr. Asstt. Inspector General of Fore

Encl + NO. 40502-84

Dated 3/3/97

A copy is forwarded to:-

- i) C.F. North
- ii) DFO Morni - Pinjore
- iii) Security Rashtra Soami Satsang
Bunkhale

for information & n/a.

4/3/97
[Signature]

3410
11/3/97

Sd/-
[Signature]

NO. 8-72/92-FC
 Government of India
 Ministry of Environment & Forests

Paryavaran Bhawan,
 CGO Complex, Lodi Road
 New Delhi - 110 003

Dated: 6.1.98

The Secretary (Forests),
 Govt. of Haryana
 Chandigarh

Sub: - Diversion of 40.34 ha. of forest land for setting up Satsang Centre for Radha Soami Satsang in Ambala distt.

I am directed to refer to your letter No. 9046-V-3/97/25302 dated 24.12.97 on the above mentioned subject seeking prior approval of the Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful consideration of the proposal of the State Government and the recommendation of the above mentioned Committee, the Central Government, hereby, conveys its approval under Section-2 of the Forest (Conservation) Act, for diversion of 40.34 ha. of forest land for setting up Satsang Centre for Radha Soami Satsang in Ambala district subject to following conditions:

1. Legal status of forest land shall remain unchanged.
2. Compensatory afforestation will be carried out over 80 ha. of non-forest land at the project cost, and the area will be notified as protected or reserve forest.
3. The forest land diverted will be utilised only for plantation of trees and no construction will be undertaken over this land.
4. Any other condition which the State Govt. may impose from time to time in the interest of afforestation and protection of forests.

Yours faithfully,

(R.K. CHAUDHRY)
 Asstt. Inspector General of Fore

...



GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE**

क्षेत्रीय कार्यालय, चंडीगढ़ / **Regional Office, Chandigarh**



SPEED POST/E-MAIL

F. No: 19-CC-005/2024-RoC

Dated: .09.2024

To

The Principal Chief Conservator of Forests (HoFF)
Government of Haryana,
State Forest Department,
Van Bhawan, Sector-6
Panchkula, Haryana

Sub: OA No. 216 of 2024 in the matter of Gaurav Sharma Vs Radha Saomi Satsang BeasDera Baba Jaimal Singh & Anr. pending before the Hon'ble NGT (PB), New Delhi -reg.

Sir,

The undersigned is directed to bring to your kind notice that the Hon'ble NGT (PB), New Delhi Order dated 13.05.2024 (copy enclosed), wherein, Hon'ble NGT directed the RO, MOEF&CC, Chandigarh to duly examine the truthfulness of the allegations made in the original application and ascertain the extent of violation of environmental norms, if any, and if the allegations are found to be correct and submit action taken report before the Tribunal within three months".

In compliance to the aforesaid Order, the RO, Chandigarh has conducted the site inspection and during the site inspection following information has been requested from the State Forest Department:

1. The historical compartment history including plantation and felling details of the forest area under question in the instant OA. Further, tree cutting permission for safeda and State Rules under which permission was granted.
2. Authentic Wildlife death/kill data from the concern wildlife division against the allegation made by the complainant; in case no kill then certificate in this regard.
3. Comments on the mining and other activities in the nearby River as alleged in instant OA.
4. Total area under construction activities by the User Agency in forest land along with the map of the same.

The information as requested above has not been received so far, accordingly it is once again requested to provide above mentioned information for final submission before the Hon'ble NGT.

This issues with the approval of the DDGF (Central), Regional Office, Ministry of Environment, Forest & Climate Change (MoEF&CC), Chandigarh.

Signed by Raja Ram Singh

Date: 04-09-2024 14:50:13

Yours faithfully

Encl: As above

(Dr. Raja Ram Singh)

DIG (Central)