

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCE,  
NEW DELHI

ORIGINAL APPLICATION NO 1204 OF 2024

IN THE MATTER OF

NEWS ITEM TITLE "PUNJAB FOREST DEPT. RAISES ALARM OVER  
CONSTRUCTION ON CHANDIGARH PERIPHERI" APPEARING IN THE  
TRIBUNE DATE 07.09.2024

...APPELLNAT

VERSUS

PRINCIPAL CHIEF CONSERVATOR OF FORESTS,

PUNJAB & OTHERS

...RESPONDENTS

**INDEX**

<b>SL. NO</b>	<b>PARTICULARS</b>	<b>PAGE NO</b>
1.	COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2 - THE REGIONAL HEAD, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (MoEF&CC), CHANDIGARH	<b>1-5</b>
2.	<b>ANNEXURE R/1</b> True Copy of the Stage II Approval dated 24.07.2009	<b>6</b>
3.	<b>ANNEXURE R/2</b> True Copy of the letter dated 17.12.2025	<b>7-8</b>
4.	<b>ANNEXURE R/3</b> A true copy of the OM dated 29.03.2022	<b>9-10</b>
5.	PROOF OF SERVICE	<b>11</b>

FILED BY



(ATTIN SHANKAR RASTOGI)  
ADVOCATE FOR RESPONDENT NO 2  
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NEW DELHI  
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PLACE : NEW DELHI

DATE : 08.06.2026

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

ORIGINAL APPLICATION NO. 1204/2024

IN THE MATTER OF:

News Item titled "Punjab Forest Dept. raises alarm over construction on Chandigarh periphery" appearing in the Tribune dated 07.09.2024.

...Petitioner

VERSUS

Principal Chief Conservator of Forests, Punjab & Others

...Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2 - THE  
REGIONAL HEAD, MINISTRY OF ENVIRONMENT, FOREST AND  
CLIMATE CHANGE (MoEF&CC), CHANDIGARH.**

I, Sunny Goel, son of Ram Kumar, aged about 41 years, working as Technical Officer (Forestry) in the Regional Office, Chandigarh of the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC), do hereby solemnly affirm and state as under:

1. That I am working in my official capacity as the Technical Officer (Forestry), MoEF&CC, Regional Office, Chandigarh, and I am duly competent and authorized to swear this affidavit on behalf of Respondent No. 2.
2. That I am well conversant with the facts and circumstances of the case based on the official records maintained by the Regional Office.

**STATEMENT OF FACTS:**

That, the present matter was registered Suo Moto by this Hon'ble Tribunal based on news reports regarding unauthorized construction activities on the periphery of Chandigarh, specifically in the areas of Punjab abutting forest lands.

4. That, 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. The State Government has to determine any violation of the provisions of the Central and State laws.

5. That, it is humbly submitted that prior approval of the Central Government under Section 2(1) of the *Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980* {Formerly known as *Forest (Conservation) Act, 1980*} is mandatory to carry out any non-forestry activity on forest land. That contravention to the aforesaid provision would attract the penal provisions of 3A and 3B of the *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980*.
6. That, the answering Respondent places on record that the Ministry, vide letter dated 24.07.2009, granted Stage II/Final Approval for the delisting of 55,339.95 ha of cultivated and habitation area closed under the Punjab Land Preservation Act (PLPA), 1900. This approval was subject to the following mandatory and non-negotiable conditions:

1. Condition (i): *The State Government shall ensure that no commercial activities are permitted on such de-listed land.*
2. Condition (ii): *The de-listed land shall only be used for bonafide use of agriculture and for sustaining the livelihood of the people/owner of the land.*
3. Condition (iii): *If inadvertently any notified forest areas were included, such areas shall not be deemed to have been de-listed from the list of forest areas of the State. (True Copy of the Stage II Approval dated 24.07.2009 is annexed as "Annexure R1")*

7. That, the allegations in the present OA regarding unauthorized development in the Chandigarh periphery directly concern the potential violation of the conditions mentioned in the 2009 delisting approval. Any conversion of these

delisted areas into unauthorized colonies or commercial hubs stands *ultra vires*. That, in view of above concerns, the Ministry vide letter dated 17.12.2025 has requested the State Government of Punjab to submit a factual report along with documentary evidence on the contentions raised. The Ministry has



further requested to be informed if any violations of the *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980* have been reported in these specific sites. (True Copy of the letter dated 17.12.2025 is annexed as "Annexure R2").

9. That, it is further submitted that Respondent No. 4 (GMADA) has filed a status report indicating that action has been initiated against 62 unauthorized constructions in villages like Mirzapur, Jayanti Majri, Karoran, and Siswan. Additionally, 92 new show-cause notices have been issued since 15.09.2025 to curb illegal development in the periphery.
10. That, the Ministry has issued Environmental Impact Assessment (EIA) Notification number S.O. 1533 E dated 14th September, 2006. The EIA Notification, 2006 as amended regulates developmental projects in respect of construction of new projects/activities/expansion or modernization of existing projects in different parts of the country for grant of prior Environmental Clearance in accordance with the procedure specified in the notification.
11. That, the EIA Notification, 2006 as amended covers 38 projects/activities in its Schedule which inter-alia includes different types of infrastructure projects viz. Airports, Ports, Highways, and Building & Construction Projects etc. as specified and classified in the schedule of the said notification. All such projects/activities shall require prior Environmental Clearance from the concerned regulatory authority, e.g., MoEF&CC in the Central Government for matters falling under Category 'A' in the Schedule and the State Environment Impact Assessment Authority (SEIAA) at State level for matters falling under Category 'B' in the said Schedule, before starting any construction work. Broadly, following categories projects/activities are covered under the ambit of EIA Notification, 2006 as amended:

- a. All new projects or activities listed in the Schedule to this notification;
- b. Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;



c. Any change in product mix in an existing manufacturing unit included in Schedule beyond the specified range.

12. That, under the provisions of the EIA Notification, 2006 as amended, Environmental Clearance for Building and Construction Projects & Township and Area Development Projects are covered under entry 8 (a) & (b) of the Schedule to the EIA Notification, 2006. The entry 8(a) and 8(b) of the Schedule of EIA Notification 2006 provides as follows;

"8(a): Building and Construction projects >20000 sq. m and <150000 sq. m of built-up area require EC.

8(b): Townships and Area Development projects - Covering an area >50 ha. And or built up area >150000 sq. m - require EC."

13. That, the aforementioned entries under Item 8(a) and 8(b) are classified as Category 'B' projects under the EIA Notification, 2006 and require appraisal by the State Level Expert Appraisal Committees (SEACs) and consideration by the State Environment Impact Assessment Authorities (SEIAAs). Further, as per the EIA Notification, 2006, in the absence of a duly constituted SEIAA/SEAC, a Category 'B' project shall be considered at the Central level.

14. That, the Ministry has issued Office Memorandum dated 29.03.2022 setting out those activities that can be undertaken by the Project Proponent prior to the grant of Environmental Clearance subject to certain conditions set out therein. These activities are:

- i. Fencing of the project site by boundary wall using civil construction, barbed wire or precast/prefabricated components
- ii. Construction of temporary sheds using pre-fabricated/modular structure, for site office/guards and storing material and machinery,
- iii. Provision of temporary electricity and water supply for site officer/guards only. (A true copy of the OM dated 29.03.2022 is annexed hereto as ANNEXURE - R3.)



15. In view of the above, it is submitted that the requirement of obtaining prior Environmental Clearance under the EIA Notification, 2006 arises only in cases where a Building and Construction Project or Township and Area Development Project meets the threshold prescribed under entries 8(a) or 8(b) of the Schedule to the EIA Notification, 2006, as amended.

- 16. That, the Answering Respondent maintains that the conditions of the original delisting must be upheld to prevent commercialization of protected landscapes.
- 17. That, the Answering Respondent craves leave to file additional documents or information, if necessary, *pendente lite*.
- 18. That, in view of the foregoing submissions, this Hon'ble Tribunal may be pleased to pass such or further orders as it may deem fit in the given circumstances of the case.

  
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 belief derived from official records, and that nothing material has been concealed therefrom.

Verified at Chandigarh on this the 5<sup>th</sup> day of June, 2026.


  
DEPONENT

I identified the deponent/executant who sign. Thumb marked in my presence.  
 At 05/06/26  
 Mukta

  
 05/06/2026

सनी गोयल/SUNNY GOEL  
 तकनीकी अधिकारी (वानिकी) ग्रेड-1  
 Technical Officer (Forestry) Gr.-1  
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
 Ministry of Environment, Forest and Climate Change  
 क्षेत्रीय कार्यालय, चंडीगढ़/Regional Office, Chandigarh

15 JUN 2026

The contents of this Affidavit/Document has been explained to the deponent/executants. He/She has admitted the same to be correct. The deponent/executant has signed Register at Sr. No. 1256, No. 43 Date 05 JUN 2026  


F.No. 8-19/2006-FC  
Government of India  
Ministry of Environment of Forests  
(FC Division)

284

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110003  
Dated : 24.07.2009

To  
The Secretary (Forests),  
Government of Punjab,  
Chandigarh.

Sub: Exclusion of 65,670.26 ha of cultivated and habitation area closed under Punjab Land Preservation Act, 1900 from the list of forest areas in Districts Ropar, Nawanshar, Hoshiarpur and Gurdaspur, Punjab.

I am directed to refer to the State Government's letters No. FW-2/PLPA-1900/1260 dated 08/07/2009 and FW-2/PLPA-1900/1458 dated 17/07/2009 on the subject mentioned above seeking prior approval of the Central Government for Exclusion of 65,670.26 ha of cultivated and habitation area closed under Punjab Land Preservation Act, 1900 from the list of forest areas in Districts Ropar, Nawanshar, Hoshiarpur and Gurdaspur, Punjab under section-2 of the Forest(Conservation) Act, 1980.

After careful consideration of the proposal, the central government hereby accords approval under Section-2 of the Forest (Conservation) Act, 1980 for delisting of 55,339.95 ha of cultivated and habitation area closed under Punjab Land Preservation Act, 1900 from the list of forest areas in Districts Ropar, Nawanshar, Hoshiarpur and Gurdaspur, Punjab subject to following conditions:-

1. The State Government shall ensure that no commercial activities are permitted on such de-listed land;
2. The de-listed land shall only be used for bonafide use of agriculture and for sustaining the livelihood of the people/owner of the land;
3. 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 de-listed from the list of forest areas of the State.

Yours faithfully,



(Umakant)

Assistant Inspector General of Forests

**File No.:FC-7/45/2025-FC**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(Forest Conservation Division)**

\*\*\*\*\*

Indira Paryavaran Bhawan,  
Aliganj, Jor Bagh Road,  
New Delhi: 110003,

**Date: As Per E-sign**

To,

**The Additional Chief Secretary,**  
Forest and Wildlife Department,  
Government of Punjab,  
Punjab.

**Sub: OA No. 626/2025 in the matter of Council of Engineers and  
ors. Vs. State of Punjab & Anrs. before NGT (PB), New Delhi -  
reg.**

Sir,

I am directed to inform you that the above stated matter is pending before the Hon'ble National Green Tribunal, Principal Bench, New Delhi. The instant OA has been filed seeking appropriate directions against the impugned executive notification "Policy for Approval/Regularization of Low Impact Green Habitats (LIGH) 2025" (Annexure P-5) which amounts to converting large tracts of land earlier de-listed from the ambit of the Forest (Conservation) Act, 1980-into residential and commercial habitats, which is in complete violation of the specific conditions categorically restricted land use only to agriculture and livelihood, and any diversion towards habitation or commercialization stands ultra vires. the delisted areas are directly abutting forest lands and are governed by the Eco-tourism Guidelines of 2018 issued by MoEF&CC under Forest Conservation Act 1980 (FCA 1980), which permit only eco-tourism, agro-forestry, watershed protection, and community development activities. (Copy of the Original Application is enclosed.)

1. The petitioner has alleged that the impugned Notification is ultra vires and in violation of the provisions of the PLPA 1900, FCA 1980, EPA 1986, WLPA 1972, EIA 2006 and of Supreme Court judgments.

In view of above, the State Government is requested to submit a factual report with the documentary evidences on the contentions raised in the Original Application. The State Government is also requested to inform about as to whether any violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been reported in the instant matter.

If any violation has been reported, the action taken report may also be submitted in the matter.

Digitally signed by  
SUNEET BHARDWAJ  
Date: 17-12-2025  
09:59:18

Yours' faithfully,

Encl. As above.

(Suneet Bhardwaj)  
Assistant Inspector General of Forests

Copy to: The Deputy Director General of Forests, Regional Office, MoEF&CC, Chandigarh is requested to seek time from the Hon'ble NGT for filing the affidavit and provide a counter affidavit to this Ministry for approval at the earliest.

**F. No. IA3-22/10/2022-IA.II [E 177258]**

Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

\*\*\*\*\*

Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi-110 003

Dated: 29<sup>th</sup> March, 2022

**OFFICE MEMORANDUM**

**Subject: Clarification regarding activities which can be undertaken for securing the land prior to grant of Environmental Clearance-regarding.**

As per the provisions of Environment Impact Assessment (EIA) Notification 2006, the project or activities [New/Expansion/ Modernization/ change of product-mix or raw material mix] listed in the Schedule to the said Notification would require prior Environment Clearance (EC) from the concerned Competent Authority before undertaking any construction work or preparation of land by the project proponent, except for securing the land.

2. In this regard, Office Memorandum No. J-11011/41/2006-IA.II(I) dated 19/08/2010 clarified that while securing the land, no activity relating to any project covered under EIA Notification, 2006 including civil construction can be undertaken at the site without prior EC except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s).

3. Over a period of time, various options other than conventional barbed wire and wall fencing, have come into existence, viz., use of pre-fabricated structures, pre-cast compound wall etc. Further, in order to secure the land, the project proponent may need to have water and electricity connection. In view of the same, it has been decided by the Competent Authority in the Ministry to explicitly clarify that following activities can be undertaken by the project proponent for securing the land.

- i. Fencing of the project site by boundary wall using civil construction, barbed wire or precast/ prefabricated components.
- ii. Construction of temporary sheds using pre-fabricated / modular structure, for site office/guards and storing material and machinery.
- iii. Provision of temporary electricity and water supply for site office/guards only.

4. The above activities shall be undertaken subject to the following:

- i. The land should be in the legal possession of the project proponent and all statutory approvals in respect of the project site should have been obtained.
- ii. In case of involvement of any forest land, no activity shall be initiated at the site till the Stage II Forest Clearance is obtained under the relevant provisions of Forest (Conservation) Act, 1980. In case of applicability of Wildlife Clearance, necessary permission from Standing Committee for National Board for Wildlife (SCNBWL) shall be obtained under the provisions of Wildlife Protection Act, 1972.
- iii. In case of felling of trees if any, requisite permission from the Forest Department/Statutory Authorities of the concerned State Government shall be obtained.
- iv. The investment made by the Project Proponent on the above, in anticipation of the applicable clearances under the relevant provisions of the Acts/Rules, shall be entirely at the cost and risk of the proponent.

5. However, the above dispensation would not entitle the project proponent to claim **fait accompli** with regard to grant of EC or any other applicable permission from any concerned statutory authority and further, the works of the aforesaid nature shall have no bearing on appraisal of the project for grant of EC which shall follow the due process and procedure as laid down in EIA Notification 2006, as amended.

6. This O.M. is being issued in supersession of the earlier O.M. dated 19/08/2010 and with the approval of the Competent Authority.



(A.K. Agrawal)  
Director

To

1. Chairman, Central Pollution Control Board (CPCB)
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of I.A. Division

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DG (FC) & SS
5. PPS to AS(TK) / AS (NPG)/ AS(RS)
6. PPS to JS (SKB)
7. Website, MoEF&CC/Guard file.



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**ADVANCE SERVICE OF COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO2 IN  
OA/1204/2024**

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**From** Office <office@ilolegal.com>

**Date** Mon 08/06/2026 13:43

**To** pccfhoffpunjab@gmail.com <pccfhoffpunjab@gmail.com>; dc-chd@nic.in <dc-chd@nic.in>;  
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dc.mhl@punjab.gov.in <dc.mhl@punjab.gov.in>

1 attachment (1 MB)

COUNTER AFFIDAVIT OA 1204.pdf;

PLEASE FIND ATTACHE THE COPY OF COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO2 IN  
OA/1204/2024

REGARDS

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