

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 626/2025

IN THE MATTER OF:

Council of Engineers & Ors.

...Applicants

VERSUS

State of Punjab & Ors.

...Respondents

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Place: DELHI

Respondent No. 5

Date: 08.04.2026

Through



ATTIN SHANKAR RASTOGI
 ADVOCATE FOR RESP NO 5
 INTELLECTIVE LAW OFFICES
 A-74, C-146, LGF,
 DEFENCE COLONY, DELHI
 MOBILE - 9811778900
 ATTIN@ILOLEGAL.COM

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5 – THE
REGIONAL HEAD, MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE (MoEF&CC), CHANDIGARH.

I, Nand Kishor Dimri, son of J P Dimri, aged about 37 years, working as Technical Officer 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), Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Chandigarh, and I am duly competent and authorized to swear this affidavit on behalf of Respondent No. 5.
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:

3. That the present matter involves the exclusion of certain lands from the list of forest areas in the State of Punjab, which was processed under the *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980* (formerly known as the *Forest (Conservation) Act, 1980*). Furthermore, the applicant has also challenged the notification "Policy for Approval/Regularisation of Low Impact Green Habitats (LIGH) 2025" issued by the State of Punjab on 20.11.2025.

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. 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. The Ministry received a proposal from the Government of Punjab vide letter dated 06.02.2006 seeking prior approval of the Central Government under Section 2 of the *Forest (Conservation) Act, 1980* for exclusion of 65,670.26 ha. of cultivated and habitation area closed under the *Punjab Land Preservation Act, 1900* from the list of forest areas in district Ropar, Nawanshar, Hoshiarpur and Gurdaspur, Punjab.
7. The said proposal was placed before the Advisory Committee as constituted under Section 3 of the *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980*.
8. The Advisory Committee recommended the proposal for grant of Stage I Approval and accordingly, Stage-I/in-principle Approval was granted on 10.08.2006 subject to fulfilment of conditions.
9. Thereafter, the Ministry received the compliance report on the conditions of the Stage I Approval from the State Government vide their letters dated 08.07.2009 and 17.07.2009. The compliance report was examined in the Ministry and the Ministry vide letter dated 24.07.2009 granted Stage II/Final Approval for delisting of 55,339.95 ha. of cultivated and habitation area closed under the *Punjab Land Preservation Act, 1900* from the list of forest areas in district Ropar, Nawanshar, Hoshiarpur and Gurdaspur, Punjab subject to the following conditions:
 - i. The State Government shall ensure that no commercial activities are permitted on such de-listed land;

J. Kaur



- 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;
- 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 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")*

10. The Ministry vide its letter dated 17.12.2025 sought factual report from the State Government on the contentions raised in the Original Application. However, reply from the State Government has not been received till date. *(True Copy of the letter dated 17.12.2025 is annexed as "Annexure R2")*.

11. It is humbly submitted that, the State Government should ensure that the implementation of the impugned policy for Approval/Regularisation of Low Impact Green Habitats (LIGH) 2025 issued by the State of Punjab does not extend to areas falling within notified Protected Areas, their Eco-Sensitive Zones, or other notified wildlife conservation areas, unless the applicable statutory procedures and approvals under the *Wildlife (Protection) Act, 1972* and the *Environment (Protection) Act, 1986* are duly complied with.

12. That it is respectfully submitted that Answering Respondent maintains that the conditions of the original delisting must be upheld to prevent commercialization of protected landscapes.

13. That the answering respondent reserves the right to file an additional affidavit at a later stage, if so necessary.



[Signature]
DEPONENT

I identified the deponent/executant who sign/signed herein in my presence.

VERIFICATION: Verified at Chandigarh on this ____ day of March 2026. I, the above-named deponent, do hereby verify that the contents of paragraphs 1 to 12 are true and correct to the best of my knowledge and belief based on the records of the Regional Office, MoEF&CC.

ATTESTED
RAMANJIT KAUR
Notary, Distt. Courts, Chandigarh

8 APR 2026

एन. के. डिमरी /N.K. DIMRI
तकनीकी अधिकारी (बानिकी) ग्रेड-1
Technical Officer (Forestry) Gr.-I
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, चंडीगढ़/Regional Office, Chandigarh.

[Signature]
DEPONENT

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. 912 P. No. 57 Date 8 APR 2026

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

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.**