

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

(In M.A. 3 of 2025 in Disposed of O.A. No. 209 of 2023)

Kapil Dev & anr. Vs. Municipal Commissioner & ors.

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Dated: 11-05-2025
Place: Ludhiana



Er. Kapil Dev
(Petitioner No. 1)
Petitioner in Person
aroraengineers@gmail.com
Mobile: 9872007872

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

(In M.A. 3 of 2025 in Disposed of O.A. No. 209 of 2023)

Kapil Dev & anr. Applicants

Vs.

Municipal Commissioner & ors Respondents

Objections by Applicant No. 1 depicting deliberate non-compliance of orders of this Hon'ble Tribunal by Municipal Commissioner of Ludhiana repeatedly resulting in major damage to Environment due to illegally constructed building as well as illegal commercial activities in Greenbelts.

Hon'ble sir

Respectfully Showeth

The Applicant No. 1 humbly submits as under:

1. That after directions of restitution of Greenbelts in O.A. 209 of 2023, this Hon'ble Tribunal wide orders dated 17-02-2025 was pleased to direct the Respondent No. 1 to comply with the orders of O.A. 209 of 2023 and submit the report before three days of next hearing. It is humbly submitted that no such report is found to be uploaded on NGT website till date AND even Respondent No. 1 has repeatedly failed to comply with the orders of this Hon'ble Tribunal.
2. That the Respondent No. 1 is deliberately & intentionally not complying with the orders of this Hon'ble Tribunal and besides other encroachments, MCL itself still has encroached upon greenbelt area by deliberately defying the orders of this Hon'ble Tribunal by not removing the Scrap yard Building and scrap laying over it. By such act of non-compliance of orders of this Hon'ble Tribunal, Respondent No. 1 Municipal

Commissioner is liable to prosecuted and punished under section 28 of NGT Act 2010.

The impugned existing encroachments as on date are produced as under:

SCRAP YARD OF MCL:

The status of illegal Scrap yard is still same as was on 13-02-2025 as well as on 07-04-2025 i.e. Respondent no. 1 has once again failed to perform the lawful duty of compliance of orders of this Hon'ble Tribunal. Four photographs clicked on **10-05-2025** pertaining to existing structure of Scrap Yard depicting non-compliance to the final orders of this Hon'ble Tribunal in O.A. 209 of 2023 & orders in M.A. 3 of 2025 are produced herewith as **Annexure PM- 11.**

REGARDING COMMERCIAL ACTIVITY BY PRIVATE PERSONS ON GREENBELT IN MODEL TOWN EXT. ROAD FROM PAKHOWAL ROAD TO DUGRI ROAD:

Car Workshop: The seal fixed by Municipal Corporation is repeatedly being broken in active connivance with the Respondent No. 1 and illegal commercial activity is still going on by owner of the residential property but MCL has failed to register any FIR against the accused person/s. Two Photographs clicked on **11-05-2025** depicting operational Car Workshop after once again breaking the seal fixed by MCL is produced herewith as **Annexure PM-12.**

Wine Shop: On 03-04-2024, only one door adjoining shutters of impugned building of wine shop towards greenbelt was found to be opened & commercial activity is found to be operational as on 03-04-2025. However, on 11-05-2025, besides that one door, the seal of main gate towards greenbelt has been broken by the owner of building for commercial activity in residential building using notified greenbelt area. Two Photograph clicked on 11-05-2025 depicting wine shop operational and non-compliance of orders of this Hon'ble Tribunal by Respondent No. 1 is produced herewith as **Annexure PX-13.**

PRAYER:

Keeping in view of directions dated 04-07-2024 of this Hon'ble Tribunal in O.A. 209 of 2023 as well as orders in MA 3 of 2025, Environment laws, incomplete report submitted by MCL &, present status of impugned locations comprising of impugned encroachments over greenbelt area, non-compliance of orders of this Hon'ble Tribunal by the Municipal Commissioner, the District Magistrate of Ludhiana & PPCB, it is clear that Respondent No. 1 has repeatedly failed to comply with the orders dated 04-07-2024 of this Hon'ble Tribunal, thus liable to be prosecuted under section 28 of NGT Act 2010. The Applicant humbly prays as under:

- i. Humble prayer for directions to the District Magistrate to strictly comply with the orders dated 04-07-2024 for restitution of both the greenbelts in true spirit.
- ii. Humble prayer for initiation of proceedings u/s 28 of NGT Act 2010 against the Respondent No. 1 for failure in complying with the directions of this Hon'ble Tribunal repeatedly.



Er. Kapil Dev

(Petitioner No. 1)

Dated: 11-05-2025

Place: Ludhiana

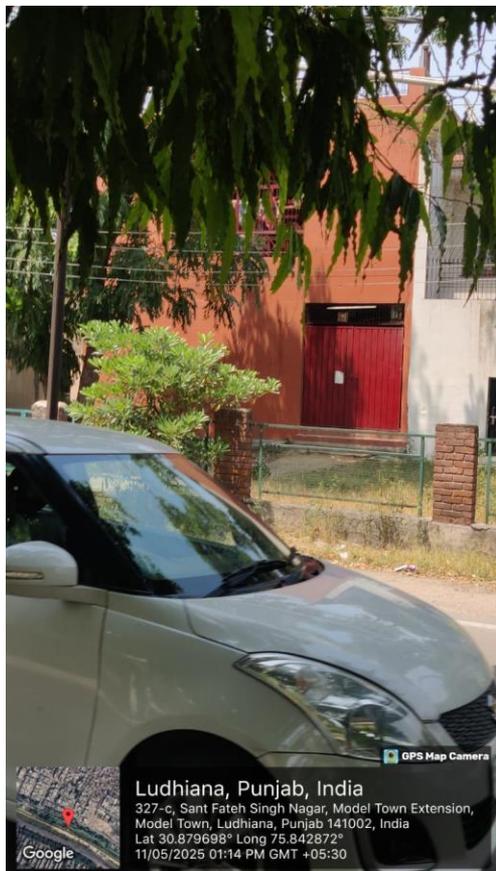
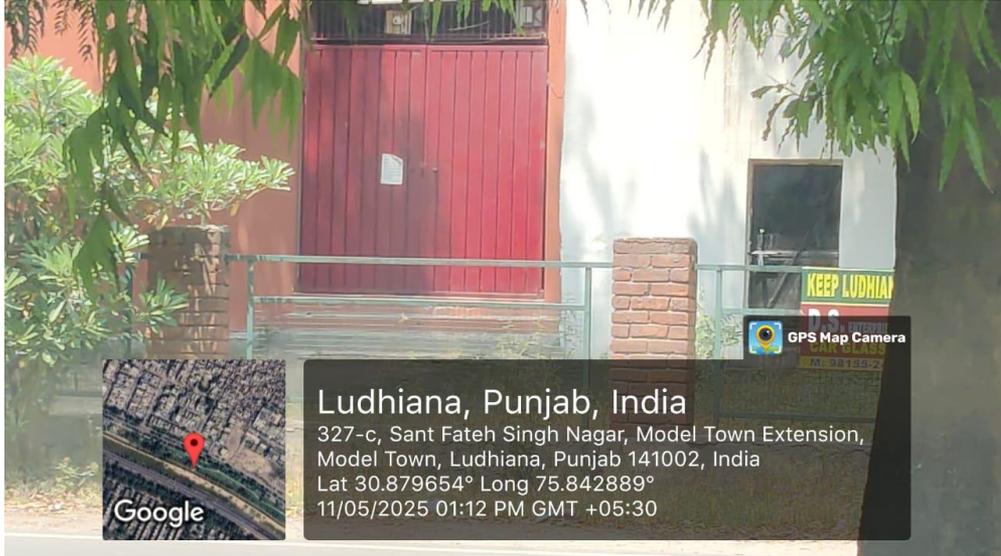
PRESENT STATUS OF SCRAP YARD AS ON 10-05-2025 – GREENBELT STILL ENCROACHED BY MCL ITSELF DESPITE ORDERS OF RESTITUTION OF GREENBELT BY THIS HON'BLE TRIBUNAL







PRESENT STATUS OF CAR WORKSHOP – **MISSING SEAL FIXED BY MCL** – DEPICTING OPERATIONAL WORKSHOP IN GREENBELT AREA AS ON 11-05-2025 (SUNDAY):



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(in M.A. 03 of 2025 in disposed of O.A. No. 209 of 2023)

AFFIDAVIT

Kapil Dev & anr. Applicants

vs.

Municipal Commissioner of Ludhiana & ors. Respondents

Affidavit regarding Objections dated 11-05-2025 by Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander, r/o #186-E, BRS Nagar, Ludhiana.

RESPECTFULLY SHOWETH:

I, the above mentioned deponent do hereby solemnly affirm and declare as under:-

1. That the deponent (Applicant No. 1) along with another Applicant has filed one O.A. 209 of 2023 which was disposed by this Hon'ble Tribunal and the MA. 03 of 2025 in the case is pending before the Hon'ble National Green Tribunal.
2. That the Applicant is submitting the objections dated 11-05-2025 in the said matters from Para No. 1 to 2 along with Annexures for kind consideration by this Hon'ble Tribunal.

1086
12-05-2025



Place: Ludhiana
Dated: 12.05.2025

Certified that the affidavit S.P.A/G.P.A. has been read over & explained to the deponent/counterparty who seemed directly to understand the same at the time of signing thereof.

[Signature]
DEPONENT

Verification:

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

Place: Ludhiana
Dated: 12.05.2025

[Signature]
DEPONENT

ATTESTED AS IDENTIFIED

[Signature]
12-05-2025
NOTARY PUBLIC
LUDHIANA (PB)

I know the Deponent/Executants personally and verify the Signed/Thru representation in my presence

12 MAY 2025

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Kapil Arora <aroraengineers@gmail.com>

Service of documents in M.A. 3 of 2025 in disposed of case O.A. 209 of 2023

Arora Engineers <aroraengineers@gmail.com>

Sun, May 11, 2025 at 3:12 PM

To: commissionercl@gmail.com, ldh_it_2009@yahoo.co.in, dc.ldh@punjab.gov.in

Dear sir

PFA Service of documents in M.A. 3 of 2025 in disposed of case O.A. 209 of 2023

Regards

Er. Kapil Dev

Applicant No. 1

(in M.A. 3 of 2025)

Mobile: 98720-07872



Objections dt. 11-05-2025 by Applicant in MA 3 of 2025.pdf

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