

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
(In Original Application No. 1217 of 2024)

INDEX

Sr. No.		PARTICULARS	PAGE NUMBER
1	Rejoinder	Rejoinder by Applicants against reply dated 05-05-2025 submitted before this Hon'ble Tribunal by Respondent No. 6	1-7
2	Annexure P-10	Four Photographs of impugned Minor Canal – depicting space available for manual concrete lining	8-9
3	Annexure P-11	Photograph of other portion of Minor Canal depicting illegal opening made towards rear side by going against notification dated 18-10-2018	10
4		Affidavit dated 10-09-2025 by Applicant No. 2	11
5		Proof of Service of Rejoinder to Respondents	12



Date: 10-09-2025

Place: Ludhiana

(Er. Kapil Dev)

Applicant No. 2

Email: aroraengineers@gmail.com

M: 9872007872

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

(In O.A. No. 1217 of 2024)

In the matter of:

Public Action Committee & ors.

.... **Applicants**

vs.

The Deputy Inspector General of Forests (Central) & ors.

..... **Respondents**

Rejoinder by Applicant Er. Kapil Dev against reply dated 05-05-2025 submitted before this Hon'ble Tribunal by Respondent 6.

Hon'ble sir,

It is most respectfully showeth:

1. That the Petitioner Association along with petitioners is filing the instant Rejoinder to rebut the averments made in the Reply dated 05-05-2025 filed by the Respondent No. 6 and to place the matter in its correct perspective before this Hon'ble Tribunal.

2. That the Respondent No. 6 is keen to sacrifice 433 well grown native trees for concrete lining of just 1.23 Km of Stretch of Minor Canal **whereas such concrete lining work can be done manually (in-situ) too and more than**

400 trees could be saved in the process. The “manual labour cast in situ” means

- **Cast in situ:** Concrete is mixed and poured directly at site in the canal bed/side slopes (not precast panels).
- **Manual labour:** Most activities are done by hand — excavation trimming, laying PCC bed, placing reinforcement (if any), mixing (or small mixers), pouring concrete into forms, compacting with hand tools or needle vibrators, finishing, and curing.
- **Jointing:** Expansion/contraction joints are cut or formed at regular intervals (5–6 m panels typically).

This method is common in minor canals and distributaries in Punjab because:

- Section is small enough for manual execution.
 - Contractors in rural Punjab often employ local labour rather than slipform machines.
 - Government specs for minors/distributaries (Punjab Irrigation Dept.) usually prescribe *M15 or M20 cement concrete lining*, 75–100 mm thick, **cast in situ panels.**
3. That as per the information available on Google/ChatGPT, there are many projects where the concrete lining of distributary has been done manually i.e. using Cast-in-situ method with the help of labour. Based on tender docs and field reports, distributaries/minors where **manual, cast in situ lining** has been carried out include:
- **Abohar Distributary system** (various minors and distributaries)
 - **Ballowal Distributary & Minor** (RD 0–16750)
 - **Khunan Distributary/Minor** (RD 10000–20000)

- **Udaipur Minor (under Ghanaur Division)**
- **Lamochar Distributary (RD 13000–31900)**

In these projects, the BOQ usually specifies “*Providing and laying cement concrete 1:2:4 / M15 in canal bed and side slopes, thickness 75 mm, **cast in situ**, including cutting of joints, curing, etc., complete in all respects, as per departmental drawings and specifications.*”

4. That the impugned location has sufficient space available for manual concrete lining without axing of around 90% of trees out of 433 trees which are planned to be axed by the Department without applying their mind to save the environment. On the one hand, the department talks about saving the groundwater but on the other hand, is going to axe 433 trees just for minor concrete work of lining of existing distributary. Such act of Respondent No. 6 cannot be termed as sustainable development but development at the cost of murder of around 380-400 of trees, that too native trees which can be easily saved and the work can be completed with extra amount less than the cost paid to Forest department on account of axing of trees. Four Photographs depicting sufficient space available within the minor canal for manual concrete lining are produced herewith as **Annexure P-10**.
5. That the Hon'ble Supreme Court has repeatedly directed governments and agencies to save the maximum number of trees while allowing development projects, stressing that sustainable development cannot mean cutting forests indiscriminately. It has ordered that project designs must be modified to avoid unnecessary felling. However, the Respondent No. 6, despite knowing the

facts that the manual concrete lining is a common practice but decided to complete the project using heavy machinery which would lead to axing of large number of trees. It is pertinent to humbly submit here that after forest strip along impugned minor canal, there is one road in stretch of 100 meters which can be used for movement of workers and staking the construction material.

6. **That in case titled “MC Mehta v. Union of India & Ors.” in Writ Petition (Civil) No. 13381 of 1984**, the Hon’ble Supreme Court directed that public authorities seeking permission to fell trees *must first explore options to minimize the number of trees felled*, reassess project alignments, and commence compulsory afforestation *before* permission is granted. This case laid down the principle that tree felling must be reduced to the bare minimum necessary. Further as already submitted, The Hon’ble Supreme Court in Writ Petition (Civil) No. 202 of 1995, case title “T.N. Godavarman Thirumupad vs. Union of India & ors, the Hon’ble Supreme Court has held that **“Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment”**.

7. That the Applicants have already submitted before this Hon’ble Tribunal that under the shadow of modernisation/concrete lining project, the Respondent No. 6 wants to give undue benefits to the illegally constructed restaurants and Banquet hall, on rear side of which, the impugned forest area is located

and such eateries have no sewerage connection and have been found flouting environment norms.

8. That in complete part of concrete lining, illegal openings have already been made towards rear side by owners of buildings in stretch of Minor Canal, where concrete lining work has already been done and road is being planned by going against the notification dated 18-10-2018 (Annexure P-6) according to which **10 meters wide green strips on each side of minor water bodies outside MC limits is mandatory**. It is duty of all Government department to take care of all statutory provisions notified from time to time. **"Ignorance of the law is no excuse"** is a legal principle that states that people cannot claim they didn't know the law in order to defend themselves from breaking it. One Photograph clicked on 08-08-2025 depicting illegal door opening & katcha road made along minor canal (area is required to be developed as greenbelt as per the notification) is produced herewith as **Annexure P-11**.
9. That the Applicants are not against the concretisation of Channel but such development should be done without sustainable i.e. without damaging the Environment as it is not difficult and too costly to achieve the task without axing the trees. However, the Respondent No. 2 to 5 gave permission of axing the trees by deliberately ignoring the directions/directives of Hon'ble Supreme Court and as such, the impugned concrete lining work at the cost of axing of more than 400 trees cannot be termed as sustainable development.
10. The Applicant has also submitted important facts in objections dated 27-01-2025 (running Page No. 96-130) with facts citing directions of Hon'ble

Supreme Court. The Applicants do not admit any statements, contentions, or submissions simply if the Applicants do not deal with them and deny them para-wise. It is further submitted that the Applicants are not filing the para-wise rejoinder to the counter affidavit of the Respondent however, the Applicants seeks leave of this Hon'ble Tribunal to file the same as and when required by this Hon'ble Tribunal.



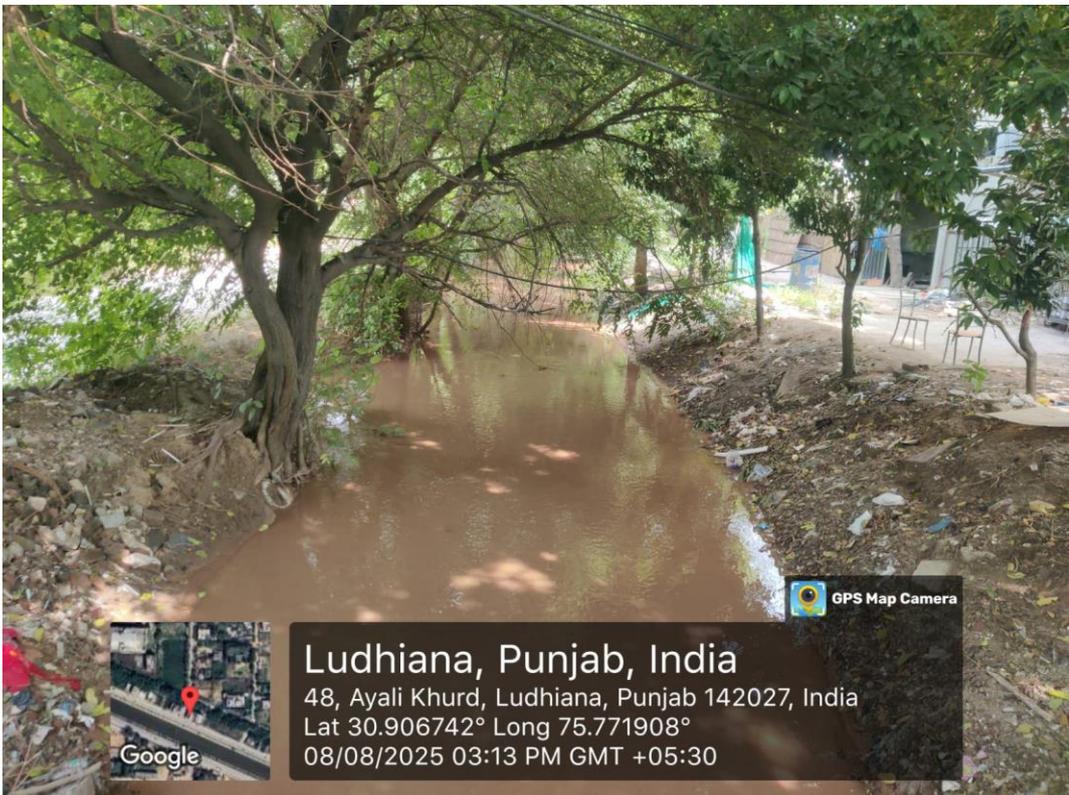
Dated 10-09-2025

Place: Ludhiana

Er. Kapil Dev

(Petitioner in person)

ANNEXURE P-10





ANNEXURE P-11



AFFIDAVIT

Public Action Committee & ors. Applicants

vs.

The Deputy Inspector General of Forest (Central) & ors. Respondents

Rejoinder by Er. Kapil Dev (aged 49 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 Applicant is filing Rejoinder dated 10-09-2025 in the OA for kind consideration by this Hon'ble Tribunal.
- 2. That the Para No. 1 to 10 of this rejoinder along with Annexures are true to the best of my knowledge.

Place: Ludhiana
Dated: 10.09.2025

[Signature]
DEPONENT

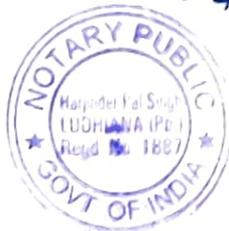
Verification:

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

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.

[Signature]
DEPONENT

I know the Deponent/Executants personally and he/she has Signed Thumb impression in my presence.
2054 Place: Ludhiana
10-09-2025 Dated: 10.09.2025



ATTESTED AS IDENTIFIED
[Signature] 10-09-2025
NOTARY-PUBLIC
LUDHIANA (PB.)
11 0 SEP 2025

182



PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Service of document in OA 1217 of 2024

PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Wed, Sep 10, 2025 at 11:47
PM

To: addlsforest@punjab.gov.in, ronz.chd-mef@nic.in, pccf-pb@nic.in, ceopuncampa@gmail.com, DFO Ludhiana <ludhianadfo@gmail.com>, Xen SidhwanCanal <xensidhwancanal@gmail.com>, officeoftalha@gmail.com

Dear sir

Please find attached Rejoinder dated 10-09-20225 as service of document

Regards

Er. Kapil Dev
(Applicant in person)
O.A. 1217 of 2024
M: 9872007872

 **Rejoinder dated 10-09-2025 in OA 1217 of 2024 by Applicant.pdf**
1549K