

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

O.A: - 279/2024

IN THE MATTER OF: -

DILDEEP SINGH BASI

...APPLICANT

VS

STATE OF PUNJAB & OTHERS

....RESPONDENT (S)

A rejoinder in the case of O.A. No. 279/2024 on behalf of the Applicant, Mr. Dildeep Singh Basu, praying for an order/direction to proposed realignment of the N-Choe through the land in question may kindly be cancelled, and all notifications related to the realignment of the N-Choe may kindly be withdrawn by concerned authority. This Hon'ble Tribunal may kindly direct the concerned officers of GMADA and the Department of Housing and Urban Development to explain and clarify the circumstances behind the concealment of relevant facts and the submission of partial/misleading information before this Hon'ble Tribunal. In the event the explanations are found unsatisfactory, pass appropriate orders for initiating legal action and departmental inquiry against the concerned officers for wilful concealing material facts before this Hon'ble Tribunal.

Hon'ble Sir,

It is respectfully submitted as under: -

1. That the above-mentioned case is pending before this Hon'ble Tribunal for the filing of a rejoinder, if any, on behalf of the applicant, as well as any

additional response on behalf of any of the respondents, and the same is now fixed for final hearing on 02.09.2025.

2. That during the course of the hearing held on 24.03.2025, the Principal Secretary, Housing and Urban Development, Government of Punjab, has referred to the Environmental Clearance (EC) granted by SEIAA, Punjab, for the development of a township named “Knowledge Park,” asserting that the above said EC included environmental clearance for the proposed alignment of “N- Choe”. In order to substantiate this assertion before this Hon’ble Tribunal, Respondent No. 3 — GMADA — filed a fresh/new Environmental Impact Assessment (EIA) Report dated 25.06.2025, pertaining to **Realignment of the Existing N-Choe**, which was placed on record before this Hon’ble Tribunal prior to the hearing held on 02.07.2025. The relevant extract from page 14-15 of the said EIA Report is reproduced hereinbelow: -

2.2.1 THE DIRECTION OF THE HON’BLE NGT:-

The Environmental Clearance had already been obtained by the Project Proponent i.e GMADA, way-back in the year 2014, subsequently sought and obtained amended/revised EC in the year 2019. The proposal of realignment of the existing N-Choe was envisaged then and there in the application submitted for obtaining EC from the competent authority. The original EC granted during the year 2014 contains a specific condition which reads as follow: -

“PART A- Specific conditions

I. Construction Phase:-

- i). “The project proponent will provide a green cover of 30 m width on the both sides of the drain passing through the project site including the portion to be realigned as committed during the presentation”.

However, later on, in the matter of OA No.279/2024, titled as Dildeep Basi Vs State of Punjab and other, the Hon'ble NGT during last hearing 24.03.2025, specifically asked for the copy of Environment Impact Assessment (EIA) Report along with copy of layout plan showing the existing position of both the drain originating from Sukhna lake and Sector 47, Chandigarh merging at Zirkipur from the place of origin to the place of merger and also the existing and proposed alignment of the choe. **Although a detailed EIA report might have been prepared at the time of obtaining EC but the same could not be traced out in the existing record.** Further, the original EIA report would have been prepared at that time in the context of the totality of the project. On the directions of the Hon'ble NGT, a specific EIA report securely linked to the realignment of the choe issue, is required to be submitted to the Hon'ble NGT before the next date of hearing. Hence, the instant EIA report dedicated to the realignment of the choe has been prepared.

While, in the previous hearing, the concerned officers did not disclose any of the aforesaid information before this Hon'ble Tribunal—that the original EIA Report pertaining to the realignment of N-Choe could not be traced in the existing records—nor did he seek prior permission from or inform this Hon'ble Tribunal at that stage to prepare a fresh/new report. **It is further pertinent to submit that the Ministry of Environment, Forest and Climate Change (MoEFCC) stipulates separate Specific Conditions and General Conditions in an Environmental Clearance (EC), depending on the nature of the project, such as irrigation projects or Township/area development projects, and these conditions further vary across different stages of the project — namely, the pre-construction phase, construction phase, and operation phase. Therefore, in the present case, it is submitted that two distinct Environmental Clearances ought to have**

been granted: one pertaining to the irrigation project and the other relating to the township/area development projects, each encompassing the Specific and General Conditions applicable to the respective projects.

3. That it is pertinent to mention here that GMADA (Respondent No. 3) filed its reply dated 30.10.2024 on 01.11.2024, wherein at page no. 39-47, relevant and material facts were concealed & only partial information was provided, with the intent to mislead this Hon'ble Tribunal. This appears to have been done with an attempt to favour M/s JLPL (Respondent No. 6) and to shield the concerned officers from disciplinary action by this Hon'ble Tribunal. Further, the process for the realignment of the N-Choe and the acquisition of the land in question was initiated upon a request submitted by M/s JLPL (Respondent No. 6) through Superintending Engineer, Drainage, Patiala Circle. It is further submitted that GMADA has no financial interest in the present case; On the contrary, GMADA stands to incur a financial loss, whereas M/s JLPL would derive a financial benefit. In the event that new property/land is acquired by GMADA, the same would not be beneficial to the Government and would only result in indirect benefits to M/s JLPL. Upon realignment of the N-Choe, the value of M/s JLPL's existing commercial property near the existing N-Choe would increase substantially. If GMADA reconsiders realigning the N-Choe through the already acquired property near the road via Sectors 82-A, 83-A, and 101-A (Saini Majra), after obtaining the requisite Environmental Clearance and completing Hydraulic and Topographical Surveys, it would benefit the Government by avoiding additional acquisition costs and benefit the residents of Manauli by diverting the N-Choe away from the village — resulting in a win-win situation for both the Government and the residents.

4. That the Joint Committee Report dated 30.07.2024 (page 25), submitted before this Hon'ble Tribunal on 07.08.2024, reveals that: -

*3. In the meeting held on 23-02-2021 under the Chairmanship of Chief Administrator, GMADA, the decision was taken that Choe has to be realigned in Sector-82 and 83 as per notified SAS Nagar Master Plan in which most of the land in these sectors is owned by M/s JLPL and remaining some portion of the land in which choe is to be realigned is owned by private owners. **The cost of execution of realignment of the choe falling in the area of JLPL project will be borne by M/s JLPL.***

5. That in the reply dated 30.10.2024, Smt. Harpreet Kaur, Senior Town Planner (Authorised Representative) of GMADA, at para 6 (page 41) has stated as follows: -

"6....., "that the construction of channelization after re-alignment of the Choe shall not be the responsibility of the Government/GMADA, and till time the proposed re-alignment of Chai Nalla is not realized on the ground, the land under the existing alignment of the Choe as shown in the Master/Zonal Plan, S.A.S Nagar, will not be utilized or developed for any other purpose."

She along with other concerned officers, has colluded with M/s JLPL, as a result of which the following material information has neither been disclosed in her reply nor placed on record in any previous hearing before this Hon'ble Tribunal: -

- a) The reason why M/s JLPL is bearing such substantial execution/construction expenses for the realignment of the N-Choe falling within the area of the JLPL project.
- b) Whether GMADA or the Government of Punjab has decided to allot any commercial land to M/s JLPL in exchange for the land required for the realignment of the N-Choe.

OR

- c) Whether M/s JLPL has provided land free of cost to the Government of Punjab or to GMADA for the proposed realignment of the N-Choe; and
- d) The benefits granted to M/s JLPL have not been disclosed, on the basis of which M/s JLPL agreed to all the conditions set by the State Government and the Punjab Regional and Town Planning and Development Board in its 33rd meeting held on 01.09.2017.
- e) **That till date, a copy of the executed agreement between M/s JLPL, and the State Government & the Punjab Regional and Town Planning and Development Board, pursuant to the 33rd meeting held on 01.09.2017, has not been furnished before this Hon'ble Tribunal.**

In view of the above, it is clear before this Hon'ble Tribunal that the concerned officers of GMADA and the Punjab Regional and Town Planning and Development Board were acting in the interest of private individuals, namely M/s JLPL.

6. That it is further submitted that, in order to shield herself and other concerned officers from disciplinary action by this Hon'ble Tribunal, Smt. Harpreet Kaur has presented misleading information in her reply dated 30.10.2024. The relevant excerpt from para 18 (page no. 46) thereof reads:-

“18, That it is submitted that after the acquisition of the land, the requisite Topographical Survey/Hydraulic Survey will be done in consonance with the Irrigation Department, Punjab, before the execution of the realignment of the Choe.

This statement raises serious concerns since, without prior Topographical and Hydraulic Surveys, how can the concerned officers be so confident about the feasibility of acquisition? After the acquisition of new land, if this survey fails, it raises legitimate concerns regarding whether the officers are acting in favor of private individuals, namely M/s JLPL. In view of above fact, it is evident before this Hon'ble Tribunal that the newly acquired property does not serve the public or financial interests of the Government of Punjab. It clearly appears that the concerned officers of GMADA and the Department of Housing and Urban Development have colluded with M/s JLPL, which is the primary reason for disregarding the relevant recommendations dated 24.05.2022 (page no.53) made by the Expert Group and the Chairperson of SSIAC. This also appears to be the reason for not obtaining the overall impact report of the proposed realignment from the competent authority, namely the Drainage-cum-Mining & Geology Division, Water Resources Department, Punjab, prior to acquiring property/land for the realignment of the N-Choe.

7. That it is also pertinent to bring to the attention of this Hon'ble Tribunal that, as per the version of Smt. Harpreet Kaur (Senior Town Planner) in her reply dated 30.10.2024, (page no.42) the master plan/zonal plan was amended on 28.02.2020 and 04.08.2021. Notwithstanding these amendments, the concerned officer failed to comply with the provisions of

Section 76 of the Punjab Regional and Town Planning and Development Act, 1995, by not publishing any public notice inviting objections/suggestions from the public.

8. That It is pertinent to bring to the attention of this Hon'ble Tribunal that the part plan showing the existing Choe and the proposed Choe alignment, as per the Master Plan of SAS Nagar, has been filed by Respondent No. 3 — GMADA — vide email dated 01.07.2025. In this connection, it is submitted that, firstly, the said filed map does not show the complete property area owned by M/s JLPL near the existing N-Choe. At present, M/s JLPL owns a significantly larger portion of land than what is depicted on the map. The value of this land is likely to increase manifold following the realignment of the N-Choe, which is the main reason for shifting the existing N-Choe. Secondly, the said plan clearly demonstrates before this Hon'ble Tribunal that realignment N-Choe is proposed to shift the watercourse to the upper side of Village Manauli. As the watercourse is being shifted to the upper side of Village Manauli, it becomes extremely important to conduct hydraulic and topographical surveys prior to any acquisition of land or the approval of the N-Choe realignment project. However, despite such knowledge, the concerned authorities, without conducting proper hydraulic and topographical surveys before acquiring the land, are putting at grave risk the lives and well-being of all residents of Village Manauli. Any disturbance to the natural flow of water has the potential to cause serious problems for innocent villagers, especially in the event of natural disasters such as floods. During the rainy season, the N-Choe flowing from Chandigarh regularly reaches its full capacity and at times overflows its banks, causing water to spill into surrounding areas. Furthermore, as clearly depicted in the image of the EIA Report (June 2025, page 11), filed by Respondent No. 3 — GMADA — via email dated

01.07.2025, the flow in this N-Choe contains sewage content, which could potentially cause an epidemic and health hazards if it were to enter Village Manauli.

9. That it is important to mention here that there are two Chai Nalas originating from Chandigarh, which are known by different names — one is called Jagatpura Drain and the other is called Attwa Choe. Both Chai Nalas carry the same types of flowing materials, including sewage, stormwater, industrial discharge and other waste materials. The Jagatpura Drain is officially named 'N-Choe' in all notifications issued by the Principal Secretary, Government of Punjab (copies of the notifications dated 12.03.2024 and 30.08.2024 are already annexed by Respondent No. 3, GMADA, and marked as Annexures R3/4, Page no. 54 and R3/5, Page no. 55 respectively). It is imperative to bring to the attention of this Hon'ble Tribunal that, to date, Chandigarh has not disrupted or altered the natural flow of these two drains/Choes for any financial interest or benefit of private individuals or companies, as doing so could create problems in the event of a natural disaster, such as floods, and would put at risk the lives and well-being of the inhabitants of Chandigarh.

Prayer: -

In view of the above submissions, it is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to:-

- a) Kindly cancel the proposed realignment of the N-Choe through the land in question;

- b) Direct the concerned authorities to withdraw all notifications related to the realignment of the N-Choe;
- c) Direct the concerned officers of GMADA and the Department of Housing and Urban Development to explain and clarify the circumstances behind the concealment of material facts and submission of partial/misleading information before this Hon'ble Tribunal;
- d) In the event the explanations are found unsatisfactory, pass appropriate orders for initiating legal action and departmental inquiry against the concerned officers for wilful concealing material facts before this Hon'ble Tribunal.

Place: Manauli

Applicant

Dated: -18.08.2025



M/s Dildeep Singh Basi S/o Sh.
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