

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

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Date: 09-04-2026

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

Common Rejoinder by Applicant Er. Kapil Dev against reply dated 05-05-2025 submitted before this Hon'ble Tribunal by Respondent 6 as well as Reply filed on 09-09-2025 read with Additional submission dated 20-01-2026 filed by Respondent No. 1.

Hon'ble sir,

It is most respectfully showeth:

1. That the Petitioner Association along with petitioners is filing the Common Rejoinder to rebut the averments made in the Reply dated 05-05-2025 filed by the Respondent No. 6 as well as Additional submission dated 20-01-2026 by Respondent No. 1 and to place the matter in its correct perspective before this Hon'ble Tribunal.
2. That the Respondent No. 1 in Additional Submission at Paragraph No. 1 in its reply filed on 09-09-2025 at Paragraph No. 6 & 7 (running Page No. 161) has submitted before this Hon'ble Tribunal as under:

Para 6 relevant portion: “examination of the proposed site over Google satellite imagery and further as per the tree enumeration details, it is ascertained that the proposed patch has dense vegetation with 433 trees including many established multi-purpose tree species. Accordingly, the State government may revisit the proposal of retaining large trees need to be explored; a report in this regard needs to be submitted’.

Para 7 relevant portion: That, in respond to the aforesaid, the State Government revisited the area and the number of the project affected trees was reduced to 392 from the earlier 433 trees.

3. That the Respondent No. 1 in its Additional Submission dated 20-01-2026 has submitted before this Hon’ble Tribunal as under:

Para 6 (Running Page 186): It is humbly submitted that this office has examined the proposal based on merits and documents submitted by Project proponent and State Forest Department of Punjab as per provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and has ensured that minimum felling of trees are to be undertaken where it is unavoidable.

4. That from the foregoing submissions, it is evident that Respondent No. 1 failed to undertake any site inspection and appears to have issued directions solely on the basis of Google satellite imagery, rendering the decision-making process arbitrary and mechanical. **The marginal reduction in the number of trees proposed for felling—from 433 to 392—is nothing but an eyewash, raising serious concerns about the initial assessment itself, as the same officials who earlier failed to properly identify trees that could be preserved subsequently reduced the number by 41 without any transparent or scientific basis.** This clearly reflects a systemic

disregard for environmental considerations on the part of both the Forest Department and the Irrigation Department, which have acted without exploring viable alternatives to prevent tree felling. **Notably, Respondent No. 1 neither visited the site nor issued any direction to examine less destructive methods for carrying out the proposed work. Such procedural lapses underscore the urgent need to reform the approval mechanism by mandating evaluation of alternative, eco-friendly options before permitting tree felling.** It is further submitted that the Officials of Irrigation Department of Punjab have already been found involved in causing damage to forest areas along the Sirhind Canal at Ludhiana, and this Hon'ble Tribunal, in O.A. No. 32 of 2025, has issued directions to the Punjab Government and the District Forest Officer, Ludhiana, to identify and take action against the erring officials.

5. That the Respondent No. 6 in the reply dated 05-05-2025 has submitted at Paragraph no. 14 (running Page no. 142) has submitted that

***“Only Transit Mixers**, which are indispensable for transporting Ready Mix Concrete (RMC) to the site, require access along the Canal Bank. The area being utilized for this purpose has been kept to the base minimum. The use of RMC and transit mixers is critical to ensure structural integrity and consistent quality of the concrete lining. Hence, no viable alternative exists that would allow for completion of the work without minimal access through the designated forest land.”*

6. That from the submissions of Respondent No. 6, it is crystal clear that the **felling of trees was sought solely to facilitate the movement of Transit Mixers (RMC)**. This, in itself, **reflects a complete non-application of mind, as no effort was made to explore less intrusive and environmentally sustainable alternatives**, such as **cast-in-situ cement concrete** using electric concrete mixers which are commonly used in Construction Industries or by using Concrete Pumps with hose to transport the concrete from road to Minar Canal. By adopting such a method, the concrete could have been conveniently prepared at the site and laid manually with the assistance of labour, thereby completely obviating the need for tree cutting. It is, therefore, evident that the proposed action was neither necessary nor justified. Rather, as already submitted, the department appears to have been intent on removing the trees situated at the rear of the illegal restaurants, with the apparent objective of extending undue benefit to such establishments. Two Screenshots taken from Google depicting very common Plant & Machinery (1. **Portable Concrete Pump** which can be placed on Road and concrete from Transit Mixer can be transferred using hose pipe. 2. Portable Electric/Diesel Operated **Concrete Mixer with Hopper**) which could have been used for preparing Cement Concrete at site are produced herewith as **Annexure P-12**. One Screenshot taken from Google Earth depicting availability of Roads along impugned stretch of Minor Canal is produced herewith as **Annexure P-13**.
7. That even assuming, without admitting, that the Department was insistent on the use of Transit Mixers, the concrete could have been effectively conveyed to the site through the use of **concrete pumps by stationing the Transit**

Mixers along the roadside, where ample space exists for the installation and operation of such pumps. It is a matter of common engineering practice that **concrete can be pumped through hose pipes over distances of up to 300 meters with ease, whereas the impugned Minor Canal lies merely about 50 meters from the adjoining road**. Even in the eventuality that limited access for Transit Mixers was considered unavoidable, at best, **only a minimal number of trees on one side would have required removal**. However, Respondent No. 6, under the pretext of preventing seepage over a short stretch of approximately 1.15 km—which, in fact, contributed positively to groundwater recharge—has proceeded in a manner that is manifestly excessive and environmentally detrimental. **It is further submitted that, to achieve the stated objective of preventing seepage, the Department had viable and less destructive alternatives available, such as conventional brick lining or the use of concrete tiles for canal lining**. Despite the availability of such methods, the Department, in apparent connivance with the owners of the adjoining restaurants, deliberately chose a course of action necessitating large-scale felling of trees, thereby causing avoidable environmental degradation.

8. That the Applicants had duly filed their Rejoinder on 10.09.2025, and a copy thereof was served upon the Respondents on the same day via email (Running Page No. 182), specifically highlighting the feasibility of adopting cast-in-situ concrete lining. Thereafter, this Hon'ble Tribunal was pleased to fix the matter for final hearing on 11.12.2025. However, in a clear act of haste and disregard for the pending adjudication, the Respondent Forest Department in connivance with Respondent No. 6 commenced large-scale

felling of trees in mid-November 2025. **It is submitted that the Applicants, upon noticing such unlawful action, immediately approached the Deputy Commissioner-cum-District Magistrate, Ludhiana through WhatsApp on 16.11.2025. The said authority, upon inquiry, conveyed that the Department claimed to have obtained permission from the Forest Department.** The fact that the Respondents proceeded with the felling of trees prior to the scheduled final hearing unmistakably demonstrates a mala fide intent to frustrate the proceedings and to extend undue benefit to the illegally constructed restaurants. Moreover, despite the extensive and irreversible environmental damage caused by such felling, no Civil work has been initiated at the site till date, which clearly exposes the arbitrary and unjustified nature of the Respondents' actions.

9. That the 259 trees which have been felled by the Forest Department have been cut in a wholly arbitrary and unscientific manner. **The felling has not been carried out in a systematic or uniform pattern from one side**, but rather in a haphazard, "pick and choose" fashion, reflecting a clear lack of transparency and due process. **Such conduct strongly indicates that valuable and mature trees were selectively removed prior to the final hearing of the present matter**, thereby causing irreversible environmental loss and undermining the sanctity of the proceedings. Twelve Photographs depicting present status of the impugned Minor Canal are produced herewith as **Annexure P-14**.
10. That the restaurants illegally operating along the said Minor Canal **have continue to discharge untreated effluents into the water body**. These establishments have been constructed and are functioning without obtaining the mandatory consent from the Punjab Pollution Control Board (PPCB).

Despite alleged actions by the regulatory authorities, the said restaurants remain operational, thereby persistently violating environmental norms and contributing to the pollution of surface water, posing a serious threat to public health and the ecosystem. **The Photographs depicting the stinking black coloured water in Minor Canal along with one disposal pipe illegally connected to Minor Canal** are produced herewith as **Annexure P-14** as above.

“In view of the aforesaid facts and circumstances, the Applicants most respectfully pray that this Hon’ble Tribunal may be pleased to restrain the Respondents from carrying out any further axing of trees at the impugned site and direct them to explore and adopt alternative methods for execution of the proposed concrete lining and allied civil works of the Minor Canal, without causing further environmental degradation. It is further submitted that, as the Respondents have proceeded with the felling activities without awaiting the final adjudication thus showing disregard to the court, this Hon’ble Tribunal may graciously be pleased to issue appropriate directions to the Respondent Forest Department and Irrigation Department and also to undertake compensatory plantation along the entire stretch of the Minor Canal, strictly in accordance with the Policy dated 18.10.2018 within three months of completion of Civil works”.



Dated 09-04-2026
Place: Ludhiana

Er. Kapil Dev
(Petitioner No. 2 in Person)

ANNEXURE P-12



Concrete Mixers

We are a leading Wholesale Trader of concrete mixer hydraulic hopper from Ludhiana, India.

Concrete Mixer Hydraulic Hopper

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Rs 1,60,000 / Piece [Price on Request](#)

Country of Origin	Made in India
Pump	20 ltr
Mixture Handy	upper-4mm/Lower-10mm
Chessy	5inch/2.5 inch channel heavy duty
Capacity	1 Bag

We, SP Enterprises are the Wholesaler Trader of Concrete Mixer, Mixing Machine, Construction Machines, Interlocking Tile Machine, Concrete Testing Instruments, Inter Locking Tiles Making Machine and Hydraulic Concrete Block Making Machine.

[YES! I AM INTERESTED](#)

Activate Windows
Go to Settings to activate Windows

ANNEXURE P-13

GOOGLE EARTH SCREENSHOT

DEPICTING NATIONAL HIGHWAY (LADHOWAL BYEPASS IN YELLOW COLOR)
AND OTHER ROADS TOWARDS NORTHERN SIDE AND VACANT PLOTS ADJ.
NATIONAL HIGHWAY

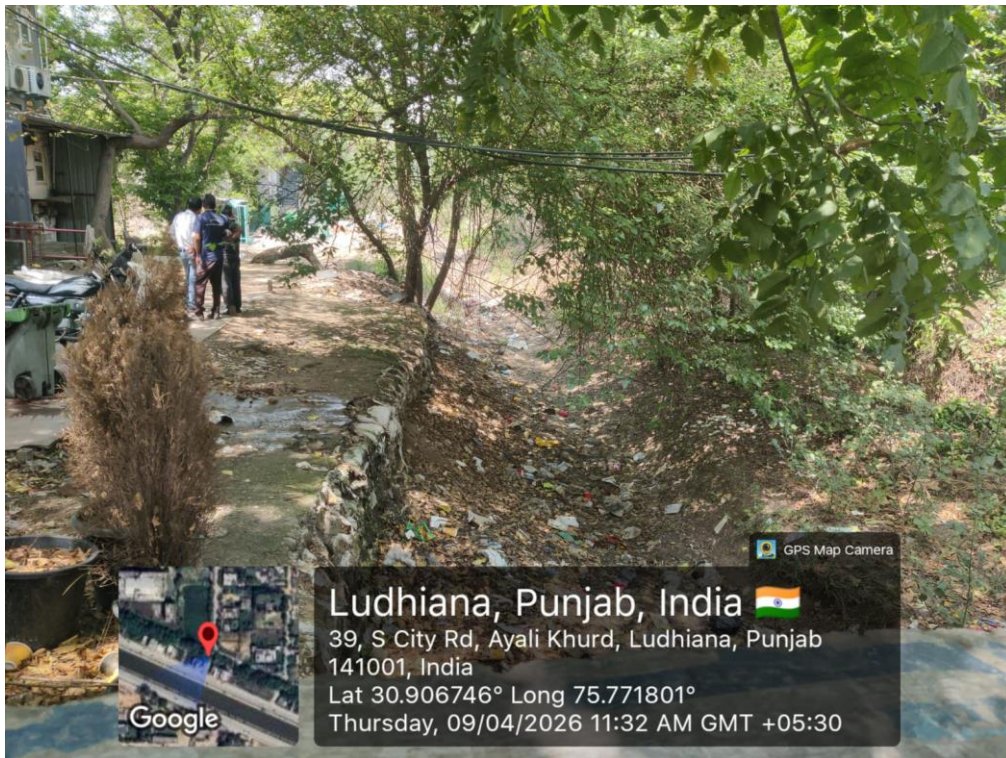


ANNEXURE P-14:

PRESENT STATUS OF MINOR CANAL AS ON 09-04-2026



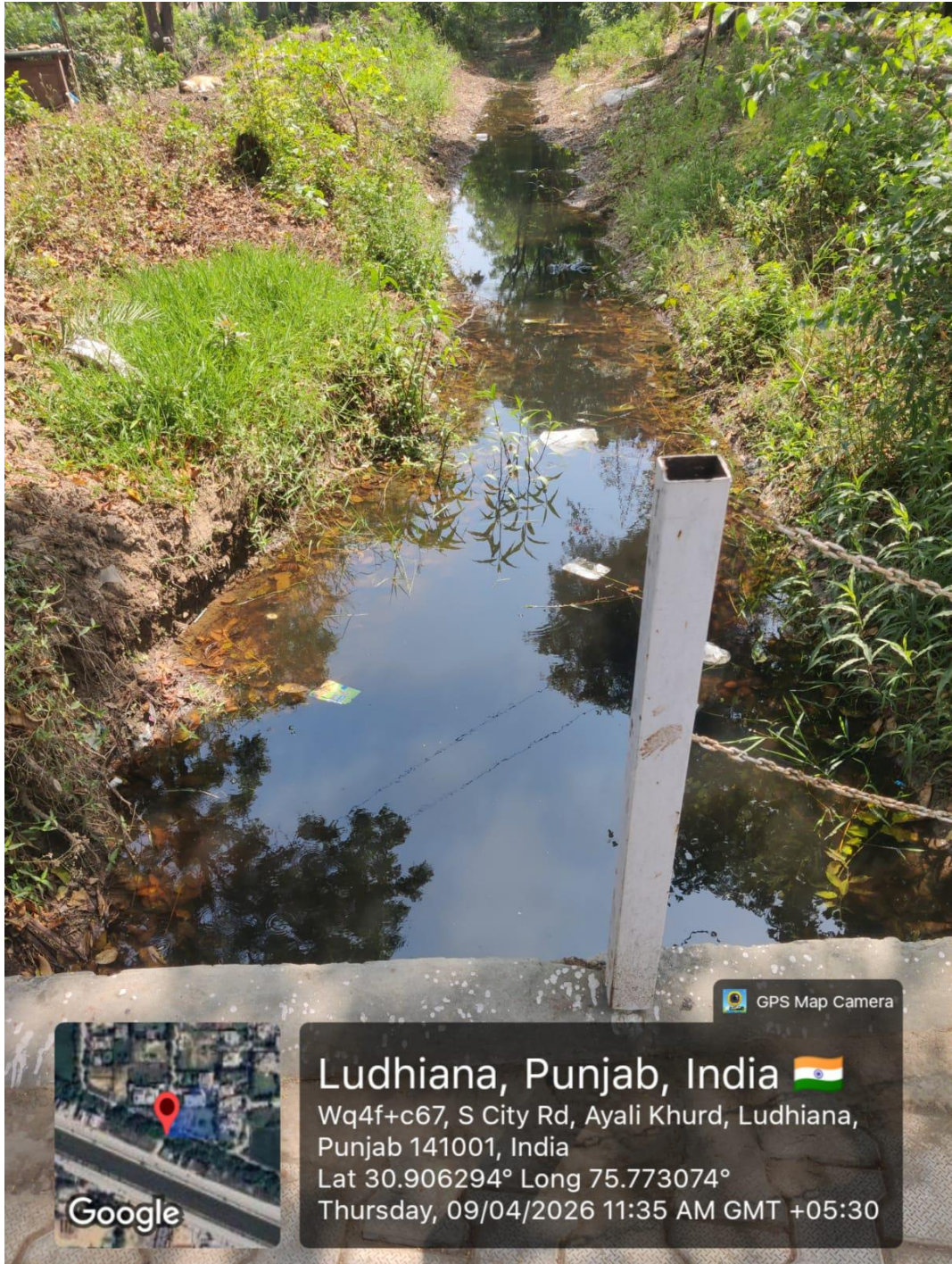













GPS Map Camera



Ludhiana, Punjab, India 

Wq4f+c67, S City Rd, Ayali Khurd, Ludhiana,
Punjab 141001, India

Lat 30.906294° Long 75.773074°

Thursday, 09/04/2026 11:35 AM GMT +05:30

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

In O.A. No. 1217 of 2024

IN THE MATTER OF:

Public Action Committee & Ors.

Applicants

Versus

The Deputy Inspector Gen. Of Forests (Central) & Ors..

Respondents

AFFIDAVIT

I, Er. Kapil Dev (aged 49 years) s/o Sh. Jagdish Chander, r/o 186-E, BRS Nagar, Ludhiana do solemnly affirms as under:

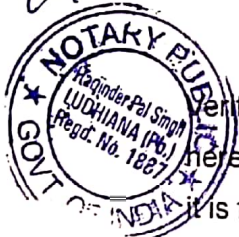
1. That the deponent is Applicant No. 2 in Original Application and is filing Common Rejoinder against replies of Respondents for kind consideration by this Hon'ble Tribunal.
2. That I have read the Rejoinder dated 09-04-2026 from paragraphs 1 to 10 from pages 1 to 8 and have understood the contents thereof. The facts stated there in are true and correct to the best of my knowledge and nothing has been concealed there from.

Certified that the affidavit has SPA/GPA no. been read over & explained to the deponent executant who seemed directly to understand the same at time making thereof


DEPONENT

VERIFICATION

1064
09-04-2026



Subscribed and sworn to before me at Ludhiana on this 9th Day of April 2026, I the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

I know the Deponent/Executants personally and he/she has Signed/Thumb impression in my presence

ATTESTED AS IDENTIFIED


09-04-2026

NOTARY PUBLIC
LUDHIANA (PB.)
09 APR 2026


DEPONENT

741



PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Service of Document - Common Rejoinder in OA 1217 of 2024

PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Thu, Apr 9, 2026 at 5:09
PM

To: adv.amoghbansal@gmail.com, Nidhi Jaswal <nid.jaswal@gmail.com>, officeoftalha@gmail.com, 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>

Dear sir

Please find attached Common Rejoinder dated 10-09-20225 as service of document in OA 1217 of 2024.

Regards

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

 **Common Rejoinder in OA 1217 of 2024.pdf**
4174K