

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

ORIGINAL APPLICATION NO. 117- OF 2026

IN THE MATTER OF:

Daljeet Singh

Applicant

VERSUS

State of Punjab and Others

Respondents

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The matter is listed tomorrow and the present reply is necessary to list before the Court on 26.05.2026 .

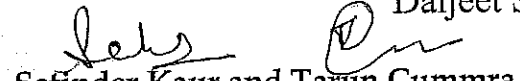
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Place: New Delhi

Date:25.05.2026



Applicant
Daljeet Singh



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

ORIGINAL APPLICATION NO. 117 OF 2026

Daljeet Singh

...Applicant

Versus

State of Punjab & Ors.

...Respondent(s)

REJOINDER ON BEHALF OF THE APPLICANT
TO THE APPLICATION FILED BY RESPONDENT
NOS. 3 TO 9 (STATE OF PUNJAB) UNDER
SECTION 19(f) OF THE NATIONAL GREEN
TRIBUNAL ACT, 2010 READ WITH RULE 22 OF
THE NGT (PRACTICE & PROCEDURE) RULES,
2011 FOR RECALL/MODIFICATION OF THE
ORDER DATED 02.04.2026 IN THE INTEREST OF
JUSTICE;

MOST RESPECTFULLY SHOWETH:

PRELIMINARY OBJECTIONS

1. That at the outset, the Applicant herein most respectfully submits that the Application filed by the Respondent-State of Punjab seeking recall/modification of the Order dated 02.04.2026 is not only misconceived and devoid of merit, but also amounts to a disguised attempt to re-argue the very same submissions which were considered and duly rejected by this Hon'ble Tribunal at the time of passing of the impugned Order. The same deserves to be dismissed in limine.
2. That the state at present has issued 207 total sites under various tenders from last 10 months, on the name of de-silting rather commercial mining of plundering all rivers of Punjab at extensive levels, despite the interim

stay orders ,excavation is going on rapidly in the entire Punjab at various sites without EC , or Royalty to the State Exchequer , despite the fact at most sites there is no siltation or deposition , the state of flouting all environmental laws and plundering natural resources and want to take stamp from the Hon'ble Court to perpetuate illegality and unlawful mining . The adamant approach of the State is manifest from their conduct as now total 207 sites are earmarked to excavate, on the other hand mining at critical points where even siltation occurred has already completed but mining with heavy machinery is going on at extensive level in 30-40 feet in depth in river beds , flood plains and near bridges , embankments , on the international border and so on .This is a severe environmental crime, committed under the state machinery and it is humbly requested to the Hon;ble Court should call the record and initiate probe to stop further losses to rivers ecology and the surrounding environment .

3. That the recall/modification Application filed under Section 19(f) of the NGT Act is an extraordinary remedy sparingly available only where there exists an error apparent on the face of the record or where relevant material on record has been completely ignored. It is not a second appeal or a review in disguise. The Respondent-State has failed to demonstrate any such error. On the contrary, the Application seeks a complete re-appreciation of the evidence and submissions already placed before this Hon'ble Tribunal which is wholly impermissible in law. Similarly ,here the reliance is placed upon Judgment of Hon'ble Apex Court Titled as " Budhwanti Yadav v. State of Bihar (2021 SCC Online SC 1234) wherein it was held that recall jurisdiction cannot be used as a substitute for appeal or review. And Similar is position in case of Northern India

Caterers v. Lt. Governor of Delhi, AIR 1980 SC 674 wherein the Hon'ble Supreme Court reiterated that modification/recall lies only where there is a manifest error apparent on the face of the record. Otherwise, the State of Punjab is guilty of misrepresenting the facts, they filed about 1000 pages of Shejpreet Singh case titled where as, the documents are filed earlier writ petition before amendment of Punjab Mine and Minrole Act 2023, where in De-silting is specifically prohibited, the Act is attached in main petition as well as in IA No.234/2026 before the Hon'ble Court, where each and every fact and ground is answered with documents, rather the state has no leaf unturned to misled the Hon'ble Court presenting false documents as well as incorrect facts and the Hon'ble Court has taken notes of the state intention to defy all laws under the Sun.

4. That the Respondents in their very Application at para 5 concede that the present Application is "not an attempt to reargue the matter", yet paradoxically, every succeeding paragraph does precisely that re-agitating issues of EC exemption, NFSM applicability, commercial character of desilting, and compliance documentation all of which were addressed at length in the order dated 02.04.2026. The Application is therefore not maintainable on this ground alone.

Now ON JURISDICTIONAL SUBMISSION ; Ans here in

The Ground A of Recall Application

5. That the Respondent-State's submission regarding pendency of similar issues before the Punjab and Haryana High Court has been expressly considered and rightly rejected by this Hon'ble Tribunal in paras 8 to 14 of the Order dated 02.04.2026. It has been categorically held that the

Original Applications before this Tribunal challenge the auction notices issued pursuant to the decision/notification dated 16.10.2025 which are admittedly not the subject matter of any pending writ petition before the High Court. The State itself had admitted in IA No. 226/2026 that none of the 85 desilting auction notices were pending before the High Court. Having made such admission, the Respondent-State cannot now urge the same jurisdictional bar afresh in a recall application.

6. That the submission that this Hon'ble Tribunal would be exercising "parallel jurisdiction" on questions sub-judice before the High Court is factually and legally untenable. The earlier PIL proceedings before the High Court pertained to different auction notices floated for earlier periods which had already been executed, more over with no amendments before 2023 Act. The impugned 85 desilting tenders are fresh and entirely distinct. The judgment in State of Andhra Pradesh v. Raghu Ramakrishna Raju Kanumuru (Civil Appeal No. 4522-4524/2022) has no application here since the condition precedent identity of subject matter is absent.
7. That the observation in IA No. 161/2026 by this Hon'ble NGT itself in OA No. 1287/2024 (Times of India matter) relating to the impermissibility of parallel proceedings applies in favour of the Applicant herein, not against him since it was the Respondent-State which moved the Hon'ble Supreme Court seeking vacation of this Tribunal's stay in Civil Appeal No. 2493/2026, and the Hon'ble Supreme Court by order dated 26.02.2026 expressly directed the State to approach this Tribunal rather than continue parallel proceedings. The jurisdictional objection is thus res judicata qua the present recall application.

ON MERITS OF EIA EXEMPTION**(Grounds B and C of Recall Application)**

8. That the submission of the Respondent-State that the desilting tenders are exempted under Clause 7 of Appendix-IX to the EIA Notification, 2006 has been considered in extenso by this Hon'ble Tribunal in paras 17 to 58 of the Order dated 02.04.2026. It has been lucidly held that the exemption under Clause 7 of Appendix-IX is only for desilting/dredging carried out for maintenance, upkeep and disaster management and emphatically NOT for activities involving commercial sale of extracted material.
9. That the Respondent-State's argument that the Sarvabhoom Bagali v. State of Karnataka (OA No. 142/2022(SZ), dated 23.03.2023) judgment is "misplaced" because it did not consider the NFSM-2022 and subsequent Gazette notification dated 30.08.2023, is itself legally misconceived. The Gazette notification S.O. 3840(E) dated 30.08.2023 merely substituted Clause 7 of Appendix-IX adding the phrase "shall be subject to the compliance of environmental safeguards issued in this regard from time to time" thereby imposing additional obligations on the exempted category, not expanding it. The fundamental legal principle that commercial exploitation of the extracted material takes the activity outside the exemption remains fully intact and was expressly upheld by the Hon'ble Supreme Court in Civil Appeal Nos. 1628-1629/2021 (Nobel M. Paikada v. Union of India).
10. That the Respondent-State's core contention in Ground C of the recall application that the tenders are "non-commercial" because flood management is the primary object is comprehensively disproved by the Respondent-State's own documentation. The DPR pertaining to

Auliapur site (the only DPR produced before this Tribunal) expressly provides under the heading 'Techno-Economic Viability': "The desilted material will be owned and disposed-off by the contractor himself so no departmental expenses will be done the amount collected from the desilted material will be deposited in the Government treasury facilitating the revenue of Government." The Chief Secretary of Punjab in an affidavit filed in OA No. 553/2024 stated: "This de-silted material shall open one more legal source for sale and processing of minor minerals in the open market." No amount of subsequent litigation strategy can override what the State's own senior officer has sworn before a Tribunal on oath.

11. That the Hon'ble Tribunal in para 59 of the Order dated 02.04.2026 has rightly found that the Respondent-State had not shown compliance with the various conditions of SSMG-2016, including preparation of District Survey Report, replenishment study, geo-referencing and depth restrictions. The Respondent's claim in the recall application at para 17 that Sediment Management Analysis has been carried out and Disposal Plan approved by STAC, is a new factual assertion that was neither placed nor proved before this Tribunal at the time of arguments on 27.03.2026. A recall application is not the appropriate forum to introduce new evidence that was not produced when opportunity existed. The Respondent had every opportunity to place the STAC reports, meeting minutes and Disposal Plans before the Tribunal during the lengthy hearing on IA No. 161/2026 they did not do so. This Hon'ble Tribunal rightly recorded at para 59 that "only the DPR of one site was pointed out.

12. That the Respondent-State's argument at para 20 of the recall application that all 85 DPRs were placed through IA No. 226/2026 annexed as **Annexure-4 with a Google Drive link is evasive and unacceptable.** Moreover, it is a fact that the so-called DPRs are sham documents because there is no replenishment study, no physical verification of sites and general public of the affected area was not consulted, a Google Drive link (not a certified copy placed on record) does not constitute "placing of documents on record" before a judicial forum. The purpose of filing documents is to enable the opposing party and the Tribunal to examine them. If the DPRs were not handed over in physical form and taken on record, they could not have been considered. This Tribunal correctly noted their non-availability on record. The entire project of the de-silting is marred by inside complaints of corruption by department officials, the CM ordered a probe in the matter, the integrity and credibility of the officials prepared the DPRs under question, in IA No. 234 /2026 of the petitioner, the documents are duly attached.
13. That the Respondent-State's submission at para 14 of the recall application that there is an internal contradiction between NFSM-2022 and SSMG-2016 specifically regarding the 200-500 metre exclusion zone from hydraulic structures and that therefore NFSM alone should govern, is untenable. The NFSM itself at Clause 7.2 expressly states that activities involving commercial purposes of sediment removal from rivers are governed by the national framework and are NOT classified as maintenance or upkeep. SSMG-2016, which prohibits mining within 200-500 metres of hydraulic structures with NO exceptions, represents the minimum protection floor below which no State activity can fall. The NFSM's provision at Para 2.3 (permitting dredging within 150

metres from bridge crossing where flooding is caused by sediment obstruction) is an exception carved out for genuine disaster management, not for auctioned commercial extraction.

14. That the Respondent-State relies on the IIT Ropar study to assert techno-economic viability, yet the specific findings of the Mittal Committee (referenced in the SSMG-2016 itself at para 28 of the impugned order) unambiguously concluded that: (i) desilting of rivers for flood control is not an economically viable solution; (ii) dredging in general should not be resorted to in major rivers; and (iii) desilting can only marginally minimize floods and for a short period. The IIT Ropar study to the extent it supports desilting for disaster management at specific identified reaches does not override the binding regulatory framework it supplements it. No IIT Ropar study was placed before this Tribunal for its perusal during arguments.

ON ALLEGED COMMERCIAL PURPOSE

— DPR AS CONCLUSIVE PROOF

15. That the Respondent-State cannot escape the commercial character of the impugned tenders by relabelling them as flood management. The following undisputed features of the impugned tenders none of which stand denied irrefutably establish commercial purpose:

- (a) Reserve price and bid values have been fixed for extracted material;
- (b) Extraction is quantified in cubic feet (CFT);
- (c) Royalty at INR 3.50 per cubic foot is embedded in tender economics;
- (d) Contractors are paid landowner compensation (INR 2 per CFT);

(e) Contractors own the desilted material and may sell it in the open market;

(f) DMF/EMF deposits are stipulated signatures of mining operations;

(g) Selection is by highest bidder inconsistent with disaster management rationale;

(h) Drone surveys are prescribed to ensure no extra quantity is extracted confirming extraction is quantified not by flood need but by contract limit.

16. That the scheme "Mera Khet, Meri Ret / Jisda Khet, Ohdi Ret" expired on 31.12.2025. Even under that scheme, it was strictly limited to restoration of flood-affected agricultural lands by landowners themselves. The present exercise of auctioning 187.14 crores CFT of material from 85 river sites across Punjab cannot, by any stretch, be characterized as maintenance or upkeep. The astronomical scale alone touching major rivers like Sutlej, Beas, Ravi, Ghaggar, Siswan and Sarsa simultaneously is the clearest marker of commercial mineral extraction.

ON BALANCE OF CONVENIENCE AND IRREPARABLE HARM

17. That the Respondent-State's submission at para 24 of the recall application that balance of convenience lies in its favour because "the desilting exercise is critical for flood mitigation ahead of the impending monsoon" must be weighed against the categorical finding in the NFSM itself that sediment removal from riverbeds will NOT have any considerable effect on flood levels (Clause 2.2, NFSM). The Respondent cannot invoke flood urgency as a shield when the very regulatory framework they claim to follow contradicts the efficacy of the proposed measure.

18. That the balance of convenience plainly lies with the Applicant and the people and ecology of Punjab. Extraction of 187.14 crores CFT of silt/sand at 85 sites simultaneously from Punjab's rivers without prior

Environmental Clearance, without District Survey Reports, without replenishment studies will cause irreversible damage to riverbeds, groundwater recharge mechanisms, embankments, bridge foundations and riparian ecology. Scientific study by IIT Ropar (cited in the impugned order by the Applicant during arguments) establishes that Punjab rivers largely do not replenish at rates anywhere near the extraction volumes proposed. An irreversible ecological catastrophe cannot be undone by any subsequent court order.

19. The only 'convenience' on the State's side is the commercial and fiscal benefit of allowing extraction and even this is unlawful since the material is being handed over free of cost without royalty. On the Applicant's side and on behalf of the millions of citizens dependent on the Sutlej for drinking water, irrigation, and structural safety the balance overwhelmingly favours the grant of an immediate stay. If the stay order is modified or mining is granted, the only consequence is irreversible ecological destruction. The balance brooks no question.
20. That the modified directions in para 63 of the order dated 02.04.2026 far from halting all desilting have actually permitted the State to proceed with the impugned tenders subject to four strict conditions, all of which the State must be required to demonstrably comply with before any desilting commences. The recall application seeks effectively to remove even these minimal safeguards, which would leave the rivers of Punjab entirely at the mercy of commercial sand mining interests operating under the garb of desilting. This cannot be permitted.
21. That furthermore, the Department has consistently ignored the need for proper hydrological and environmental studies a failure which continues to date. The lack of maintenance and scientific planning has aggravated

the risk of floods, making the de-silting project not only ineffective but also dangerous. The DPRs are not prepared by Hydro-geologist. The Government of Punjab has employed a single Hydro-Geologist who can verify DPRs. The DPRs are inherently sham and charade.

ON THE GOTTIMUKKALA JUDGMENT

22. That the 3 main Rivers of Punjab are at primarily at young stage some part in middle course near Ferozepur, but river Ravi is young river and the old river courses are situated in Pakistan and the position of Southern Rivers is completely different as old river course which the Department Engineers who are Civil Engineers and geologists and the district level geologists are employed on contracts by the state of Punjab and after passing any site their signatures are taken on papers after passing any sites approval, are old river course, the Respondent-State in para 23 of the recall application places heavy reliance on the subsisting interim stay granted by the Hon'ble Supreme Court in Secretary, Mines and Geology Department v. Gottimukkala Suresh Reddy & Ors. (Civil Appeal Nos. 8624-8628/2024) to argue that the directions of the Southern Zonal Bench ought to be recalled by this Tribunal. It is respectfully submitted that: the Gottimukkala reference is again taken at belated state and misconceived manner case by the State, which the applicants objected, and even this case does not applicable in the present case where

(a) The Hon'ble Supreme Court in Civil Appeal Nos. 8624-8628/2024 has only stayed the operation of the Southern Zone NGT order to the extent it requires Environmental Clearance for desilting activities involving commercial sale the correctness of which is a matter pending final adjudication before the Hon'ble Supreme Court.

(b) The interim stay does NOT constitute a declaration by the Supreme Court that commercial de-silting activities require no EC. The merits remain open.

(c) This Hon'ble Tribunal in para 63(2) has only directed compliance with the Sarvabhoom Bagali directions "except direction no. (vii) which has been stayed by the Hon'ble Supreme Court" thereby already giving full effect to the Supreme Court's order. No further modification is warranted.

IN REPLY TO SPECIFIC PARAS OF RECALL APPLICATION

23. **That** In reply to para 21 of the recall application, that the Respondent-State now asserts that "most tenders had been issued to the National Highways Authority of India for construction" this new factual claim was not made during arguments before the Tribunal. It is inadmissible on recall. Even assuming it to be true, the extraction of riverbed material for supply to NHAI road construction projects is the paradigmatic case of commercial utilization of de-silted material, bringing the activity squarely within the requirement of prior Environmental Clearance.
24. That in reply to para 22, that the reference to Bharath Jhunjhunwala v. IWAI (OA No. 487/2015) and the Kerala High Court judgment in S. Seethilal v. Union of India (WA No. 1643/2021) regarding sand bar removal in tidal situations is wholly distinguishable. Those cases concerned narrow, site-specific, one-time operations of sand bar removal in tidal river mouths to prevent flooding of habitations entirely different from auctioning 187.14 crores CFT of silt from 85 locations across all major rivers of Punjab.

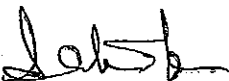
25. That no such or similar application challenging the present notification is pending before the learned Sessions Court or Hon'ble High Court or Supreme Court India or of competent jurisdiction in India at the time of filing the present.


PRAYER

In view of the aforesaid facts, submissions and legal position, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- (a) DISMISS the recall/modification application filed by Respondent Nos. 3 to 9 (State of Punjab) being devoid of merit and legally untenable;
- (b) UPHOLD the directions contained in para 63 of the Order dated 02.04.2026 in their entirety and direct the Respondent-State to file a detailed compliance report demonstrating adherence to each of the four conditions stipulated therein, before any de-silting works are commenced at any of the 85 identified sites;
- (c) DIRECT the Respondent-State to place on record all 85 DPRs in physical/certified copy form along with STAC meeting minutes, Sediment Management Analysis reports, and Disposal Plans for each site, within a time-bound period fixed by this Hon'ble Tribunal;
- (d) PASS any other Order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice, ecology and the rivers of Punjab.

Place: New Delhi
Date: 25.05 2026


Satinder Kaur and Tarun Cummra
Advocates

Applicant
Daljeet Singh 

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH AT
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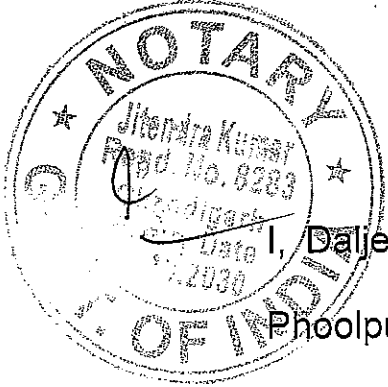
...Respondents

AFFIDAVIT

I, Daljeet Singh S/o Dalbara Singh, Aged about 40 years, R/o Vill Phoolpur, Garewal, Rupnagar, Punjab - 140001, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the Original Application and well versed with facts and circumstances of the case and thus competent to file the present application.
2. That the accompanying ^{reponder in} Original Application has been drafted application by counsel under my instructions and contents thereof have been read over and explained to me in my vernacular which are true and correct to my knowledge, the contents thereof may kindly be read as part and parcel to this affidavit also and not repeated herein.
3. That the contents as stated above are true and correct to my knowledge and belief.

Daljeet Singh
/ DALJEET SINGH



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Daljeet Singh

15
19

Place: Chandigarh

Deponent

Dated: 18.05.2026

Daljeet Singh

VERIFICATION:-

Certified that the affidavit/SPA/OPA Agreement has been read over & explained to the Deponent/Executant to understand the same at the time making therein.

It is verified that the contents of paras 1 to 3 of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been concealed therein.

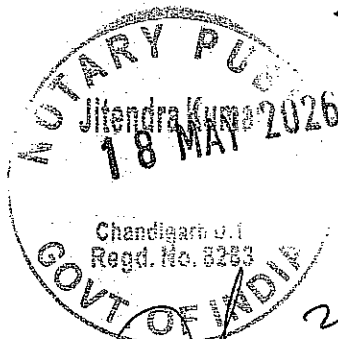
Place: Chandigarh

Daljeet Singh

Deponent

Dated: 18.05.2026

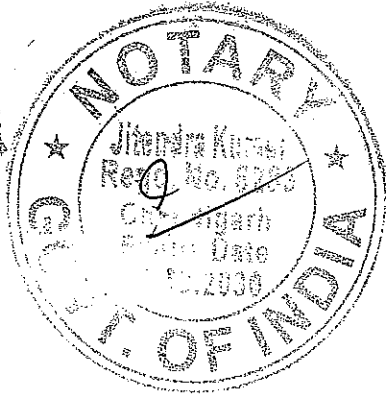
Daljeet Singh



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TESTED AS IDENTIFIED NOTARY CHANDIGARH

18 MAY 2026



I identify the deponent who has signed/Thumb marked in my presence.

Signature