

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

I.A. No. 537 OF 2025 IN ORIGINAL APPLICATION NO. 779 OF 2024

IN THE MATTER OF:

**Dinesh Gupta**

Applicant

Versus

**State of Punjab & Ors**

Respondents

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**Date 14/07/2026**

  
**Prakash Pandey**  
**Counsel For The Applicant**

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY  
FILED BY RESPONDENT NO.4 (NHAI)**

MOST RESPECTFULLY SHOWETH:

**PRELIMINARY SUBMISSIONS**

1. That the present Rejoinder is being filed in response to the Reply submitted by Respondent No.4/National Highways Authority of India (NHAI) to I.A. No.537 of 2025. Save and except those averments which are specifically admitted herein, every statement, allegation and contention contained in the Reply filed by Respondent No.4 is denied as false, incorrect, misleading, contrary to the record and liable to be rejected.
2. The entire defence of Respondent No.4 is primarily based upon the affidavit submitted by the Divisional Forest Officer. The correctness and credibility of the said affidavit itself are under challenge before this Hon'ble Tribunal. Therefore, Respondent No.4 cannot seek to establish its innocence merely by relying upon an affidavit of an authority whose conduct is itself under serious scrutiny in the present proceedings.
3. The allegation that the present Interim Application is an afterthought is wholly misconceived. The alleged illegal felling occurred immediately after the order dated 14.10.2024. The Applicant immediately informed the Forest Department by emails dated 19.10.2024 and 21.10.2024, much before filing the Interim Application. Thus, the contemporaneous complaints completely demolish the allegation that the case has been subsequently

fabricated. The delay, if any, is only in placing subsequent events formally before this Hon'ble Tribunal and not in reporting the occurrence itself.

4. The Applicant has supported the Interim Application by photographs, contemporaneous emails, official correspondence and other documentary material. On the contrary, Respondent No.4 has not produced any primary evidence disproving those documents. Mere denial cannot displace documentary evidence already placed before this Hon'ble Tribunal.
5. The Reply conspicuously avoids explaining the serious discrepancies regarding the number of standing trees reflected in different official records. Earlier communications of the Forest Department referred to approximately 40 standing trees, whereas subsequent reports mention 118 standing trees, while the Applicant's physical verification disclosed that only about 23 trees were actually standing. No satisfactory explanation has been furnished by Respondent No.4 regarding these contradictory figures. This inconsistency itself calls for an independent verification by this Hon'ble Tribunal.
6. Respondent No.4 has further attempted to reject the photographic evidence merely on the ground that the photographs mention "NH-54". Such contention is wholly untenable. If Respondent No.4 disputed the location, it ought to have produced its own GPS survey, geo-tagged inspection report or independent site verification. Having failed to produce any such evidence, Respondent No.4 cannot simply reject the Applicant's evidence by way of bald assertions.
7. The present Rejoinder may therefore kindly be read as an integral continuation of the facts already pleaded in the Original Application and the Interim Application. The Applicant craves leave to rely upon all documents already filed on record.

## **REPLY TO PARA WISE**

Reply to Para .1

8. The contents are admitted only to the extent that Respondent No.4 has filed the present Reply..

**Reply to Para No.2**

9. The contents are denied. Merely incorporating earlier pleadings cannot absolve Respondent No.4 from specifically answering the fresh allegations relating to illegal tree felling after the order dated 14.10.2024. Every subsequent illegal act constitutes an independent cause requiring a specific response.

**Reply to Para No 3**

10. The factual narration regarding the allegations contained in the Interim Application is substantially correct..

**Reply to Para 4:**

11. The contents of Paragraph 4 are emphatically denied as false, misleading and contrary to the record. The contention that the present Interim Application is an “afterthought” merely because it was formally filed after about ten months is legally unsustainable and factually incorrect. The relevant consideration is not the date of filing of the application but the date on which the Applicant first reported the illegal activity.
12. Immediately after the order dated 14.10.2024 was uploaded, the Applicant informed the Forest Department regarding the illegal felling by email dated 19.10.2024 and again by email dated 21.10.2024, requesting immediate intervention. These contemporaneous communications were made within days of the occurrence and have already been placed on record along with the Interim Application. Therefore, Respondent No.4 cannot falsely describe the allegations as an afterthought merely because the Applicant subsequently sought formal leave of this Hon’ble Tribunal to bring these subsequent events on record.

**REPLY TO PARA 5**

13. The contents of Paragraph 5 are denied except to the extent specifically admitted herein. Respondent No.4 has merely described the Applicant’s allegations as “baseless” without producing any contemporaneous documentary material disproving

the Applicant's evidence. Mere denial cannot displace documentary evidence already placed before this Hon'ble Tribunal.

**14.** Respondent No.4 has failed to produce:

- (i) any tree enumeration register;
- (ii) stump verification report;
- (iii) GPS-based survey;
- (iv) drone survey;
- (v) videography conducted after receipt of the Applicant's complaint;
- (vi) contractor's work diary;
- (vii) timber transportation register;
- (viii) transit permits;
- (ix) independent inspection report.

In absence of these documents, the Respondent's bald denial deserves no evidentiary value.

#### **REPLY TO PARA 5.1**

**15.** The contents of Paragraph 5.1 are denied. The Applicant has never alleged any imaginary or speculative facts. Every allegation is supported by documentary evidence, photographs and written complaints submitted immediately after the occurrence. Therefore, Respondent No.4 cannot avoid its statutory responsibility merely by describing the allegations as "frivolous".

#### **REPLY TO PARA 5.1.1**

**16.** The contents are substantially matters of record.

#### **REPLY TO PARA 5.1.2**

**17.** The contents regarding the order dated 14.10.2024 are matters of record.

#### **REPLY TO PARA 5.1.3**

**18.** The contents are admitted only to the limited extent that certain reports have been filed before this Hon'ble Tribunal.

#### **REPLY TO PARA 5.1.4**

**19.** The contents of Paragraph 5.1.4 are specifically denied. Respondent No.4 has attempted to justify the removal of

trees by stating that the area was vested in NHAI under an MoU. Such a contention is legally untenable.

20. Mere vesting of land or execution of an MoU does not authorize indiscriminate cutting of trees situated upon forest land without complying with the mandatory provisions of the Forest (Conservation) Act, the applicable environmental laws and the conditions governing diversion of forest land.
21. Respondent No.4 has not produced any document demonstrating that the mature trees allegedly cut between 19.10.2024 and 21.10.2024 were lawfully marked, enumerated, valued and permitted to be felled under valid statutory approval.
22. On the contrary, the Applicant's documentary evidence demonstrates that immediately after the Tribunal's order, large-scale cutting was noticed and immediately reported to the Forest Department. Respondent No.4 has failed to produce any contemporaneous inspection conducted after receipt of those complaints.

#### **REPLY TO PARA 5.2.1**

23. The contents of Paragraph 5.2.1 are admitted only to the extent that the Applicant has annexed photographs with the Interim Application..

#### **REPLY TO PARA 5.2.2**

24. The contents of Paragraph 5.2.2 are wholly incorrect and deserve to be rejected. Respondent No.4 has attempted to argue that because leaves and branches are visible in the photographs, the trees could not have been 30–40 years old. Such a contention is scientifically absurd and demonstrates complete ignorance of basic forestry principles.
25. The age of a tree is never determined merely by the presence of leaves or branches. Mature trees naturally continue to bear foliage. The accepted indicators of maturity include the girth of the trunk, diameter at breast height (DBH), bark characteristics, canopy spread, root development and growth pattern.

26. .The Respondent has also sought to challenge the photographs merely because the location is shown as NH-54. Such an objection is wholly untenable. The Original Application itself concerns illegal felling along NH-54 in the vicinity of Sohal Village. If Respondent No.4 disputes the precise location, the burden lies upon it to produce GPS coordinates, geo-tagged inspection reports or contemporaneous survey records. No such material has been produced.

#### **REPLY TO PARA 5.2.3**

27. The contents of Paragraph 5.2.3 are emphatically denied. Respondent No.4 has sought to rely upon the affidavit of the Divisional Forest Officer stating that no fresh illegal felling occurred after the order dated 14.10.2024. The Applicant respectfully submits that the correctness of the said affidavit itself is under challenge before this Hon'ble Tribunal and cannot be treated as conclusive proof.
28. The Applicant had already informed the Forest Department through emails immediately after the illegal felling. If indeed no such incident had occurred, nothing prevented the Forest Department or Respondent No.4 from conducting an immediate joint inspection, preparing a stump inventory, photographing the site and producing those records before this Hon'ble Tribunal. Their complete failure to do so speaks for itself.
29. Respondent No.4 has merely reproduced the DFO's conclusions without producing any independent documentary material. Such self-serving reliance cannot outweigh the contemporaneous documentary evidence produced by the Applicant.

#### **REPLY TO PARA 5.2.4**

30. The contents of Paragraph 5.2.4 are denied. The Applicant has never attempted to create confusion between "plants" and "trees". Rather, it is Respondent No.4 and the Forest Department who have repeatedly changed their own description of the

vegetation in order to minimise the extent of environmental damage.

31. At different stages of these proceedings, the Respondents have referred to the same vegetation as plantation, plants, avenue plantation and trees. Such inconsistent terminology itself demonstrates the lack of credibility of their defence.
32. The controversy before this Hon'ble Tribunal is not merely one of nomenclature but of unlawful destruction of standing vegetation forming part of the ecological landscape. Whether described as trees or plantation, Respondent No.4 was under a statutory obligation to comply with all applicable environmental and forest laws before any removal.

#### **REPLY TO PARA 5.2.5**

33. The contents of Paragraph 5.2.5 are specifically denied. The allegation that the photographs pertain to some other location is a bald assertion unsupported by any evidence. Respondent No.4 has neither identified the alleged alternate location nor produced any survey establishing that the photographs do not relate to the project stretch involved in the present proceedings.
34. If Respondent No.4 genuinely disputed the location, it could easily have produced geo-tagged site photographs, drone imagery, chainage maps or GPS coordinates. Its failure to do so warrants an adverse inference. however applicant submitted photographs of same location

#### **REPLY TO PARA 5.3.1**

35. The Applicant has specifically placed photographs showing freshly cut stumps concealed beneath loose soil. Respondent No.4 has not produced any inspection report explaining these photographs nor any technical material disproving the Applicant's case.

#### **REPLY TO PARA 5.3.2**



36. The contents of Paragraph 5.3.2 are specifically denied. Respondent No.4 has again attempted to rely upon the alleged delay in filing the Interim Application while completely ignoring the contemporaneous emails sent immediately after the occurrence.
37. The Applicant respectfully submits that environmental offences cannot be ignored merely because a formal application is filed subsequently. What is material is that the competent authorities were informed immediately after the occurrence.
38. Respondent No.4 has not disclosed what action, if any, was taken after receiving information from the Forest Department regarding the Applicant's complaints.

#### **REPLY TO PARAS 5.4.1 TO 5.4.5**

39. The contents of these paragraphs are denied except those which are matters of record. The Respondent has repeatedly characterised the Applicant's physical verification as "baseless" while simultaneously failing to produce any scientific verification of its own.
40. The affidavits relied upon by Respondent No.4 do not contain any species-wise enumeration, stump inventory, geo-tagged survey, GPS mapping, diameter measurements or photographic comparison establishing the actual number of standing trees after October 2024.
41. Significantly, Respondent No.4 has also failed to explain why earlier official records referred to approximately 40 trees, whereas later reports suddenly mention 118 trees. This unexplained increase itself creates serious doubt regarding the correctness of the Respondents' records.

#### **REJOINDER TO THE PARA-WISE REPLY FILED BY RESPONDENT NO.4**

##### **Reply to Para 1**

42. The contents of Paragraph 1 are matters of record

**Reply to Para 2**

43. The contents of Paragraph 2 are specifically denied as false, misleading and contrary to the documentary evidence already placed before this Hon'ble Tribunal.
44. The allegation that no illegal tree cutting took place is a bald denial unsupported by any contemporaneous documentary evidence. Respondent No.4 has not produced any inspection report, GPS survey, stump verification report, videography or other primary evidence to rebut the Applicant's allegations.
45. On the contrary, the Applicant immediately informed the competent Forest Authorities by emails dated 19.10.2024 and 21.10.2024, followed by production of photographs and supporting documents. Such contemporaneous evidence cannot be brushed aside by mere denial.

**Reply to Para 3**

46. The contents of Paragraph 3 are admitted only to the extent they are matters of record. The remaining averments are denied.
47. The Applicant reiterates that the illegal felling complained of relates to events that occurred after the order dated 14.10.2024, which constitute subsequent events and form the subject matter of the present Interim Application.

**Reply to Paras 4 and 5**

48. The contents of these paragraphs are denied except those specifically admitted. Respondent No.4 has merely repeated the submissions contained in the preliminary portion of its Reply without furnishing any fresh evidence. Such repetition does not answer the documentary material already placed before this Hon'ble Tribunal.

**Reply to Paras 6 to 8**

49. The contents are denied except those which are matters of record.

**Reply to Paras 9 to 11**

50. The contents are emphatically denied. Respondent No.4 has failed to explain the serious contradictions in the official record regarding the number of standing trees. Earlier official communications acknowledged approximately 40 standing forest trees. Subsequently, the Joint Committee referred to 118 standing trees. The Applicant's physical verification disclosed only about 23 standing trees.

**Reply to Para 12**

51. The contents are denied. The Applicant has not levelled allegations of collusion lightly or without basis. The allegation arises from the conduct of the authorities themselves, including:
- (i) failure to take prompt action despite immediate complaints;
  - (ii) contradictory official records;
  - (iii) absence of independent inspection;
  - (iv) failure to preserve evidence;
  - (v) continued reliance upon mutually inconsistent affidavits.

**Reply to Para 13**

52. The contents are denied. Respondent No.4 has questioned the Applicant's physical verification but has not disclosed any physical verification undertaken by itself after receiving information regarding the alleged illegal felling.

**Reply to Para 14**

53. The contents are emphatically denied. The Respondent has merely repeated its denial without addressing the documentary evidence already placed on record by the Applicant.

**PRAYER**

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- a. Take the present Rejoinder on record;
- b. Reject the Reply filed by Respondent No.4/NHAI to I.A. No.537 of 2025;
- c. Allow I.A. No.537 of 2025 in terms of the reliefs prayed therein;

**Date 14/07/2026**

  
**Prakash Pandey**  
**Counsel For The Applicant**

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

## PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 779/2024

## IN THE MATTER OF:

DINESH GUPTA

... Applicant

VERSUS

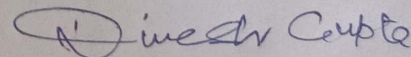
STATE OF PUNJAB &amp; ORS.

... Respondents

## AFFIDAVIT

I, Dinesh Gupta, S/o Krishan Lal Gupta, aged 57 years, resident of Kothi No. 1, Ward No. 14, Mohalla Prem Nagar Sain Garh, Near Daffodil Public School, Tehsil Pathankot-145001, District Gurdaspur, do hereby solemnly affirm and state as under:

1. That I am the applicant in the above-mentioned case (O.A. No. 779/2024) and am fully conversant with the facts and circumstances of the matter. I am competent to swear this affidavit.
2. That I am filing the present Rejoinder to the reply submitted by a respondent number 4 along with annexures before this Hon'ble tribunal.
3. The contents thereof, from paragraph 1 till the last, have been drafted on my instructions and have been explained to me by my counsel.
4. That I have read and understood the contents of the application and affirm that they are based on the documents filed along with it and are true and correct to the best of my knowledge and belief.

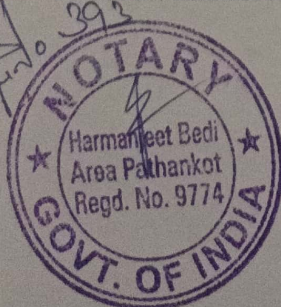


DEPONENT

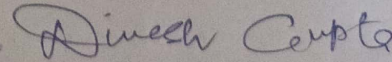
## VERIFICATION

I, Dinesh Gupta, S/o Krishan Lal Gupta, aged 56 years, resident of Kothi No. 1, Ward No. 14, Mohalla Prem Nagar Sain Garh, Near Daffodil Public School, Tehsil Pathankot-145001, District Gurdaspur, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No material fact has been concealed therefrom.

Verified at Pathankot on this 13th day of July, 2026



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 I, Dinesh Gupta, S/o Krishan Lal Gupta, do hereby declare on solemn affirmation that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No material fact has been concealed therefrom.



DEPONENT

Harmanjeet Bedi, Notary  
 Pathankot (Ph)

14 JUL 2026

