

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
(In O.A. No. 415 of 2025)

Public Action Committee & ors. Applicants

Vs.

State of Punjab & ors Respondents

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Dated: 30-03-2026
Place: Ludhiana



Er. Kapil Dev
(Applicant No. 2)

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

(In O.A. No. 415 of 2025)

Public Action Committee & ors. Applicants

Vs.

State of Punjab & ors Respondents

**Rejoinder by Applicants against submission dated 17-10-2025 of
Respondent No. 1 & 3.**

Hon'ble sir

Respectfully Showeth

The Applicants humbly submit as under:

***1. Regarding impugned 44.00 Crore from PSFDC in the form of Receipt
in Treasury on account of sale proceeds of fallen trees.***

**a. It is humbly submitted that the Respondent has relied upon the
Section 82 read with Section 2(4) & Section 2(6) of the Indian Forest
Act 1927 which are reproduced as under:**

Section 82. Recovery of money due to Government.—All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not

paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

Section 2(4) talks about Forest Produce which includes “timber”

2(6) “timber” includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and

REGARDING SECTION 82 OF INDIAN FOREST ACT 1927

- b. The Applicants respectfully submit that Section 82 of the Indian Forest Act, 1927 provides that money payable to the Government—towards price of forest produce, departmental expenses, or under any rule—is recoverable as arrears of land revenue if unpaid. However, the provision is purely procedural, confined to recovery of determined dues, and does not create or expand liability. **It merely equips the State with a coercive recovery mechanism against private persons or entities who have failed to deposit such dues.** Forest resources and their proceeds are held by the State in a fiduciary capacity, not as absolute owner. **Recovery as arrears of land revenue, including attachment or sale, is only a mode of enforcement and does not alter the character of the money; proceeds arising from forest produce continue to retain their nature even after recovery.**
- c. It is submitted that once the price of timber or other forest produce has already been realised and is lying with the Forest Department, no amount remains “due” or “payable” so as to attract Section 82. **The said provision cannot be invoked post-recovery as a mechanism to justify appropriation, diversion, or transfer of such already realised funds.**

Its scope is purely limited to recovery and does not extend to the subsequent handling or utilisation of monies already collected. It is a settled principle that recovery as arrears of land revenue is merely a mode of enforcement and does not alter the intrinsic character of the money recovered. Therefore, even after recovery, such amounts retain their character as proceeds of forest produce. **The Respondent cannot, under the guise of Section 82, treat such realised proceeds as general revenue or funds available for unfettered use beyond the statutory framework.**

REGARDING SECTION 2(4) AND 2(6) OF FOREST ACT 1927

- d. In this context, Sections 2(4) and 2(6) of the Act assume significance. Section 2(4) defines “forest-produce” to include timber, while Section 2(6) clarifies that “timber” includes trees when they have fallen or have been felled, and all wood whether cut, fashioned, or hollowed out. It is respectfully submitted that the definition of “timber” under Section 2(6) of the Indian Forest Act, 1927 is comprehensive and unqualified, inasmuch as it includes trees whether they have fallen naturally or have been felled, as well as all wood in whatever form. **The statutory definition does not draw any distinction based on the manner in which the timber is obtained, whether by natural fall, departmental felling, or through contractors for any infrastructure development purposes.**
- e. Accordingly, the character of timber as “forest-produce” under Section 2(4) remains unchanged irrespective of its source or mode of extraction. The origin of the timber—natural or otherwise—has no bearing on its legal classification

under the Act, and consequently, the proceeds arising from its sale retain the same statutory character. It therefore follows that any amount realised from the sale of such timber is intrinsically linked to forest resources and constitutes proceeds derived from forest-produce governed by the Act. **Such proceeds cannot be treated as ordinary revenue or funds available for general appropriation by the State.**

- f. It is further submitted that the Indian Forest Act, 1927 does not confer any authority upon the State to utilise or divert funds already realised from forest produce. Any such action would be *dehors* the statutory scheme and contrary to the legislative intent of regulating forest resources and ensuring their protection and sustainable use. The provision cannot be stretched to legitimise post-recovery diversion of funds, as this would defeat the very purpose of the Act. Accordingly, such realised amounts must be utilised strictly for forest-related purposes, including conservation, regeneration, afforestation, and protection of forest ecosystems. Any diversion for non-forest purposes would violate the statutory framework and settled principles governing natural resources, as proceeds from timber remain directly traceable to forest resources and arise from their regulated use
- g. That the principle has been consistently reaffirmed in decisions such as **Centre for Public Interest Litigation v. Union of India, Fomento Resorts and Hotels Ltd. v. Minguel Martins**, and the continuing mandamus proceedings in **T.N. Godavarman Thirumulpad v. Union of India**, **where the Hon'ble Supreme Court underscored that proceeds arising from natural resources must be managed in accordance with the State's trust obligations and environmental responsibilities.** Accordingly, funds

generated from forest produce, including timber, must necessarily be directed towards **afforestation, conservation, regeneration, and protection of forests**, and cannot be diverted for general governmental expenditure inconsistent with the statutory and constitutional mandate.

Keeping in view of the above submission, the forest resources and the proceeds arising therefrom are held by the State in a fiduciary capacity under the Public Trust Doctrine. The Hon'ble Supreme Court has consistently held that natural resources are not owned by the State in an absolute sense but are held in trust for the benefit of the public and future generations. Consequently, funds generated from forest produce must necessarily be applied towards conservation, regeneration, and protection of forests and the environment, and cannot be diverted for general or unrelated governmental expenditure at the discretion of the Respondent.

2. Regarding 40.00 crore from PSFDC in the form of Reciept of Treasury against unutilized funds for land acquisition

- a. It is most respectfully submitted that substantial unutilised funds earmarked for land acquisition continue to remain with the Forest Department, having accumulated over several years on account of recovery of cost/value of forest land diverted for non-forest purposes. These funds were collected with a specific statutory and ecological mandate and, therefore, carry a clear and binding obligation of utilisation strictly for compensatory afforestation and acquisition of forest land.

- b. That as per the policy framework of Ministry of Environment, Forest and Climate Change, the national target for forest cover is **33% of the geographical area**. However, despite repeated directions of this Hon'ble Tribunal and the Clean Air Action Plans prepared and finalised by the Central Pollution Control Board for Ludhiana and other major cities of Punjab, the forest cover in the State continues to decline. It is pertinent to submit that as per the India State of Forest Report 2021, the forest cover of Ludhiana has reduced from **68 sq. km (1.90%) in 2015 to 52.72 sq. km (1.47%)**, reflecting a **decline of 22.50%**. A similar trend prevails across other parts of Punjab, clearly demonstrating failure on the part of the Forest Department to effectively utilise funds received against diversion of forest land for non-forest purposes. However, such non-utilisation cannot justify diversion of these funds into general State revenue, and any such action is **arbitrary, illegal, and contrary to settled principles of law**.
- c. It is submitted that the recent directions of the Hon'ble Supreme Court under the "Land against Forest Land Policy" only reinforce the pre-existing obligation of the State to restore and augment forest cover. However, despite availability of adequate funds, the Forest Department has failed to take effective steps for acquisition of land within the State of Punjab, thereby aggravating the already alarming deficit in forest area, which is far below the national target of 33% of the total geographical area. It is pertinent to humbly submit here that the Hon'ble Supreme Court in in **T.N. Godavarman Thirumulpad v. Union of India** (W.P. (C) No. 202 of 1995) **has held that "no steps**

should be taken that may lead to reduction in Forest Land". Now since the funds available with Forest Department pertains to amount received against forest land which has been diverted for Non-forest activities, thus transfer of such funds would be an act of reduction of forest land as such land has to be utilised for purchasing forest land only.

- d. That the Hon'ble Supreme Court has consistently held that forest resources cannot be diverted for non-forest purposes and any such action is void ab initio. Therefore, diversion of funds arising from forest land is equally impermissible and violative of the Public Trust Doctrine."
- e. It is further submitted that such inaction, negligence, or administrative inefficiency on the part of the Forest Department cannot be used as a pretext or justification for diversion, transfer, or reallocation of these earmarked funds for purposes unrelated to forest conservation. Permitting such diversion would not only defeat the very object for which the funds were collected but would also amount to a colourable exercise of power and a violation of the settled principles governing environmental jurisprudence, including the doctrine of public trust.
- f. It is, therefore, most humbly submitted that the funds in question are in the nature of dedicated and non-divertible funds, intrinsically linked to ecological restoration and environmental balance, and must be mandatorily utilised for acquisition of forest land and allied forestry purposes alone. Any attempt to transfer or utilise these funds for

general revenue or any other extraneous purpose is arbitrary, illegal, and liable to be set aside.

Prayer:

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that the submission made by the Respondent No. 1 & 3, purportedly relying upon Section 82 read with Sections 2(4) and 2(6) of the Indian Forest Act, 1927, is wholly arbitrary, misconceived, and contrary to the true intent and scheme of the Act.

It is further prayed that the diversion and transfer of funds by the Respondent from the Forest Department to the head of General Revenue be declared illegal, unjustified, and unsustainable in the eyes of law.

Accordingly, this Hon'ble Authority may graciously be pleased to set aside the impugned action of fund transfer and direct that the amount of Rs 84 Crores with details as:

- a) 44.00 Crore from PSFDC in the form of Receipt in Treasury on account of sale proceeds of fallen trees.*
- b) 40.00 crore from PSFDC in the form of Reciept of Treasury against unutilized funds for land acquisition*

be forthwith restored and deposited back with the Forest Department, to be utilized strictly for forest-related purposes in accordance with law.

Any other order or direction deemed fit and proper in the interest of justice may also kindly be passed.



Date: 30-03-2026

Place: Ludhiana

Er. Kapil Dev
(Applicant No. 2)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

In O.A. No. 415 of 2025

IN THE MATTER OF:

PUBLIC ACTION COMMITTEE & ORS.

APPLICANTS

VERSUS

STATE OF PUNJAB & ORS.

RESPONDENTS

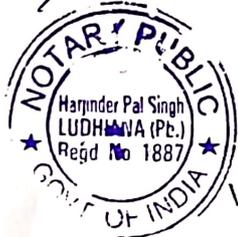
AFFIDAVIT

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 O.A. No. 415 of 2025 and is filing Rejoinder for kind consideration by this Hon'ble Tribunal.
- 2. That I have read the Rejoinder dated 30-03-2026 from paragraphs 1 to 2 along with sub-paras from pages 1 to 9 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.

998
30-03-2026

Certified that the affidavit has SPA/GPA has been readover & explained to the deponent executant who seemed directly to understand the same at time making thereof



VERIFICATION

[Signature]
DEPONENT

Verified at Ludhiana on this 30th Day of March 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.

[Signature]
DEPONENT

know the Deponent/Executant personally and he/she has Signed/Thumb impression in my presence.

ATTESTED AS IDENTIFIED

[Signature]

NOTARY PUBLIC
LUDHIANA (PB.)
30 MAR 2026

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PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Service of document - Rejoinder in OA 415 of 2025

PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Tue, Mar 31, 2026 at 8:18 AM

To: Chief Secretary Punjab <cs@punjab.gov.in>, msppcb@gmail.com, msppcb@punjab.gov.in, pccfcomplex@gmail.com, secy.te@punjab.gov.in, MoEFCC Secretary <secy-moef@nic.in>, mscb.cpcb@nic.in

Dear sir,

PFA copy of rejoinder in OA 415 of 2025 - as service of documents.

Regards

Public Action Committee
through Er. Kapil Dev
(Petitioner No. 1)
O.A. No. 415 of 2025
M: 9872007872

 **Rejoinder by Applicants in OA 415 of 2025.pdf**
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