

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

ORIGINAL APPLICATION NO. 1217 OF 2024

IN THE MATTER OF:

PUBLIC ACTION COMMITTEE

.... APPLICANTS

VERSUS

THE DEPUTY INSPECTOR GENERAL OF FORESTS (CENTRAL) &

Ors.

... RESPONDENTS

INDEX

S. No.	PARTICULARS	PAGE
1.	Para-wise Reply affidavit on behalf of Union of India, Ministry of Environment, Forest and Climate Change (Respondent No.1),	1-6
2.	A copy of Stage- I approval dated 10.01.2024 has been annexed hereto as Annexure 1	7-10
3.	A copy of Final approval dated 08.03.2024 has been annexed hereto as Annexure 2	11-13

Filed By

Nidhi Jaswal

Nidhi Jaswal

Advocate for the Respondent No. 1

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

ORIGINAL APPLICATION NO. 1217 OF 2024

IN THE MATTER OF:

PUBLIC ACTION COMMITTEE

.... APPLICANTS

VERSUS

**THE DEPUTY INSPECTOR GENERAL OF FORESTS (CENTRAL)&
Ors.**

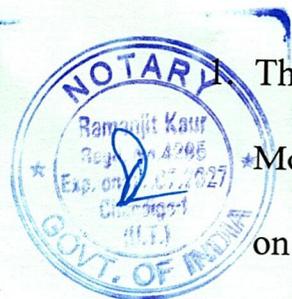
... RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1, THE
DEPUTY INSPECTOR GENERAL OF FORESTS (CENTRAL), REGIONAL
OFFICE, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE, CHANDIGARH**

MOST RESPECTFULLY SHOWETH:

I, N.K Dimri S/o J.P Dimri aged about 38 years, presently working as Technical Officer in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC) at Chandigarh do hereby, in my official capacity, solemnly affirm and state on oath as follows:

That I am competent to swear the present counter affidavit on behalf of MoEF&CC and I am aware of the facts and circumstances of the case based on record.



2. At the outset, I deny all averments, submissions, statements, allegations made therein except those specifically admitted herein after.
3. It is humbly submitted that the present Application has been filed for directions of this Hon'ble Tribunal against the final approval given by Respondent No. 1 for diversion of 1.05 Hectare of Forest Land for Non-Forestry Purpose for project estimate for modernization/concrete lining as well as against decision of Axing of around more than 250 fully grown trees at R-2 Distributaries which off takes at RD 88000/R of Sidhwan Canal Branch from RD 1050 to 46266 Village AyaliKhurd to Village Fatehpur, Tehsil and District, Ludhiana.
4. That the Applicants have prayed to this Hon'ble Tribunal to set aside the final approval given by Respondent No. 1 and issue directions of restoring the status of land as Forest Land again and directions be issued restricting the Respondent Forest Department of Punjab from axing any tree from the location. The Applicant further prayed the Hon'ble Tribunal to issue directions to the Respondent Irrigation Department restricting them in concretizing the Channel and look for any other possibility against it.

STATEMENT OF FACTS:

5. It is humbly submitted that 'Land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, being the repository of the land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme Court.



6. It is humbly submitted that, vide letter no. FOREST-FCA0F-1/134/2023-FCA dated 26.10.2023 having Proposal No. FP/PB/Minor Canal/434613/2023), the Government of Punjab submitted a proposal for seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 {formerly known as the Forest (Conservation) Act, 1980} for diversion of 1.05 ha of forest land for project regarding modernization/ concrete lining of 2- R Distributary offtakes at RD 88000/R of Sidhwan Branch from RD 1050 to 46266 village Ayalikhurd to village Fatehpur Tehsil & District Ludhiana, under forest division Ludhiana. The Regional Office examined the proposal in all aspects including the number of the project affected trees. With respect to the number of the project affected trees; the Regional Office requested following additional information from the State Government along with others:

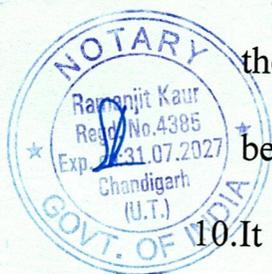
“Examination of the proposed site over google satellite imaginary and further as per the tree enumeration details it is ascertained that the proposed patch has dense vegetation with 433 trees including many established multi-purpose trees species. Accordingly, the State Government may revisit the proposal and possibility of retaining large trees need to be explored; a report in this regard needs to be submitted”.

7. That, in response 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. The Regional Office accepted the revised details and after careful consideration and examination of the proposal, the Regional Office, MoEF&CC, Chandigarh, accorded **Stage-I/ In-Principle** approval vide letter



no. FP/PB/MinorCanal/434613/2023 dated 10.01.2024 for diversion of the
aforementioned proposal subject to the fulfilment of conditions mentioned
therein. (A copy of Stage-I approval dated 10.01.2024 has been annexed
hereto as **Annexure 1**)

8. Thereafter, the State Government submitted the Stage-I Compliance report dated 26.02.2024 on the conditions of the Stage I Approval. The compliance report was examined carefully and based on that, the *Stage-II/Final* approval was conveyed by the Regional Office, MoEF&CC, Chandigarh vide letter no. FP/PB/MinorCanal/434613/2023 dated 08.03.2024 for diversion of 1.05 ha of forest land for project estimate for modernization/ concrete lining of 2-R Distributary offtakes at RD 88000/R of SIDHWAN BRANCH from RD 1050 to 46266 village Ayali khurd to Village Fatehpur Tehsil & Distt. Ludhiana, under forest division Ludhiana subject to the conditions mentioned therein. (A copy of Final approval dated 08.03.2024 has been annexed hereto as **Annexure 2**).
9. It is humbly submitted that, the representation of the applicant was forwarded to the State Government vide email dated 27.02.2025 for providing specific comments. The reply from the State Government has been received vide letter dated 21.03.2025. The State Government has forwarded the copy of the reply filed by the DFO, Ludhiana in the Hon'ble NGT on behalf of the State Government.
10. It is humbly submitted that the Compensatory Afforestation has been done as per the Rule 13 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam Rules 2023.
11. Lastly, it is submitted that the Central Government has taken due care and abundant precaution and examined all the aspects of the proposal before



granting the final approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

12.It is submitted that the present counter affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present.

13.It is respectfully also submitted that the answering respondent without prejudice reserves his right to file an additional affidavit at a later stage, if so necessary.



DEPONENT

VERIFICATION

I, the N. K Dimri, Technical Officer, Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from.

ATTESTED
RAMANJIT KAUR
Notary, Distt. Courts, Chandigarh

16 JUN 2025

DEPONENT

The contents of this Affidavit/Document has been explained to the deponent's dependants. He/She has admitted the contents to be correct. The deponent has signed Register at Sr. No. 1166, 103 Date 16/6/2025



सत्यमेव जयते

Government of India

Ministry of Environment, Forest & Climate Change

Regional Office, Chandigarh



Online Proposal No.:
FP/PB/MinorCanal/434613/2023



Dated: 10/01/2024

To,

The Additional Chief Secretary (Forests),
Government of Punjab, Mini Secretariat,
Sector-9, Chandigarh

Subject:

Diversion of 1.05 ha of forest land for project estimate for modernization/ concrete lining of 2-R Distributary offtakes at RD 88000/R of SIDHWAN BRANCH from RD 1050 to 46266 village Ayali khurd to village fatehpur tehsil & distt. Ludhiana, Under forest division Ludhiana. (Proposal no. FP/PB/Minor Canal/434613/2023)-reg.

Ref: State Government's letter FOREST-FCA0F-1/134/2023-FCA dated 26.10.2023.

Sir/Madam,

Kindly refer to the subject cited above and letter under reference for seeking prior approval in accordance with section 2 of the Van(Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 1.05 ha forest land for non-forestry purpose. After careful examination of the proposal, I am directed to convey *In-principle* approval for the above-mentioned project, subject to the following conditions:

1. General Conditions

S. No	Conditions
1.1	<ol style="list-style-type: none"> 1. Cost of Compensatory Afforestation, as per CA scheme, may be realized from the user agency. 2. Net Present Value (NPV) of the forest land 1.05 hectares being diverted for non-forestry purpose may be realized from the user agency, as per Ministry's directions issued vide letters No. 5-3/2011-FC (Vol-I) dated 6th January 2022 and Hon'ble Supreme Court of India's Order WP (C) No. 202/1995, I.A. No. In 566, dated 30th October 2002, 28th March, 2008, 24th April, 2008 and 9th May 2008. 3. The Net Present Value (NPV) of the forest land and all other CA levies shall be deposited through web portal of Ministry of Environment, Forest and Climate Change

S. No	Conditions
	<p>cost, as per the directions of the concerned Divisional Forest Officer.</p> <p>11. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.</p> <p>12. No kind of damage will be done to the adjoining forest land. Simultaneously, all efforts will be made to save adjoining forest and forest land.</p> <p>13. The forest land proposed to be diverted shall, under no circumstances, be transferred to any other agency, department, or person without approval of the Central Government.</p> <p>14. The layout plan of the proposal shall not be changed without prior approval of Central Government.</p> <p>15. The user agency shall carry out muck disposal at pre-designated sites as per the scheme approved.</p> <p>16. Any other condition may be stipulated by this regional office from time to time, in the interest of conservation, protection and development of forests & wildlife.</p> <p>17. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.</p> <p>18. Violation of any of these conditions will amount to violation of Van(Sanrakshan Evam Samvardhan) Adhinyam, 1980 and action would be taken as per para 1.16 of the consolidated Guidelines and Clarifications on Van(Sanrakshan Evam Samvardhan) Adhinyam, 1980 and Van(Sanrakshan Evam Samvardhan)Rules,2023, MoEF&CC.</p> <p>19. It will be the responsibility of the State Government/User Agency to obtain all other prior approvals/clearances under all other relevant Acts/Rules/ Court's Rulings/instructions, etc., including environmental clearance, as applicable to this proposal.</p>

3. Specific Conditions

After receipt of the compliance report on the fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under section 2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Government in this regard.

Copy To

1. Inspector General of Forests (ROHQ), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jorbagh, Aliganj, New Delhi. (ramesh.pandey@nic.in)
2. The Principal Chief Conservator of Forests, Punjab, Forest Complex, Sector-68, SAS Nagar, Mohali, Punjab. (pccfpunjab@gmail.com)
3. The Chief Executive Officer, CAMPA, Forest Complex, Sector-68, SAS Nagar, Mohali, Punjab (ceo.puncampa@gmail.com)
4. The Officer, Forest Division District Bathinda.

S. No	Conditions
	<p>www.parivesh.nic.in.</p> <p>4. Complete compliance report will be uploaded in the e-portal (https://parivesh.nic.in/).</p> <p>5. User agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.</p> <p>6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.</p>

2. Standard conditions

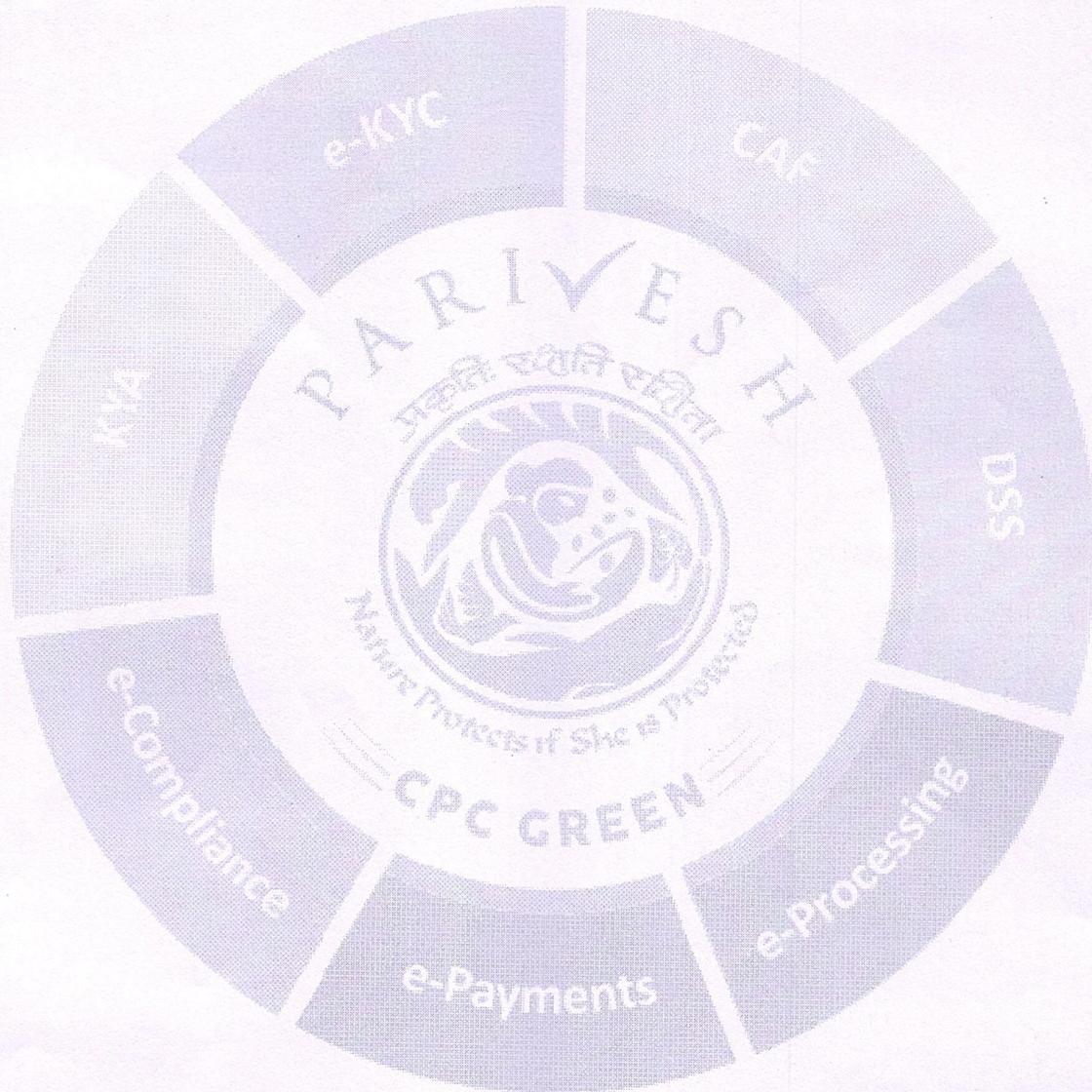
S. No	Conditions
2.1	<ol style="list-style-type: none"> 1. Legal status of the forest land shall remain unchanged. 2. The number of trees/plants to be felled shall not in any way exceed the number indicated in the proposal and no harm shall be done to the wildlife during felling of trees. The felling of trees/plants will be carried out under the strict supervision of the State Forest Department and the amount spent on felling of trees/plants will be deposited by the user agency to the State Forest Department. 3. As per the proposed CA Scheme, Compensatory afforestation (CA) shall be taken up by the State Forest Department over degraded forest land in <i>Mattewara Forest C. No. 18 & 19 in Tehsil-Ludhiana East, District-Ludhiana</i> at the cost of the user agency. The Plantation shall be done within one year from the date of issue of approval. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species shall strictly be avoided. 4. The State Government shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation in the <i>E-Green watch portal of FSI</i>, before handing over of forest land to the user agency. 5. The forest land shall not be used for any purpose other than that specified in the proposal. 6. The user agency shall pay additional amount of NPV as and when increased by the order of Hon'ble Supreme Court and the State Government will ensure that the increased amount is deposited. 7. The initial permission will be given to this proposal for 99 years. After that the permission shall again be obtained from the Government of India. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favor of the user agency or the project life, whichever is less. 8. No labour camp shall be established on the forest land. 9. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel. 10. The boundary of the diverted forest land shall be suitably demarcated on ground at the project

5. Executive Engineer, Ludhiana canal anmd ground water division,WRD, Dugri phase 1,Ludhiana(amritveerpal.singh58@punjab.gov.in)

Your's faithfully

(Raja Ram Singh)

Dy. Inspector General of Forests (Central),
MoEF&CC, RO, Chandigarh



Signature Not Verified

Digitally Signed by : Raja Ram Singh
Deputy Inspector General of Forest, IRO

Date: 10/01/2024

Kidui Jaisal
true copy



सत्यमेव जयते

Government of India

Ministry of Environment, Forest and Climate Change

Regional Office, Chandigarh



Online Proposal No.:

FP/PB/MinorCanal/434613/2023



Dated: 08/03/2024

To,

The Additional Chief Secretary (Forests),
Government of Punjab, Mini Secretariat,
Sector-9, Chandigarh

Subject:

Diversion of 1.05 ha of forest land for project estimate for modernization/ concrete lining of 2-RDistributary offtakes at RD 88000/R of SIDHWAN BRANCH from RD 1050 to 46266 village Ayali khurd to village fatehpur tehsil & distt. Ludhiana, Under forest division Ludhiana. (Proposal no. FP/PB/Minor Canal/434613/2023)-reg.

Ref: State Government's Stage-I Compliance report dated 26.02.2024.

Sir/Madam,

Kindly refer to the subject cited above and letter under reference for seeking prior approval in accordance with section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 1.05 ha. of forest land for non-forestry purpose. In this proposal, *In-principle* approval was granted by this office's letter of even number dated 10.01.2024, whose compliance report was received through State Government's Stage-I Compliance report dated 26.02.2024. After careful examination of the received compliance, I am directed to convey **Final Approval** for the above-mentioned project, subject to the following conditions:

1. General Conditions

S. No	Conditions
1.1	<ul style="list-style-type: none"> i. Legal status of the forest land shall remain unchanged. ii. The number of trees/plants to be felled shall not in any way exceed the number indicated in the proposal and no harm shall be done to the wildlife during felling of trees. The felling of trees/plants will be carried out under the strict supervision of the State Forest Department and the amount spent on felling of trees/plants will be deposited by the user agency to the State Forest Department. iii. As per the proposed CA Scheme, Compensatory afforestation (CA) shall be taken up by the State Forest Department over degraded forest land in Matwara Forest C. No. 18 & 19 in Tehsil-Ludhiana East, District-Ludhiana at the cost of the user agency. The Plantation shall be

S. No	Conditions
	<p>done within one year from the date of issue of approval. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species shall strictly be avoided.</p> <p>iv. As per the proposed CA Scheme, Additional Compensatory afforestation (ACA) shall be taken up by the State Forest Department over degraded forest land in <i>Mattewara Forest C. No. 18 & 19 in Tehsil-Ludhiana East, District-Ludhiana</i> at the cost of the user agency. The Plantation shall be done within one year from the date of issue of approval. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species shall strictly be avoided.</p> <p>v. The Nodal Officer (State CAMPA) Authority shall ensure that the funds under State CAMPA will be released to Divisional Forest Officer as per approved CA scheme.</p> <p>vi. The State Government shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation in the <i>E-Green watch portal of FSI</i>, before handing over of forest land to the user agency.</p> <p>vii. The initial permission will be given to this proposal for 99 years. After that the permission shall again be obtained from the Government of India. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favor of the user agency or the project life, whichever is less.</p> <p>viii. The forest land shall not be used for any purpose other than that specified in the proposal.</p> <p>ix. The user agency shall pay additional amount of NPV as and when increased by the order of Hon'ble Supreme Court and the State Government will ensure that the increased amount is deposited.</p> <p>x. No kind of damage will be done to the adjoining forest land. Simultaneously, all efforts will be made to save adjoining forest and forest land.</p> <p>xi. The forest land proposed to be diverted shall, under no circumstances, be transferred to any other agency, department, or person without approval of the Central Government.</p> <p>xii. The layout plan of the proposal shall not be changed without prior approval of Central Government.</p> <p>xiii. The user agency shall ensure muck disposal during construction of proposed canal as per submitted undertaking.</p> <p>xiv. Any other condition may be stipulated by this regional office from time to time, in the interest of conservation, protection and development of forests & wildlife.</p> <p>xv. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.</p> <p>xvi. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan)Adhinyam, 1980 and action would be taken as per para 1.16 of the consolidated guidelines and clarifications on Van (Sanrakshan Evam Samvardhan)Adhinyam, 1980 and Van (Sanrakshan Evam Samvardhan)Rules, 2023, MoEF&CC.</p> <p>xvii. It will be the responsibility of the State Government/User Agency to obtain all other prior approvals/clearances under all other relevant Acts/Rules/ Court's Rulings/instructions, etc., including environmental clearance, as applicable to this proposal.</p>

2. Standard conditions

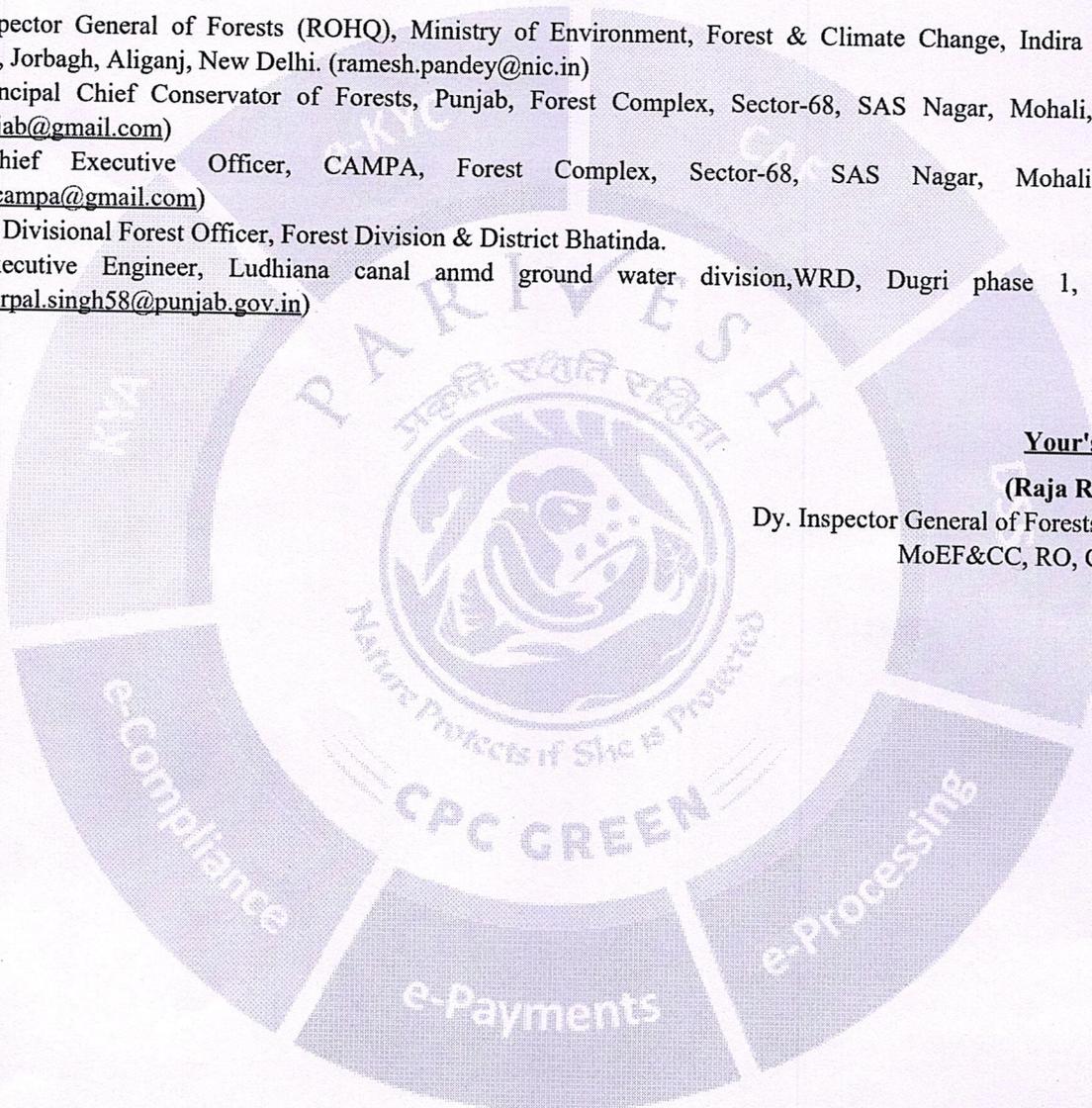
S. No	Conditions
2.1	The User Agency shall undertake afforestation along periphery of the reservoir and canal banks and maintain plantation with State Forest Department(as applicable)

3. Specific Conditions

S. No	Conditions
3.1	The Ministry may suspend/cancel this approval if the implementation of any of the above conditions is not satisfactory. The State Government will ensure compliance of these conditions through the Forest Department.

Copy To

1. Inspector General of Forests (ROHQ), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jorbagh, Aliganj, New Delhi. (ramesh.pandey@nic.in)
2. Principal Chief Conservator of Forests, Punjab, Forest Complex, Sector-68, SAS Nagar, Mohali, Punjab. (pccfpunjab@gmail.com)
3. Chief Executive Officer, CAMPA, Forest Complex, Sector-68, SAS Nagar, Mohali, Punjab (ceo.puncampa@gmail.com)
4. The Divisional Forest Officer, Forest Division & District Bhatinda.
5. Executive Engineer, Ludhiana canal anmd ground water division, WRD, Dugri phase 1, Ludhiana (amritveerpal.singh58@punjab.gov.in)

Your's faithfully**(Raja Ram Singh)**Dy. Inspector General of Forests (Central),
MoEF&CC, RO, Chandigarh

Kidni Jaisal
true copy