

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

M.A No .10/2025
in OA No. 343 of 2024

Mahendra Kumar Arora

...Applicant

Versus

State of Punjab & others.

...Respondents

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Place: SAS Nagar

Dated: 24/6/25


(DEPONENT)

Dharminder Sharma, IFS
Principal Chief Conservator of Forests (HoFF),
Deptt. of Forest and Wildlife Preservation, Punjab

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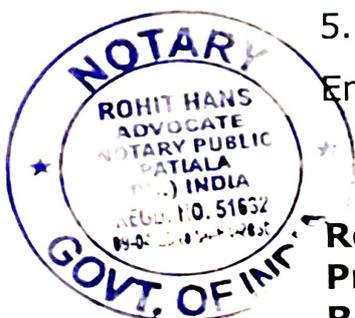
...Applicant

Versus

1. State of Punjab through Secretary Environment Department, Government of Punjab, Room No. 323, 3rd Floor, Punjab Civil Secretariat-2, Sector-9, Chandigarh-160009, Email: secy.te@punjab.gov.in.
2. Principal Chief Conservator of Forests (HoFF), Punjab, Forest Complex, Sector-68, SAS Nagar, Mohali, Punjab, Email: pccfcomplex@gmail.com.
3. Punjab Pollution Control Board through Member Secretary, Head Office, Vatavaran Bhawan, Punjab Pollution Control Board, Nabha Road, Patiala. Email: msppcb@gmail.com
4. District Magistrate, Patiala, District Administrative Complex, Block A Mini Sectt, Patiala, 147004, Email: dc.ptl@punjab.gov.in.
5. The British Co-Ed, High School, Devigarh Road, Punjab, 147001, Email: info@britishcoed.edu.in

...Respondents

**Reply by the way of affidavit of Dharminder Sharma, IFS,
Principal Conservator of Forest (HoFF), Punjab on behalf of
Respondent No. 2.**



Respectfully Showeth:

I, the above named deponent, am conversant with the facts of the case and competent to swear this affidavit, do hereby solemnly affirm and declare as under:-

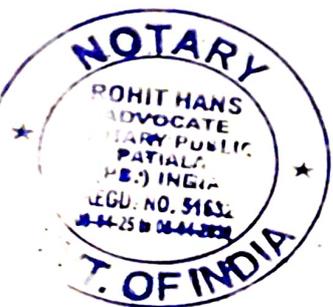
1. That I am presently holding the charge of Principal Conservator of Forest (HoFF), Punjab.
2. That the present affidavit is being filed in compliance of the order of this Hon'ble Tribunal dated 16.04.2025.
3. That the present affidavit is being filed on the basis of report of Divisional Forest Officer, Patiala.

PRELIMINARY OBJECTIONS

1. That the applicant has approached the Hon'ble Tribunal with half facts/misleading information and has not disclosed the true facts and circumstances pertinent to adjudicate the matter in question.



2. That the applicant has levelled false allegations against the officials of Forest Division Patiala, who have performed their duties in accordance with due process of law and nothing has been done as contrary to law.
3. That it is submitted that the Forest Division Patiala had received a complaint by the present complainant regarding British Co Ed School (Respondent no. 5), located on Left side of Forest Strip Sanour distributary (RD Patiala Sanour Road to Patiala Pehowa Road) falling in Sanour Beat, Patiala Range, Patiala Forest Division from the office of Deputy Commissioner Patiala on 15.02.2022. Upon receiving this complaint, a five member team was constituted by Divisional Forest Officer Patiala on 15.02.2022 under Range Officer, Nabha Ms. Amandeep Kaur for enquiry of the same. The team submitted its Report on dated 10.03.2022.
4. That as per the Forest Range Officer Patiala report, the school was using access /approach measuring 0.01022 hac. through forest strip without necessary approval under Forest Conservation Act, 1980 for a Non-Forest purpose. The



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temporary encroachment for passage and parking was carried out in an area of 817 Sq. Mtr. A New Residential Colony was established by another private person, named Jasvir Singh s/o Ranjodh Singh Resident of Ajit Nagar , Patiala (Proprietor of R.S Enclave), on Right Side of Sanour distributary. While taking access to the colony through a road under jurisdiction of Municipal Committee Sanour, land breaking was carried out by the said coloniser in the Forest strip adjacent to the road in an area of about 495 Sq. Mtr. Additionally, total 28 trees were also found missing on the above mentioned site in Sanour distributary, of which only 11 dead and dry trees were departmentally felled whereas 17 were felled illicitly, though the timber has been retrieved from the strip and recorded in the timber form No. 5 and 7 of the department by concerned incharge.

5. That upon receiving the above report, the concerned Divisional Forest Officer, Patiala took punitive action against the erring parties i.e., the school and the Coloniser and damage reports against the coloniser and school were



issued on 02.02.2022 and 31.05.2022 respectively, thereafter, as per the rules a complaint case bearing No. COMA/2275/2022 (Divisional Forest Officer Patiala Vs Kiran Harika, British Co. Ed School) which is listed for consideration on 09/07/2025 and COMA/429/2022 (Divisional Forest Officer Patiala Vs Jasvir Singh, Coloniser) which is listed for evidence on 02/07/2025 are pending in the court of Chief Judicial Magistrate, Patiala, respectively. Hence, it is clear that the department has taken action as per rules.

6. As per Para No. 12 of order dated 16/04/2025 of Hon'ble National Green Tribunal, It is clarified that action regarding Environment Protection Act 1986 was to be taken by Punjab Pollution Control Board and regarding collusion, the concerned Beat incharge was suspended immediately on 11/03/2022 and departmental action for major penalty under Punjab Civil Services (Punishment and Appeal) Rules, 1970 has been initiated by the office of Divisional Forest Officer Patiala.



7. That it is pertinent to mention here that under the supervision of Divisional Forest Officer, Patiala joint demarcation of the Forest Land has also been carried out with the Revenue Department on 25.03.2022 and temporary encroachment utilized for passage and parking by the violators has been cleared along both sides of the Forest Strip and Possession of Forest Land has been taken back by the Range Officer, Patiala.

8. That it is further relevant to mention here that a notice dated 25.02.2022 under Forest Conservation Act, 1980 was issued by the Office of Divisional Forest Officer Patiala to the School for taking approval for approach and access from Ministry of Environment Forest and Climate Change and an online case for diversion of Forest land for approach and access with area of 0.1022 Ha. After receiving the notice the school applied through Proposal No. FP/PB/Others/433877 dated 19.06.2023 (**Annexure R-1**), this area is now revised to 0.0156 ha. after carrying out a fresh survey and for



restoration of forest land damaged by the school along with the forest strip a penal NPV (Net Present value) as per law, an amount of Rs.4,23,430/- has been proposed in the above case by the Office of Divisional Forest Officer Patiala as per the Forest Conservation Act, 1980 rules. The above proposal has been sent to Nodal Officer FCA, S.A.S Nagar, Punjab for further necessary action.

9. That in compliance to Hon'ble National Green Tribunal order dated 1-7-2024, a Joint Committee comprising the then Principal Chief Conservator of Forest, District Magistrate, Patiala and Regional officer, MoEF&CC, Chandigarh was constituted. The committee has submitted its detailed report dated 16-9-2024 which is annexed (**Annexure R-2**) in which the Joint Committee has concluded that adequate remedial, punitive, preventive and restorative measures have been taken by the Divisional Forest Officer , Patiala, the same is reproduced as under :-



*"Punitive Action against the Concerned taken by
Divisional Forest Officer Patiala:*

1. Punitive action for violation under Indian Forest Act 1927, against school was initiated on 31.05.2022 by issuing damage report and civil case COMA 2275 of 2022 was filed against School, in District Court Patiala.

2. Punitive action for violation under Indian Forest Act 1927, against the Residential colony was initiated by issuing damage report on 02.02.2022 and a civil case, COMA 429 of 2022, was filed against the coloniser in District Court Patiala.

3. With respect to loss of 17 trees and non action against violation, the concerned Beat incharge was suspended immediately on 11/03/2022 and departmental action for major penalty under Punjab Civil Services (Punishment and Appeal) Rules 1970 has been initiated by office of DFO Patiala.

Remedial Action taken up and Proposed:

1. Joint Demarcation of the Forest Land has been carried out with Revenue Department Dated 25.03.2022 and the temporary encroachment utilized



for passage and parking by the violators has been cleared along both sides of the Forest Strip and Possession of Forest Land has been taken by the Range team Patiala.

2. Notice under Forest Conservation Act 1980 has been issued to the School for taking approval for approach and access from Ministry of Environment Forest and Climate Change by Office of Divisional Forest Officer Patiala Dated 25.02.2022 .

3. The online case for diversion of Forest land for approach and access with an area of 0.08175 ha. has been applied by the School Proposal : FP/PB/Others/433877 dated 19.06.2023 and Restoration of Forest land damaged by the School along the Forest strip has been has been proposed in the FCA case by Office of Divisional Forest Officer Patiala.

Preventive Action Taken:



The violation carried out by violators Concerned (The coloniser of the residential colony and the school) though being a compoundable offence under Indian Forest Act 1927, in order to make the action deterrent the civil case has been filed against the offenders."

As detailed in the above para, it is again reiterated that preventive & punitive action has already been taken by Divisional Forest Officer, Patiala against the offenders as per the law.

REPLY ON MERITS

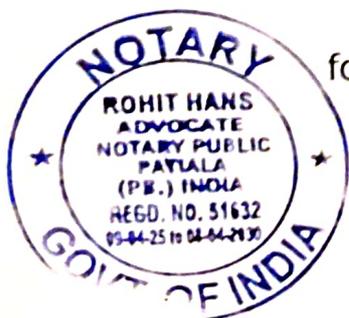
1. That para no. 1 of the application is admitted to the extent that the Central Government is creating awareness in the general public about tree plantation to reduce and curb pollution. Rest of the para is wrong and hence denied. It is wrong and denied that about 250 trees were illegally felled by the British Co-Ed School Authorities and has also encroached upon the Forest land in Patiala-Sanour Road falling under Forest Range Patiala, in connivance with the officials of Forest Department mentioned



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in this para. It is also wrong and denied that there has been any tampering of tree register. It is relevant to mention here that the copy of the records are available in higher offices also and all standing trees have been entered in the register. As explained in para 1 to 9 above, only 17 trees have been felled and for which punitive action against both the concerned staff and the user agency has already been taken.

2. That the contents of para no. 2 of the application are wrong and hence denied. All the allegations levelled in this para are vague, concocted and without any footing. It is pertinent to mention here that the Divisional Forest Officer, Patiala on receiving the complaint on 15.02.2022, constituted a five member team on 15.02.2022 under Range Officer Nabha Ms. Amandeep Kaur for enquiry of the same. The team submitted its report on 10.03.2022 and the actions taken thereafter are mentioned in detail in the above preliminary paras, which may kindly be read in reply to the averments of this para and are not repeated here for the sake of brevity.



3. That the contents of para no. 3 of the application are wrong and hence denied. It is pertinent to mention here that for redressal of the complaint of the complainant and in compliance to Hon'ble National Green Tribunal order dated 1-7-2024, a Joint Committee comprising Principal Chief Conservator of Forest, District Magistrate, Patiala and Regional officer, MoEF&CC, Chandigarh was constituted. The committee has submitted its detailed report dated 16-9-2024 which is annexed as **Annexure R-2** in which the Joint Committee has concluded that adequate remedial, punitive, preventive and restorative measures have been taken by the Divisional Forest Officer, Patiala. The complete set of actions taken by the replying respondent are already described in the preliminary paras and are not repeated here for the sake of brevity.



4. That the contents of para no. 4 of the application are wrong and hence denied. The detailed reply to the same has been given in the previous paras and not being repeated here for the sake of brevity.

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Prayer clause is wrong and hence denied.

Keeping in view of the above, it is most humbly and respectfully prayed that the application filed by the applicant may kindly be dismissed in the interest of justice.

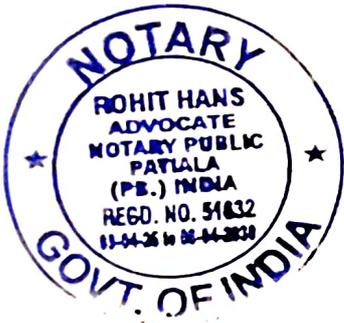
Place: SAS Nagar

Dated: 24/6/25

[Signature]
(DEPONENT)

Dharminder Sharma, IFS

Principal Chief Conservator of Forests (HoFF),
Deptt. of Forest and Wildlife Preservation, Punjab



The Contents of this affidavit document have been read over to the deponent He/She has accepted the true & correct.

VERIFICATION:

*Sh. Pawanpreet Singh
I identify the deponent/Person to whom I know Personally.
Block officer (forester)*

Verified that the contents of the reply by way of affidavit from Para No. 1 to 9 of preliminary objections and Paras No. 1 to 4 on merits are true and correct to the best of my knowledge and nothing has been concealed therein.

Place: SAS Nagar

Dated: 24/6/25

This Document has been registered at Serial No. 40 This day of 25/6 2025

[Signature]
(DEPONENT)

Dharminder Sharma, IFS

Principal Chief Conservator of Forests (HoFF),
Deptt. of Forest and Wildlife Preservation, Punjab

Attested as Identified
[Signature]
(ROHIT HANS)
NOTARY PUBLIC

24 JUN 2025