

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(IN ORIGINAL APPLICATION NO. 626 OF 2025)**

IN THE MATTER OF:

COUNCIL OF ENGINEERS & ORS.

...APPLICANTS

VERSUS

STATE OF PUNJAB & ORS.

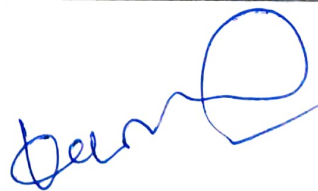
...RESPONDENTS

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Place: Ludhiana

Dated: 13-07-2026



(Er. Kapil Dev)

Petitioner No. 2 in Person

aroraengineers@gmail.com

M: 9872007872



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REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANTS

I, Er. Kapil Dev, S/o Sh. Jagdish Chander, aged about 50 years, resident of 186-E, BRS Nagar, Ludhiana, Punjab, the Applicant No. 2 in the present Original Application, do hereby solemnly affirm and state as under:

1. That I am the Applicant in the present Original Application and am fully conversant with the facts and circumstances of the case and competent to swear the present Rejoinder Affidavit.

2. That the present rejoinder is being filed in response to the short reply affidavit dated 08.04.2026 filed by Respondent Nos. 1 to 3. Save and except what is specifically admitted herein, all averments, submissions and contentions raised in the said reply are denied.

3. That at the outset, it is submitted that the reply filed by the Respondents is vague, evasive and does not deal with the core issues raised in the Original Application. The Respondents have attempted to mislead this Hon'ble Tribunal by relying upon a subsequent amendment vide Notification dated 07.04.2026 (hereinafter



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referred to as the "Amendment"), which does not cure the inherent illegality of the Impugned Policy for Approval/Regularisation of Low Impact Green Habitats (LIGH) 2025 (hereinafter referred to as the "Impugned Policy"). Instead of addressing the substantive issues raised in the Original Application, the Respondents have made a misplaced attempt to render the present Original Application infructuous by relying upon a subsequent Amendment. However, the Amendment does not cure the foundational illegality of the Impugned Policy.

PRELIMINARY SUBMISSIONS

4. That Respondent No. 5, the MoEF&CC, had issued one letter dated 17-12-202 (Please refer to Running Page No. 401 of this OA) to the Additional Chief Secretary, Forests & Wildlife Department, Punjab requesting the State Government to submit a factual report with documentary evidences on the contentions raised by Applicants in present OA. The contents of the letter are produced as under:

"I am directed to inform you that the above stated matter is pending before the Hon'ble National Green Tribunal, Principal Bench, New Delhi. The instant OA has been filed seeking appropriate directions against the impugned executive notification "Policy for Approval/Regularization of Low Impact Green Habitats (LIGH) 2025" (Annexure P-5) which amounts to converting large tracts of land earlier de-listed from the ambit of the Forest (Conservation) Act, 1980-into residential and commercial habitats, which is in complete violation of the specific conditions categorically restricted land use only to agriculture and livelihood, and any diversion towards



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habitation or commercialization stands ultra vires. the delisted areas are directly abutting forest lands and are governed by the Eco-tourism Guidelines of 2018 issued by MoEF&CC under Forest Conservation Act 1980 (FCA 1980), which permit only eco-tourism, agro-forestry, watershed protection, and community development activities. (Copy of the Original Application is enclosed.)

1. The petitioner has alleged that the impugned Notification is ultravires and in violation of the provisions of the PLPA 1900, FCA 1980, EPA 1986, WLPA 1972, EIA 2006 and of Supreme Court judgments.

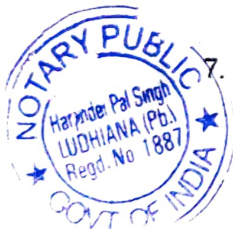
In view of above, the State Government is requested to submit a factual report with the documentary evidences on the contentions raised in the Original Application. The State Government is also requested to inform about as to whether any violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been reported in the instant matter."



5. That a plain reading of the MoEF&CC communications makes it unequivocally clear that the so-called "delisted" areas remain strictly governed by the **Eco-Tourism Policy of 2018** under Forest (Conservation) Act, 1980, permitting only limited activities such as eco-tourism, agro-forestry, watershed protection and community-based uses. However, Respondent No. 2, instead of adhering to the Eco-Tourism Policy, 2018, deliberately distorted the regulatory framework by relying upon the outdated Eco-Tourism Policy, 2009 to introduce the Impugned Policy. The same having been pointed out by the Applicants herein, the Respondent Nos. 1 to 3 as a complete afterthought, issued the Amendment,

which amends Clause 11 of the Impugned Policy by deleting the words, *"Furthermore, the provisions of the Eco Tourism Policy 2009 may also be considered. Monitoring in this regard will be done by the Forest Department."*

6. That the Amendment although rectifies the erroneous and misplaced reliance on Eco Tourism Policy, 2009 commits a further error by removing the supervision of the Forest Department. In doing so, the Amendment further dilutes the role of the Forest Department in supervising the delisted areas. The Amendment thus, further solidifies the position taken by Respondent Nos 1 to 3 in Clause 17 the Impugned Policy which provides that *"In the case of Delisted areas, the Forest Department will not have any role in monitoring the subject land"*. It is thus clear that the Amendment instead of rectifying the illegal acts of Respondent Nos. 1 to 3 in the Impugned Policy, further exacerbates them. Further, it is pertinent to state that even after the Amendment no scientific survey/studies have been conducted to fully understand the impact of the Impugned Policy on the forest land.



7. That the Respondents are attempting to indirectly achieve through executive notification what is impermissible directly under the statutory scheme of the Forest Conservation Act, 1980, Punjab Land Preservation Act 1900 (hereinafter referred to as **"PLPA"**), Environment Impact Assessment Notification 2006 and the binding directions issued by the Hon'ble Supreme Court.
8. That the Impugned Policy including the Amendment is not a livelihood-oriented measure but a clear attempt to facilitate real estate exploitation for the benefit of affluent classes and developers, in blatant circumvention of statutory safeguards and binding judicial mandates, including those laid down in **T.N. Godavarman**

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Thirumulpad vs. Union of India. Such executive action, taken in disregard of environmental norms and MoEF&CC directions, is arbitrary, colourable, and liable to be set aside with strict directions against the Respondent State. It is most respectfully submitted that despite receipt of the communication dated 17.12.2025, the State Government (Respondent Nos. 1 to 3) has maintained complete silence on the issue and has failed to furnish any response thereto, reflecting a deliberate disregard of the concerns raised and the statutory obligations cast upon it.

9. That the Respondent No. 5 has been issuing letters from time to time to the State of Punjab regarding the status of delisted areas along with binding directions of Hon'ble Supreme Court. Two such letters with important relevant contents are produced as under for kind consideration by this Hon'ble Tribunal:

"Letter File No. 7-4/2015-ROHQ dated 27-03-2015

Such de-listed areas shall be treated as 'forest' for the purpose of the Forest (Conservation) Act 1980. However, owner of such land may utilise such delisted PLPA areas for the bonafide use of agriculture and for sustaining livelihood as has been specified in the orders issued by this Ministry for delisting of such areas.

Letter dated 18-09-2018:

Para 2: In this connection, it is informed that as per section 4.5 of FCA, 1980 guidelines, Diversion of forest land for constriction of other buildings also will not be normally considered. However, such diversion may be allowed for construction of schools, hospitals/dispensary, community halls, cooperatives, panchayats, tiny rural industrial sheds of the Government etc. which are to be put up for the benefit of the people of that area, but



such diversion should be strictly limited to the actually needed area and further it should not exceed one hectare on each case."

The copy of letter dated 27-03-2015 is produced herewith as **Annexure P-10.** and copy of letter dated 18-09-2018 is produced herewith as **Annexure P-11.**

10. That it is most respectfully submitted that the material placed on record discloses circumstances giving rise to serious apprehension regarding the operation of vested and private interests behind the Impugned Policy, thereby rendering the same arbitrary, colourable and contrary to the very object of environmental protection laws.

11. That it is submitted that substantial portions of land within the delisted PLPA areas are held by persons closely connected with senior functionaries of the State Government (Respondent Nos. 1 to 3). The same includes land owned by the son of the Chief Secretary, Punjab, as well as land held in the name of Sh. Jagdish Kumar Garg, father of IAS officer Vikas Garg, Principal Secretary to Govt. of Punjab, Department of Housing and Urban Development, who pertinently is the signatory of the Impugned Policy and the Amendment.

The same assumes significance as it raises serious concerns of a conflict of interest of such officers when taking decisions with respect to the concerned land, in which they have a vested interest. The copies of the relevant sale deeds and jamabandis, along with translated copies thereof, are annexed herewith as **Annexure P-12.**

12. That is respectfully submitted that the aforesaid circumstances, when viewed in conjunction with the nature, scope and effect of the Impugned Policy, raise legitimate concerns regarding conflict of interest and the possibility of the policy



being structured to facilitate private exploitation and high-value development in ecologically sensitive areas under the guise of "Low Impact Green Habitats".

13. That the Impugned Policy, instead of remaining confined to the envisioned use, as contemplated under the original delisting approvals and the binding statutory framework, effectively enables exploitation and land-use transformation in environmentally fragile and forest-adjacent areas. The same is wholly contrary to the restrictions governing such lands under the Forest (Conservation) Act, 1980, the PLPA framework and the binding directions issued by the Hon'ble Supreme Court from time to time.

14. That it is further respectfully submitted that the progressive dilution of safeguards under the Impugned Policy, lends credence to the apprehension that the policy is intended to facilitate developmental and private interests in such ecologically sensitive areas without adequate environmental oversight or scrutiny.



15. That such executive action, undertaken in derogation of the statutory environmental regime and binding safeguards governing the delisted areas, is contrary to the Public Trust Doctrine as repeatedly recognised by the Hon'ble Supreme Court, which mandates that ecological resources and environmentally sensitive lands cannot be diverted or exploited for private or vested interests at the cost of larger environmental and public welfare considerations.

16. That in the aforesaid circumstances, the selective treatment and progressive dilution of safeguards applicable to ecologically sensitive and forest-influenced lands, coupled with the apparent concentration of land interests in the hands of influential persons, gives rise to a strong presumption of colourable exercise of

power warranting strict judicial scrutiny by this Learned Tribunal. The Impugned Policy, viewed in its true substance and effect, appears to prioritise private developmental interests over the statutory mandate of environmental protection, sustainable development and ecological preservation.

PARA WISE REPLY:

17. The contents of Paragraph 1 and 2 are matters of record and need no reply.

However, it is submitted that the Respondents cannot seek liberty to file a detailed reply at a later stage while simultaneously praying for dismissal of the present OA. It is further most respectfully submitted that the Respondents have already been granted sufficient time since 04.12.2025, yet despite ample opportunities, they have failed to file a comprehensive reply addressing the issues raised by the Applicants. Such a contradictory and dilatory stand is untenable in law and deserves to be rejected outright.



18. The contents of Paragraph 3 are wrong and denied. The Applicants reiterate the averments made in the Original Application. Despite getting sufficient time, the Respondents have failed to specifically address the grounds raised in the OA and have merely issued a blanket denial, without any substantiation, which is impermissible in law.

19. The contents of Paragraph 4 are partly a matter of record, however, the Respondents have failed to controvert the substantive grounds raised by the Applicants, including violation of the Forest (Conservation) Act, 1980 as well as binding directions of Hon'ble Supreme Court, absence of environmental

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safeguards, and illegality in permitting development on ecologically sensitive lands. The same are reiterated herein.

20. The contents of Paragraph 5 are wrong and denied. The reliance placed by the Respondents on *T.N. Godavarman Thirumulpad v. Union of India* is wholly misconceived. The law laid down therein mandates that forest land, irrespective of classification, cannot be diverted for non-forest purposes without prior approval under the Forest (Conservation) Act, 1980 read with Eco-tourism policy of 2018. The contents of Paragraph 5 are contrary to the Impugned Policy, as the Impugned Policy itself allows construction of structures under the garb of "low impact green habitats", which have nothing to do with agriculture or sustaining the livelihood of landowners. The so-called "delisting" under PLPA does not override the statutory mandate, nor does it permit residential or habitat-based development. It is most respectfully submitted that the letters issued in the years 2015 and 2018 by Respondent No. 5 to Respondent No. 3 clearly contradict the stand now taken in the Reply filed by Respondent Nos. 1 to 3. It is further pertinent to submit that despite receipt of the communication dated 17.12.2025 seeking necessary clarification, the Respondent State Government has failed to furnish any response till date, which clearly reflects a deliberate and mala fide intent behind the notification of the Impugned Policy.



21. The contents of Paragraph 6 and 7 are a matter of record and do not warrant any reply.

22. The contents of Paragraph 8 are denied. The Amendment is merely cosmetic and does not address the fundamental illegality of the Impugned Policy. The deletion of Clause 18 does not cure the illegality of the Impugned Policy, as the Impugned

Policy continues to permit development activities under the guise of "Low Impact Green Habitats," which remains impermissible. As submitted above, as per the binding directions of Hon'ble Supreme Court, the delisted areas are directly abutting forest lands and are governed by the Eco-tourism Guidelines of 2018 issued by MoEF&CC under Forest (Conservation) Act, 1980 which permit only eco-tourism, agro-forestry, watershed protection, and community development activities. The Impugned Policy effectively allows conversion of large tracts of land earlier de-listed from the ambit of the Forest (Conservation) Act, 1980 into residential and commercial habitats, which is in complete violation of the specific conditions categorically restricted land use *only* to agriculture and livelihood, and any diversion towards habitation or commercialization stands ultra vires. Even after deletion of Clause 18, the policy continues to permit approval/regularization of habitats, which amounts to change of land use. Such post-facto modification cannot validate an otherwise illegal policy, as held in **M.C. Mehta v. Kamal Nath**. Further, by way of amendment dated 07-04-2026 in the Impugned Policy, the respondent No. 2 has made amendment in Clause 11 as under:

"furthermore, the provisions of the Eco-Tourism Policy, 2009 may also be considered. Monitoring in this regard will be done by the Forest Department" shall be deleted.

This clearly demonstrates that the Respondents' actions are not only contrary to ecological principles and soil conservation mandates but are also driven by a deliberate intent to dilute environmental protection, rendering the Impugned Policy arbitrary, illegal, and liable to be set aside. **It is further pertinent to humbly submit here the Applicants have already raised issue of deliberate use of Eco-tourism Policy of 2009 instead of 2018 and instead of adopting the mandate, the Respondent No. 2 has just deleted the only safeguard**



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which was there in Impugned Policy i.e. role of Forest Department who highlighted the issue of encroachments over delisted areas.

23. That it is further most respectfully submitted that the Applicants had specifically raised the issue regarding the deliberate reliance on the outdated Eco-Tourism Policy, 2009 instead of the applicable Eco-Tourism Policy, 2018; however, instead of rectifying this illegality and aligning the Impugned Policy with the correct regulatory framework, **Respondent No. 2 has chosen to delete the only existing partial safeguard — namely, the role of the Forest Department.** This authority had, in fact, highlighted the issue of encroachments over the delisted areas, and its removal from the policy framework clearly reflects a conscious attempt to eliminate oversight and facilitate unchecked and unauthorized development.

24. The contents of Paragraph 9 are wrong and denied. It is specifically denied that the alleged amendment has addressed the grievances raised by the Applicants or that no cause of action survives. The Impugned Policy continues to violate statutory provisions and binding environmental jurisprudence, including the principles laid down in *Lafarge Umiam Mining Pvt. Ltd. v. Union of India*, as no prior environmental or forest clearances have been obtained.

25. That the Respondents have deliberately & intentionally misconstrued the communications issued by the Ministry of Environment, Forest & Climate Change dated 16.03.2006 and 24.07.2009. Based upon the binding directions of Hon'ble Supreme Court, the said communications were limited strictly to bona fide agricultural use and livelihood sustenance and did not authorize any residential development, plotting, or habitat regularization. Any interpretation to the contrary



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would amount to circumvention of the Forest (Conservation) Act, 1980 and binding directions of the Hon'ble Supreme Court.

26. That the Impugned Policy has been framed without conducting any environmental impact assessment, carrying capacity study, or obtaining mandatory statutory approvals. The same is therefore arbitrary, illegal and liable to be set aside.

VERIFICATION

Verified that the contents of the above rejoinder affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Place: Ludhiana

Date: 13-07-2026

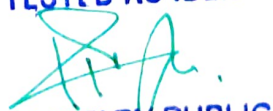

Deponent

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13-07-2026



Certified that the affidavit has been read over & explained to the deponent who seemed directly to understand the same at time making thereof

ATTESTED AS IDENTIFIED


NOTARY PUBLIC
LUDHIANA (PB.)

I know the Deponent/Executant personally and he/she Signed/Initials before me.

13 JUL 2026

File No. 7-4/2015-ROHQ
Government of India
Ministry of Environment, Forests and Climate Change
Regional Offices Headquarters Division

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi- 110003
Dated: 27th March, 2015

To

✓ The Addl. Principal Chief Conservator of Forests (C),
Ministry of Environment, Forests and Climate Change,
Regional Office (NZ), Bays No. 24-25,
Sector 31 A, Dakshin Marg, Chandigarh-160030.

Exclusion of 65,670.26 ha of cultivated and habitation area closed under Punjab Land Preservation Act, 1900 from the list of forest areas in Districts Ropar, Nawanshar, Hoshiarpur and Gurdaspur, Punjab - reg.

Sir,

I am directed to refer to Regional Office (Northern Zone), Chandigarh letter no. 9-PBB-532/2014-CHA dated 27.11.2014 on the above mentioned subject and to say that this Ministry concurs with the opinion of the Regional Office (Northern Zone), Chandigarh that to remove discrimination of land owners of de-listed PLPA land vis-a-vis owners of other areas closed under PLPA, 1900, (in case prior approval of Central Government under the Forest (Conservation) Act, 1980 for non-forest use of the de-listed PLPA land is sought by the user agency through State Government, such de-listed areas shall be treated as 'forest' for the purpose of the Forest (Conservation) Act, 1980. However, owner of such land may utilize such delisted PLPA areas for the bonafide use of agriculture and for sustaining livelihood as has been specified in the orders issued by this Ministry for delisting of such areas.

Yours faithfully,

(H. C. Chaudhary)

Director

Tele-fax: 011-24695339

(H. C. Chaudhary)

Director

Pl. Forest
file PBB 532
as per the decision
of GOI Copy to:

1. The Guard file.

CECIS J.A.Y.

5.0



भारत गणराज्य
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

उत्तर क्षेत्रीय कार्यालय, चंडीगढ़ / Northern Regional Office, Chandigarh



F. No. 9-PH/159/2018-CTIA

Dated: 18-09-2018

To
The Chief Conservator of Forests &
Nodal Officer (FCA)
Department of Forests & Wildlife Preservation,
Forest Complex, Sector-68,
SAS Nagar, Punjab

Sub: Diversion of 2.2348 ha of forest land area closed under section 4 & 5 of PLPA, 1900 in favour of M/s Aerospace Builders for use of land for non-forestry purposes Commercial Complex & SCO at Village Baliali, under forest division and District S.A.S. Nagar, Punjab (Online proposal No. FP/PH/Others/33166/2018)-reg.

Ref: Nodal Officer (FCA) & Chief Conservator of Forests, Punjab letter no. FCA/1980/102/2018/774 dated 07-09-2018

Sir,
Kind attention is drawn to the above subject where in proposal for diversion of PLPA land closed under section 4 & 5 of PLPA 1900 for non-forestry purpose has been recommended by State Government to this Office. The proposal was further examined in view of submissions made by State Government vide letter under reference stating that "there is no policy of State Government regarding this" in reply to our query on ".....State Government policy on use of land closed section 4 & 5 of the PLPA for construction of commercial unit, which is not a site specific activity".

2 In this connection, it is informed that as per section 4.5 of FCA, 1980 guidelines, "*Diversion of forest land for construction of other buildings also will not be normally considered. However, such diversion may be allowed for construction of schools, hospital/dispensary, community halls, cooperatives, panchayats, tiny rural industrial sheds of the Government etc., which are to be put up for the benefit of the people of that area, but such diversion should be strictly limited to the actually needed area and further it should not exceed one hectare in each case*".

3. In absence of any policy of the State Government on use of forest land area closed under section 4 & 5 of PLPA, 1900 for construction of commercial unit, the land closed under section 4 & 5 be allowed for non-forest purpose if the land use of the said area has been non-forest as on 25.10.1980.

4. राज्य सरकार का उपरोक्त पर मत (opinion) इस पत्र के जारी होने के पश्चात 30 दिनों के भीतर प्रस्तुत करें | जिसके प्रस्तुत न करने की स्थिति के अभाव में इस प्रस्ताव को रद्द किया जा सकता है।

Yours faithfully,

18/09/18

(K.Z. Bhutia)

Conservator of Forests (C)

Copy to:

1. The Divisional Forest Officer, Forest Division and District S.A.S. Nagar, Punjab.
2. M/s Aerospace Builders, Village Baliali, Tehsil & District S.A.S. Nagar, Punjab.

बेज नं. 24-25, सेक्टर-31ए, चंडीगढ़-160030 / Bays No. 24-25, Sector-31 A, Chandigarh-160030

दूरभाष/Tel No : 0172-2638061 Fax No : 0172-2638135 Email : ronz.chd-mef@nic.in

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Engineers Council <engineerscouncilindia@gmail.com>

Rejoinder Affidavit in OA 626 of 2025 as service of documents.

Engineers Council <engineerscouncilindia@gmail.com>Mon, Jul 13, 2026 at
6:05 PM

To: cs@punjab.gov.in, shud@puda.gov.in, forestcomplex@gmail.com, secy-moef@nic.in, ronzhcd-mef@nic.in, pccfcomplex@punjab.gov.in

Dear sir

PFA Rejoinder Affidavit in OA 626 of 2025 as service of documents.

Regards

Er. Kapil Dev
President
Council of Engineers
#186-E, BRS Nagar,
Ludhiana-141012
M: 9872007872**Rejoinder Affidavit by Applicants in OA 626 of 2025.pdf**
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