

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(in O.A. No. 32 of 2025)

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Date: 14-08-2025
Place: Ludhiana



Er. Kapil Dev
(Applicant No. 2)
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(in O.A. No. 32 of 2025)

In the matter of:

Public Action Committee & ors. Applicants

vs.

State of Punjab & ors. Respondents

Affidavit regarding Rejoinder by the Applicants against reply of R-1 & R-5 as well as some objections to the report of Joint Committee.

Hon'ble Sir,

Respectfully showeth,

The Applicants humbly submit as under:

1. That the Petitioner Association along with petitioners of O.A. 32 of 2025 is filing the instant Rejoinder to rebut the averments made in the Reply dated 15-04-2025 filed by R-1 & R-5 and to place the matter in its correct perspective before this Hon'ble Tribunal.

2. That the impugned Reply dated 15-04-2025 to the Original Petition by Respondent No. 1 & 5 is wholly misconceived and a blatant attempt to overreach the process of this Hon'ble Court. The Respondent has not approached this Hon'ble Tribunal with clean hands and has made blatant misrepresentations and concealments.
3. That the Respondent No. 1 & 5 spent ample time for preparation of DPR, floated tender, appointed Contractors and it is well known fact **that such exercise takes several months**. However, despite knowing the fact that the permission was required to be taken from Forest Department as well as PPCB, despite having ample time, no correspondence was initiated by the R-1 & 5 before initiating the civil works of Sirhind Canal. Now the Respondent No. 1 & 5 are trying to escape by wrongly submitting that the Banks at impugned location were required to be strengthened whereas there has never been a breach at this location, not even in 2023 when half of Punjab faced floods.
4. That the Banks of Canal at impugned location from Railway Bridge to Garthali Bridge have never breached but Respondent No. 1 & 5 have deliberately trying to justify the said work done without the prior consent of Forest Department and by axing hundreds of trees as well as damaging the roots of large number of trees of Forest area. It is pertinent to humbly submit here that the entire soil after excavation has been taken away by Respondents illegally and it is an act of illegal mining in forest area.
5. That at Para no. 9 of running page no. 92, the Respondent No. 1 & 5 has wrongly mentioned that the Batching plants were installed at empty spaces within forest

area whereas the Photographs produced at Page No. 22 and 23 of Main Petition clearly depicts that the trees have been damaged to stake the construction material near batching plant and from illegally axed trees of impugned forest area, many trees might have been axed as two batching plants out of three were located in the middle of forest. Further all such activities were done without taking permission from Forest department. As already submitted, the material staked at site, fine particles of cement have damaged the flora and fauna of forest. Further as per report of Joint Committee, the Respondent No. 1 & 5 had not taken NOC/permission for setting up batching plants and even CTO was not taken from PPCB and soil from forest was excavated at site.

6. That the Respondent at Para no. 10 has deliberately tried to mislead this Hon'ble Tribunal that trees shown by Applicants were dry and dead and were lying uprooted whereas the Report of the District Magistrate affirms the allegations of Applicants. Further from the condition of remains of trees (green leaves, stem, fresh cuts etc.), it is clear that trees were alive and R-1 & R-5 have murdered hundreds of trees. It is pertinent to humbly submit here that the Report of the District Magistrate confirms axing of trees towards forest area i.e. right side of downstream whereas large number of small and big trees standing on bank of Sirhind Canal (along Roadside) have also been axed and removed. Three Set of Screenshots taken using Google Historical image by comparing condition of tree cover as on 23-02-2025 vis a viz 28-11-2022 are produced herewith as **Annexure P-6**. It is further pertinent to humbly submit here that at running page no. 54 (para No. 1 & 5) the Report of Joint Committee clearly confirms that there

is illegal axing of trees on the forest side bank of the Sirhind Canal and no permission was taken by Respondent No. 1 & 5 from Forest Department.

7. That at Para no. 12, the Respondent No. 1 & 5 has mentioned that the roots of trees were damaged due to water from canal hitting the roots and leading to erosion. This claim by Respondents is imaginary as the canal water has never crossed the Banks and there were heaps of soil and tree grown on even higher sides of such heaps of soil. It is pertinent to humbly submit here that Photographs at Page no. 25 clearly shows that marks of excavator machines. Further, the excavation done for staking the material is also clear in the Photographs produced at Page no. 22 & 23. It is pertinent to humbly submit here that the Report of Joint Committee (at Running page No. 54 para No. 4) confirms that roots of trees were exposed by digging/displacement of soil from the forest area.
8. That Respondent No. 1 & 5 are now deliberately running away from their liability of killing the rat snake whereas it is clear from the photographs that the area was excavated using excavators (JCB) resulting in cutting the snakes into pieces on slope of Bank of Canal. The loose soil, green leaves and branches depicts that the work was in progress at location where Rat Snakes were found dead.
9. That the temporary hutments as installed by R-1 & 5 as well as act of burning of wood in forest area are in violation of Forest Act. Respondents cannot escape away from their violation done by mentioning the word "temporary" as burning wood in forest even for one time is crime whereas the R-1 & R-5 continued to burn the wood in forest area for more than 20 days.

OBJECTIONS TO REPORT OF DISTRICT MAGISTRATE

10. That the Joint Committee has assessed the number of trees fallen towards forest area, whereas many trees are missing on bank towards left side of downstream i.e. along Road side and same are shown in Annexure P-6.
11. That regarding illegal mining in Sirhind Canal, one SDO & JE were suspended by the Respondent No. 1 for act of illegal mining through unknown persons during course of civil works at Sirhind Canal. The News dated 11-01-2025 published in Hindustan Times newspaper regarding illegal mining on bed of Sirhind Canal is produced herewith as **Annexure P-7**. However, despite suspending the SDO & JE, the Respondent No. 1 failed to identified the private persons involved in illegal mining in active connivance with the SDP & JE.
12. That the report of veterinarians in regard with killing of Rat Snakes (protected species as per Schedule-II under Wildlife Protection Act 1972) is not proper as Photograph of dead snake at Page no. 41 clearly depicts that it has died after being cut into pieces and such incident occurred at a place where there is no movement of any other vehicle. Therefore, the infection/trauma is not the reason but blind use of excavator machines by excavating in forest area, axing large number of trees to complete the project in a hurry that too without permission from Department of Forest & Wildlife Preservation. It is pertinent to humbly submit here that not even a single Photograph of dead snakes has been

produced before this Hon'ble tribunal by the Forest Department as the snake died due to cut into pieces which is not mentioned in the postmortem report.

13. That save and except what has been specifically admitted in this rejoinder, all other statements in the impugned reply by Respondent No. 1 & 5 shall be deemed to have been denied. The Applicants do not admit any statements, contentions, or Submissions simply if the Applicants do not deal with them and deny them para-wise. It is further submitted that the Applicants are not filing the para-wise rejoinder to the reply of the Respondent Irrigation Department however, the Applicants seeks leave of this Hon'ble Tribunal to file the same as and when required by this Hon'ble Tribunal.

Keeping in view of the issues raised by Applicants, findings of the Joint Committee Report, further facts produced by the Applicants regarding axing of tree towards left side of downstream, illegal mining done on bed of Sirhind Canal, cause of death of protected species Rat Snake and damage to forest area illegally, it is clear that the Respondent No. 1 & 5 have deliberately damaged the Environment and thus liable to pay the Environment Compensation as well as liable to be prosecuted under the provisions of forest Act, Environment Protection Act and other related laws.



Dated: 14-08-2025
Place: Ludhiana

Er. Kapil Dev
(Applicant No. 2)

LOCATION: TOWARDS UPSTREAM FROM GARTHALI BRIDGE:

ANNEXURE P-6

8

GOOGLE EARTH: HISTORICAL IMAGE AS ON 23-02-2025



MISSING TREES IN ABOVE PICTURE

HISTORICAL IMAGE AS ON 28-11-2022:



LOCATION: TOWARDS DOWNSTREAM FROM DORAHA BRIDGE:

9

23-02-2025



28-11-2022

ONLY FEW TREES ARE LEFT AT ABOVE LOCATION



LOCATION: DOWNSTREAM FROM RAILWAY BRIDGE:

10

AS ON 23-02-2025



MANY TREES ARE MISSING IN ABOVE PHOTOGRAPH

AS ON 28-11-2022



In Machhiwara, farmers block key roads over Sirhind Canal project

HT Correspondent

ludhiana@hindustantimes.com

LUDHIANA: Accusing the government of renegeing on its prior promise regarding non-concretisation of Sirhind Canal and the usage of the removed soil for strengthening embankments locally, farmers once again blocked key roads on Friday. The roads connecting Ludhiana to Ropar and Khanna to Nawanshahr came to a standstill. The agitation was led by the Samyukt Kisan Morcha at the Garhi Bridge in Machhiwara.

Samrala SDM Rajneesh Arora tried to pacify the protest-

2 OFFICIALS SUSPENDED FOR REMOVING SOIL FROM CANAL, SAMRALA SDM TELLS PROTESTERS

ers, claiming that the SDO and JE responsible for removing soil from the canal had been suspended following allegations of malpractice. Additionally, a contractor will face a detailed investigation and potential legal action, farmers were told. The protesters alleged collusion

between officials and the contractor.

Farmer leaders Sukhwinder Singh Bhattian, Hardeep Singh Gaspura, Joginder Singh Seha and Shiromani Akali Dal's Parmjit Singh Dhillon said the administration had promised during a recent meeting that the canal would not be concretised and that removed soil would be used locally to strengthen the embankments. They accused officials and the contractor of diverting the soil elsewhere, "creating risks" for nearby roads and fields.

The road blockade caused severe inconvenience to com-

muters, forcing the police to arrange alternative routes. Protesters made it clear that the agitation would not be called off until all their demands were met.

SDM Arora, along with DSP Tarlochan Singh and irrigation officials, met the protesters and assured them of strict action against those involved. "The SDO and the JE responsible for soil removal have already been suspended. The contractor's role is under scrutiny, and legal action will be initiated if found guilty," he said.

Despite the assurances, the farmers continued their protest.



Farmers during a protest on a road in Machhiwara on Friday.

HT PHOTO

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
(In O.A No. 32 of 2025)

IN THE MATTER OF:
PUBLIC ACTION COMMITTEE & ORS.

APPLICANT

VERSUS

STATE OF PUNJAB & ORS

RESPONDENTS

AFFIDAVIT

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 I am Applicant in the Original Application No. 32 of 2025 subjudice before this Hon'ble Tribunal and I am fully conversant with the present rejoinder being filed and competent to swear to this affidavit.
2. That I have read the accompanying Rejoinder from paragraphs 1 to 13 from pages 1 to 7 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.

3. That the Annexures are true copy of it' originals.
Certified that the affidavit S.P.A.C.P.A. has been readover & explained to the deponent executant who seemed directly to verify same at the marking thereof.

[Signature]
DEPONENT

VERIFICATION

Verified at Ludhiana on this 14th day of August 2025, 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

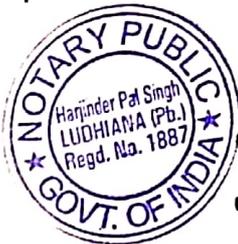
ATTESTED AS IDENTIFIED

[Signature] 14-08-2025

NOTARY PUBLIC
LUDHIANA (PB)

14 AUG 2025

1347
14-08-2025



Know the Deponent/Executants personally and he/she has Signed/Thumb impression in my presence.

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Kapil Arora <aroraengineers@gmail.com>

SERVICE OF DOCUMENTS (REJOINDER) IN OA 32 OF 2025

Arora Engineers <aroraengineers@gmail.com>

Thu, Aug 14, 2025 at 11:26 AM

To: psi@punjab.gov.in, ronz.chd-mef@nic.in, pccf-pb@nic.in, ludhianadfo@gmail.com, xen.roparcanal@gmail.com, ps.drh.khn.police@punjab.gov.in, monica chhibber sharma <monicachhibbersharma@gmail.com>

Dear sir

PFA copy of rejoinder as service of document by Petitioners in O.A 32 of 2025

Regards

Er. Kapil Dev
Petitioner No. 2
O.A. 32 of 2025
M: 9872007872

 **Rejoinder dated 14-08-2025 in OA 32 Of 2025.pdf**
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