

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
(In Original Application No. 616 of 2025)

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Date: 16-04-2026

(Er. Kapil Dev)

Place: Ludhiana

Applicant No. 2

Email: aroraengineers@gmail.com

M: 9872007872

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

(In O.A. No. 616 of 2025)

In the matter of:

Council of Engineers & ors.

.... **Applicants**

vs.

State of Punjab & ors.

..... **Respondents**

Rejoinder by Applicants against Affidavit dated 15-01-2026 submitted before this Hon'ble Tribunal by Respondent MCL.

Hon'ble sir,

It is most respectfully showeth:

1. The Respondent MCL has placed on record details of the Ludhiana Canal Water Supply (Surface Water Supply Project), aimed at reducing groundwater depletion, to which the Applicants have no objection; however, serious concerns persist regarding the proposed construction of Overhead Surface Reservoirs within public parks, and notably, in its affidavit dated 15-01-2026, MCL has failed to address the existing defunct water tank at Park 'D' (Annexure P-10), has not disclosed any action taken on objections filed by Applicants No. 1 to 5 and 11, nor provided details of meetings, if any, held with residents of Bhai Manna Singh Nagar including Applicants No. 6 to 10, and the process adopted for inviting objections was itself flawed and non-

transparent, as already substantiated by documentary evidence on record in the Original Application.

2. That the contention of the Respondent–MCL that the Applicant’s concerns arise from a “misunderstanding of the hydraulic system” is wholly misconceived and untenable in both technical and procedural terms. **The design and placement of an Overhead Service Reservoir (OHSR) are governed not merely by inlet hydraulics but critically by distribution dynamics, command area coverage, residual pressure requirements, and equitable supply across the network.** As per the originally invited objections/suggestions, **one of the two proposed OHSRs was to be constructed on the opposite side of the road to ensure balanced hydraulic distribution to that specific command zone.** Any unilateral alteration in the siting of such infrastructure, without public notice or technical justification, directly affects pressure gradients, flow efficiency, and serviceability of the designated area, thereby rendering the system sub-optimal and contrary to standard engineering practices. The Respondent has failed to disclose any revised hydraulic analysis, contour mapping, or distribution modeling to justify the change in location, which clearly indicates arbitrariness and lack of due diligence. It is pertinent to humbly submit here that after facing resistance from Public, the MCL has already changed locations of two OHSR from its original location with one such location in Focal Point area and another is Kidwai Nagar where there is already a defunct Overhead Water Tank and the Public Action Committee has already taken up the issue of replacement of old defunct Water Tank with new OHSR along with encroachments in many other parks. **It is further pertinent to**

humbly submit here that the hydraulic designs are not rigid but can be altered based upon practical conditions and in present OA, the issue pertains to two OHSR, out of which one should be constructed by demolition of old existing defunct Water Tank (OHSR) and other can be constructed at nearby Public Place other than Greenbelt/Park area. Thus, by taking shelter of rigid Hydraulic design to damage the Environment by constructing impugned OHSR is non-justifiable and thus, liable to be rejected.

3. That the Respondent–MCL, after facing strong resistance from the public, has already altered the locations of two similar proposed OHSRs from their originally notified sites, which clearly demonstrates that the siting of such infrastructure is not immutable but subject to change based on ground realities, feasibility, and public concerns. This conduct itself negates the stand now being taken by MCL that the present location is dictated by rigid hydraulic constraints. In fact, **it is a settled engineering principle that hydraulic designs are adaptable and can be recalibrated by revising pipeline networks, pump capacities, and distribution layouts to suit alternative locations without compromising with sustainable development.** However, the flawed procedure of seeking objection from stakeholders was mere an eyewash as large number of parks are being encroached upon by MCL by constructing OHSR and instead of considering the objections judicially, the MCL out-rightly rejected the objections which indicated that MCL had already prepared mind to stick on design without exploring the alternative sites for impugned OHSRs. In these circumstances, the Respondent cannot be permitted to take shelter under the pretext of

“hydraulic design” to justify the construction of the impugned OHSR over a designated green area. Such a plea is arbitrary, self-contradictory, and lacks bona fide intent, particularly when less environmentally damaging alternatives are available. The insistence on utilizing a park site, despite viable options and prior changes in location, reflects a disregard for environmental safeguards and public interest. Therefore, the justification advanced by MCL is untenable in law and on facts, and is liable to be rejected outright.

4. That the impugned action of shifting the impugned OHSR to a designated park area, without transparency or public consultation, is in violation of the principles of natural justice and established environmental jurisprudence. The availability of a viable alternative site within a radius of approximately 300 meters—namely, the premises of the Government Fisheries Department—demonstrates that the doctrine of least environmental damage has not been adhered to. **Furthermore, silence on existing defunct Old Overhead Water Tank shows failure of MCL** to address the status and proposed utilization or replacement of the existing old OHSR raises serious concerns regarding planning redundancy and misuse of public resources. **Instead of opting for reconstruction at the existing site after demolition, the Respondent appears intent on encroaching upon scarce green spaces, which are already under severe stress in densely populated localities such as the old city areas of Ludhiana, including Bhai Manna Singh Nagar.** Such actions are not only environmentally unsustainable but also contravene the public trust doctrine, which mandates protection of

community resources like parks and green belts for present and future generations.

5. The construction of multiple reinforced cement concrete (RCC) Overhead Service Reservoirs within a limited radius would have a compounded and detrimental impact on the local environment and micro-climate. In the present case, the existence/proposal of three OHSRs within a span of approximately 200 meters would significantly intensify the urban heat island effect, as large RCC structures absorb and retain heat during the day and release it during the night, thereby elevating surrounding temperatures. **This clustering of heat-retaining infrastructure, at the cost of green cover, results in substantial loss of vegetation which otherwise functions as a natural cooling mechanism and carbon sink.** Consequently, it leads to increased ambient temperatures, reduced air quality, and diminished groundwater recharge due to loss of permeable surfaces. In already congested urban areas, such concentrated construction not only aggravates local warming but also contributes cumulatively to broader climate change impacts, making the action environmentally unsustainable and contrary to principles of ecological balance and sustainable development. The plea of minimal ground coverage on account of construction over RCC columns/piers is misconceived and untenable, as its acceptance would effectively permit constructions akin to Government offices being erected on RCC columns within public parks, thereby defeating the very purpose of such green spaces.

6. That as submitted in present original application, the Hon'ble Supreme Court has consistently held that public parks and green areas cannot be diverted for non-recreational or construction purposes, in view of the doctrine of public trust and the right to a healthy environment under Article 21 of the Constitution of India. In *Bangalore Medical Trust vs. B.S. Muddappa* (1991), the Hon'ble Court categorically held that open spaces reserved for parks cannot be converted for other uses, as such action defeats the very purpose of urban planning and adversely affects the quality of life of residents.

7. That in a similar issue, the Hon'ble Madras High Court in ***Ayyappan vs. State of Tamil Nadu & Ors.***, W.P.(MD) No. 4133 of 2026, decided on 23.03.2026, has specifically dealt with the issue of construction of an Overhead Water Tank within a park land and recognized that such construction results in reduction of designated open space. The Hon'ble Court took note of the existence of an already functional old overhead water tank and the proposal to construct a new tank within the same park area, thereby impacting the extent of the Public park. While disposing of the matter, the Court directed that upon completion of the new tank, the old structure be demolished and the remaining land be restored and maintained as a park, thereby reaffirming that park land must be preserved to the maximum extent possible and cannot be indiscriminately utilized for construction purposes. The copy of orders in ***Ayyappan vs. State of Tamil Nadu & Ors.***, W.P.(MD) No. 4133 of 2026, decided on 23.03.2026 by the Hon'ble High Court of Madras are produced herewith as **Annexure P-15**.

8. That in another similar matter, the Hon'ble Madras High Court in *B. Shanthy vs. S.R. Ramesh & Ors.*, W.P.(MD) No. 25969 of 2022, read with Cont.P.(MD) No. 877 of 2023, by order dated 23.10.2024, has categorically dealt construction of structures including Overhead Water Tank over land earmarked as a public park and pleased to direct the Respondents as under thus;

*Para 3. Recording the said submission, the Contempt Petition is closed. The petitioner will be at liberty to seek reopening of the Contempt, **if overhead tank is not removed within a year from today**. It is made clear that the authorities will maintain the area as a park with facilities for the public to access, not less than 10 feet atleast in two places around the park and children's playground in future. They will ensure that there is no encroachment or construction either by the Government or its organs or by private parties in the land in question. No Costs.*

The copy of orders dated 23-10-2024 in Cont.P.(MD) No. 877 of 2023 pleased to be passed by the Hon'ble Madras High Court are produced herewith as **Annexure P-16**.

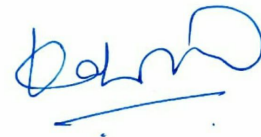
9. That the Parks and Greenbelts acts as green lungs for Urban Areas and such green areas are very essential to curb Air Pollution of critically polluted Ludhiana. That the act of MCL by starting to construct OHSR in Public parks is not only against the provisions of Master Plan but also against the Clean Air Action Plan of Ludhiana. It is important to mention here that "Under the provisions of Air (Prevention & Control of Pollution) Act 1981", taking cognizance of National Clean Air Program (NCAP), this Hon'ble Tribunal

pleased to pass directions in the matter of Original Application No. 681 of 2018 dated 08-10-2018 for Clean Air Action Plan and accordingly, the Clean Air Action Plan of Ludhiana was prepared & finalized by the Directorate of Environment and Climate Change, Department of Science, Technology and Environment, Government of Punjab on 30th April 2019 and the mandatory duty of Respondent No. 2 under **Chapter-6- Control of Road Dust (CRD)** is **under:**

6.6 CRD 5 –**Greening of parks, open areas, community places, schools and housing societies: In order to increase greenery in the city, the Municipal Corporation shall identify open areas/ lawns/ vacant lands including community places and schools in the city and these places be allocated to the NGOs or Industrial Associations for tree plantation and their maintenance.** The activity of identification of the suitable sites shall be completed in a time bound manner and shall be allotted to the NGOs or Industrial Associations.

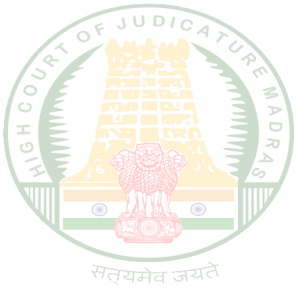
However, the construction of Overhead Water Tanks (OHSR) in parks is going to impact the greenery of Parks ultimately leading to further deterioration of Air Quality of already critically polluted Ludhiana and instead of increasing the greenery, it would lead to reduction in green areas in Ludhiana already facing acute shortage of parks and greenbelts. The copy of orders dated 08-10-2018 of this Hon'ble Tribunal in O.A. 681 of 2018 are produced herewith as **Annexure P-17** and relevant pages of copy of Clean Air Action Plan of Ludhiana is produced herewith as **Annexure P-18**.

In view of the aforesaid facts and submissions made in the Original Application, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to set aside the affidavit dated 15-01-2026 filed by MCL and allow the prayers as sought in the Original Application.



Date: 16-04-2026
Place: Ludhiana

Er. Kapil Dev
(Applicant No. 2 – in Person)



W.P(MD)No.4133 of 2026

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 23.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD)No.4133 of 2026
and
W.M.P(MD)No.3447 of 2026**

Ayyappan

... Petitioner

vs.

1.The Director,
Directorate of Municipal Administration,
Chennai-600 028.

2.The District Collector,
Tenkasi,
Tenkasi District.

3.The Commissioner,
Tenkasi Municipality,
Tenkasi District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the respondents from constructing Overhead Water Tank in the Park located in Town Survey No. 129, Ward No.8, Tenkasi Municipality, Tenkasi District.

For Petitioner : Mr.R.J.Karthick
For R1 & R2 : Mr.P.T.Thirvaviam
Government Advocate
For R3 : Mr.P.Athimoola Pandian

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner has filed the present Writ Petition seeking a direction to forbear the respondents from constructing an overhead water tank in the park located in Town Survey No. 129, Ward No. 8, Tenkasi Municipality, Tenkasi District.

2. The main contention of the writ petitioner is that a children's park exists in Survey No. 129, Ward No. 8, and the land is earmarked as



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open space. It is contended that an old overhead water tank already exists and is being used. Without repairing the same, the respondents have now proposed to construct a new overhead water tank in another portion of the park, thereby reducing the park area.

3. The third respondent has filed a report stating that the existing overhead water tank, with a capacity of 1 lakh litres, was constructed during the year 1997–1998 and occupies an extent of 336 sq.m. It is further stated that a new overhead water tank, with a capacity of 5 lakh litres, is being constructed in an extent of 180 sq.m., and the remaining area will be utilized as a children's park.

4. When the matter was listed on 13.02.2026, this Court directed the third respondent to file an affidavit. Pursuant to the same, the third respondent filed an affidavit along with the work order for construction of the new water tank, stating that construction commenced on 15.10.2025 and is in progress. It is further stated that the existing old overhead water tank



W.P(MD)No.4133 of 2026

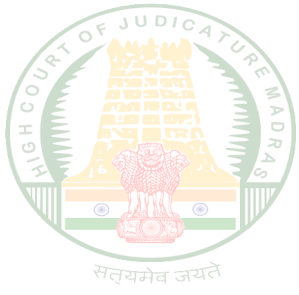
will be demolished after obtaining necessary approval from the competent authority upon completion of the new construction.

5. In view of the above, the respondents are directed to demolish the old water tank and ensure that the remaining area is maintained as a park, after completing the construction of the new overhead water tank over an extent of 180 sq.m.,

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
23.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
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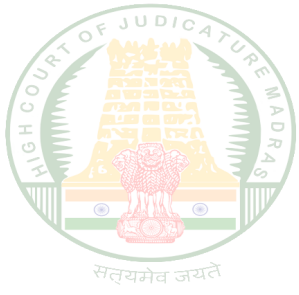


W.P(MD)No.4133 of 2026

To

- 1.The Director,
Directorate of Municipal Administration,
Chennai-600 028.
- 2.The District Collector,
Tenkasi,
Tenkasi District.
- 3.The Commissioner,
Tenkasi Municipality,
Tenkasi District.

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W.P(MD)No.4133 of 2026

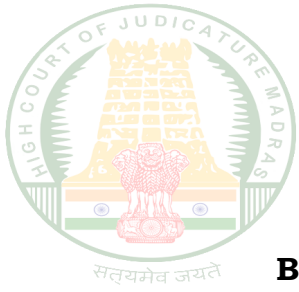
N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

am

**ORDER MADE IN
W.P(MD)No.4133 of 2026**

DATED : 23.03.2026

6/6



Cont.P.(MD) No.877 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Cont.P.(MD) No.877 of 2023
and
W.P.(MD)No.25969 of 2022**

B.Shanthi

... Petitioner

-vs-

S.R.Ramesh,
Tahsildar,
Thiruvarumbur Taluk,
Tiruchirappalli – 620013.

... Contemnor/4th Respondent

PRAYER: Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnor/4th respondent herein for his wilful disobedience of the order in W.P.(MD)No.25969 of 2022, dated 01.12.2022, on the file of this Court.

For Petitioner

: Mr.Elephan Rajendran
For Mr.C.T.Perumal

For Respondents

: Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mr.S.R.A.Ramachandran
Additional Government Pleader

**ORDER****[Order of the Court was made by R.SUBRAMANIAN, J.]**

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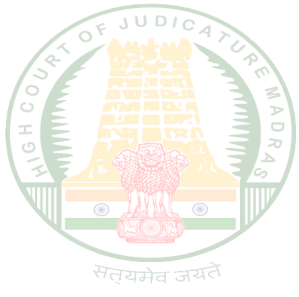
Subsequent to our order dated 18.10.2024, the offending structures erected in the area classified as park except one overhead tank, has been removed. The same is recorded.

2.Mr.Baskar, learned Additional Advocate General upon instructions would submit that the authorities need atleast a year time to remove the overhead tank also.

3.Recording the said submission, the Contempt Petition is closed. The petitioner will be at liberty to seek reopening of the Contempt, if overhead tank is not removed within a year from today. It is made clear that the authorities will maintain the area as a park with facilities for the public to access, not less than 10 feet atleast in two places around the park and children's playground in future. They will ensure that there is no encroachment or construction either by the Government or its organs or by private parties in the land in question. No Costs.

[R.S.M., J.]**[L.V.G., J.]****23.10.2024**

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn



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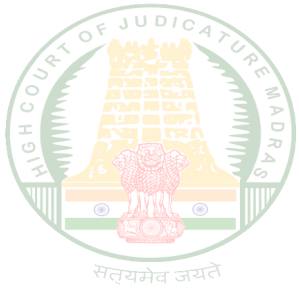
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Cont.P.(MD) No.877 of 2023

To

The Tahsildar,
Thiruvarumbur Taluk,
Tiruchirappalli – 620013.



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Cont.P.(MD) No.877 of 2023

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Mrn

Cont.P.(MD) No.877 of 2023

23.10.2024

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 681 of 2018

IN THE MATTER OF:

News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan
Titled
"NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around
August 15"

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Dated: 08th October, 2018.

ORDER

1. Proceedings in this matter have been initiated on the basis of a newspaper item dated 03.08.2018 in the Times of India under the heading "NCAP with multiple timelines to clean air in 102 cities to be released around August 15"¹. According to the news item, the National Clean Air Programme (NCAP) proposes to reduce pollution in 102 cities where standards of air pollution are in excess in the next 10 years- 35% in next 3 years, 50% in next 5 years and 70-80% in next 10 years.
2. The question that arises for consideration is whether the timeline of 10 years for bringing down pollution levels is in accordance with the mandate of law requiring pollution free environment especially when there is imminent threat to human health as a result of such pollution. According to a survey, 15,000 persons died prematurely in Delhi in the year 2016. Delhi was ranked as third in the list of cities reporting most deaths due to air pollution. Premature deaths in

¹ <https://timesofindia.indiatimes.com/india/ncap-with-multiple-timelines-to-clean-air-in-102-cities-to-be-released-around-august-15/articleshow/65254122.cms>

Mumbai, Kolkata, Bangalore and Chennai are reported to be between 5,000-10,000 in 2016.²

3. 102 cities have been identified as 'Non-attainment cities'. Non-attainment city is the one which does not meet the National Ambient Air Quality Standards (NAAQS). The said standards are prescribed under Section 16 (2) (h) of Air (Prevention and Control of Pollution) Act, 1981, (Air Act, 1981) vide Notification dated 18.11.2009 by the Central Pollution Control Board (CPCB).
4. Serious concerns have been expressed in the last four decades about the need to restore the standards of the air quality, in view of the adverse effect of air pollution on public health. Section 20 of the Air Act, 1981 provides for directions for ensuring standards for emission from automobiles by the State Pollution Control Boards. Section 21 of the Air Act, 1981 requires Consent to Establish (CTE) or operate an industrial plant in air pollution control areas. Conditions for such grant include installation of equipments for control of air pollution, use of specified chimneys and such other conditions as may be necessary. Section 22 provides for control of industrial pollution. State Boards can also seek injunction against air pollution from any source under Section 21-A. Section 31-A empowers a Pollution Board to give directions to close an industrial activity on the ground of pollution. It is, however, well known that the statutory mechanism under the Air Act, 1981 has not been successful in controlling air pollution. The result is that air pollution has been subject matter of consideration by the Hon'ble Supreme Court and other Courts as well as this Tribunal.

²<https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>.

5. Directions have been issued by the Hon'ble Supreme Court for control of vehicular pollution³, industrial and construction sector pollution⁴, power sector pollution⁵ and agricultural sector pollution⁶. This Tribunal also dealt with some of such issues.⁷ CPCB has also issued directions under Section 18(1)(b) of the Air Act, 1981 vide letter dated 29.12.2015 regarding prevention, control or abatement of air pollution and improvement of ambient air quality⁸.
6. A Comprehensive Action Plan (CAP) for air pollution control for NCR was prepared in pursuance of order of the Hon'ble Supreme Court dated 06.2.2017 by the Environment Pollution (Prevention and Control) Authority (EPCA) in consultation with the CPCB and DPCC on 05.04.2017.⁹ The said plan also provides for enforcement of Graded Response Action Plan (GRAP) notified by the MoEF&CC on 12.01.2017¹⁰. The GRAP envisages specific steps for different levels of air quality such as improvement in emission and fuel quality and other measures for vehicles, strategies to reduce vehicle numbers, non-motorised transport network, parking policy, traffic management, closure of polluting power plants and industries including brick kilns,

³ M.C. Mehta v. Union of India (1985)2 SCC 431, M.C. Mehta v. Union of India (2001) 3 SCC 756, M.C. Mehta v. Union of India (1998) 6 SCC 63, M.C. Mehta v. Union of India (2002) 3 SCC 356, M.C. Mehta v. Union of India (1998) 6 SCC 60

⁴ M.C. Mehta v. Union of India (1997) 2 SCC 353, M.C. Mehta v. Union of India and Shriram Foods and Fertilizer Industries and Anr. (1986) 2 SCC 235, Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. (1985) 2SCC 431, Mohd. Haroon Ansari v. District Collector (1998) 6 SCC 60, Union of India v. Union Carbide Co. (1989) 1 SCC 674, M.C. Mehta v. Union of India (1992) 4 SCC 256, Sterlite Industries (India) Ltd. etc. v. Union of India & Ors.(2013) 4SCC 575 , M.C. Mehta v. Union of India (2004) 6 SCC 588, M.C. Mehta v. Kamal Nath (2000)6 SCC 213

⁵ Consumer Education and Research Centre v. Union of India (1995)3 SCC 42, Dahanu Taluka Environment Protection group and Ors. v. Bombay Suburban Electricity Supply Company Ltd. and Ors (1991) 2SCC 539

⁶ Arjun Gopal and Ors v. Union of India and Ors (2017) 16 SCC 280, Dr. B.L Wadhwa v. Union of India and Ors (1996) 2 SCC 594

⁷ Vardhman Kaushik v. Union of India and Ors. O.A no. 21 of 2014, Vikrant Kumar Tongad v. Environment Pollution (Prevention and Control) Authority and Ors, O.A No. 118 of 2013, Satish Kumar v. Union of India and Ors, O.A. No. 56 (T_{HC}) OF 2013, Smt. Ganga Lalwani V. Union of India and Ors. O.A No. 451 of 2018

⁸ p. 38, <http://envfor.nic.in/sites/default/files/NCAP%20with%20annex-ilovepdf-compressed.pdf>

⁹ Report No.71, EPCA-R/2-17/L-21, Comprehensive Action Plan for air pollution control with the objective to meet ambient air quality standards in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh.

¹⁰ S.O.118(E), Notification, Ministry of Environment, Forest and Climate Change

control of generator sets, open burning, open eateries, road dust, construction dust, etc.

7. The GRAP categorises levels of pollution as severe plus, severe, very poor, moderate to poor. The action to be taken in such situations includes stopping entry of trucks, stopping construction activities, odd and even scheme of private vehicles, shutting of schools, closing of brick kilns, stone crushers, hot mix plants, power plants, intensifying public transport services, mechanised cleaning of road, and sprinkling of water, stopping the use of diesel generator sets, enhancing parking fees, etc. Implementation of prescribed norms in the light of legal provisions and court directions remains a challenge. The consequence is that India is being ranked high in terms of level of pollution compared to many other countries with enormous adverse impact on public health. Most victims are children, senior citizens and the poor.¹¹

8. A chamber meeting was held in this Tribunal on 05.09.2018 to review the situation. The same was attended by all the Members of the Tribunal, representatives of CPCB, Ministry of Road Transport and Highways (MoRTH), Ministry of Petroleum and Natural Gas, Ministry of Environment, Forest and Climate Change (MoEF&CC), Ministry of Agriculture, Cooperation and Farmers Welfare, Ministry of Heavy Industries, States of Haryana, Punjab, Uttar Pradesh and Rajasthan, NCT of Delhi, IIT Delhi, IIT Kanpur and NEERI. In the said meeting, presentation was given by CPCB to the effect that 102 cities have been declared as “non-attainment” cities based on study of data from 2011-2015 and directions were issued by the CPCB to concerned States to

¹¹ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>
<https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>

frame city specific action plans. 73 such plans were received. 36 were finalized. 37 are pending. 29 are yet to be submitted.

9. Under the National Ambient Air Quality Monitoring Programme (NAAQM) of the CPCB, renamed as National Air Quality Monitoring Programme (NAMP), air quality data is compiled with reference to notified air standards. Four air pollutants viz. Sulphur Dioxide (SO₂), Oxides of Nitrogen as NO₂, Suspended Particulate Matter (PM₁₀) and fine Particulate Matter (PM_{2.5}) have been identified for regular monitoring at all the locations.¹² In addition to this, there are hundred and one (101) real-time Continuous Ambient Air Quality Monitoring stations (CAAQMS) in 57 cities monitoring 08 pollutants viz. PM₁₀, PM_{2.5}, SO₂, NO_x, Ammonia (NH₃), Carbon Monoxide (CO), Ozone (O₃) and Benzene. PM₁₀ are inhalable coarse particles, which are particles with a diameter between PM_{2.5} and 10 micrometers (µm) and PM_{2.5} are fine particles with a diameter of 2.5 µm or less. Particulates are the deadliest form of air pollutant due to their ability to penetrate deep into the lungs and blood streams unfiltered. The smaller PM_{2.5} are particularly deadly as they can penetrate deeper into the lungs.
10. As already noted, there are 102 non-attainment cities where the air quality is worse than National Ambient Air Quality Standards consecutively in the last five years. The number of cities has increased from 94 identified earlier under the National Air Quality Monitoring Programme (2011-15). The highest number of cities are in Maharashtra (17) followed by Uttar Pradesh (15), Punjab (9), Himachal Pradesh (7), Odisha and Madhya Pradesh (6 each), Assam, Andhra Pradesh and Rajasthan (5 each), Karnataka (4), Bihar, Chhattisgarh and Telangana (3 each), Gujarat, Jammu and Kashmir, Nagaland and Uttarakhand (2 each) and Jharkhand, Delhi, Chandigarh, Meghalaya, Tamil Nadu and West Bengal (1 each).

¹² <http://envfor.nic.in/sites/default/files/NCAP%20with%20annex-ilovepdf-compressed.pdf>

11. The list of 102 cities identified by CPCB with status of parameters exceeded and major sources of pollution are as follows:

State Sl. No	State	Cities Sl. No	Cities	Status	Major Sources of Pollution
1	Andhra Pradesh	1	Guntur	PM10	i. Vehicular Emissions. ii. Road Dust/Re-suspension of dust and other fugitive emission. iii. Air Pollution from Bio-Mass Burning iv. Industrial Air Pollution. v. Air Pollution from Construction and Demolition Activities. vi. DG sets vii. LPG instead of coal in restaurants/dhabas/ road side eateries.
		2	Kurnool	PM10	
		3	Nellore	PM10	
		4	Vijaywada	PM10	
		5	Vishakhapatnam	PM10	
		6	Guwahati	PM10	
		7	Nagaon	PM10	
2	Assam	8	Nalbari	PM10	
		9	Sibsagar	PM10	
		10	Silchar	PM10	
	Bihar	11	Gaya	N.A	
		12	Patna	N.A	
		13	Muzzafarpur	N.A	
3	Chandigarh	14	Chandigarh	PM10	
4	Chhattisgarh	15	Bhillai	PM10	
		16	Korba	PM10	
		17	Raipur	N.A	
5	Delhi	18	Delhi	PM10, NO2	
6	Gujarat	19	Surat	PM10	
		20	Amedabad	N.A	
		21	Baddi	PM10	
		22	Damtal	PM10	
		23	Kala Amb	PM10	
7	Himachal Pradesh	24	Nalagarh	PM10	
		25	Paonta-Sahib	PM10	
		26	Parwanoo	PM10	
		27	Sunder Nagar	PM10	
8	Jammu & Kashmir	28	Jammu	PM10	
		29	Srinagar	N.A	
9	Jharkhand	30	Dhanbad	PM10	
10	Karnataka	31	Bangalore	PM10	
		32	Devanagere	PM10	
		33	Gulburga	PM10	
		34	Hubli-Dharwad	PM10	
		35	Bhopal	PM10	
		36	Dewas	PM10	

State Sl. No	State	Cities Sl. No	Cities	Status	Major Sources of Pollution
11	Madhya Pradesh	37	Indore	PM10	i. Vehicular Emissions. ii. Road Dust/Re-suspension of dust and other fugitive emission. iii. Air Pollution from Bio-Mass Burning iv. Industrial Air Pollution. v. Air Pollution from Construction and Demolition Activities. vi. DG sets. vii. LPG instead of coal in restaurants/dhabas/ road side eateries.
		38	Sagar	PM10	
		39	Ujjain	PM10	
		40	Gwalior	N.A	
		41	Akola	PM10	
		42	Amravati	PM10	
		43	Aurangabad	PM10	
		44	Badlapur	PM10, NO2	
		45	Chandrapur	PM10	
		46	Jalgaon	PM10	
		47	Jalna	PM10	
12	Maharashtra	48	Kolhapur	PM10	
		49	Latur	PM10	
		50	Mumbai	PM10	
		51	Nagpur	PM10	
		52	Nashik	PM10	
		53	Navi Mumbai	PM10	
		54	Pune	PM10, NO2	
		55	Sangli	PM10	
		56	Solapur	PM10	
57	Ulhasnagar	PM10, NO2			
13	Meghalaya	58	Byrnihat	PM10	
14	Nagaland	59	Dimapur	PM10	
		60	Kohima	PM10	
15	Orissa	61	Angul	PM10	
		62	Balasore	PM10	
		63	Bhubneshwar	PM10	
		64	Cuttack	PM10	
		65	Rourkela	PM10	
		66	Talcher	PM10	
		67	Amritsar	N.A	
		68	DeraBassi	PM10	
		69	Gobindgarh	PM10	
70	Jalandhar	PM10			

State Sl. No	State	Cities Sl. No	Cities	Status	Major Sources of Pollution
16	Punjab	71	Khanna	PM10	i. Vehicular Emissions. ii. Road Dust/Re-suspension of dust and other fugitive emission. iii. Air Pollution from Bio-Mass Burning iv. Industrial Air Pollution. v. Air Pollution from Construction and Demolition Activities. vi. DG sets. vii. LPG instead of coal in restaurants/dhabas/ road side eateries.
		72	Ludhiana	PM10	
		73	NayaNangal	PM10	
		74	Pathankot/Dera Baba	PM10	
		75	Patiala	PM10	
		76	Alwar	PM10	
		77	Jaipur	PM10	
17	Rajasthan	78	Jodhpur	PM10	
		79	Kota	PM10	
		80	Udaipur	PM10	
18	Tamil Nadu	81	Tuticorin	PM10	
19	Telangana	82	Hydrabad	PM10	
		83	Nalgonda	PM10	
		84	Patencheru	PM10	
		85	Agra	PM10	
		86	Allahabad	PM10	
		87	Anpara	PM10	
		88	Bareilly	PM10	
		89	Firozabad	PM10	
		90	Gajraula	PM10	
		20	Uttar Pradesh	91	Ghaziabad
92	Jhansi			PM10	
93	Kanpur			PM10	
94	Khurja			PM10	
95	Lucknow			PM10	
96	Muradabad			PM10	
97	Noida			PM10	
98	Raebareli			PM10	
99	Varanasi			PM10	
21	Uttarakhand	100	Kashipur	PM10	
		101	Rishikesh	PM10	
22	West Bengal	102	Kolkata	PM10, NO2	

12. The above chart shows that major violation of standard is of “PM₁₀” and identified sources are vehicular, industrial, biomass burning, road dust, construction and demolition, DG sets and road side eateries. The action plan proposed by the CPCB¹³ with the timeline is as follows:

Action Plan:				
	Action	Implementati on period (Short/ Mid /Long-term)	Time target for Implement ation	Responsible agency (ies)
Source group	1. Restriction on plying and phasing out of 15 years old commercial diesel driven vehicles.	Mid	Dec. 18	Transport Department
Vehicles	2. Introduction of cleaner fuels (CNG/LPG) for vehicles.	Mid	June, 18	Transport Department & Oil companies
	3. Regular checking of vehicular emission and issue of Pollution under Control Certificate (PUC).	Short	March, 18	Transport Department & Traffic Police
	4. Good traffic management including re-direction of traffic movement to avoid.	Mid	July, 18	Traffic Police
	5. Ban on registration of Diesel driven auto-rickshaw /Tempo.	Short	April, 18	Transport Department
	6. Promotion and operationalization of E-rickshaw.	Mid	June, 18	Transport Department
	7. Development of Multi-layer parking.	Long	Dec. 18,	MC, UD&HD & District Adm
	8. Retrofitting of particulate filters in diesel driven vehicle.	Mid	Dec. 18	Transport Department
	9. Checking of fuel adulteration	Short	April, 18	District Adm & Oil Company
	10. Monitoring on vehicle fitness.	Short	April, 18	Transport Department & Traffic Police
	11. Periodic calibration test of vehicular emission monitoring instrument	Short	April, 18	SPCB & Transport Department
	Road Dust	1. Regular cleaning of road dust.	Short	April, 18

¹³presented by CPCB in chamber meeting at NGT on 05.09.2018

	2. Water spraying on road through tankers	Mid	April, 18	MC
	3. Construction of pucca pavement along the roads.	Long	Dec. 18	MC and Road Construction Department
	4. Tree plantation along the roads.	Long	Aug. 19	Department of Environment and Forest
	5. Development of green belt in open areas, gardens, parks/ community places, schools & housing societies.	Long	Aug. 19	Department of Environment and Forest
	6. Introduction of water fountains at major traffic intersection/ Golambar/circle.	Long	Aug.19	MC
Construction activities	1. Covering of construction site.	Short	April, 18	Building Construction Department and MC.
	2. Transportation of construction materials like sand, soil, stone chips etc. in covered system.	Short	April, 18	Transport Department District Adm. & Traffic Police.
	3. Restriction on storage of construction materials along the road.	Short	April, 18	MC
Biomass and garbage burning	1. Restriction on open burning of municipal solid waste, Biomass, plastic horticulture waste etc.	Short	March, 18	MC
	2. Immediate lifting of solid wastes generated from de-silting and cleaning of municipal drains for its disposal.	Short	April, 18	MC
	3. Transportation of municipal solid wastes, construction materials and debris in covered system.	Short	April, 18	MC
	4. Ensuring promotion & use of cleaner fuel for commercial purposes like local Dhaba/eateries	Long	Dec.19	District Adm. & Oil Company
Industries	1. Ensuring installation and operation of air pollution control devices in industries	short	April, 18	SPCB
	2. Ensuring emission standards in industries	short	April, 18	SPCB

	3. Adoption of cleaner technology in brick kilns at five blocks of City Name Viz. city Name Sadar, Danapur, Phulwarisharif, Maner and Fatuha by 31.08.2018	Mid	Aug. 18	SPCB
	4. Shifting of polluting industries,	Long	Dec. 19	SPCB & Industry Department
	5. ban on polluting industries	Short	April, 18	SPCB & Industry Department
Strengthening of AAQ monitoring	1. Installation of four CAAQMS at City Name A. Two CAAQMS stations under CSR funds of CPSU through Central Pollution Control Board at Eco-Park and IGIMS, City Name premise. b. Two CAAQM stations under State Govt. financial assistance	Mid	Aug. 18	SPCB
	2. Source appointment study	Mid	Dec. 18	SPCB
Public Awareness	1. Issue of advisory to public for prevention and control of air pollution	Short	April, 18	SPCB & SDMA
	2. Involvement of school and other academic institution in awareness program	Mid	Aug. 18	SPCB
Others	1. Compliance of guidelines on D.G. sets and action against violation	Short	April, 18	SPCB & MC
	2. Help line to oversee non compliances on aforesaid issues.	Short	April, 18	SPCB & MC

13. The data of non-attainment cities is a matter of concern. Though, the MoEF&CC has announced NCAP, as noted earlier, the timeline for bringing down the pollution by 70-80% in next 10 years does not meet the mandate of law. The time line has to be revised. As per some studies, India ranks 177 out of 180 countries in Environmental Performance Index.¹⁴

¹⁴ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>

14. We are thus of the view that emergent measures are required to check sources of air pollution. Once the standards have been laid down in the statutory provisions of the Air Act, 1981, all the authorities as well as citizens are statutorily bound to follow the said standards.
15. Accordingly, we consider it appropriate to take cognizance of the alarming situation and issue directions as follows:
 - i. All the States and Union Territories with non-attainment cities must prepare appropriate action plans within two months aimed at bringing the standards of air quality within the prescribed norms within six months from date of finalization of the action plans.
 - ii. The Action Plans may be prepared by six-member committee comprising of Directors of Environment, Transport, Industries, Urban Development, Agriculture and Member Secretary, State Pollution Control Board or Committee of the concerned State. The Committee may be called Air Quality Monitoring Committee (AQMC). The AQMC will function under the overall supervision and coordination of Principal Secretary, Environment of the concerned State/Union Territory. This may be further supervised by the Chief Secretaries concerned or their counterparts in Union Territories by ensuring intra-sectoral co-ordination.
 - iii. The Action Plans may take into account the GRAP, the CAP and the action plan prepared by CPCB as well as all other relevant factors. The Action Plans may be forwarded to the CPCB by 31.12.2018. The same may be placed before the Committee as directed in direction no. vi. The Action Plan will include components like identification of source and its apportionment considering sectors like vehicular pollution, industrial pollution, dust pollution, construction activities, garbage burning, agricultural pollution including pollution caused by burning of crop residue, residential and indoor pollution etc. The action plan

shall also consider measures for strengthening of Ambient Air Quality (AAQ) monitoring and steps for public awareness including issuing of advisory to public for prevention and control of air pollution and involvement of schools, colleges and other academic institutions and awareness programmes.

- iv. The Action Plan will indicate steps to be taken to check different sources of pollution having speedy, definite and specific timelines for execution.
- v. The Action Plan should be consistent with the carrying capacity assessment of the non-attainment cities in terms of vehicular pollution, industrial emissions and population density, extent of construction and construction activities etc. The carrying capacity assessment shall also lay emphasis on agricultural and indoor pollution in rural areas. Depending upon assessed carrying capacity and source apportionment, the authorities may consider the need for regulating number of vehicles and their parking and plying, population density, extent of construction and construction activities etc. Guidelines may accordingly be framed to regulate vehicles and industries in non-attainment cities in terms of carrying capacity assessment and source apportionment.
- vi. The Committee comprising of (a) Shri. Prashant Gargava, Member Secretary, CPCB, (b) Dr. Mukesh Khare, Professor, IIT Delhi, and (c) Dr. Mukesh Sharma, Professor, IIT Kanpur shall examine the Action Plans and on the recommendations of the said Committee, the Chairman, CPCB shall approve the same by 31.01.2019.
- vii. The Chief Secretaries of the State and Administrators/ Advisors to Administrators of the Union Territories will be personally accountable for failure to formulate Action Plans, as directed.
- viii. The CPCB, SPCBs and State Pollution Control Committees shall develop a public grievance redressal portal for redressal of public

complaints on air pollution along with a supervisory mechanism for its disposal in a time bound manner. Any visible air pollution can be reported at such portal by email/SMS.

- ix. The CPCB and all the State Pollution Control Boards and Pollution Control Committees shall collectively workout and design a robust nationwide ambient air quality monitoring programme in a revised format by strengthening the existing monitoring network with respect to coverage of more cities/towns. The scope of monitoring should be expanded to include all twelve (12) notified parameters as per Notification No B-29016/20/90/PCI-L dated 18th November, 2009 of CPCB. The continuous Ambient Air Quality Monitoring Stations (AAQMS) should be preferred in comparison to manual monitoring stations. The CPCB and States shall file a composite action plan with timelines for its execution which shall not be more than three months. It is expected that all such AAQMS shall be connected to central server of CPCB for reporting analysis of results in a form of Air Quality Bulletin for general public at regular intervals atleast on weekly basis and ambient air quality on continuous basis on e-portal. MoEF&CC will provide requisite funds for the purpose. MoEF&CC in consultation with Ministry of Housing and Urban Affairs, MoRTH, Ministry of Petroleum and Natural Gas, Ministry of Agriculture, Cooperation and Farmers Welfare or any other Ministry to lay down such guidelines as may be considered necessary for improvement of air quality in the country.

16. A copy of this be sent by e-mail to all the concerned i.e. Ministries of Environment, Forest & Climate Change, Housing and Urban Affairs, Road Transport and Highway, Agriculture, Petroleum and the Chief Secretaries of all the States and Union Territories for compliance.

17. We understand that some of the Zonal Benches of the National Green Tribunal have also passed directions on the subject of Ambient Air Quality and the States in those Zones are in the process of implementation of such directions. Specific reference may be made in this regard to judgement dated 11.08.2016 in O.A No. 33/2018/EZ in the matter of *Subhas Datta v. State of West Bengal & Ors.* We make it clear that this order shall not be considered as an impediment to those actions but as an addition or supplement thereto for achieving the object of this order at the macro level and of the said order at the micro level in the concerned cities.
18. Needless to say, that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act, 2010.
19. The CPCB may compile the data and furnish the same to this Tribunal by email at filing.ngt@gmail.com on or before 15.2.2019.
20. Put up for consideration in the last week of February, 2019.

....., CP
(Adarsh Kumar Goel)

.....,JM
(Dr. Jawad Rahim)

.....,JM
(S.P. Wangdi)

.....,EM
(Dr. Nagin Nanda)

New Delhi
October, 08, 2018

Action Plan for Clean Air, Ludhiana



30th April 2019

Directorate of Environment and Climate Change
Department of Science, Technology and Environment
Government of Punjab

Chapter 6—Control of Road Dust

6.1 Key Activities

6.1.1 The particles of dust that deposit from the atmosphere accumulate along road sides are called road dust particles. Two main sources of road dust are deposition of previously suspended particles (atmospheric aerosols) and displaced soil. Additionally, the emissions from the vehicular traffic, building construction and renovation, corrosion of metals structures etc. contribute directly to the road dust. To minimize the pollution generated from the dust emissions, following key activities are proposed:

Maintenance Related

- (i) CRD1– Maintain pot holes free roads for free-flow of traffic
- (ii) CRD 2 – Water sprinkling
- (iii) CRD 3 – Mechanical sweeping

Infrastructure Related

- (i) CRD4 -Creation of green buffers along the road sides
- (ii) CRD 5 - Greening of parks, open areas, community places, schools and housing societies
- (iii) CRD 6 - Water fountains at major traffic intersections
- (iv) CRD 7 - Blacktopping of roads including pavement of road sides

6.1.2 Various actions to be taken for the above activities are given below. Further, the details such as baseline, target, timeline, milestones have been given in **Annexure-D**.

6.2 CRD 1 – Maintain potholes free roads for free-flow of traffic

All the agencies such as MC/ PWD/ PUDA/PSIEC/NHAI will put in place a system of regular inspections to identify the potholes and ensure that these are filled up immediately. It shall be monitored on regular basis. A web based/ mobile app shall be set up for Public to lodge complaint against the pothole and it shall be monitored for prompt repair.

6.3 CRD 2 – Water sprinkling

2(a) Water sprinkling on dust prone roads: Municipal Corporation shall identify the dust prone roads and shall prepare schedule for regular sprinkling of water on these roads to suppress dust emissions. This activity shall be started immediately. In order to save the water, the Municipal Corporation shall utilize the treated wastewater of STPs installed in the city.

2(b) Procurement of Water sprinkler: Municipal Corporation need to make arrangements for regular sprinkling of water on dust prone roads for which it may procure suitable number of water sprinklers.

6.4 CRD 3 – Mechanical sweeping

Municipal Corporation shall procure adequate number of automatic sweeping machines for efficient and fast sweeping of the road / streets. The frequency of the sweeping shall be fixed appropriately by the Municipal Corporation.

6.5 CRD 4 – Creation of green buffers along the road sides

The Municipal Corporation, Ludhiana /PSIEC shall undertake a special drive to identify the areas and make plantation thereby increasing the green belt in and around the industrial areas, residential areas and road sides etc. in collaboration with the Deptt. of Forests. The possibility may also be explored for provide vertical gardening along the pillars / sides of the bridges.

Municipal Corporation, Ludhiana and /PSIEC shall identify the trees with the help of Deptt. of Horticulture which may be grown along the roads without any obstruction to the traffic. These trees shall be planted at the suitable places. The maintenance of these trees shall be done by the Municipal Corporation, Ludhiana and NHAI on their respective areas of jurisdiction. After one year, survival rate of the plants be calculated and new plants be planted.

6.6 CRD 5 –Greening of parks, open areas, community places, schools and housing societies

In order to increase greenery in the city, the Municipal Corporation shall identify open areas/ lawns/ vacant lands including community places and schools in the city and these places be allocated to the NGOs or Industrial Associations for tree plantation and their maintenance. The activity of identification of the suitable sites shall be completed in a time bound manner and shall be allotted to the NGOs or Industrial Associations.

6.7 CRD 6 – Water fountains at major traffic intersections

Municipal Corporation shall explore the possibility of setting up of the water fountains at important traffic junctions to reduce the emission level including dust at these points.

6.8 CRD 7 – Blacktopping of roads including pavement of road sides

7 (a) Kaccha/Brick Paved Roads to be made Pucca road: Some of the city roads are not properly metalled, which are the source of dust and gaseous emissions. These roads shall be converted into metalled road. Municipal Corporation shall undertake this activity in a time bound manner.

7 (b) Existing roads requiring re carpeting: Roads require regular upkeep & re carpeting. The responsible agencies (MC/PWD/NHAI/PSIEC/PUDA) shall ensure re carpeting of damaged existing roads.

7 (c) Pavement of road side using interlocking tiles to prevent road dust emissions: Berms along the roads need to be stabilized with interlocking tiles to prevent road dust emissions.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
In O.A. No. 616 of 2025

IN THE MATTER OF:

Council of Engineers & 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 the present OA and is filing Rejoinder against Affidavit dated submitted by MCL in the Original Application.
2. That the facts stated in the Rejoinder from Paragraph No. 1 to 9 from Page No. 1 to 10 accompanying this Affidavit are true and correct to the best of my knowledge and nothing has been concealed there from.

Deponant
DEPONENT

VERIFICATION

1190
16-04-2026



Verified at Ludhiana on this 16th Day of April 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.

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

Deponant
DEPONENT.

ATTESTED AS IDENTIFIED

NOTARY PUBLIC
LUDHIANA (PB.)

16 APR 2026

Know the contents of the affidavit personally and he/she has signed the expression in my presence

130



Engineers Council <engineerscouncilindia@gmail.com>

Service of document - Rejoinder in OA 616 of 2025

Engineers Council <engineerscouncilindia@gmail.com>Fri, Apr 17, 2026 at
2:03 PM

To: "secy.lg" <secy.lg@punjab.gov.in>, CommLudhiana
<Commissionermcl@gmail.com>, Director <dirlocalgovtpunjab@gmail.com>,
"ceo.pmidc" <ceo.pmidc@punjab.gov.in>, V P Singh <gm.project.pmidc@gmail.com>,
dtpludhiana@gmail.com

Dear Sir/Madam

PFA copy of rejoinder filed in OA 616 of 2025 by Applicants. Please consider it as
a document service of documents.

Regards

Council of Engineers
through its President Er. Kapil Dev
Applicant in Person
OA No. 616 of 2025
M: 9872007872

 **Rejoinder by Applicants in OA 616 of 2025.pdf**
2905K