

**BEFORE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI**

Original Application No.502 of 2025

IN THE MATTER OF:

Arvind Goel

..Applicant

Versus

Municipal Corporation,
Ludhiana & Ors

...Opp Parties

**Rejoinder to the Counter Affidavit Filed by OP-1 & 2
-Ludhiana Municipal Corporation, etc**

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(AJAY KUMAR)

(D/338/1998)

Advocate for the Applicant

Chamber No. 710, D-Block

Additional Building Complex

Supreme Court, New Delhi-110 001

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Date: 10.04.2026

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Preliminary Submissions:

1. Written Statement filed by the OP-1 and OP-2 is cryptic and has concealed the details more than to reveal them.
2. That it is submitted that the stand taken by OP-1 and OP-2 that there never existed a green-belt based on the lay-out plan submitted by OP-5 to OP-1 in the year 2001 is specifically to help OP-6 in as much as it has been an admitted case of the OP-5 society as well as of the Raghunath Mandir Society that the land abutting the highway is a green-belt. Applicant submits that except a school and a community center, the original lay-out plan submitted by the OP-

5 society to the Registrar, Ludhiana Co-operative Society (OP-4) had the entire stretch of land on both sides abutting the national highway as green-belt. In 1989, when allotment of plot No. 785, which was carved out from the green-belt and later when the allotment was cancelled on the ground that it was a green-belt, the OP-5 society all along maintained that the land as per its original lay-out plan is a green-belt. In its appeal filed before the first appellate court challenging the decree of trial court, the OP-5 society stated therein on affidavit that the land was a green-belt and the OP-5 society had no power to give away the green-belt for any residential or other purpose. Copy of the memo of appeal No. 35 of 1992 dated 12.05.1992 is enclosed hereto as **Annexure P-17**.

Similarly, in CWP No. 24438 of 2021, which was filed by Abhay Goyal in individual capacity, even though he was the then president of Shri Raghunath Mandir Society having some commercial shops built over the green-belt from which it derived rental income, in that writ petition also Abhay Goyal took specific plea

that commercial construction on plot 785 was not permissible since the said plot fell over green-belt and that the OP-5 society had no jurisdiction to give away the land of green belt. Copy of the CWP No. 24438 of 2021 dated 03.04.1992 is filed by OP-6 along with its written statement and the same is already part of the record.

From synchronized response of OP-1/2; OP-5 and OP-6 it is clear that they have made the same attempt here to procure a collusive order as they did in the collusive CWP No. 24438 of 2021. In this respect, the applicants respectfully submits that OP-5 is fully aware that the entire stretch of land abutting national highway between sector-1 and sector-2 of Aggar Nagar falls under green-belt and in 1989 it vehemently contested allotment of plot No. 785 which was illegally carved out of this green-belt and given away to one Pawan Duggal, a retired IAS officer. Despite liberty to OP-5 to proceed against Pawan Duggal *de novo* in accordance with law, OP-5 dropped the proceedings for extraneous purposes.

Later on, Pawan Duggal transferred plot 785 to the respondent No.4 and 5 of CWP No. 24438 of 2021, wherein again, Abhay Goyal filed this writ petition challenging construction of commercial structure thereupon on the ground that the land was a green-belt. Response was sought from OP-1 and OP-5. OP-5 was respondent No. 4 in this writ. OP-5 did not point out the fact that entire land was green-belt and that plot No. 785 was illegally carved out and the proceedings of cancellation of the plot was abandoned mid-way by OP-5 for reasons best known to them. OP-5 also remained quiet to the affidavit of OP-1 which, in a similar tone as in the present case, filed a short reply relying upon the lay-out plan of OP_5 given to OP-1 in 2011 and held that there was no green belt as per the lay-out plan. This misled the Hon'ble High Court to pass the consequential order, which all the OPs are relying upon here.

Para-wise rejoinder:

3. In response to the contents of para 1 of the written statement, it is submitted that the original lay-out

plan submitted by the OP-5 society to the office of Registrar, Co-operative Societies, who has been made OP No. 4 in this OA, shows the entire stretch along with the national highway as the green-belt. OP-4 has not opted to enter appearance and file its reply despite service of notice upon it. Original Lay-out plan filed by the OP-5 society before the office of OP-4, if produced on record would reveal that the entire stretch alongside the highway at the time of registration of the OP-5 society as per the lay-out plan then submitted was approved as a green-belt. The lay-out plan which is available with the applicant or which has been relied upon by the OP1/2, is the lay-out plan of 2001, without any explanation coming out from OP-5 as to under what circumstance, the green-belt was converted into plots for use of residential or commercial purpose. It is therefore, incorrect to say that there was no existence of green-belt as alleged. OP-1/2 cannot rely upon the

4. It would also be evident from the 'Detail of Area' given at the bottom of the lay-out plan that area under

open space in Sector 2 of Aggar Nagar (Sector-2 is the sector pertaining to the green-belt over which the OP-6 private hospital is constructed), that a total area of 37,466 square yards is allocated to the open space. It is stated that even though the plots have been carved out by OP-5 society from the green-belt or that the green-belt is illegally given away by the OP-5 society for being commercially used, the area originally mentioned under the different headings as provided in the table 'Detail of Area' below the lay-out plan has not changed.

5. Lay-out plan enclosed with the counter-affidavit of the OP-1/2 is admittedly of 2001. The original lay-out plan submitted by OP-5 housing society to the Registrar, Cooperative Society, Ludhiana (OP-4) may be directed to be produced by OP-4.
6. It is incorrect and denied as alleged in para 2 of the written statement that the applicant has filed a false and frivolous OA just to harass. In this regard, it is submitted that the OP-1 has itself passed demolition orders stating that the construction was raised on

green-belt, however, for obvious extraneous considerations and in collusion with OP-6, OP-1 never went ahead to demolish the building. It is submitted that other illegal structures standing on either side of the highway on the green-belt cannot justify illegal and unauthorized occupation and construction raised for commercial purpose over green-belt by OP-6 in collusion with OP-1 and OP-5.

7. That in response to para 3 of the written statement, it is submitted that the proceedings under CWP 24438 of 2021 is collusive and was filed by Abhay Goel, the then president of Shri Raghunath Mandir Society which had allowed the OP-6 to raise illegal construction over the green-belt that was illegally allotted to it by OP-5. This petition was filed to validate illegal possession and construction over green-belt by being done by OP-6 by obtaining an order from the High Court to the effect that the plot No. 785 was not on green-belt. OP-5 concealed material facts in these proceedings that the land in question was a green-belt and OP-5 had taken this

stand fiercely in a previous litigation. On the other hand, OP-1 misled the High Court by placing on record wrong lay-out plan submitted to it by OP-5 in 2001. This order is not binding on applicant. Nor can it act as a final adjudication on the issue of green-belt, qua which, this Hon'ble Tribunal exercises exclusive jurisdiction to decide after 2010.

8. In response to the contents of para 4 of the written statement, it is submitted that it is shocking for the OP-1 to support OP-6 case based on property tax when there is no title document at all in favour of OP-6. OP-1 should explain before this tribunal the basis of collection of property tax from OP-6 qua the 3360 sq yards of land over green-belt in respect whereof, no legitimate title document is in possession of OP-6.
9. In response to the contents of para 5 of the written statement, it is submitted that the statement that illegal construction was stopped by the OP-1, is false and an eyewash. OP-1 is hand-in-glove with OP_5 and OP-6 in illegally frittering away the green-belt and in deriving extraneous benefits out of it. OP-1, if

it has remained on the side of law, must explain to this Hon'ble Tribunal as to under what circumstance the demolition order dated 15.04.2013 or dated 10.03.2025 (Annexure P-12) has not been given effect to till date. IN this regard, it is also submitted that the construction of illegal structure continued unabated by OP-6 under the nose of OP-1 despite notice of the interim order dated 10.10.2025 passed by this Hon'ble Tribunal, until this Hon'ble Tribunal issued notice in Execution Application filed by the applicant. With regard to the OP-1 considering OP-6's application for compounding of the latest constructions, it is really shocking that the rank stranger and outright grabber of the green-belt having no right, title or interest over the land on which the illegal structure is raised by it, is being offered by OP-1 a velvet to walk on by making an effort to legitimize its illegality. This is despite the fact that on 20.12.2025, OP-6 has admitted that it has no right, title or interest over the green-belt under its occupation and that the OP-5 should issue some sort

of conveyance deed in its favour. In light of these facts, OP-1's conduct raises serious questions. Copy of the letter dated 20.12.2025 written by OP-6 to OP-5 is enclosed hereto as **Annexure P-18**.

10. In response to the contents of para 6, it is submitted that approval or otherwise of a building/site plan under the provisions of Punjab Municipal Corporation Act and Punjab Model Building Bye-laws pertains to buildings being raised by legitimate owner of the land having a valid title of that land. Compounding and consideration of fresh site-plan at the behest of a land-grabber is a unique example being set up by OP-1 and the reasons for the same can be any one's guess. It is submitted that under what circumstances a green-belt was converted by OP-5 for the purpose of commercial use and under what circumstances, OP-6 who is a rank stranger, managed to grab possession of the 3360 sq yards of green-belt are the relevant questions for consideration by this Hon'ble Tribunal. OP-1's jurisdiction to compound an illegal structure or to

examine afresh a new site-plan are the issues that would come up for consideration only after a valid transfer of green-belt in favour of OP-6 by OP-5 is established.

11. That the prayer of dismissal of the OP is misconceived.

Through

Arundhati
Applicant
Advocate

New Delhi
Date: 10.04.2026

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BEFORE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, AT NEW DELHI

Original Application No. 502 of 2025

IN THE MATTER OF:

ARVIND GOEL ..APPLICANT
VERSUS
MUNICIPAL CORPORATION ..OPP. PARTIES
LUDHIANA & ORS

A F F I D A V I T

I, Arvind Goel, son of Late Shri Kewal Krishan Goel, resident of 550-B, Aggar Nagar, Near Dussehra Ground, Rajguru Nagar, Ludhiana, Punjab, do hereby solemnly affirm and declare as under:

1. That I am the applicant in this case. I am conversant with the facts of the case and duly competent to swear this affidavit.
2. That contents of the accompanying rejoinder affidavit to the written statement filed by opposite party No. 1 & 2 is drafted under my instructions and after going through the same I state that the same are true and correct.
3. That the annexures enclosed along with the accompanying application are true copies of their respective originals.

Arvind Goel
DEPONENT

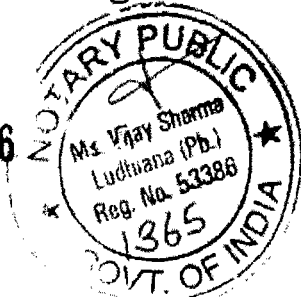
VERIFICATION:

Verified at Ludhiana on this ___ Day of April, 2026 that the contents of the foregoing affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material is concealed from it.

Arvind Goel
DEPONENT

ATTESTED

NOTARY PUBLIC,
Ludhiana Punjab, India



07 APR 2026

1365
7/4/26

Certified that the affidavits P.A./G.P.A. have been read over & explained to the deponent who seemed correctly to understand the same at the time of making above thereof

13. 1

CIVIL APPEALS

CA 35/1992

English Civil Form No. 252

OPENING SHEET FOR CIVIL APPEALS IN COURTS SUBORDINATE

TO THE HIGH COURT OF THE PUNJAB

CIVIL APPEAL NO.

of

19

Dad 19/10/93

No. & date of the original Suit			Date of institution of Appeal	Value of suit & appeal for purpose of Jurisdiction	Value of appeal for purpose of Court Fee	Amount Court Fee on appeal
No.	Date of institution in first court	Date of decision in first Court				
407/2033/93	23.1.93	3.4.93	15.5.1994	2.10/-	2.10/-	2.10/-

CA 35/1992

The Luchiana Aggarwala Cooperative House Building Society Ltd. Aggar Nagar, Luchiana through Sh. P.J. Kaushal Secretary of the Society.

Appellant.

Versus.

Pawan Kumar Duggal s/o Shri Prabh Nath Duggal C/o M/s Kamal Agencies near Congress Office, G.T. Road, Luchiana.

Respondent.

Appeal filed by The Luchiana Aggarwala Cooperative House Building Society through Sh. P.J. Kaushal Secretary of the Society. Name of party agreed.

Appeal from the order of

the Appeal against the judgment and decree of Mrs. Sudarshan Modi, Senior Sub Judge, Luchiana dated 3.4.1992.

To accept the appeal and to dismiss the suit of the plaintiff with costs throughout.

ATTESTED

Examiner

10 FEB 2026

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Grounds of appeal:

1. The learned trial court erred in clubbing issues No.1 and 1-A together, which has resulted in serious miscarriage of justice.

2. The decision of the trial court on issues No.1 and 1-A is erroneous for the under-mentioned reasons:-

- (a) Injunction is a relief in equity and cannot be granted to the plaintiff, who has come to the court with mis-statement of facts.
- (b) The site in dispute is a part of the Green Belt and nobody has any power, authority or jurisdiction to allot the same.
- (c) The finding that the document Ext. D1 had been created later, is conjectural, against facts and is bad on the face of it.
- (d) No possession of the property had been given to the plaintiff.
- (e) The possession of the plaintiff over the property has not been proved. The possession of an open site goes with title, which vests and is proved to be with the Society.
- (f) The statement of the witnesses of the defendant have not been properly appreciated or construed.
- (g) The fact that no such plot with the boundaries given, exists at the site has not been taken into consideration. The park is being maintained by the defendant's society and the same is meant to be used by the members of defendant society as a park.

ATTESTED


Examiner

10 FEB 2016



- (h) To succeed the plaintiff had to prove that there was a valid allotment in his favour. If there was no valid allotment the question of any right, interest or title of the plaintiff could never arise. This vital aspect of the plaintiff could never arise. This vital aspect of the case has been completely lost sight of.
- (i) The fact that the all ged amount deposited by the plaintiff and lying in the suspense account has not been taken into consideration.
- (j) The plots, which had been carved out of the Green Belt malafidely, had been cancelled by the General House. The decision of the General House, which is the Supreme Body of the Society is not open to the question and is binding. This aspect of the case has not been taken into consideration.
- (k) The notices of the General Body Meeting were issued to all the members of the Society, including the plaintiff alongwith Agenda of the meeting. One of the items of the Agenda was to consider the enquiry report, on the basis of which the plots were shown to have been illegally carved out of the green belt and the cancellation thereof. The plaintiff intentionally did not attend this meeting and this aspect of the case has been completely ignored.
- (l) The malafide suit filed by Sri Anrit Lal claiming himself to be the President of the Society, was not authorised by the Society and anything stated therein, does not bind the society. This aspect of the case has been ignored altogether.

ATTESTED


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- (m) The learned Sub Judge failed to take into consideration that there was no allotable plot existing after 1984.
- (n) The general body exercising its powers under Section 23 of the Punjab Cooperative Societies Act had cancelled the allotments, illegally made, by the Administrator of the Managing Committee.
- (o) The jurisdiction of the Civil Court was completely barred. The authorities cited has no application to the facts of the case. The dispute, if any, regarding validity and the allotment of the Green Belt and the subsequently cancellation is certainly a matter covered under Section 55 of the Punjab Cooperative Societies Act.
- (p) The evidence produced by the defendant has completely ignored.
- (q). The evidence of the plaintiff was discrepant and untrustworthy.
- (r) The decision on these issues is based on weak conjectures and on inadmissible evidence.
- (s) The trial court has made out entirely a new case for the plaintiff.
- (t) No injunction can be granted as the possession of the plaintiff has not been proved.
- (u) The trial court erred in framing correct issues, which has resulted in miscarriage of justice.
- (v) The trial court has not taken into consideration the fact that the plaintiff was not having the plot of a part of the green belt. There was no other evidence led by the plaintiff except the bare statement of the plaintiff. The allotment made by Smt. Harbinder Kaur was subject to the approval of

10 FEB 2026



Assistant Registrar Cooperative Societies.

- (w) The fact that the Assistant Registrar was also colluding with shri Amrit Lal and the plaintiff has not been taken into consideration.
- (x) The statement of Shri F.C.Kaushal DW2 has been ignored. Similarly the statement of Amar Singh DW3 has not been taken into consideration.
- (y) The decision of the General Body was upheld by the Registrar.
- (z) The letter Ext. D1 is a genuine letter and has been completely ignored.

3. The decision of the trial court is against law and facts on the file.
4. The appellant has not been afforded full opportunity to lead his evidence.
5. The learned trial court erred in not deciding the application for inspection and appointment of Local Commissioner filed by the appellants. The inspection would have clearly shown the false and vague nature of the evidence of the plaintiff and would have clearly shown that the property is a part of the green belt and is in actual possession of the appellant.
6. The property is in actual possession of the appellant. The plaintiff is not in possession of the property and as such no injunction could be passed.

It is, therefore, prayed that the appeal be accepted and the suit of the plaintiff be dismissed with costs throughout.

Handwritten signature

The Appellants Aggarwala Cooperative Housing Building Society Ltd. Aggar Nagar, Ludhiana through Sh; F.C.Kaushal Secretary.

Handwritten signature Appellant. Through counsel

Sh; Sukhjet Rai Wadehra, Advocate.

10 FEB 2025

DATE OF DELIVERY

12/2/26
Examiner
COPYING BRANCH
Session Judge's & Courts, LDH

COMPARED TO BE TRUE COPY

Examiner
Copying Branch
District & Session Judge's Office
Ludhiana Under Section 76 of
The Evidence Act 1879

COMPARED AND FOUND
CORRECT

Ludhiana.
COPYIST
12.5.1992.

0161-2460162
0161-2460163
0161-2465323
0161-2460164**SHREE RAGHUNATH HOSPITAL**

REGN. NO. 39 (1980-81)

AGGAR NAGAR, FEROZEPUR ROAD, LUDHIANA-141 012

RUN BY : SHREE RAGHUNATH HOSPITAL SOCIETY (REGD.)

Registered for Exemption U/s 80-G of the Income Tax. 1961 Vide C.I.T. Ludhiana
Order No. C.I.T.-III/LDH/JB/80-G/315/10-11/51113 SL. 24.03.2021President
Sh. Arun GoelTreasurer
CA. Kuldip SinglaSecretary
Sh. Rajneesh Kumar Jain

Chairman Selection Committee

Sh. Sita Ram Singla

Vice President

Sh. Anil Gupta

Sh. Nitesh Abrol

Sh. Parmod Aggarwal

Sh. Sandeep Goel

Joint Secretary

Sh. Vijay Jindal

Executive Member

Sh. Akash Gupta

Sh. Ashwani Goel

Sh. Bhupinder Goel

Sh. Krishan Chand Gupta

Sh. Nitin Jain

Sh. Nishit Singhania

Sh. Pardeep Gupta

Sh. Parmanand Gupta

Sh. Sanjay Gupta

Sh. Sandeep Gupta

Sh. Shekhar Gupta

Sh. Surinder Kr. Gupta

To

The President
The Ludhiana Aggarwala Cooperative House Building Society Ltd
Aggar Nagar, Ferozpur Road, LudhianaSub: Corrigendum to the letter dated 17.12.2025 issued in the past to The Ludhiana
Aggarwala Cooperative House Building Society Ltd, Aggar Nagar, Ludhiana.

Respected Sir,

Please refer to the earlier letter dated 17.12.2025, in which the Execution of
Conveyance deed in favour of Shree Raghunath Hospital Society in lieu of the
notification passed by the government of Punjab vide dated 21.11.2025. This
corrigendum shall be treated as the letter dated 17.12.2025.That Shree Raghunath Hospital Society is running a charitable hospital,
since 1980 and is a independent society and is also registered with the registrar of
societies since 9 may 1980 vide certificate of registration number 39/1980-1981) and
providing the health services to the poor and needy patients.That since the allotment of land by The Ludhiana Aggarwala Cooperative House
Building Society Ltd to develop the hospital, Shree Raghunath Hospital Society is
being run by its own management and is in independent possession of the land
measuring 3360 square yards and is running an independent and charitable hospital
society.That the government of Punjab had issued a notification bearing No.
5.0.311/P.A.25/1961/537/2025 in which the certain directions were issued to register
the instrument/conveyance deed/transfer deed etc. with the competent authority as
per The Registration Act 1908.That Shree Raghunath Hospital Society is ready to comply with all the
formalities as per The Ludhiana Aggarwala Cooperative House building society and
also offers to bear and pay all the requisite expenses/registration charges/transfer
charges or any other charges levied by Ludhiana Aggarwala Cooperative House
building society.It is here by requested your goodself to kindly execute the conveyance
deed/transfer deed/or any other instrument to be registered in favour of Shree
Raghunath Hospital Society (regd.) as earliest possible.

Thanking You

For Shree Raghunath Hospital Society

Secretary