

BEFORE THE NATIONAL GREEN TRIBUNAL Principal Bench, AT DELHI**In Re: Original Application No.292/2023**

Dr. Amandeep Singh Bains

...Applicant

Versus

Municipal Commissioner of Ludhiana & Ors.

...Respondents

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Place: Chandigarh

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WRITTEN REPLY by Respondent No.2

**Hero Cycles Limited/Om Parkash Munjal
Foundation** to the false and motivated
Complaint/Original Application.

Hero Cycles Limited, based in Ludhiana, Punjab, is an Indian company that manufactures bicycles and bicycle related products as having been then set up in the year 1956 as a FIRM by late Shri Om Parkash Munjal and his brothers. Later on, i.e. on 29 August 1966, Hero Cycles Limited was incorporated. In the 1980s, Hero Cycles became the largest bicycle manufacturer in the world and was registered with Guinness Book of World Records in 1986 for this feat. The company has given employment to 3500 people and created over 300 ancillary units, resulting in indirect employment of over 15,000 persons. In

2010, Shri Om Parkash Munjal assumed responsibility of leading Hero Cycles Limited. He was a poet. He was also known for philanthropic activities of running various schools and hospitals. He breathed his last on 13.8.2015. In his memory family has created a foundation by the name of **Om Parkash Munjal Foundation.**

Having expended Rs.5,59,48,374.00 i.e. about Rs.5.60 Crores on the maintenance of Rakh Bagh and while working in the best interest of the general public respondent No.2 as well as its founder Shri O P Munjal have been disgraced at the hands of Applicants, with connivance of the functionaries of Municipal Corporation. Statue of Shri O P Munjal has been removed with malafide intention. Shri SANDEEP RISHI, Commissioner Municipal Corporation, LUDHIANA is also guilty of submitting false Report having been taken notice by this Hon'ble Tribunal through its Order dated 21.11.2023.

Respondent No.2 most humbly seeks the restoration of status at Rakh Bagh as was existing at the time filing of the OA.

Preliminary Objections

1. THAT the present Complaint before this Hon'ble Tribunal is akin to Public Interest Litigation (in short PIL). Public Interest Litigation has been defined in Stroud's Judicial Dictionary, Volume 4 thus:

"Public Interest (1) a matter of public or general interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected."

It is apt to refer to the case of **The Janta Dal v. H.S. Chowdhary** 1992 (4) SCC 305 wherein Hon'ble Supreme Court had considered the scope of 'Public Interest Litigation' and observed thus:

*"The expression **litigation** means a legal action including all proceedings therein initiated in a Court of law for the enforcement of right or seeking a remedy. Therefore, lexically the expression PIL means the legal action initiated in a Court of law for the enforcement of public interest or general interest in which the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected."*

The Apex Court gave a warning against misuse of PIL for personal gains & held thus:

"While this Court has laid down a chain of notable decisions with all emphasis at their command about the importance and significance of this newly developed doctrine of PIL, it has also hastened to sound a red alert and a note of severe warning that Courts should not allow its process to be abused by a mere busy body or a meddlesome interloper or wayfarer or officious intervener without any interest or concern except for personal gain or private profit or other oblique consideration."

THE Apex Court has time & again held that a writ petitioner who comes to the Court for relief in public interest must come not only *with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective*. Reference in this regard be made to decisions in **Ramjas Foundation vs. Union of India**, AIR 1993 SC 852 and in **K.R. Srinivas v. R.M. Premchand**, 1994 (6) SCC 620. It would be apposite to refer to the case in which the Apex Court on 12th February 2021 issued bailable warrants against the chairperson of NGO Suraz India Trust for not depositing the exemplary cost of Rs 25 lakh as having been imposed on it vide order dated May 1, 2017 for filing 64 PILs over the years without any success for abuse of the process of law and for wastage of precious time of the Highest Court of the country

Hon'ble Supreme Court in **Dr. Buddhi Kota Subbarao v/s Mr. K. Parasaran**, 1996(5) SCC 530, has held as under:

“No litigant has a right to unlimited drought on the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived or frivolous petitions. After giving our careful consideration to the submissions made at the bar as well as those contained in the memorandum of the application, we are of the opinion that this application is misconceived, untenable and has no merits whatsoever. It is accordingly dismissed”.

Hon'ble NGT in **Satyabrata Sanjeev Kumar Mohanta v/s MoEF&CC (OA/53/ 2023/EZ)**, has also held as under:

“26. We are, therefore, satisfied that not only is the Original Application not maintainable but the same is an abuse of process of Court in view of the order passed by the Hon'ble High Court of Orissa at Cuttack and the Hon'ble Supreme Court.

27. In view of above, the Original Application No.53/2023/EZ is accordingly dismissed with a cost of Rs.10,000/- (Rupees Ten Thousand only) against the Applicant, Satyabrata Sanjeeb Kumar. The amount of cost shall be deposited by the Applicant with the Ld. Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata, within one week from the date of this order. In case the Applicant fails to deposit the amount of cost with the Ld. Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata, the same shall be recovered from him by the Collector & District Magistrate, Keonjhar, in accordance with law and the same shall be deposited with the Ld.

IN Virani Construction Co. v/s The State Level Environmental Impact Assessment Committee, Appeal No.72/2013, the Hon'ble NGT has observed as under:

“16. Taking a stock of the foregoing discussion, we are of the opinion that the Appeal is not maintainable and is incompetent. We are of further opinion that the appellant filed the present Appeal with malafide intention to put pressure on SEAC and SEIAA, in order to escape from credible action contemplated against him. In this view of the matter, the Appeal is liable to be dismissed with exemplary costs. We accordingly dismiss the Appeal with costs of Rs.1,00,000/-(Rs.One Lac)”.

IN Waseem Ahmad v/s State of UP, OA/62/2023, the Hon'ble NGT has held as under:

“5. In view of above, the application was based on misleading and false facts which has resulted in abuse of process of law. Accordingly, the application is dismissed with cost quantified at Rs.25,000/-”.

2. THAT as per the proceedings and Orders by this Hon’ble Tribunal, the OA came up for preliminary/first hearing on 21.4.2023 when this Hon’ble Tribunal was pleased to entertain the same and was pleased to pass the following Order:

“In view of above, let Commissioner, Municipal Corporation, Ludhiana verify the facts and take remedial action in accordance with law. An action taken report may be filed within two months”

IT is most humbly submitted that taking the allegations in the OA to be a gospel truth, without issuing the NOTICE TO RESPONDENT No.2, and without first verifying the same this Hon’ble Tribunal, at preliminary stage, proceeded to pass the final Orders. The Direction *“take remedial action in accordance with law. An action taken report may be filed within two months”* was clear in its words. It is most humbly submitted that such an Order deserved to be passed after giving an opportunity of hearing to the effected party i.e. Respondent No.2. Rakh Bagh was being maintained by Respondent No.2 for the last more than 8 years.

Reference may be made to a very recent judgment by Hon’ble Supreme Court of India in **Veena Gupta vs Central Pollution Control Board**, CIVIL APPEAL No(s). 1865-1866/2022,

decided on 30 January, 2024. As per the facts of the case, the main order was the outcome of an ex parte order in suo motu proceedings holding the appellants to be guilty and directing payment of compensation. The second order was the dismissal of the review petition filed by the appellant No.2 alleging that he had not been given an opportunity before an adverse order was passed against him. While setting aside the Orders passed by this Hon'ble Tribunal and remanding the matter back to it, Hon'ble Supreme Court had observed as under:

4. *The National Green Tribunal's recurrent engagement in unilateral decision making, provisioning ex post facto review hearing and routinely dismissing it has regrettably become a prevailing norm. In its zealous quest for justice, the Tribunal must tread carefully to avoid the oversight of propriety. The practice of ex parte orders and the imposition of damages amounting to crores of rupees, have proven to be a counterproductive force in the broader mission of environmental safeguarding.*

5. *Significantly, these orders have consistently faced stays from this Court, resulting in the unraveling of the commendable efforts put forth by the learned Members, lawyers, and other stakeholders, Singrauli Super Thermal Power Station v. Ashwani Kumar Dubey & s., (2023)8 SCC :*

35. This Court has already noticed the practice of the Tribunal in not providing an opportunity of hearing to the affected party and consequently set aside its orders and remanded the matter to the Tribunal for reconsideration after following principles of natural justice

It is imperative for the Tribunal to infuse a renewed sense of procedural integrity, ensuring that its actions resonate with a harmonious balance between justice and due process. Only then can it reclaim its standing as a beacon of environmental protection, where well-intentioned endeavors are not simply washed away.

AS per the facts of the case **Singrauli Super Thermal Power Station v. Ashwani Kumar Dubey**, (2023)8 SCC quoted Hon'ble Supreme Court as above, vide Order dated 18.01.2022 this Hon'ble Tribunal was pleased to issue certain directions to the Respondents. Challenging the said Order in Hon'ble Supreme Court through appeal it was contended that while the NGT was well within its powers to constitute an expert Committee and to seek a report with regard to the alleged violations complained of by the first respondent herein, on receipt of the said report, it was necessary that the alleged violators were given an opportunity to object to the said report and after consideration of the objections, the NGT ought to have passed a considered order and issued only those directions which were appropriate having regard to the facts of each industry that was made a respondent before the NGT. It was submitted that the procedure adopted by this Hon'ble Tribunal was an instance of violation of the principles of natural justice. Hon'ble Supreme Court referred to Section Section 19(1) of the NGT Act, 2010, which read as under:

“19.(1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice.” At this stage, we may also observe that the recommendations made by an expert Committee are not binding on the NGT, they are only

by way of assistance to enable the NGT to arrive at a correct decision in the matter.

IT was observed by Hon'ble Supreme Court as under:

14. In a recent landmark decision, Madhyamam Broadcasting Limited v. Union of India (2023) SCC Online 366, the principles of natural justice have been crystalized in the words of Hon'ble CJI-Dr Dhananjaya Y Chandrachud as under:

“53. ...The facet of audi alterum partem encompasses the components of notice, contents of the notice, reports of inquiry, and materials that are available for perusal. While situational modifications are permissible, the rules of natural justice cannot be modified to suit the needs of the situation to such an extent that the core of the principle is abrogated because it is the core that infuses procedural reasonableness....”

15. A reading of the above, clearly indicates that the NGT is a judicial body and therefore exercises adjudicatory function. The very nature of an adjudicatory function would carry with it the requirement that principles of natural justice are complied with, particularly when there is an adversarial system of hearing of the cases before the Tribunal or for that matter before the Courts in India. The NGT though is a special adjudicatory body constituted by an Act of Parliament, nevertheless, the discharge of its function must be in accordance with law which would also include compliance with the principles of natural justice as envisaged in Section 19(1) of the Act.

3. THAT The OA is barred by limitation in terms of Section 14 (3) of the 'National Green Tribunal Act 2010'. Section 14 (3) of the Act reads:

14. Tribunal to settle disputes. –

3. *No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:*

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

THUS, the limitation period for filing application under Section 14(3) of the said Act is of six months, with grace period for condonation of delay of 60 days only if the applicant is found to be prevented from filing the application in time. It is submitted that there is no averment entire OA as to how the same was within the period of limitation. It is, further, most humbly submitted that this Hon'ble Tribunal also did not notice the fact that Contract interse Respondent No.1 and Respondent was dated 17.3.2015 qua maintenance of Rakh Bagh, Ludhiana. In para 2 of the OA it was interalia stated:

“ 2. That M/s Hero Cycl;es Limited made an agreement with Municipal Corporation Ludhiana on dated 17.3.2015 for 5 years.... to maintain Rakh Bagh”.

ENTIRE gravamen of the charge against Respondent No.2 based on said Agreement dated 17.3.2015. Thus, **the basic gist of every cause of action is based on the said Agreement. Present OA has been in April, 2023 i.e. after eight years of the first accrual of the Cause of Action.** As such, the present OA did not deserve to be entertained much less deserved to for passing a final Order at the preliminary stage.

REFERENCE may be made to a decision by Hon'ble National Green Tribunal, Western Zone Bench, Pune in **Irba Mashnaji Konapure & Ors vs. Union of India**, OA No.76/2022, decided on 1.12.2022. As per the facts of the said case the Respondent, Project Proponent, had commenced the construction and excavation in the year, 2012 whereas OA came to filed on 14.08.2019 i.e. more than 7 years thereafter. Contention was that Sections 14 and 15 of the National Green Tribunal Act, 2010 provided for 06 months from the date when the cause of action first arose. In response, it was maintained by the Applicant in OA that he had obtained the information through online search and under RTI Act from 2017 to 18.05.2018. Rejecting all such contentions OA was REJECTED being time barred.

REFERENCE may also be made to to a decision by Hon'ble National Green Tribunal, Southern Zone, Chennai in **Sri. Ramesh M. vs. The Karnataka State Enviornment Impact Assessment Authority**, I.A. of 2023 in Appeal No. 05 of 2023 (SZ), decided on 30.5.2023. As per the facts of the case Environmental Clearance was granted on 08.04.2022. The same was sought to be challenged by way of an appeal. When the matter was listed for admission, it was found that the said appeal was filed out of time and there was no Interlocutory Application for condonation of the delay accompanying the Appeal. Thereafter, the appellant had chosen to file an application on 02.04.2023 with the peculiar prayer "to declare that the present appeal has been filed within limitation". Rejecting the request of the Appellant, Appeal was rejected being time barred.

4. THAT it is submitted that the issue raised through the present OA is beyond the scope of jurisdiction of this Hon'ble Tribunal in terms of Section 14 (1) of the ACT which reads as under:

*1. The Tribunal shall have the jurisdiction over all civil cases where a **substantial question relating to environment** (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.*

Schedule I reads:

1. The Water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977;
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1991;
7. The Biological Diversity Act, 2002.

FURTHER, Section 2 (m) of the Act defines the term "**substantial question relating to environment**" as below:

"substantial question relating to environment" shall include an instance where,-

(i) there is a **direct violation of a specific statutory environmental obligation** by a person by which,-

(A) the community at large other than an individual or group of individuals is affected or

likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;

IT is submitted that the through the present OA, Applicants have failed to raise any substantial question relating to environment. Though in the prayer clause interalia reference to Environmental Protection Act, 1986 has been made yet Applicants have failed to show and mention in the OA **direct violation of a specific statutory environmental obligation** cast upon Respondent No.2. Further, sub clause (A) of Section 2 (m) (i) of the Act makes for a very formidable pre condition. As per the same:

“(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences;

IT is submitted that Respondent No.2 through its extant Reply has placed on records comments made great number of local as well as outsider visitors for the periods prior to March, 2015 a post March, 2015 i.e. after Respondent No.2 took over the management of RAKH BAGH. Further, Applicants have failed to show as to how and how much was the *“gravity of damage to the environment or property is substantial”*. Then Applicants failed to show damage to public health, if any, in measured manner. It was also not shown in the OA that the

“environmental consequences relate to a specific activity or a point source of pollution”.

It is submitted that neither the OA was in consonance with Section 2 (m) of the Act as having failed to show the measured damage to the environment. As such, it is submitted that this Hon’ble Tribunal does not have the jurisdiction, in terms of Section 14 (1) of the Act to entertain and decide the present OA.

5. THAT Applicants are guilty of keeping concealed several concerning facts and documents. It is submitted that though Applicants in para 2 of the OA have made the reference to AGREEMENT dated 17.3.2015 interse Respondent No.1 Municipal Corporation and Respondent yet copy thereof was not placed by them on records and has been so.

Prologue

BEFORE proceeding to furnish REPLY to the motivated, bogus, OA it may be profitable to provide the back ground facts through Prologue:

I. The Rakh Bagh

LUDHIANA CITY is centrally located on NH1 from New Delhi to Amritsar and is just 100 kms west from the state capital, Chandigarh. History of Ludhiana city can be traced to long back in 1489 when it was founded by Nihang Khan, Lieutenant of the Emperor Sikandar Lodhi. It is the largest city in Punjab with an

estimated population of 1,618,879 as of the 2011 census. It is a major industrial centre of Northern India. Ludhiana's landmarks include the **Rakh Bagh**.

Rakh Bagh is majorly connected with Maharaja Ranjit Singh, known as 'Sher-i-Punjab' or 'Lion of Punjab'. In 1801, he endeavoured to extend his kingdom to the areas beyond Sutlej on its eastern side by setting up checkpoints in LUDHIANA. Further, he set up the above named RAKH BAGH Garden to serve as a leisurely retreat for his beloved Persian wife, Maharani Sahib Kaur. After Anglo-Sikh Treaty on 25.4.1809 control of Ludhiana stood vested in the hands of English. It is a living testament to Ludhiana's cultural amalgamation over the centuries. In 1962 royal garden was converted into Public Park.

Municipal Corporation of LUDHIANA used to maintain RAKH BAGH. About 40 years ago Municipal Corporation had set up a diesel run Toy Train. It remained operational for about 15 years. Municipal Corporation had also set up a CANTEEN there.

II. All about Hero Cycles Limited.

Hero Cycles Limited based in Ludhiana, Punjab, is an Indian Company that manufactures bicycles and bicycle related products. It was set up in the year 1956 as a FIRM. On 29 August 1966, Hero Cycles Limited was incorporated. Its authorized share capital is Rs.40,00,00,000/- and its paid up capital is Rs.39,88,50,000/-. In 1980s, Hero Cycles became the largest bicycle manufacturer in the world. Today it produces around 19000 bicycles per day. It has given

employment to 3500 people and created over 300 ancillary units, resulting in indirect employment of over 15,000 persons.

III. All about late Shri Om Prakash Munjal

Shri **Om Prakash Munjal** was born on 26.8.1928 in a Punjabi Hindu Arora family. He was married to Smt. Sudarshan Munjal and had five children - Neeru Khanna, Neeta Seth, Poonam Soni, Priyanka Malhotra and Pankaj Munjal. In the late 1990s, he became one of the first to explore the idea of manufacturing electric bicycles in India. In 2010, he assumed responsibility of leading Hero Cycles Limited. He was a poet and was known for philanthropic activities of running various schools and hospitals. He was also known as a promoter of Urdu language through his *Shers* and *Mushairas* published in journals, magazines and company's annual diaries. Om's biography was written by Indian writer Priya Kumar under the title *The Inspiring Journey of A Hero* being published in 2014. **Shri Om Parkash Munjal** had received recognition and honors from Presidents of India interalia the Udyog Rattan Award, Samman Patra, the Indira Gandhi National Unity. He had also served as the president of the All India Cycle Manufacturers' Association multiple times He died, at the age of 87, on 13 August 2015 at DMC Hero Heart Centre, Ludhiana.

IV. About Corporate Social Responsibility (CSR)

PRESENT Complaint runs on the pseudo notion and premises that the amount required to be spent by Respondent No.2 Company under its Corporate Social Responsibility (CSR) is PUBLIC MONEY. It is submitted that Corporate Social Responsibility broadly refers to

the work and activities undertaken by corporates towards issues related to social causes and development, environment, disaster relief and community support. **The concept of CSR rests on the ideology of businesses giving back to society as they grow and benefit.** Companies take resources in the form of raw materials, human resources etc from the society. By performing the task of CSR activities, the companies are giving something back to the society. **As commonly misunderstood, the CSR is not charity or mere donations.** But CSR is a way of conducting business, by which corporate entities visibly contribute to the social good with rewards for CSR improves the public image by publicising the efforts towards a better society and increasing their chance of becoming favourable in the eyes of consumers; CSR increases media coverage as media visibility throws a positive light on the organisation; CSR enhances the company's brand value by building a socially strong relationship with customers; CSR helps companies to stand out from the competition when companies are involved in any kind of community.

INDIA is the first country in the world to make Corporate Social Responsibility (CSR) mandatory, following an amendment to Section 135 of the **Companies Act, 2013** in April 2014. Along with the amendment, as above, Companies (Corporate Social Responsibility Policy) Rules, 2014 were also framed. Section 135 (1) of the Companies Act, 2013, reads:

(1) Every company having net worth of rupees five hundred crore or more, or turnover of rupees one thousand crore or more or a net profit of rupees five crore or more during ¹[the immediately preceding financial year] shall constitute a

Corporate Social Responsibility Committee of the Board consisting of three or more directors, out of which at least one director shall be an independent director:

Provided that where a company is not required to appoint an independent director under sub-section (4) of section 149, it shall have in its Corporate Social Responsibility Committee two or more directors.

SINCE the applicability of mandatory CSR provision in 2014, CSR spending by corporate India has increased significantly. In 2014-15, contribution on this count was US\$1 billion. It rose to US\$1.4 billion (INR 100 Billion) in 2018. The amount was spent in various programs ranging from educational, skill development, social welfare, healthcare, and environment conservation. Contribution to the **Prime Minister's Relief Fund** was the major spending.

RESPONDENT No.2 Company also recognised its legal as well as social responsibility. As such, it has earmarked funds for investing its 2% of profits on social causes.

V. About Om Parkash Munjal Foundation

IN terms of TRUST DEED dated 1.4.2015 above named FOUNDATION was created. As at the time of creation of the Foundation Shri Om Parkash Munjal was alive. He left for his heavenly abode on 13.8.2015.

VI. Municipal Corporation Ludhiana maintaining Rakh Bagh BUT the same lay in bad condition.

RAKH BAGH used to be maintained by Municipal Corporation of LUDHIANA. Some times in early part of eighties Municipal Corporation had set up a diesel run Toy Train. It remained operational for about 15 years. Municipal Corporation had also set up a CANTEEN. For number of years it was lying in shambles. Municipal Corporation had failed to maintain it for number of years. It was frequented by bootleggers, drunkards. There was no arrangement for the safety of the visitors. Toy Train had stopped working. The park needed RENOVATION much more it needed regular maintenance. Qua condition of RAKH BAGH in years prior to 2015 reference may be made to the following news items:

- a. AS per a news item published in TIMES OF INDIA dated 23.11.2009, "*Rakh Bagh was in shambles*", the park being one of the biggest gardens of the city owing to its poor condition, residents have been demanding its restoration for long. Though the Municipal Corporation had started a Toy Train at the park, it was stalled after some time. Municipal Corporation proposed to turn the park into an amusement park. It also planned to organise a flower show every year for encouraging greenery. Municipal Corporation had earmarked a budget of Rs.50.00 lacs that will be spent on Park's facelift.
- b. TIMES of India, dated 21.3.2010 ran a story under the head: "Civic body acting slowly as Rakh Bagh in a shambles". The same reads:

The amusement park, as part of the proposal for Rakh Bagh's restoration, was to have joy rides, games, fountains and other recreational facilities installed there mainly for children. MC officers had earmarked a budget of Rs 50 lakh to procure equipment for the park. Construction of the amusement park was likely to kick off in January and was slated for completion within six months, but the authorities have not even been able to start the work.

The park is one of the biggest gardens of the city and owing to its poor condition, residents have been demanding its restoration since long.

- c. An other story under the caption "Leisure Valley, Rakh Bagh contractors shown door", as published on

5.8.2010, ran as below:

After five years, the corporation admits parks were not well maintained; cancels contract a year before schedule

After five years, the Ludhiana Municipal Corporation realised that the maintenance of Rakh Bagh (33 acres) and Leisure Valley (13 acres) was not up to the mark and cancelled the contracts of the companies concerned. This has been done after repeated complaints by morning and evening walkers.

- d. Times of India ran a story "Rakh Bagh fails to bloom, skips deadline" on 18.10.2011. The same reads:

LUDHIANA: It seems government departments are not in the habit of completing works within

deadline, with Rakh Bagh renovation work being another addition to the list.

It was supposed to be completed by October 1 but officials are saying it would need 20 more days to be over. Due to this delay, horticulture work might be affected because plantation season is over.

The pathways are broken and sand is spread all around, making it difficult for people to move in the garden, especially during morning and evening hours.

- e. Hindustan Times dated 15.1.2015 ran a news under the head “MC plans to spend `10 crore to spruce up major parks” Relevant part of the News Item is:

MC additional commissioner Ghanshyam Thori said, “We have planned to spend `10 crore on major parks of the city. We have recently conducted a meeting with the officials of different wings, including lights, horticulture, operation and maintenance, and others.”

“We will prepare the detailed project report as per requirement of these parks. Lists of the non-functioning fountains, lights and other items will be made for repair work,” he added.

- f. LARGE number of people have recorded their comments on internet qua bad condition in RAKH BAGH. As per the same all was not well with the Park. A compilation of such comments is **Annexure R2-1**.

VII. Entry of Hero Cycles Limited

A. AS shown above in the year 2014 Rah Bagh was lying in shambles. Municipal Corporation had failed to maintain it for number of years. It was frequented by bootleggers, drunkards. There was no arrangement for the safety of the visitors. Toy Train was not working. The park needed RENOVATION and regular mainenance.

B. ON 16.11.2023, Applicants have themselves placed on records, by way of **Annexure PA-1** copy of Government of Punjab Notification dated 11.5.2017 notifying thereby a Policy for the maintenance of Municipal parks falling under the jurisdiction of various ULBs.

C. Para 2.3 of the said Policy Document provided for the maintenance of the Park as under:

“Allowing Registered Charitable Institutions/ Companies to name the Park in their name or through CSR activities.”

AS such, as per the Applicants and as per the above stated Government Policy document Respondent No.1 was within its powers to appoint Respondent No.2 as the Agency to maintain RAKH BAGH.

D. LOOKING to the bad condition of RAKH BAGH, Respondent No.2, Hero Cycles, the biggest industrial house of Ludhiana, engaged in several social and philanthropic activities for the past so many years,

proposed to REDEVELOP the RAKH BAGH so that common man coming to the park, could enjoy and have best time there. Understanding the importance of a good public park in common man's life Hero Cycles proposed the redevelopment of the Bagh. Respondent No.2 had planned to expand its CSR funds. In this regard a Detailed Project Report (in short DPR) was prepared which was submitted to the Municipal Corporation.

VIII. Resolution No.167 dated 20.12.2014 of Respondent Municipal Corporation

VIDE Resolution No.167 dated 20.12.2014 Respondent Municipal Corporation had approved the terms of Agreement/Arrangement with Respondent HERO CYCLES LIMITED to act as an AGENCY of Municipal Corporation for taking care of RAKH BAGH. Above Resolution was implemented through mutual execution of AGREEMENT dated 17.3.2015. Relevant Clauses of the said Agreement were:

1. Period of Maintenance Contract shall be five years from the date of Agreement.
2. This Maintenance work shall be on "Built Operate and Maintenance (BOM) basis" in accord with DPR as submitted by Hero Cycles Limited.
3. Hero Cycles Limited shall do landscaping within 15 days in accord with DPR and shall start repair and renovation activity. All expenses of development shall be born by Hero Cycles Limited.

4. Hero Cycles Limited shall not do any advertising which may be in breach of State Advertising Policy, 2014.

5. Hero Cycles Limited could place a name board measuring 6'X3' at the entry gate of the park.

6. Hero Cycles Limited shall not sublet but shall be entitled to outsource gardeners, supervisors and other staff.

7. Hero Cycles Limited shall not allow scattering of garbage etc.

8. In the event of any court proceedings post the Agreement leading to loss, Corporation will not be responsible for the same.

9. In the event of Hero Cycles Limited failing to maintain the Park then Corporation could terminate the Agreement by giving 15 days notice.

10. All expenses towards maintenance shall be born by Hero Cycles Limited. Electric and Water Connection shall be provided by Corporation but Bill qua Consumption Charges shall be born by Hero Cycles Limited.

11. Hero Cycles Limited shall continue operating the existing fountains/tubewell, lights or other machinery.

12. Hero Cycles Limited shall not resort to any commercial activity.

13. Hero Cycles Limited shall keep security staff.

14. It shall be the liability of Hero Cycles Limited to keep painted Boundary-wall, Gate, Tube well Room and Notice Boards.

15. Hero Cycles Limited will employ a Supervisor and monthly report will be submitted to the Corporation.

16. Corporation will carry out time to time inspection of the working of the project.

17. Corporation shall be within its rights to reject any offer of Hero Cycles Limited which may be outside side the scope of DPR.

18. In the event of any dispute matter shall be referred to Arbitration.

It is submitted that though Applicants in para 2 of the OA have made the reference to AGREEMENT dated 17.3.2015 interse Respondent No.1 Municipal Corporation and Respondent yet copy thereof was not placed by them on records.

IX. Setting up of O P MUNJAL FOUNDATION and death of Shri O P MUNJAL.

SHRI Om Parkash Munjal was alive as on the date of the above Agreement. He had left for heavenly abode on 13.8.2015. During his life time i.e. on 1.4.2015 a Trust by the name of OP MUNJAL FOUNDATION was created through which Respondent No.2 had planned to expand its CSR funds.

X. Expenditure incurred by Respondent No.2/O P Munjal Foundation:

a. Immediately after the execution of the above Agreement dated 17.3.2015 Hero Cycles Limited had started the work of landscaping, getting the repairs, renovations done. Toy Train Tracks were relaid. Toy Train Station, Train Shed were constructed. Existing Toy Train Engine was diesel driven. It was got replaced by Electric Engine. Fibre Glass new Bogies were bought. Wash Rooms were reconstructed. During the Financial Year 2015-16 O P Munjal Foundation had expended a total sum of **Rs.1,88,28,774.00.**

b. In the next Financial year 2016-17 O P Munjal Foundation had expended a total sum of **Rs.35,88,219.00** basically on the maintenance of the Garden.

c. In the subsequent Financial year 2017-18 O P Munjal Foundation had expended a total sum of **Rs.43,17,273.00.**

d. In the next Financial year 2018-19 O P Munjal Foundation had expended a total sum of **Rs.52,58,804.00.**

e. In the subsequent Financial year 2019-20 O P Munjal Foundation had expended a total sum of **Rs.73,46,119.00.**

f. In the next Financial year 2020-21 O P Munjal Foundation had expanded a total sum of **Rs.34,54,162.00.**

g. In the subsequent Financial year 2021-22 O P Munjal Foundation had expanded a total sum of **Rs.40,90,259.00.**

h. In the next Financial year 2022-23 O P Munjal Foundation had expanded from its pocket a total sum of **Rs.43,40,986.00**

i. In the Current Year viz. 2023-24 expenditure i.e. upto date is **Rs.47,23,778.00.**

AS such, till date O P MUNJAL FOUNDATION had expanded **Rs.5,59,48,374.00 i.e. about Rs.5.60 Crores.**

XI. Naming of RAKH BAGH as OP Munjal Rakh Bagh.

a. SINCE Respondent HERO CYCLES had expanded a very large sum on the REDEVELOPMENT and maintenance of the BAGH, therefore, it fully deserved to rename the Garden as **OP Munjal Rakh Bagh.**

b. FURTHER, in terms of Para 23 of the above said State Policy Document dated 11.5.2017 (**Annexure PA-1**) the Company could rename the park as deemed fit.

c. THUS, Respondent No.2 was very much competent to rename the park as **OP Munjal Rakh Bagh.**

XI. CAFETERIA

a. SINCE long ago a PERMANENT STRUCTURE consisting of three rooms existed in the Garden for use as a Refreshment Point. There was no separate kitchen. It was lying in bad condition. There was no sitting place for people visiting the refreshment point. As such, visitors were exposed to sun and rains. Municipal Corporation desired that it was run like Café Coffee Day. However, it failed to do the needful. Members of Public visiting the Garden would regularly implore the Manager employed by Respondent No.2 to start the cafeteria. Answering Respondent, considering the request and requirement of general public to be genuine, got the same renovated. Further, for betterment of the facility temporary structure/roof was constructed. The same was also used as a rain shelter. It is submitted that NO TREE was uprooted. No damage was done to the greenery, environment. To the Public visiting the Garden it was an added attraction. It is submitted that members of public from lower strata had started using the place for fixing the matrimonial alliances. The cafeteria had proved to be very useful.

b. IT is submitted that PARKS are not to be seen but are to be used. Public visiting the Park would need a cafeteria. Even provision of some Gift Shops would also enhance the utility of the Garden.

c. REFERENCE may again be made to the aforesaid Policy Document dated 11.5.2017 (**Annexure PA-1**). As per para 2.3 under the caption “Maintenance-Priority & Modes” it was stated that:

“While exploring such model, the ULBs shall ensure that the hard surface in the park does not exceed 15% of the total area of the Park.”

d. IT is submitted that firstly, cafeteria was in existence since long ago and secondly, the constructed area in the Garden was much below the permissible limit of 15%.

e. IT may also be seen that in almost all the major parks set up over large area of 13 Acres Cafeterias, rather Food Courts, had been set up. In this regard reference may be made to following Gardens in India:

1. **Indraprastha Park in Delhi.**

Indraprastha Park

Also known as the Millennium Indraprastha Park, this is located on the Outer Ring Road. The park consists of a Children’s’ Park and amphitheatre, a food court and also a World Peace Stupa.

2. **Garden of Five Senses in New Delhi.**

Garden of Five Senses located near Saket Metro Station, New Delhi

This is one of the best parks in Delhi. The lush greenery at this park sprawls over 20 acres and is located in Saidul Ajaib Village opposite Saket, New Delhi. This is not just a park, it is a space with a variety of activities, inviting public interaction and exploration.

The garden itself is divided into distinct areas. On one side of the spiral walkway is the Khas Bagh, a formal garden. Slow-moving water cascades in channels along its length, while flowering and fragrant shrubs and trees line its paths. The central axis leads to a series of fountains.

Secluded, away from the heart of the garden, on the other side of the walkway is **the food and shopping court.**

3. **Swarn Jayanti Park**

Swarn Jayanti Park, New Delhi.

Located at Manoj Vihar, Indirapuram, Swarn Jayanti Park is a famous park in Delhi NCR. Spread over about 250 acres, this beautiful, green park consists of five lakes as well, where you can go on boat rides.

There **are also some eateries** at this park. It is apt for a nice walk in the morning or evening time, or to just unwind and relax.

4. **Sukhna Lake, Chandigarh.**

It is place frequented by large number of visitors to have a walk on the side of the lake. For some years UT Administration has made the provision for Food Court as well as for Swings.

5. Reference may also be made to an Article by one Shri Christine Ro, as published on 17.10.2019, under the caption **“Are India’s Parks For Looking At Or Playing In?”**

“No bringing in of food. No improper touching. No walking on the grass. No use of the equipment for any purpose other than the intended one. No entry of sick people. No entry without payment. No entry outside of the hours of 7–10am or 4–6pm. No entry with your own play equipment (if you’re a kid from a different neighbourhood). No entry at all (if you’re a kid from the wrong group).

These are just some of the restrictions commonly applied to public parks in Indian cities, whether by the authorities, security guards hired by local residents’ welfare associations, or self-appointed local guardians. “The discrimination is hidden in the subtext of the guidelines,” argues Sudeshna Chatterjee, CEO of the NGO Action for Children’s Environments.

“It is totally exclusionary,” Chatterjee says of this kind of manicured, lovely, yet massively underused park. She believes that in Delhi, where she lives, the authorities “merely see this as a horticulture exercise rather than a placemaking exercise.” This reflects and reinforces a sense that a lush open space kept mostly behind locked fences is something to be looked at and admired from outside, rather than enjoyed and played in from within. (The Delhi Parks and Gardens Society and Bruhat Bengaluru Mahanagara Palike did not respond to requests for comment.)

The underuse is especially troubling considering the many benefits that green spaces have for children’s development. “Play, and outdoor play, is the engine of optimal child development,” says Mariana Brussoni, a developmental psychologist at the University of British Columbia, speaking at the recent Uppsala Health Summit. Parks are clearly good for psychological as well as physical health, particularly as children develop and exercise their cognitive, language, coordination, and concentration abilities. So keeping parks shuttered harms children now and will affect them as adults.

Some believe that Indian parks are shuttered for much of the day to limit “immoral activity” or curb protests. But one major reason for limiting the accessibility of parks worldwide is the cost of maintaining them. These kinds of spaces, and other

child-friendly parts of cities, can be very expensive for officials to run, giving them an unfortunate incentive to prioritize housing and amenities for affluent young adults rather than families.”

6. Reference may also be made to an Article dated *August 16, 2022*; by Aniruddha Jogdande, Abir Bandyopadhyay from Department of Architecture, National Institute of Technology Raipur, Chhattisgarh, India under the caption “Identification of Relationship between the Quality and Uses of Public Parks in India”

“Urban green space along with public parks provides various ecological benefits to the cities by regulating urban heat island, noise reduction, air pollution, and various ecosystem services. They also contribute to enhancing physical and social-cultural value, promoting long-term economic benefit and wellbeing. Public parks are increasingly becoming popular for people to engage in social-physical activities; they also help in improving the quality of life of city dwellers by providing many recreational, social-ecological, and economic benefits. Common reasons for inappropriate use of public parks may be attributed to a lack of design guidelines and public participation, limited funding, poor maintenance, security and adequate

facilities, as well as, lack of sports and social activities. In this context, the present study deals to analyze the role of public parks, its uses, and relationship with the quality of parks in Indian context.”

7. Of late it was observed that families forming low income group would use the BAGH for purposes of match fixing. The cafeteria at the Bagh would come very handy for such visitors. They would have tea and snacks and fix the marriages. Cafeteria would serve the social purpose.

8. Morning Walkers also needed Bottled Water notwithstanding the installation of the Water Cooler. They would also go for morning cup of tea with biscuits.

THUS, a cafeteria may be an awful necessity in the Garden.

XII. INSTALLATION OF STATUE OF SHRI O P MUNJAL.

SINCE Respondent HERO CYCLES had expanded a very large sum on the REDEVELOPMENT and maintenance of the BAGH, therefore, it fully deserved to cause the installation of the statue of its founder Shri Om Parkash Munjal. As such, a small statue was got prepared and was installed at the BAGH On 26.2.2016 adjoining the Office Rooms and Cycle Shed. As such, it did not cause any inconvenience to any member of the Public. It may, further, be submitted that while installing the Statue no damage was done to

the environment. No tree was uprooted. Infact the place was beautified. Ornamental plants were planted. As a matter of fact the place was extensively used as a Selfy Point by the visitors.

It is submitted that Shri SUKHBIR SINGH BADAL, the then Deputy Chief Minister of Punjab as well as the then Mayor of LUDHIANA Shri HARCHARAN SINGH GOHALWARIA, Shri G K Singh, IAS, Commissioner, Municipal Corporation amongst others had graced the occasion of installation of statue. In this regard a plaque showing the presence of above guests was also installed.

IT is, further, submitted that for extraneous reasons Municipal Corporation, in its Replies before this Hon'ble Tribunal, has taken a false stand that the statue was installed without the permission of Municipal Corporation.

REFERENCE is made to Buddha Jayanti Park, Delhi Ridge. Buddha Jayanti Park, situated at the Delhi Ridge is approachable from the Ridge Road, Shankar Road or Sardar Patel Marg. In the beautiful, green surroundings, this park is a perfect getaway from the busy city for some peace of mind. A statue is installed on an island in the waterway system and placed on a square platform surrounded by a circular stone

fence. This statue symbolizes the gratitude of the Tibetan people.

XIII. Swimming Pool at Rakh Bagh. Municipal Corporation is unable to maintain.

There is a Swimming Pool at Rakh Bagh which remained under the Control of Municipal Corporation inasmuch as its maintenance was assigned to Respondent No.2. Though starting in March, 2015 Respondent No.2 had succeeded in transferring the General Area in Rakh Bagh but the Swimming remained in bad shape. Municipal Corporation failed to cause it repaired. Reference is made to an Article under the caption: "Rakh Bagh pool cries for attention" as published in celebrated News Paper in Punjab "The Tribune" dated 3.4.2017. The same read as:

"Although the swimming pool at Rakh Bagh is in utterly poor condition, yet nothing has been done to make it functional. It only speaks volumes about indifference of the authorities concerned in maintaining the pool.

Although the swimming pool at Rakh Bagh is in utterly poor condition, yet nothing has been done to make it functional. It only speaks volumes about indifference of the authorities concerned in maintaining the pool. Besides, a disaster is waiting to happen as dilapidated walls along the pool side may crumble anytime.

There used to be splashes, swims, and lot of hustle and bustle when King George Swimming Pool was built in the '30's before the Independence. Over the years its condition has deteriorated to such an extent that now it lies closed. The walls of the complex housing swimming pool were last whitewashed in 2005. Now, the entire complex is crumbling.

Part of the boundary wall fell two years ago. Instead of repairing or rebuilding it cupboards were stacked alongside. Top of the wall at front of the complex fell last year. The rest of the portion can fall any time as the upper chunk of the gate is also broken.

It is a sorry state of affairs for residents as the pool has been lying closed for around three years. Crumbling walls also pose a risk to anyone walking nearby.

In fact, children's play area created during the revamping of Rakh Bagh is not far off from the pool building. "Why the district administration could not get the pool revamped? The contract for maintenance of Rakh Bagh was given to Hero Group. At least it could have handed over the pool to the Hero Group or other organisation for rebuilding and operating," said Ranjit Singh, a resident.

"It is shocking that nothing is being done. Walls of the complex pose a danger to anyone straying nearby as these can fall any time," he added.

Tiles inside the pool have also come off. Washrooms are in poor condition as ceiling

plaster has fallen. Entrance walls and doors can give way any time.

It was most sought after swimming pool by children as it has relatively shallow depth starting at 2.5 feet, which goes up to 12 feet. The pool was operational from April till September. The fee charged by authorities from children/students was Rs 700 for six months and for general members it was Rs 1,000. Around 400 swimmers used to take the pool membership every year.

Swaranjit Singh Bhullar, the coach at the pool, said such was the craze for swimming pool that they have had to refuse membership to the people beyond a certain number.

He said, "Now, due to walls falling apart and lack of maintenance, it lies closed down." Since beginning the pool had been producing brilliant talent. Many, including Anmol Jindal and Jaskiran, who trained here, competed at the national level and beyond.

There is a Municipal Corporation pool nearby, but children younger than 12 are not allowed there by the authorities because of its more depth.

When asked, Deputy Commissioner Pradeep K Agarwal, who took charge on March 18, said he was not aware under whose jurisdiction the pool falls. He said, "I will get it checked and then take appropriate steps in this regard."

IT is submitted that Officers and Officials working with Municipal Corporation are unfit lot. They

themselves were good for nothing but would not permit Respondent work with dignity.

XIV. NEW FACILITIES INTRODUCED at Rakh Bagh

ON January 23, 2018 Deputy Commissioner, LUDHIANA Shri Pradeep Kumar Agrawal and Shri Pankaj Munjal, Chairman and Managing Director, Hero Cycles, inaugurated new facilities including boating and more Swings in Rakh Bagh on Tuesday evening. A special kids zone has also been opened for children in the Rakh Bagh. **Deputy Commissioner Agrawal hailed the contribution of Hero Cycles** and claimed that three years ago, Ludhiana city had not any amusement park but Hero Cycles came forward and took the social responsibility to provide such park to the city residents. Shri Pankaj Munjal informed that now Rakh Bagh has eight types of swings, toy train, a clean canteen, cycle track and 80 cycles have been provided there for people. He thanked the district administration for providing all help to take further this initiative. On this occasion, Khanna Additional Deputy Commissioner Ajay Sood, Company's vice-chairman SK Rai and several residents were also present.

XV. EXTENSION of PERIOD OF TWO YEARS

AS in the year 2015 i.e. in terms of Agreement dated 17.3.2015 Municipal Corporation had assigned the job of maintenance etc. for FIVE YEARS which ended on 16.3.2020.

VIDE Resolution No.2683 dated 4.6.2020 Municipal Corporation had decided to extend the tenure of the above arrangement for another period of 2 years. Said Resolution was given effect vide a mutual Agreement dated 24.7.2020 As such, the extended period of said arrangement was to expire on 23.7.2022 i.e. within a period of two years from the date of the Agreement. As per the above Agreement dated 24.7.2020, rates of swings were reduced by 15% and fresh rates were fixed.

XVI. EXTENSION in the Period beyond 2022 which was to expire on 23.7.2022.

a. VIDE Letter dated 24.5.2022 Respondent No.2 had applied for extension in the term of the aforesaid arrangement. Relevant part of the said Letter reads:

“The Company undertook the activities under its Corporate Social Responsibility. We are complying with the terms of the agreement in its letter and spirit. The Rakh Bagh has become a truly family entertainment place and is being appreciated by public in enlarge.

The present terms of agreement is to expire on 24th July, 2022.

The renewal of contract with facilitate us for continuity of service to as family entertainment centre.”

COPY of Respondent No.2 Letter dated 24.5.2022 is **Annexure R/2-2.**

b. Scheming Employees of Municipal Corporation designing ouster of Respondent No.2.

Some of the employees in the Horticulture wing of the Municipal Corporation could not bear the continuation of Respondent No.2 as the Rakh Bagh Maintenance Agency because it was an affront to their authority.

c. Some people have the habit of complaining for no reasons. Though day to day running of the garden under their strict supervision yet they would regularly entertain frivolous complaints and harass Respondent No.2. Faced with such a harassment, vide Letter dated 28.6.2022 addressed to Municipal Commissioner, LUDHIANA Respondent No.2 had expressed its anguish and resentment in the matter of Officers of Municipal Corporation appreciating false, motivated complaints having been made by some disgruntled people. It was also pointed out that some one had approached Hon'ble High Court but the Petition stood dismissed. Copy of

Letter dated 28.6.2022 addressed to Municipal Commissioner, LUDHIANA is **Annexure R/2-3**.

d. NOTWITHSTANDING the explanation provided through the aforesaid communication dated 28.6.2022 and long time thereafter through communication dated 14.9.2022 Executive Officer (Horticulture) Municipal Corporation, had raised most phony, highly irrelevant, false and motivated issues despite fully knowing that Respondent No.2 was a net giver and not making any mullah out of the project. Copy of Letter dated 14.9.2022 of Executive Officer (Horticulture) Municipal Corporation is **Annexure R/2-4**.

e. BE that as it may, through Letter dated 17.9.2022 Respondent No.2 had furnished the pointed reply to the false, insinuating issued raised by the Executive Engineer, Municipal Corporation through his Letter dated 14.9.2022. Copy of Letter dated 17.9.2022 of Respondent No.2 is **Annexure R/2-5**.

f. SINCE Senior Officer in the Municipal Corporation and the District Collector would appreciate the work done, therefore, vide Resolution No.7104 dated 17.9.2022, Municipal Corporation had decided to extend the tenure of the above arrangement for another period of 2 years. Thus, Municipal Corporation itself had ignored the false, motivated complaints and the phony,

irrelevant issues raised by it through Executive Engineers' Letter dated 14.9.2022. Said Resolution was given effect vide a mutual Agreement dated 28.9.2022. As such, the period of said arrangement is to expire on 27.9.2024 i.e. within a period of two years from the date of the Agreement. Copy of Agreement dated 28.9.2022 is **Annexure R/2-6**.

XVII. Filing of the present motivated Complaint.

AS shown above in the year 2022 disgruntled employees of Municipal Corporation could not succeed in their nefarious designs of throwing out Respondent No.2 now as in the year 2023 they had planned to hurt Respondent No.2. They supplied internal information to the Applicant and prompted him to file the present OA. Respectful submissions in this regard are:

- a. ABOVE titled motivated and false complaint came to be filed before this Hon'ble Tribunal on or about 11.4.2023. Very Head Note of the Complaint is misleading, motivated, derogatory. The same reads as:

Subject: Application against unlawful commercialisation of land of Rakh Bagh (given under CSR) by construction various structures (temporary/permanent) for large number of Restaurant/cafeterias, installation of a Statute, commercialisation of Jhulas

(amusement games) by charging hefty tickets, causing damage to War Memorial & creating health issues to people due to bird droppings and feathers of large number of birds by making area for bird feeding, an Act against directions of Hon'ble Supreme Court and this Hon'ble Tribunal, NGT Act, 2010, Environment (Protection) Act 1986, Master Plan of Ludhiana as well as Article 14 and 21 for less privileged children”.

b. IT may, at this stage, be submitted that **Respondent No.2** has nothing to do with the War Memorial and the alleged “creation of health issues to people due to bird feeding”. A society by the name of PAKSHI SEWA SOCIETY”, registered vide No.524 dated 20.10.2011, having its administrative office at B-II, 1322, Arya Mohalla, LUDHIANA, holding Mobile Nos.94270-01089, 98159-44238. Said Society is working since 2010 feeding the birds and providing medical aid to birds going through sorrow and pain.

c. As submitted above out lakhs of people living in LUDHIANA only two persons, being the proxy of the functionaries of Municipal Corporation, had filed the false, motivated OA. As against the same more than 200 people actually

using Rakh Bagh have desired the restoration of all the facilities through Respondent No.2. Copy of Representation signed by about 200 persons is **Annexure R2-7.**

d. Very large number of people have recorded their comments online showing their satisfaction post taking over of management by Respondent No.2. Extract of compilation of such comments by members of the public are **R2-8.**

e. AS such, Complainants are special species of human beings who are neither concerned with the well being of mankind nor concerned with the well being of the birds and just act for attaining publicity for themselves at the cost of others.

XVIII. Preliminary Hearing before Hon'ble Tribunal.

a. Above, false, motivated Complaint came up for hearing before this Hon'ble Tribunal on 21.4.2023 when it was pleased to issue directions to the Municipal Corporation **to verify the facts and take remedial measures.**

b. AS submitted above through Preliminary Objections Order dated 21.4.2023 as passed by this Hon'ble Tribunal was not legally sustainable. Though Respondent No.2 was REQUIRED to be put to Notice by this Hon'ble Tribunal yet it was not so deemed to be

necessary by this Hon'ble Tribunal. Under the garb of interim Order final Order came to be passed by this Hon'ble Tribunal.

c. THAT matter next came up for hearing on 13.7.2023. Respondent No1 having caused its appearance sought time to file the Reply. As such, matter was adjourned to 13.10.2023.

XIX. Respondent No.1 Municipal Corporation seeking clarification from Respondent No.2.

a. IN the meantime Municipal Corporation through its Communication dated 4.8.2023 had called upon Respondent No.2 to explain its conduct viz. a Statute of Shri O P MUNJAL.

b. ABOVE Communication was replied to by Respondent No.4 through its Communication dated 8.8.2023. A bare perusal of the said Communication shall show that the allegations that the allegations levelled by the Municipal Corporation that "have installed statue of Shri O P Munjal without knowledge of the Corporation" were false and untenable. It was pointed out that the statue was installed in the presence of Shri SUKHBIR SINGH BADAL, the then Deputy Chief Minister of Punjab, Mayor Shri Harcharan Singh Gohalwaria. As such, it was wrong on the part of Municipal Corporation to say that installation of the statue was not in the knowledge of the Corporation.

Further, qua the objection pertaining to birds at the War Memorial at Rakh Bagh it was clarified that Pakshi Sewa Society, duly registered on 30.11.2010 was maintaining the same. Copy of Communication dated 8.8.2023 of Respondent No.2 is **Annexure R/2-9**.

XX. Hearing before this Hon'ble Tribunal on 13.10.2023

Matter next came up for hearing on 13.10.2023. However, Municipal Corporation had prayed for further time enabling its file the compliance Report. Accordingly, this Hon'ble Tribunal was pleased to adjourn the matter to 21.11.2023.

XXI. Municipal Corporation submitting its Report BEFORE THIS Hon'ble Tribunal.

IN the mean time Municipal Corporation had submitted its Report. It was a false, motivated Report. Learned Municipal Commissioner had gone against the facts available on records. Relevant part of the said Report i.e. its paras (e), (f), (g) stands reproduced in Order dated 21.11.2023 as passed by this Hon'ble Tribunal.

XXII. Respondent No.2 has a serious Objection to the para (g) of the Report

Through paras (e) and (f) Commissioner Municipal Corporation had stated that the rates charged

by rides, toy train & games and cafeteria were as fixed by the Corporation.

However, Respondent No.2 has a serious Objection to para (g) of the said Report. Contents of the said para show and reflect a deliberate attempt on the part of Municipal Commissioner to mislead this Hon'ble Tribunal qua erection of statue of Shri O P MUNJAL. Para (g) of the said Report reads:

“That M/s Hero Cycles Limited has erected Statue in the Park which is illegal and the Municipal Corporation, Ludhiana has not given any permission for the erection of the Statute in the park and in this regard explanation has been sought from the M/s Hero Cycle Limited. Copy of the same is attached as Annexure F). And further appropriate action will be initiated in due process of law.”

SINCE Respondent HERO CYCLES had expended a very large sum on the REDEVELOPMENT and maintenance of the BAGH, therefore, it fully deserved to cause the installation of the statue of its founder Shri Om Parkash Munjal. As such, a small statue was got prepared and was installed at the BAGH On 26.2.2016 adjoining the Office Rooms and Cycle Shed. It did not cause any inconvenience to any member of the Public. It may, further, be submitted that while installing the Statue no damage was done to the

environment. No tree was uprooted. Infact the place around the statue was beautified. Ornamental plants were planted. As a matter of fact the place was extensively used as a Selfy Point by the visitors.

It is submitted that Shri SUKHBIR SINGH BADAL, the then Deputy Chief Minister of Punjab as well as the then Mayor of LUDHIANA Shri HARCHARAN SINGH GOHALWARIA, Shri G K Singh, IAS, Commissioner, Municipal Corporation amongst others had graced the occasion of installation of statue. In this regard a plaque showing the presence of above guests was also installed.

Press had reported about the installation of the statue.

No member of the during the period of next 7 years had raised any objection. Rather the place had become a Selfy Point.

Only the Applicants hereto, the persons speaking on behalf of some of employees of Municipal Corporation, had first time raised the Objection.

XXIII. Commissioner Municipal Corporation guilty of submitting the false, motivated Report as regard statute.

a. Through its Reply dated 8.8.2023, as stated above, also Respondent No.2 had clarified before Municipal Corporation that such a Statue was installed in the

presence of Shri Sukhbir Singh Badal, Deputy Chief Minister of Punjab, Mayor of the City, Commissioner Municipal Corporation. A Plaque with information installation of the Statue was also placed.

b. IT is submitted that being a Government Servant and under a Constitutional Mandate of acting in a fair and transparent manner learned Commissioner Municipal Corporation, LUDHIANA was duty bound to make a CLEAR and TRUE Statement of fact before this Hon'ble Tribunal. But as submitted above with malafide intent he had failed to do so.

c. IT is for this Hon'ble Tribunal to take appropriate action against the Commissioner Municipal Corporation, Ludhiana for keeping concealed the true information and infact making a false statement. Such action can be under Section 340 of Code of Criminal Procedure.

XXIV. THIS Hon'ble Tribunal, having noticed the above REPORT by Municipal Corporation passing Order dated 21.11.2023.

a. THIS Hon'ble Tribunal, having noticed the above REPORT by Municipal Corporation had passed on 21.11.2023 the following Order:

“5. In view of the observations made above, learned counsel for Municipal corporation, Ludhiana seeks six weeks time to file further action taken report.”

XXV. Letter dated 4.1.2024 by Respondent No.2 to Municipal Corporation.

By writing Letter dated 4.1.2024 Respondent No.2 we had expressed its anguish. It was interalia stated therein that Response of Respondent No.1 Municipal Corporation, LUDHIANA before this Hon'ble Tribunal was malafide, motivated. Copy Letter dated 4.1.2024 addressed to Respondent No.1 is **Annexure R2-10**.

XXVI. Submission by Municipal Corporation of Action Taken Report dated 30.1.2024.

As per the Report Statute was taken down. As well as Cafeteria was taken down.

XXVII. Respondent No.2 causing its appearance before this Hon'ble Tribunal on 31.1.2024.

Having learnt about the pendency of this OA Respondent No.2 had caused its appearance before this Hon'ble Tribunal on 31.1.2024. Accepting the request for filing of reply matter was adjourned to 27.2.2024.

XXVIII. Very clearly Respondent Municipal Corporation had acted illegally.

a. THAT it is very much clear the OA before this Hon'ble Tribunal was motivated and was at the instance some of the officials working in Respondent No.1 Municipal Corporation who had passed on to the information to the Applicants. It is most humbly

submitted that with malafide intention complete information and facts were **not** disclosed by the Municipal Corporation before this Hon'ble Tribunal. Though facts regarding installation of the statue of Shri O P MUNJAL in the presence of Shri Sukhbir Singh Badal, Deputy Chief Minister, PUNJAB, Mayor and moreso in the presence of the Commissioner Municipal Corporation were very much in the know of all the functionaries in the Municipal Corporation yet for that matter such facts were also made clear by Respondent No.2 through aforementioned communication dated 8.8.2023. BUT still these facts were kept concealed from this Hon'ble Tribunal and a false statement to the effect that installation of the Statue was done in an unauthorised manner was made before this Hon'ble Tribunal.

b. AS submitted above Respondent No.2 had spent a sum more than Rs.5.6 Crores. Even if the amount spent was out of CSR contribution yet Respondent No.2 was not compelled to so spend the amount on Rakh Bagh. The amount could even be donated to any medical facility. There was nothing wrong in installing the statue of the founder of Respondent No.2 and in whose name foundation was created. It is submitted it was not uncommon to install statues in the Gardens. Moreover, as submitted above while installing the Statue no damage was done to the environment. No tree was uprooted.

Infact the place was beautified. Ornamental plants were planted. As a matter of fact the place was extensively used as a Selfy Point by the visitors.

It is most humbly submitted that at the motion stage itself directions to remove the statue were not justified.

c. A meeting was held in the Office learned Deputy Commissioner, LUDHIANA on 26.2.2024. Shri Paramdeep Singh, Additional Commissioner, Municipal Corporation and Shri Kirpal Singh JE, Municipal Corporation had attended the said meeting. Shri Kirpal Singh JE had stated that Municipal Corporation was no longer interested in extension of period of Arrangement. Accordingly, vide Letter dated 27.2.2024 Respondent No.2 had asked the Municipal Corporation to confirm the assertion of Shri KIRPAL SINGH so that it proceeds to take action to terminate their contracts qua PSPL Meter, M/s SMS Services, S. S. Electrical, Swift Security (P) Limited, Shalu Amusement.

d. THAT Municipal Corporation has not responded to the above Communication dated 27.2.2024.

XXIX. FALSE IMPRESSION being given to this Hon'ble Tribunal that Respondent No.2 had taken in its hands the job of maintenance with purpose to make money out of it.

a. AN impression has been sought to be given to this Hon'ble Tribunal that Respondent No.2 was out to make millions by using the facilities at the garden. It is submitted that Respondent No.2 had hired a staff of 19 persons including a Manager. Every month very big amount was being expended to maintain the Garden out of the funds of the Company. Once Chairman of TATA had said "we also make the Steel". Likewise, Hero Cycles Limited also makes cycles.

XXX. Respondent No.2 Company as well as late Shri O P MUNJAL has been disgraced despite their honestly providing services to the community.

a. THAT it is most humbly submitted that with amount of Rs.5.6 Crores having been spent/expanded by Respondent No.2 on the garden it had created several assets including the Toy Train, Cafeteria Structure, Cycle Track, Toilets. Respondent No.2 had made best of the efforts to maintain the Garden. Large number of persons had appreciated the efforts. It is submitted that on the Application of one person Respondent No.2 has been made centre of ridicule. Statue of its founder has been uninstalled. Respondent No.2 has been disgraced without affording any opportunity of hearing. Having felt so disgraced Respondent No.2 has desired to quit.

b. THAT it may, nevertheless, be humbly submitted that right since the year 1956 Respondent No.2

is the most important part of Ludhiana City. Promoters of Respondent No.2 as also Trustees of O P Munjal Foundation realise and wish that they continue the good work in the Garden. They can continue to do provided their honour is restored. Provided statue of Shri O P Munjal is re-installed. Subject to the re-installation of the Statue Respondent No.2 undertakes to abide by conditions that may be put by this Hon'ble Tribunal.

c. As submitted above large number of persons regularly visiting the Garden, upon knowing that Respondent No.2 has desired to quit, has given a Representation imploring the Respondent No.2 to continue with the good work.

d. THAT it is submitted that as in the year 2014 Garden was lying in a very bad shape. Respondent No.2 had brought back its glory and use and benefit to the general public.

XXXI. Subject to roll back of the action Respondent No.2 is repared to continue with the maintenance of job.

THAT it may, nevertheless, be humbly submitted that right since the year 1956 Respondent No.2 is the most important part of Ludhiana City. Promoters of Respondent No.2 as also Trustees of O P Munjal Foundation realise and wish that they continue the good work in the Garden. They can continue to do provided

their honour is restored; provided statue of Shri O P Munjal is re-installed. Subject to the re-installation of the Statue Respondent No.2 undertakes to abide by conditions that may be put by this Hon'ble Tribunal.

REPLY on MERITS

Reply to Grounds:

Application is just misplaced. Impression has been sought to be given that Respondent No.2 is a small time vendor at LUDHIANA and it has usurped RAKH BAGH to make money out of it. As submitted above Respondent No.2 HERO CYCLES LIMITED. Maintenance of ZHULAS is a job of expert professionals. Respondent No.2 or OP MUNJAL FOUNDATION, in itself, had no such expertise. Earlier Toy Train was being operated by Respondent No.2 Municipal Corporation. Municipal Corporation did not provide the facility free of charge and used to charge fee for that. Operational cost of ZHULAs was very substantial. M Assuming

PRESENT Complaint runs on the pseudo notion and premises that the amount required to be spent by Respondent No.2 Company under its Corporate Social Responsibility (CSR) is PUBLIC MONEY. RESPONDENT No.2 Company also recognised its legal as well as social responsibility. As such, it has earmarked funds for investing its 2% of profits on social causes. However, as explained above Respondent owed no duty towards the Municipal Corporation or towards the Applicants to spend the money as per their wish and desire.

Reply to main paras of the OA

1. THAT averments made in para 1 of the Original Application besides being vague are misleading. OA is motivated. It is the handiwork of employees of Municipal Corporation in Horticulture Department who having provided the internal information have got the same filed through the above named two Applicants. It is submitted that Applicants, as per their residential addresses, given in the OA reside at a very far away place from Rakh Bagh. Actual use of RAKH BAGH is necessarily for residents living near the same. None of them has made any Complaint. The same is motivated, does not provide for the entire information which could prompt this Hon'ble Tribunal to entertain and pass any Orders on the OA. No substantial issues has been raised. OA was time barred.

2. THAT averments made in para 2 of the Original Application are also vague and misleading. Reference in this para of the OA has been made to an Agreement dated 17.3.2015 having been executed interse Respondent No.1 and Respondent No.2 with regard to maintenance of RAKH BAGH, LUDHIANA. Before proceeding further to deal with the veracity of averments made in para 2 of the OA it shall be apt to briefly recapitulate the submissions made as above through prologue, thus: setting up of **Rakh Bagh** is majorly connected with Maharaja Ranjit Singh. In 1801, he endeavoured to extend his kingdom to the areas beyond Sutlej on its eastern side by setting up checkpoints in LUDHIANA. Further, he set up the above named RAKH BAGH Garden to serve as a leisurely retreat for his wife. **Municipal Corporation** of LUDHIANA used to maintain

RAKH BAGH. About 40 years ago Municipal Corporation had set up a diesel run Toy Train. It remained operational for about 15 years. Municipal Corporation had also set up a CANTEEN there. **Hero Cycles Limited** based in Ludhiana, Punjab, is an Indian Company that manufactures bicycles and bicycle related products. Since the year 2010 late Shri **Om Prakash Munjal** was leading Hero Cycles Limited. He was a poet and was known for philanthropic activities of running various schools and hospitals. He had received recognition and honors from Presidents of India interalia the Udyog Rattan Award, Samman Patra, the Indira Gandhi National Unity. He had also served as the president of the All India Cycle Manufacturers' Association multiple times He died, at the age of 87, on 13.8.2015.

Hero Cycles Limited having realised its social responsibility the concept and requirement of **Corporate Social Responsibility (CSR)** would earmark funds for investing its 2% of profits on social causes.

RAKH BAGH used to be maintained by Municipal Corporation of LUDHIANA. Some times in early part of eighties Municipal Corporation had set up a diesel run Toy Train. It remained operational for about 15 years. Municipal Corporation had also set up a CANTEEN. For number of years it was lying in shambles. Municipal Corporation had failed to maintain it for number of years. It was frequented by bootleggers, drunkards. There was no arrangement for the safety of the visitors. Toy Train had stopped working. The park needed RENOVATION much more it needed maintenance. Detailed submissions in this regard have been made as above. The same may be read as part of reply to this para of OA.

3. THAT averments made in para 3 of the Original Application besides being vague are misleading. It is submitted that prior to the year 2015 also canteen was operating. Only fault of Respondent No. is that it had converted the same to a fast food concept. Further, earlier there was no shed for safety from sun and rains, as such, upon demand of people visiting the garden a shed was constructed. Municipal Corporation though had justified the service of food items yet for the reasons best known to it, had wrongfully removed part of the cafeteria.

4. THAT averments made in para 4 of the Original Application are also vague and misleading. Applicants have a false statement qua installation of the statue. Detailed submissions in this regard have been made as above. The same may be read as part of Reply to para 4 of the OA.

5. THAT averments made in para 5 of the Original Application are also vague and misleading. B that as it may, averments made in para 5 of the OA do not relate to Respondent No.2. Pakshi Sewa Society is a different organisation. Detailed submissions in this regard have been made as above. The same may be read as part of Reply to para 5 of the OA.

6. THAT averments made in para 6 of the Original Application are also vague and misleading. Reference in this para has been made to a judgment by Hon'ble Supreme Court in **Bangalore Municipal Trust Vs. B. S. Muddapa** (1991) 4 SCC 54. As per the facts of that case A site in the city of Bangalore was reserved as an

open space as a “Public Park” under a scheme prepared under Bangalore Development Authority Act, 1976. However, pursuant to the the orders of the State Government, and by a Resolution, the Bangalore Development Authority allotted the open space in favour of a private medical Trust, for the purpose of constructing a hospital. This allotment and diversion of the user of the site was challenged before the High Court by the residents of the locality contending that it was contrary to the provisions of the Bangalore Development Authority Act, and the scheme sanctioned thereunder, and the legislative intent to protect and preserve the environment by reserving open space for ventilation, recreation and play grounds and parks for the general public. In the present case RAKH BAGH is more than a century old. There is no change of user. On finding that Municipal Corporation, Ludhiana was not able to maintain it had lost its glory, use to public that at its request Respondent No.2 had come forward to maintain it as well as enhance its utility. Act of maintenance of the Park by Respondent No.2 has been constantly appreciated by the local people as well as by outside visitors. There is just no synergy of facts of the case before the Hon’ble Supreme Court and the present case. It is submitted that reference to the above judgment has been made just to mislead this Hon’ble Tribunal.

7. THAT averments made in para 7 of the Original Application are also vague and misleading. Reference in this para has been made to a judgment by Hon’ble Supreme Court in **M. C. Mehta Vs. Union of India**, (2009) 17 SCC 683. It is submitted that above judgment was rendered by Hon’ble Supreme Court on 6.12.1996 in IA

No.34/35 in Writ Petition (C) No.4677 of 1996. Shri M C Mehta, in the said IA, had raised two issues; one, *“that on the site where the Municipal Dancing Fountain Park is situated Camp Office Complex for the use of the Chief Minis, Delhi has been constructed. It is stated that the construction and the use of the Camp Office is in such a way that the recreation capacity of the Fountain/Park is obstructed/curtailed”*. In this regard Local Commissioners were appointed to visit the place and give their comments on the next date viz. 13.12.1996. The second issue was that *“large number of parks in the city are being used for construction of marriage pandals and for hosting other functions”*. In response to the above, Municipal Corporation, Delhi had stated that only 1023 parks out of 12000 parks were permitted for such functions. 141 Community Halls were there for the said purpose but they were not in sufficient number. Noticing the above facts Hon’ble Supreme Court passed the following directions:

- (1) The use of parks shall not be permitted for than 10 days in a month.
- (2) The authorities shall make endeavour to construct community halls for the purposes of marriages.
- (3) For the purposes of hosting marriages etc. number of use of parks shall be reduced by 30% by June 30, 1997 and further 20% by December 31, 1997.
- (4) No tree shall be cut to facilitate hosting of such functions.

WITH respect, it is submitted that in the event of use of the PARK for marriage/other type of functions general public is denied the use thereof and only selected invitees could use it. But it was no so in the present case. If Municipal Corporation, LUDHIANA had handed over the RAKH BAGH to Respondent No.2 for using the same for hosting Marriage or other functions then, of course, such a judgment would have the applicability. But in the present case RAKH BAGH is in existence for the last more than 100 years. Before the year 2015 it was for the use of general public and after the year 2015 it is still for the use of general public and for no other purpose. As such, the above judgment has just no relevance to the issues in the present case. It is submitted that reference to the above judgment has been made just to mislead this Hon'ble Tribunal.

8. THAT averments made in para 8 of the Original Application are also vague and misleading. Reference in this para has been made to a judgment by Hon'ble Supreme Court in **Union of India vs. State of Gujarat**, SLP 8519 of 2006, decided on 18.1.2013.

As per the facts of the said case, having taken notice of a newspaper item published in Times of India, Ahmedabad Edition dated May 2, 2006 to the effect that 1200 temples and 260 Islamic shrines had encroached, Hon'ble Gujarat High had initiated suo moto proceedings. Further, Hon'ble Supreme Court had also suo moto proceedings on the same issue. It is submitted that the judgment cited has no relevance to the facts of the present case.

Prayer Clause of the Original Application is untenable.

IT is, therefore, humbly submitted that this Hon'ble Tribunal be pleased to:

i. Dismiss the Original Application while imposing exemplary costs upon the Applicants Dr. Amandeep Singh Bains, Shri Yogesh Maini; upon Respondent No.1 Municipal Corporation, LUDHIANA and personally upon Shri SANDEEP RISHI, Commissioner Municipal Corporation, LUDHIANA.

ii. Direct the re-installation of the statue of Shri O P MUNJAL. Cost of the same be directed to be born by Applicants Dr. Amandeep Singh Bains, Shri Yogesh Maini; Respondent No.1 Municipal Corporation, LUDHIANA and personally by Shri SANDEEP RISHI, Commissioner Municipal Corporation, LUDHIANA.

iii. Direct the restoration of the garden as existing as on 11.4.2023.

iv. Direct Registrar General of this Hon'ble Tribunal to initiate proceedings against Applicants Dr. Amandeep Singh Bains, Shri Yogesh Maini, as well as against Shri SANDEEP RISHI, Commissioner Municipal Corporation, LUDHIANA under Section 340 of the Code of Criminal Procedure.

v. Pass any directions regarding the maintenance of the Garden which Respondent No.2 shall follow in the event of extension in the period maintenance.

Note: Affidavit in support of the Reply is annexed.

Submitted by:

Bharat Goel

**Hero Cycles Limited/
Om Parkash Munjal Foundation**

Through Counsel

I S Ratta, Advocate

CHANDIGARH:
22.4.2024.

**BEFORE THE NATIONAL GREEN TRIBUNAL Principal
Bench, AT DELHI**

In Re: Original Application No.292/2023

Dr. Amandeep Singh BainsApplicant

Versus

Municipal Commissioner of Ludhiana & Ors. ...Respondents

AFFIDAVIT in support of WRITTEN
REPLY by Respondent No.2 **Hero Cycles
Limited/Om Parkash Munjal Foundation** to the
false and motivated Complaint/Original
Application.

I, BHARAT GOEL, 64 aged, holding Aadhar Card
No.2106 9946 2738 son of Shri KULDIP PARKASH GOEL,
resident of House No.721, Sector 4, PANCHKULA, presently at
CHANDIGARH, do hereby, solemnly affirm and declare as under:

1. THAT I am working with M/s Hero Cycles Limited as
Authorised signatory and am a Trustee of Om Parkash Munjal
Foundation. As such, I am competent to swear this Affidavit.

2. THAT the accompanied reply has been prepared by
the counsel at my instructions, upon my providing the information,
documents and records.

3. THAT All the facts stated in the reply are true and correct to my knowledge. Further, documents annexed thereto are true copies/extracts of original documents.

Deponent

Verification

I solemnly state that the contents of paras No.1 to 3 of this affidavit are true to the best of my knowledge and belief and that it conceals nothing and that no part of it is false.

Verified at CHANDIGARH on this 22nd of April, 2024.

Deponent

PRE RESTORATION**MESSAGES ABOUT RAKH BAGH AS POSTED ON NET**

1. **Jayv1504**, Amritsar, India
Apr, 2013

Located Well, Poorly Maintained

Located at walking distance to The Mall, Railway station, bus stand and 2 clubs. the twin parks offer a very peculiar sight in the early morning hours. You can see small groups of people doing different things, part from the morning walkers. Some are doing exercise solo or in groups. Some are doing yoga, some are singing bhajans (religious songs) while members of the laughter clubs are doing what the name suggests. some groups are discussing hot on politics. Well it is an interesting sight- with sound- all free.....The only thing that disturbs me is lack of cleanliness.

2. **Nabankur P**
Feb, 2014

Good for an after noon nap

I have seen parks better than this else where in India , only thing that attracted me was the "Old Man Forum", local aged people, they all assemble in the afternoon not only for chatting, also for a small musical session or debate of any kind. One can listen to some Hindi oldies , since every thing happen on Mic.

3. **Gurcharan S**, Ludhiana, India
Aug, 2014

Good for Local peoples

It is good place for Morning & Evening walk. It is good for local peoples who living on Mall road area, Near Railway station & Old Ludhiana.

4. **Suneel_12**, New Delhi, India
Feb, 2015

Average park

The park is centrally located and situated near to the railway station. The park has some rose plantations along with greenery around. Overall good for a morning/evening walk, but, nothing much to be admired upon.

5. **ag0527**, Ludhiana, India
Mar, 2015

Refreshing Park

Rakh Bagh is centrally located in Ludhiana and is full of green plantations, flowers and amusement for kids. Nice place to spend evening in Ludhiana.

TC
15/03/15
A

**HERO
CYCLES**

Annexure R/2/2
69

May 24, 2022

The Municipal Commissioner
Ludhiana

729/PS/R
25/05/22

Reg: Renewal of Maintenance Contract – Rakh Bagh

We are really thankful to the Municipal Corporation Ludhiana for giving us the opportunity to serve the city of Ludhiana by entrusting us responsibility of maintenance of Rakh Bagh for a period of five years beginning with 2nd March, 2015 which was further extended up to 24.07.2020 vide MC House Resolution No.2683 dated 04.06.2020.

The company undertook the activities under its Corporate Social responsibility. We are complying with the terms of the agreement in its latter and spirit. The Rakh Bagh has become a truly family entertainment place and is being appreciated by Public in enlarge.

The present terms of agreement is to expire on 24th July,2022.

This renewal of contract will facilitate us for continuity of service to as family entertainment centre.

Submitted for your approval please and looking forward for favorable response.

Thanking you,

Yours faithfully,



CDR Gurmukh Singh

R
24/5/22

HERO CYCLES LTD.

Regd. Office : Hero Nagar, G.T. Road, Ludhiana-141 003 (India) Ph. 0161-5026969
Web: www.herocycles.com Toll Free : 18002084376 CIN No. : U35911PB1966PLC002667
E-mail : legal@hmcgroup.in, sales@herocycles.com



TC
15/2/22

Annexure R/2/3

70

Ref:HCL:2022-23
28 June 2022

To,

The Municipal Commissioner,
LUDHIANA

Sub: Renewal of Maintenance Contract of Rakh Bagh

Dear Sir,

We may inform you that we were assigned the task of maintaining the Rakh Bagh, a prominent green belt in the heart of Ludhiana City on 17.03.2015 pursuant to Resolution no. 167 dated 20.12.2014 for five years. Keeping in view the good work and all around appreciation by people at large the task was further extended for two years by way of agreement dated 24.07.2020 in pursuance to Resolution no. 2683 dated 04.06.2020.

We are recently verbally informed that some disgruntled elements have raised finger on the noble task taken up by the company by pointing that it has let out the part of Rakh Bagh for commercial activities. We would like to bring to your notice that company is a reputed concern and has taken up lot of social welfare projects in the vicinity of Ludhiana. Some projects undertaken by the company are putting up schools, contributing to Hero Heart DMC Hospital, promoting Art & Culture in Ludhiana through Ludhiana Sanskritik Samagam.

The maintenance of Rakh Bagh undertaken in compliance of CSR. During this period, we have spent crores of Rupees for the maintenance and up-keep-ment of the park. It is due to our efforts the park has become lively place for all walk of people including the kids. The Park is rated at number three in the list of top places of Tourism at Ludhiana. However, this do not go well with some people who generally do not digest the noble efforts made for the society and always trying to find fault.

We are not claiming any rent from anybody. The rides and other facility provider are our people who are providing the services at nominal cost which is good enough to meet their operational cost and also keep a check on unnecessary crowding. The rides rates are duly approved by Municipal Corporation, Ludhiana and are most economical as compared to the rates charged by other service provider in the city of Ludhiana. We are well aware of the terms of the agreement and are stickily complying with the same.

You will appreciate that such unscrupulous people exist everywhere and always try to create obstacles. In view of the facts stated above, it is requested that no cognizance shall be taken of such complaints and we further request for the renewal of contract for five years.

Thanking you,

Yours faithfully,
For HERO CYCLES LIMITED

AUTHORISED SIGNATORY

TC
ISCOT
→

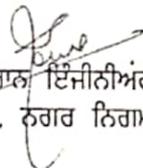
ਵੱਲ

ਮੈਸ: ਹੀਰੋ ਸਾਈਕਲਜ਼ ਲਿਮਟਿਡ,
ਲੁਧਿਆਣਾ।ਨੰ: 1861/SECDਮਿਤੀ: 14-9-2022

ਵਿਸ਼ਾ:- ਰੱਖ ਬਾਗ ਪਾਰਕ ਲੁਧਿਆਣਾ ਦੇ ਰੱਖ-ਰਖਾਓ ਸਬੰਧੀ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਨੂੰ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਨਗਰ ਨਿਗਮ ਵਲੋਂ ਆਪ ਦੇ ਨਾਲ ਰੱਖ-ਬਾਗ ਪਾਰਕ ਦੀ ਰੱਖ ਰਖਾਓ ਦਾ ਕੰਟਰੈਕਟ ਕੀਤਾ ਗਿਆ ਸੀ ਅਤੇ ਜਿਸ ਦੇ ਸਬੰਧ ਵਿੱਚ ਨਗਰ ਨਿਗਮ ਨਾਲ ਇਕਰਾਰਨਾਮਾ ਵੀ ਆਪ ਵਲੋਂ ਕੀਤਾ ਗਿਆ ਸੀ। ਪਰ ਤੁਹਾਡੇ ਵਲੋਂ ਇਸ ਇਕਰਾਰਨਾਮੇ ਦੀਆਂ ਸ਼ਰਤਾਂ ਦੀ ਉਲੰਘਣਾ ਕੀਤੀ ਜਾ ਰਹੀ ਹੈ ਕਿਉਂਕਿ ਨਗਰ ਨਿਗਮ ਨੂੰ ਇਸ ਸਬੰਧੀ ਪਬਲਿਕ ਦੀਆਂ ਸਿਕਾਇਤਾਂ (ਸਫਾਈ ਦਾ ਪ੍ਰਬੰਧ ਸਹੀ ਨਾ ਹੋਣਾ, ਰੈਸਟੋਰੈਂਟ ਖੋਲਣਾ ਤੇ ਸਬਲੈਟ ਕਰਨਾ, ਬੁਲਿਆਂ ਦੇ ਵਾਧੂ ਰੇਟ ਵਸੂਲ ਕਰਨੇ, ਕਮਰਸ਼ੀਅਲ ਐਕਟੀਵਿਟੀ ਆਦਿ ਸਬੰਧੀ) ਪ੍ਰਾਪਤ ਹੋ ਰਹੀਆਂ ਹਨ। ਆਪ ਵਲੋਂ ਇਕਰਾਰਨਾਮੇ ਵਿੱਚ ਦਰਸਾਈਆਂ ਗਈਆਂ ਸ਼ਰਤਾਂ ਨੰ: 4, 6, 7, 12, 13, 14, 15 ਆਦਿ ਦੀ ਉਲੰਘਣਾ ਕੀਤੀ ਜਾ ਰਹੀ ਹੈ।

ਇਸ ਲਈ ਆਪ ਨੂੰ ਇਸ ਖੱਤਰ ਰਾਹੀਂ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਆਪ ਇਸ ਸਬੰਧੀ ਆਪਣਾ ਸਪਸ਼ਟੀਕਰਨ ਨਿਮਨ ਹਸਤਾਖਰ ਦੇ ਦਫ਼ਤਰ ਵਿੱਚ 3 ਦਿਨਾਂ ਦੇ ਅੰਦਰ ਅੰਦਰ ਲਿਖਤੀ ਤੌਰ ਤੇ ਪੇਸ਼ ਕਰੋ। ਜੇਕਰ ਆਪ ਵਲੋਂ 3 ਦਿਨਾਂ ਦੇ ਅੰਦਰ ਆਪਣਾ ਸਪਸ਼ਟੀਕਰਨ ਨਹੀਂ ਦਿੱਤਾ ਜਾਂਦਾ ਹੈ ਤਾਂ ਇਕਰਾਰਨਾਮੇ ਦੀਆਂ ਸ਼ਰਤਾਂ ਅਤੇ ਕਾਨੂੰਨ ਅਨੁਸਾਰ ਅਗੇਤੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇਗੀ, ਜਿਸ ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਆਪ ਦੀ ਹੋਵੇਗੀ।


ਨਿਗਰਾਨ ਇੰਜੀਨੀਅਰ-ਬੀ.ਐੱਡ.ਆਰ,
ਜੇਨ-ਡੀ, ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ।

154

Municipal Corporation, Ludhiana

72

To,
M/s Hero Cycles Limited,
Ludhiana.

No.1861/SECD

Date:14.09.2022

Subject:- Regarding the maintenance of Rakh Bagh Park,
Ludhiana.

In relation to the above subject, it is written to you that the Municipal Corporation had entered into a contract with you for the maintenance of Rakh Bagh Park and in connection with maintenance an agreement with the Municipal Corporation was also entered into by you. But you are violating the terms of this agreement because the Municipal Corporation has received complaints from the public (improper cleaning arrangements, opening and subletting of restaurants, charging extra rates for swings, commercial activities, etc.) The terms mentioned at Serial no. 4, 6, 7, 12, 13, 14, 15 etc. in the Agreement contract are being violated by you.

Therefore, it is written to you through this letter that you submit your clarification in this regard in writing to the office of the undersigned within 3 days. If you do not submit your clarification within 3 days, then according to the terms of the contract and the law, preliminary action will be taken, which will be your responsibility.

155

73

Superintending Engineer-B.& R.

Zone- D, Municipal Corporation,
Ludhiana.

TC
15/02/14
J

Ref:HCL:2022-23
 September 17, 2022

The Municipal Commissioner,
 LUDHIANA

Sub: Renewal of Maintenance Contract of Rakh Bagh

Dear Sir,

This is with reference to your letter no. 1861/SE(D) dated 14.09.2022 on the captioned subject whereby it has been alleged that we have violated the terms and conditions of the agreement dated 17.03.2015 which was further extended for two years on 24.07.2020.

We would like to bring to your kind notice that at the time of signing of original agreement a DPR was also submitted which is on record of Corporation whereby we have emphasised the proposed activities to be undertaken by the company under CSR at Rakh Bagh for its maintenance and development. We have spent crores of rupees for the upkeep of Rakh Bagh and now the Rakh Bagh is one of the finest park in the city of Ludhiana which is appreciated by all walks of life and foot fall has increased manifold. It is rated as one of the best park in Ludhiana and it is attracting people from surrounding and residents of Ludhiana bring with pride their guest to park.

However, some unscrupulous elements who has a tendency to find fault in everything keep on complaining for one thing or the other without any evidence despite the facts the company is doing his best to comply with the terms of the agreement.

In the captioned letter it has been alleged that;

a) **there is no proper arrangement for the cleanliness -**

No documentary evidence or photograph has been sent with the notice to support the allegation while the fact is that we have hired the services of A to Z which is now replaced with SMS Services to lift the garbage from the park on regular basis and a team of 12 persons have been kept for the cleanliness and maintenance of park and because of their efforts and close supervision of the company the Bagh give a lush green look.

b) **subletting of restaurant -**

it is alleged in the notice that we have sublet the restaurant in the park. The fact is that restaurant was already existing when we took over the maintenance of Rakh Bagh. In our DPR submitted to Municipal Corporation it was one of the activities that we should renovate and run the restaurant as is done by other company like Café Coffee Day. The rates for the food items are very reasonable as compared to the market rates and food served is hygienic. People who visit the park after spending time preferred to have some refreshment there.

c) **Extra charges for the rides -**

The allegation is not based on the fact. The rides were installed with the permission of Municipal Corporation, Fire Station and approval of the office of Police Commissioner, Ludhiana. The tariff rates were fixed in consultation with Municipal Corporation who has given consent in writing.

HERO CYCLES LTD.

Regd. Office : Hero Nagar, G.T. Road, Ludhiana-141 003.(India) Ph. 0161-5026969
 Web: www.herocycles.com Toll Free : 18002084376 CIN No. : U35911PB1966PLC002667
 E-mail : legal@hmcgroup.in, sales@herocycles.com



**HERO
CYCLES**

However, the same has been rationalised and rounded off considering the GST impact. The ride charges are the lowest comparing with the other ride operators in the city even in the State of Punjab.

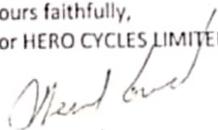
In view of the facts stated above, we reiterate that we are law abiding organization and we have not violated any of the terms of the agreement i.e.;

- a) Clause no. 4 regarding guidelines prescribed by the Punjab Government as per Advertisement Policy 2014 – we are not doing any advertisement/publicity even not allowing others to do
- b) Clause no. 6 subletting of the contract of the Rakh Bagh - we have not done any subletting of the responsibility given to the company except for the service as provided in the agreement.
- c) Clause no. 7 regarding cleanliness around the Rakh Bagh - the allegation is not based on the facts as surrounding around the Rakh Bagh are kept neat and clean.
- d) Clause no. 12 - regarding commercial activity in the park - the allegation is not based on the facts as no commercial activities are allowed except as permitted by the Municipal Corporation in the agreement or otherwise.
- e) Clause no. 13 – regarding security at the Rakh Bagh - the company has hired the services of reputed Security Agency "Group-4 Security" for providing round the clock security at the park. The allegation has no basis.
- f) Clause no. 14 – painting of boundary wall, tube well, gate and notice board - the painting of the same is done on regular basis as when required.
- g) Clause no. 15 - appointment of Nodal Officer - Cdr. Gurmukh Singh has been appointed as Nodal Officer and last progress report were submitted on 21st January, 2020.

We request your goodself to renew the agreement.

Thanking you,

Yours faithfully,
For HERO CYCLES LIMITED



AUTHORISED SIGNATORY

HERO CYCLES LTD.

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A HERO MOTORCYCLES COMPANY

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15/01/20
A

Annexure R/2/6

INDIA NON JUDICIAL
Government of Punjab

सत्यमेव जयते
e-Stamp

100710071007100

Certificate No.	: IN-PB30216122642016U
Certificate Issued Date	: 28-Sep-2022 09:08 PM
Certificate Issued By	: pbtajkmru
Account Reference	: NEWIMPACC (SV) pb7081304/ LUDHIANA/ PB-LD
Unique Doc. Reference	: SUBIN-PBPB7081304G1075531151361U
Purchased by	: RAM KUMAR SON OF RAM BAHOR
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Area of Property	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: O P MUNJAL FOUNDATION
Second Party	: Not Applicable
Stamp Duty Paid By	: O P MUNJAL FOUNDATION
Stamp Duty Amount(Rs.)	: 100 सत्यमेव जयते (One Hundred only)

RAVINDER KUMAR
PB7081304
LUDHIANA

Please write or type below this line 100710071007100

ਇਕਰਾਰਨਾਮਾ

ਇਹ ਇਕਰਾਰਨਾਮਾ ਅੱਜ ਮਿਤੀ 28-09-2022 ਨੂੰ ਕਮਿਸ਼ਨਰ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਜਿਲਾ ਵਿੱਚ ਅਧਿਕਾਰਤ ਐਡਮਿਸਟਰੇਟਿਵ ਪ੍ਰਤੀਨਿਧੀ ਅਤੇ ਹੋਰ ਉਤਰਾ ਅਧਿਕਾਰੀ ਸ਼ਾਮਲ ਹਨ, ਜੋ ਕਿ "ਕਾਰਪੋਰੇਸ਼ਨ" ਵਜੋਂ ਪਹਿਲੀ ਧਿਰ ਜਾਣੀ ਜਾਵੇਗੀ ਅਤੇ ਮੈਸ: ਹੀਰੋ ਸਾਈਕਲ ਲਿਮਿਟਿਡ, ਲੁਧਿਆਣਾ ਜਿਲਾ ਨੂੰ "ਏਜੰਸੀ" ਕਿਹਾ ਜਾਵੇਗਾ ਦੇ ਦਰਮਿਆਨ ਨਗਰ ਨਿਗਮ ਦੇ ਰੱਖ-ਬਾਗ ਪਾਰਕ ਲੁਧਿਆਣਾ ਦੀ ਸਾਂਭ ਸਭਾਲ ਕਰਨ ਸਬੰਧੀ ਜਿਸ ਨੂੰ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਦੇ ਵਿੱਚ ਅਤੇ ਠੇਕਾ ਕਮੇਟੀ ਦੇ ਮਤਾ ਨੰ. 7104 ਮਿਤੀ 17-09-2022 ਰਾਹੀਂ 2 ਸਾਲ ਦੇ ਰੱਖ-ਰਖਾਵ ਦਾ ਵਾਧਾ ਪ੍ਰਦਾਨ ਹੋਇਆ ਹੈ ਦੇ ਸਬੰਧ ਵਿੱਚ ਕੀਤਾ ਜਾ ਰਿਹਾ ਹੈ। ਇਸ ਇਕਰਾਰਨਾਮੇ ਦੀਆਂ ਸ਼ਰਤਾਂ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ 0015629704

Statutory Alert:
1. The authenticity of this certificate can be verified on the website www.punjab.gov.in or by scanning the QR code on the back of this certificate.
2. Any discrepancy in the details on this Certificate and as available on the website or Mobile App under the name of Punjab Government.
3. The onus of checking the legitimacy is on the user.

1. ਇਹ ਕਿ ਰੱਖ-ਬਾਗ ਪਾਰਕ ਲੁਧਿਆਣਾ ਦੇ ਰੱਖ ਰਖਾਉ ਦੇ ਕੰਟਰੈਕਟ ਦੀ ਮਿਆਦ ਇਸ ਐਗਰੀਮੈਂਟ ਦੀ ਮਿਤੀ ਤੋਂ 2 ਸਾਲ ਦੇ ਸਮੇਂ ਦੀ ਹੋਵੇਗੀ।
2. ਇਹ ਰੱਖ ਰਖਾਉ ਦਾ ਕੰਮ ਕਿਲਟ ਉਪਰੇਟ ਐਂਡ ਮੇਨਟੀਨੈਂਸ (ਬੀ.ਓ.ਐਮ.) ਬੇਸਿਸ ਤੇ "ਏਜੰਸੀ" ਵੱਲੋਂ ਕੀਤਾ ਜਾਵੇਗਾ। ਇਹ ਕੰਮ "ਏਜੰਸੀ" ਵੱਲੋਂ ਡਿਜਾਇਨ ਕੀਤੇ ਨਾਲ ਨੱਥੀ ਡੀ.ਪੀ.ਆਰ. ਅਨੁਸਾਰ 'ਓ' ਮੁਤਾਬਕ ਕੀਤਾ ਜਾਵੇਗਾ।
3. "ਏਜੰਸੀ" ਵੱਲੋਂ ਐਗਰੀਮੈਂਟ ਕਰਨ ਦੀ ਮਿਤੀ ਤੋਂ 15 ਦਿਨਾਂ ਬਾਅਦ ਡੀ.ਪੀ.ਆਰ. ਮੁਤਾਬਕ ਪਾਰਕ ਦੀ ਲੰਡ ਸਕੇਪਿੰਗ ਕੀਤੀ ਜਾਵੇਗੀ ਅਤੇ ਪਾਰਕ ਮੁਰੰਮਤ/ਰੈਨੋਵੇਸ਼ਨ ਕਰਨ ਦੀ ਕਾਰਵਾਈ ਸ਼ੁਰੂ ਕੀਤੀ ਜਾਵੇਗੀ। ਡਿਵੈਲਪਮੈਂਟ ਦਾ ਹਰ ਤਰ੍ਹਾਂ ਦਾ ਖਰਚ "ਏਜੰਸੀ" ਵੱਲੋਂ ਕੀਤਾ ਜਾਵੇਗਾ।
4. "ਏਜੰਸੀ" ਵੱਲੋਂ ਰੱਖ-ਬਾਗ ਪਾਰਕ ਵਿੱਚ ਕੋਈ ਵੀ ਇਤਰਾਜ਼ਯੋਗ ਐਡਵਰਟਾਇਜ਼ਮੈਂਟ ਜੋ ਕਿ ਪੰਜਾਬ ਸਰਕਾਰ ਵੱਲੋਂ ਨਿਰਧਾਰਿਤ ਕੀਤੀ ਐਡਵਰਟਾਇਜ਼ਮੈਂਟ ਪਾਲਸੀ, 2014 ਦੀ ਉਲੰਘਣਾ ਕਰਦੀ ਹੋਈ ਨੂੰ ਲਗਾਉਣ ਦੀ ਮਨਾਹੀ ਹੋਵੇਗੀ।
5. ਰੱਖ-ਬਾਗ ਪਾਰਕ ਵਿੱਚ "ਏਜੰਸੀ" ਵੱਲੋਂ ਆਪਣੀ ਫਰਮ ਦਾ ਨਾਮ 6'x3' ਸਾਇਜ਼ ਦੇ ਬੋਰਡ ਉੱਤੇ ਲਿਖਿਆ ਜਾਵੇਗਾ ਜੋ ਕਿ ਪਾਰਕ ਦੀ ਦਾਖਲੇ ਵਾਲੇ ਗੇਟ ਤੇ ਲਗਾਇਆ ਜਾ ਸਕੇਗਾ।
6. "ਏਜੰਸੀ" ਇਸ ਪਾਰਕ ਦੇ ਕੰਟਰੈਕਟ ਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਫਰਮ ਜਾਂ ਕੰਪਨੀ ਨੂੰ ਅੱਗੇ ਸਬਲੈਟ ਨਹੀਂ ਕਰੇਗੀ, ਪ੍ਰੰਤੂ "ਏਜੰਸੀ" ਨੂੰ ਪਾਰਕ ਦੇ ਰੱਖ-ਰੱਖਾਵ ਦੀਆਂ ਆਉਟਰੋਰ ਸੋਰਸ ਸੇਵਾਵਾਂ, ਜਿਵੇਂ ਕਿ ਮਾਲੀ/ਸੂਪਰਵਾਈਜਰ ਅਤੇ ਹੋਰ ਸਟਾਫ ਆਦਿ ਰੱਖਣ ਦੀ ਇਜਾਜ਼ਤ ਹੋਵੇਗੀ।
7. "ਏਜੰਸੀ" ਵੱਲੋਂ ਪਾਰਕ ਦੇ ਅੰਦਰ ਅਤੇ ਆਲੇ ਦੁਆਲੇ ਕਿਸੇ ਕਿਸਮ ਦਾ ਕੂੜਾ ਕਰਕਟ ਜਮਾਂ ਨਹੀਂ ਹੋਣ ਦਿੱਤਾ ਜਾਵੇਗਾ। ਪਾਰਕ ਦੇ ਅੰਦਰ ਅਤੇ ਆਲੇ ਦੁਆਲੇ ਦੀ ਸਫਾਈ ਰੱਖਣਾ "ਏਜੰਸੀ" ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਹੋਵੇਗੀ।
8. ਇਸ ਕੰਟਰੈਕਟ ਦੇ ਉਪਰੰਤ ਜੇਕਰ ਇਸ ਕੰਟਰੈਕਟ ਯਾਂ "ਏਜੰਸੀ" ਦੀ ਕਾਰਗੁਜ਼ਾਰੀ ਤੇ ਕੋਈ ਅਦਾਲਤੀ ਹੁਕਮ/ਹਦਾਇਤਾਂ ਜਾਰੀ ਹੁੰਦੀਆਂ ਹਨ ਤਾਂ ਉਸ ਦੀ ਪਾਲਣਾ "ਏਜੰਸੀ" ਨੂੰ ਮਨਣਯੋਗ ਹੋਵੇਗੀ। ਅਜਿਹੇ ਹੁਕਮ/ਹਦਾਇਤਾਂ ਦੀ ਰੋਸ਼ਨੀ ਵਿੱਚ ਜੇਕਰ "ਏਜੰਸੀ" ਦਾ ਕੋਈ ਨਿੱਜੀ ਨੁਕਸਾਨ ਹੋਵੇ ਤਾਂ "ਕਾਰਪੋਰੇਸ਼ਨ" ਇਸ ਨੁਕਸਾਨ ਦੀ ਭਰਪਾਈ ਕਰਨ ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਨਹੀਂ ਹੋਵੇਗੀ।
9. ਜੇਕਰ "ਏਜੰਸੀ" ਨੂੰ ਦਿੱਤਾ ਗਿਆ ਰੱਖ ਰਖਾਉ ਦਾ ਕੰਮ ਤਸੱਲੀ ਬਖਸ਼ ਨਾਂ ਪਾਇਆ ਗਿਆ ਤਾਂ "ਕਾਰਪੋਰੇਸ਼ਨ" ਨੂੰ ਇਹ ਹੱਕ ਹੋਵੇਗਾ ਕਿ "ਏਜੰਸੀ" ਨੂੰ 15 ਦਿਨਾਂ ਦਾ ਨੋਟਿਸ ਦੇ ਕੇ ਇਹ ਕੰਮ ਵਾਪਸ ਲੈ ਲਵੇ। ਅਜਿਹਾ ਕਰਨ ਤੇ "ਏਜੰਸੀ" ਨੂੰ ਹੋਏ ਨੁਕਸਾਨ ਦਾ ਕੋਈ ਵੀ ਮੁਆਵਜਾ ਨਹੀਂ ਦਿੱਤਾ ਜਾਵੇਗਾ। ਰੱਖ ਰਖਾਉ ਵਜੋਂ ਪਾਰਕ ਵਿੱਚ ਲਗਾਈ ਹੋਈ ਕੋਈ ਵੀ ਆਈਟਮ "ਕਾਰਪੋਰੇਸ਼ਨ" ਦੀ ਮਲਕੀਤੀ ਹੋਵੇਗੀ ਅਤੇ "ਏਜੰਸੀ" ਇਸਦੀ ਵਾਪਸੀ ਦਾ ਕਲੋਮ ਨਹੀਂ ਕਰੇਗੀ।
10. "ਏਜੰਸੀ" ਵਲੋਂ ਪਾਰਕ ਦੇ ਰੱਖ ਰਖਾਉ ਵਜੋਂ ਸਾਰਾ ਖਰਚਾ, ਜਿਵੇਂ ਕਿ ਪਾਣੀ, ਬਿਜਲੀ, ਚੌਕੀਦਾਰ ਅਤੇ ਨਿਯੁਕਤ ਸਟਾਫ ਆਦਿ ਦੀਆਂ ਤਨਖਾਹਾਂ ਦਾ ਖਰਚਾ ਸਹਿਨ ਕਰੇਗੀ। ਬਿਜਲੀ ਅਤੇ ਪਾਣੀ ਦਾ ਬੁਨੈਕਸਨ "ਕਾਰਪੋਰੇਸ਼ਨ" ਵੱਲੋਂ ਦਿਤਾ ਜਾਵੇਗਾ ਪ੍ਰੰਤੂ ਇਸ ਦਾ ਬਿਜਲੀ ਬਿਲ "ਏਜੰਸੀ" ਵਲੋਂ ਹੀ ਭਰਿਆ ਜਾਵੇਗਾ।
11. "ਏਜੰਸੀ" ਦੀ ਪਾਰਕ ਵਿੱਚ ਇਸ ਕੰਟਰੈਕਟ ਤੋਂ ਪਹਿਲਾਂ ਮੌਕੇ ਤੇ ਚਲਦੇ ਛੁਆਰੇ, ਟਿਊਬਵੈਲ, ਲਾਇਟਾਂ ਯਾਂ ਹੋਰ ਲਗੀ ਮਸ਼ਨਰੀ ਨੂੰ ਚਾਲੂ ਰੱਖਣ ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਹੋਵੇਗੀ।



12. "ਏਜੰਸੀ" ਨੂੰ ਪਾਰਕ ਵਿੱਚ ਕਿਸੇ ਵੀ ਤਰਾਂ ਦੀਆਂ ਕਮਰਸ਼ੀਅਲ ਗੱਤਵਿਧੀਆਂ (activity) ਜੋਕਿ ਇਸ ਐਗਰੀਮੈਂਟ ਵਿੱਚ ਵਰਜਿਤ ਹਨ ਨੂੰ ਕਰਨ ਦੀ ਇਜਾਜ਼ਤ ਨਹੀਂ ਹੋਵੇਗੀ।
13. "ਏਜੰਸੀ" ਪਾਰਕ ਦੇ ਅੰਦਰ ਕਿਸੇ ਵੀ ਤਰਾਂ ਦੀ ਵਰਜਿਤ ਗੱਤਵਿਧੀਆਂ ਤੇ ਕਾਬੂ ਰੱਖਣ ਲਈ ਸਿਕਿਉਰਟੀ ਪੱਖੋਂ ਯੋਗ ਪ੍ਰਬੰਧ ਕਰੇਗੀ।
14. ਪਾਰਕ ਦੀ ਚਾਰਦਿਵਾਰੀ, ਗੇਟ, ਟਿਊਬਵੇਲ ਰੂਮ ਅਤੇ ਪਾਰਕ ਵਿੱਚ ਲਗੇ ਨੋਟਿਸ ਬੋਰਡਾਂ ਨੂੰ ਰੰਗ ਰੋਗਨ ਕਰਨਾ ਅਤੇ ਮੋਨਟੈਨ ਰੱਖਣਾ "ਏਜੰਸੀ" ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਹੋਵੇਗੀ।
15. "ਏਜੰਸੀ" ਪਾਰਕ ਦੇ ਰੱਖ ਰਖਾਉ ਦੇ ਲਈ ਇਕ ਨੋਡਲ ਅਫਸਰ ਨਿਯੁਕਤ ਕਰੇਗੀ ਜੋ ਰੱਖ ਰਖਾਉ ਦੇ ਕੰਮ ਦੀ ਪ੍ਰਗਤੀ ਰਿਪੋਰਟ ਹਰ ਮਹੀਨੇ ਕਮਿਸ਼ਨਰ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਨੂੰ ਭੇਜੇਗਾ।
16. "ਏਜੰਸੀ" ਵਲੋਂ ਪਾਰਕ ਦੀ ਡਿਵੇਲਪਮੈਂਟ/ਰੱਖ ਰਖਾਉ ਸਬੰਧੀ ਕੀਤੇ ਕੰਮਾਂ ਦੀ ਸਮੀਖਿਆ/ਇੰਸਪੈਕਸ਼ਨ ਕਮਿਸ਼ਨਰ ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ ਅਤੇ ਅਧਿਕਾਰਤ ਅਫਸਰ ਵਲੋਂ ਸਮੇਂ ਸਮੇਂ ਤੇ ਕੀਤੀ ਜਾਵੇਗੀ।
17. "ਏਜੰਸੀ" ਦੀ ਕਿਸੇ ਵੀ ਹੋਰ ਪੇਸ਼ਕਸ਼ ਨੂੰ ਜੋ ਡੀ.ਪੀ.ਆਰ./ਐਗਰੀਮੈਂਟ ਤੇ ਬਾਹਰ ਹੋਵੇਗੀ ਨੂੰ ਪ੍ਰਵਾਨ/ਰੱਦ ਕਰਨ ਦਾ ਹੱਕ ਕਮਿਸ਼ਨਰ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਨੂੰ ਹੋਵੇਗਾ।
18. ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਵਲੋਂ ਫਰਮ/ਕੰਪਨੀ ਨੂੰ ਕੋਈ ਵੀ ਵਿੱਤੀ ਸਹਾਇਤਾ ਨਹੀਂ ਦਿੱਤੀ ਜਾਵੇਗੀ।
19. ਪਾਰਕ ਨੂੰ ਬਣਾਉਣ/ਰੱਖ-ਰਖਾਵ ਸਮੇਂ ਕਿਸੇ ਵੀ ਤਰ੍ਹਾਂ ਦੀ ਦੁਰਘਟਨਾਂ ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਦੀ ਨਹੀਂ ਹੋਵੇਗੀ।
20. ਫਰਮ ਵਲੋਂ ਪਾਰਕ ਵਿਚ ਡਿੱਗੇ ਹੋਏ ਪੱਤੇ ਅਤੇ ਟਾਹਣੀਆਂ (ਹਾਰਟੀਕਲਚਰ ਰਹਿੰਦ-ਖੂੰਦ) ਤੋਂ ਪਾਰਕ ਵਿਚ ਬਣਾਏ ਗਏ ਕੰਮਪੋਸਟ ਪਿੱਟ ਵਿਚ ਖਾਧ ਤਿਆਰ ਕੀਤੀ ਜਾਵੇਗੀ ਅਤੇ ਕਿਸੇ ਵੀ ਹਾਲਤ ਵਿਚ ਡਿੱਗੇ ਹੋਏ ਸੁੱਕੇ ਪੱਤੇ ਅਤੇ ਟਾਹਣੀਆਂ (ਹਾਰਟੀਕਲਚਰ ਰਹਿੰਦ-ਖੂੰਦ) ਨੂੰ ਅੱਗ ਨਹੀਂ ਲਗਾਈ ਜਾਵੇਗੀ।
21. ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਦੀ ਵਿੱਤ ਅਤੇ ਠੇਕਾ ਕਮੇਟੀ ਵੱਲੋਂ ਮਤਾ ਨੰ. 2814 ਮਿਤੀ 01-02-2016 ਰਾਹੀਂ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਨਿਰਧਾਰਿਤ ਕੀਤੇ ਰੇਟ ਲਾਗੂ ਰਹਿਣਗੇ।

ਆਈਟਮ ਦਾ ਨਾਮ	ਸਮਾਂ/ਦਿਨ	ਰੀਸ	
ਮਿੰਨੀ ਟਰੇਨ	1	ਸਕੂਲ ਦੇ ਬੱਚੇ ਦੀ ਪਹਿਚਾਣ ਨਾਲ ਜੋ ਸਕੂਲ ਦੇ ਗਰੁੱਪ ਵਿੱਚ ਆਉਣਗੇ। ਸਕੂਲ ਦੇ ਗਰੁੱਪ ਸਨੀਵਾਰ ਅਤੇ ਐਤਵਾਰ ਅਲਾਊਡ ਨਹੀਂ ਹਨ।	20/- ਰੁਪਏ ਪ੍ਰਤੀ ਬੱਚਾ ਸੋਮਵਾਰ ਤੋਂ ਸ਼ੁੱਕਰਵਾਰ 35/- ਰੁਪਏ (ਸੋਮਵਾਰ ਤੋਂ ਸ਼ੁੱਕਰਵਾਰ ਤੱਕ)
	2	ਜਨਰਲ	35/- ਰੁਪਏ (ਸੋਮਵਾਰ ਤੋਂ ਸ਼ੁੱਕਰਵਾਰ ਤੱਕ) 50/- ਰੁਪਏ (ਸ਼ਨੀਵਾਰ ਅਤੇ ਐਤਵਾਰ)
	3	3 ਸਾਲ ਦੇ ਛੋਟੇ ਬੱਚੇ ਆਪਣੇ ਮਾਤਾ ਪਿਤਾ ਨਾਲ ਮੁੱਢਤ ਸਫਰ ਕਰ ਸਕਣਗੇ।	ਮੁੱਢਤ
	4	ਅੰਗਰੀਣ ਮੁਢਤ ਸਫਰ ਕਰ ਸਕਣਗੇ।	ਇਨ੍ਹਾਂ ਦੀ ਗਿਣਤੀ ਹਰ ਟ੍ਰਿਪ ਵਿੱਚ 5 ਤੱਕ ਸੀਮਿਤ ਹੋਵੇਗੀ।
ਮਕੈਨੀਕਲ ਝੁੱਲੇ	1	ਜੰਮਪਿੰਗ	10/-ਰੁਪਏ ਪ੍ਰਤੀ ਬੱਚਾ (ਸੋਮਵਾਰ ਤੋਂ ਐਤਵਾਰ ਤੱਕ)
	2	ਮਿੱਕੀ ਮਾਊਸ ਬਾਕੀ ਸਾਰੇ ਝੁੱਲੇ ਮੁਢਤ ਹੋਣਗੇ	10/-ਰੁਪਏ ਪ੍ਰਤੀ ਬੱਚਾ (ਸੋਮਵਾਰ ਤੋਂ ਐਤਵਾਰ ਤੱਕ)
	3	ਸਾਈਕਲ (ਆਮ)	10/-ਰੁਪਏ ਪ੍ਰਤੀ ਘੰਟਾ
	4	ਸਾਈਕਲ (ਆਮ) ਮਹੀਨੇ ਦਾ ਪਾਸ	150/-ਰੁਪਏ (ਬਦਲਣ ਯੋਗ ਨਹੀਂ)

Handwritten signature

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5	ਸਾਈਕਲ ਮਲਟੀ ਸਪੀਡ	20/- ਹੁਏ ਪ੍ਰਤੀ ਘੰਟਾ
6	ਸਾਈਕਲ ਮਲਟੀ ਸਪੀਡ ਮਹੀਨੇ ਦਾ ਪਾਸ	300/- ਹੁਏ (ਬਦਲਣ ਯੋਗ ਨਹੀਂ)

ਇਸ ਤੋਂ ਇਲਾਵਾ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਦੇ ਹਾਊਸ ਦੇ ਮਤਾ ਨੰ. 2683 ਮਿਤੀ 04-06-2020 ਹਾਰੀ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਨਿਰਧਾਰਿਤ ਕੀਤੇ ਰੇਟ ਲਾਗੂ ਰਹਿਣਗੇ।

ਲੜੀ ਨੰ	ਖੁਲਿਆਂ ਦੇ ਨਾਮ	ਚਾਰਜ ਕੀਤਾ ਜਾਣ ਵਾਲਾ ਰੇਟ	ਸਮਾਂ
1	Bumper Car	90/-	5 minutes
2	Adventure	90/-	30 Minutes
3	Trampoline	45/-	5 minutes
4	Tower ride	45/-	5 minutes
5	Salambo	45/-	5 minutes
6	Water Boat	35/-	5 minutes
7	Caterpillar	35/-	5 minutes
8	Pendulum	45/-	5 minutes
9	Fish	25/-	5 minutes
10	Nano	25/-	5 minutes
11	Aeroplane	25/-	5 minutes
12	Cup Saucer	45/-	5 minutes
13	Chand Tara	45/-	5 Minutes

22. ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਦੀ ਵਿੱਤ ਅਤੇ ਠੇਕਾ ਕਮੇਟੀ ਵੱਲੋਂ ਨਿਰਧਾਰਿਤ ਕੀਤੇ ਜਾਣ ਵਾਲੇ ਕੰਟੀਨ ਦੇ ਰੇਟ ਅਤੇ ਕੰਟੀਨ ਚਲਾਉਣ ਸਬੰਧੀ ਫੈਸਲਾਂ ਵਿਚਾਰ ਅਪੀਲ ਹੈ।
23. ਜੇਕਰ ਪਹਿਲੀ ਧਿਰ "ਕਾਰਪੋਰੇਸ਼ਨ" ਅਤੇ ਦੂਸਰੀ ਧਿਰ "ਏਜੰਸੀ" ਵਿੱਚ ਇਸ ਕਨਟਰੈਕਟ ਦਰਮਿਆਨ ਕਿਸੇ ਪ੍ਰਕਾਰ ਦਾ ਕੋਈ ਡਿਸਪਿਊਟ ਉਤਪਨ ਹੋ ਜਾਂਦਾ ਹੈ ਤਾਂ ਕਮਿਸ਼ਨਰ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਆਰਬੀਟ੍ਰੇਟਰ ਹੋਣਗੇ ਅਤੇ ਉਨ੍ਹਾਂ ਵੱਲੋਂ ਕੀਤਾ ਕੋਈ ਵੀ ਫੈਸਲਾ ਅੰਤਿਮ ਅਤੇ ਦੋਨਾ ਧਿਰਾਂ ਨੂੰ ਮਨਣਯੋਗ ਹੋਵੇਗਾ। ਇਸ ਫੈਸਲੇ ਵਿਰੁਧ ਕਿਸੇ ਕੋਰਟ/ਟਰਿਬਿਊਨਲ ਪਾਸ ਅਪੀਲ ਨਹੀਂ ਕੀਤੀ ਜਾ ਸਕਦੀ।

ਪਾਰਟੀ ਨੰ.-2 *Mehar Singh*

ਪਤਾ *Hero Cycles Ltd*
HEAD OFFICE, G.T. Road, Ludhiana

- ਗਵਾਹ:-
1. *(Signature)* 11/10/22
Car Cur with Sign
 2. *(Signature)*
Tachar & Verma

(Signature) ਪਾਰਟੀ ਨੰ.-1

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ (ਬਾਹਾਵਾਲੀ),
 Executive Engineer (Horti,
 Municipal Corporation LD

AGREEMENT

This Agreement dated 28.09.2022 is made between Commissioner Municipal Corporation, Ludhiana including Authorized Administrative Representative and other successors, to be known as the "Corporation" is the First Party and M/s. Hero Cycle Limited, Ludhiana to be called as the "Agency" regarding the maintenance of Rakh Bagh Park, Ludhiana of Municipal Corporation, which has been approved by the Finance and Contracts Committee of Municipal Corporation, Ludhiana vide Resolution No.7104 dated 17.09.2022 whereby extension of 2 years of maintenance has been approved. The terms of this agreement are as follows:-

1. That the duration of the maintenance contract of Rakh Bagh Park Ludhiana shall be for a period of 2 years from the date of this agreement.
2. This maintenance work will be done by "Agency" on Built Up Cost and Maintenance (BOM) basis. This work shall be done as per DPR Annexure "A" designed by the "Agency".
3. 15 days after the date of agreement by the "Agency", landscaping of the park will be done and the process of repairing/renovating the park will be started as per the DPR. All development expenses will be borne by the "Agency".

4. The "Agency" shall be prohibited from placing any objectionable advertisement in Rakh Bagh Park in violation of the Advertisement Policy, 2014 prescribed by the Government of Punjab.

5. In Rakh Bagh Park, the "Agency" will write the name of their firm on a board of 6'x3' size which will be placed at the entrance gate of the park.

6. The "Agency" shall not further sublet the contract of this Park to any other firm or company, but the "Agency" shall be permitted to outsource the maintenance services of the Park, such as gardeners/supervisors and other staff.

7. The "Agency" will not allow any kind of garbage to accumulate in and around the park. It will be the responsibility of the "Agency" to maintain cleanliness in and around the park.

8. After this contract, if any Court orders/directions are issued on the performance of this contract or the "Agency", it shall be binding on the "Agency" to comply with the same. The "Corporation" will not be responsible for compensating any loss caused to the "Agency" caused any Court orders/directions.

9. If the maintenance work given to the "Agency" is found to be unsatisfactory, the "Corporation" shall have the right to withdraw the work by giving a notice of 15 days to the "Agency". Upon this action no compensation will be given to the "Agency" for any loss. Any item placed in the Park for maintenance shall become the property of the Corporation and the Agency shall not claim its return.

10. The "Agency" shall bear all the expenses incurred in the maintenance of the park, such as water, electricity, salaries of watchmen and appointed staff. Electricity and water connection will be provided by the "Corporation" but its electricity bill will be paid by the "Agency" only.

11. The "Agency" shall be responsible for keeping the running fountains/tubewells, lights or other fixtures in the park operational prior to this contract.

12. The "Agency" shall not be permitted to carry out any commercial activity in the Park which are prohibited in this Agreement.

13. The "Agency" shall make suitable security arrangements to control any prohibited activities within the Park.

14. It shall be the responsibility of the "Agency" to paint and maintain the park wall, gate, tubewell room and notice boards in the park.

15. The "Agency" shall appoint a Nodal Officer for the maintenance of the Park who shall send a progress report of the maintenance work every month to the Commissioner Municipal Corporation, Ludhiana.

16. The review/inspection of the works done in connection with the development/maintenance of the park by the "Agency" will be done from time to time by the Commissioner Municipal Corporation Ludhiana and authorized officers.

17. Commissioner Municipal Corporation, Ludhiana shall have the right to approve/reject any other proposal of the "Agency" which is outside the DPR/Agreement.

18. No financial assistance will be given to the firm/company by Municipal Corporation, Ludhiana.

19. Municipal Corporation, Ludhiana will not be responsible for any accidents during construction/maintenance of the park.

20 The firm will prepare food from the fallen leaves and branches (horticultural waste) in the park in the compost pit constructed in the park and under no circumstances will the fallen dry leaves and branches (horticultural waste) be burnt.

21. Finance and Contracts Committee of Municipal Corporation, Ludhiana vide Resolution No. 2814 dated 01-02-2016 will continue to apply the rates fixed as follows:

Name of item		time/day	Fee
Mini Train	1	School Children With the identity of school group.	Rs.20/- per child from Monday to Friday
		School groups are not allowed on Saturdays and Sundays.	Rs.35 (Monday to Friday)
	2	General	Rs.35/- (Monday to Friday) Rs.50/- (Saturday and Sunday)
	3	3-year-old children will be able to travel free with their parents.	Free
	4	Handicapped will be able to travel for free.	Their number will be limited to 5 in each trip.
Mechanical swing	1	Jumping	Rs.10/- per child Monday to Sunday

	2	Mickey Mouse All others rides will be free	Rs.10/- per child Monday to Sunday
	3	cycles (General)	Rs.10/- per hour
	4	cycles (General) Monthly pass	Rs.150/- (Non-exchangeable)
	5	cycle multi speed	Rs.20/- per hour
	6	cycle multi speed month pass	Rs.300/- (Non-exchangeable)

Apart from this, Municipal Corporation, Ludhiana House vide resolution no.2683 dated 04-06-2020 rates fixed as follows shall remain applicable:

Sr no	Names of Swings	Rate to be charged	Time
1	Bumper Car	90/-	5 minutes
2	Adventure	90/-	30 minutes
3	Trampoline	45/-	5 minutes
4	Tower ride	45/-	5 minutes
5	Salambo	45/-	5 minutes
6	Water Boat	35/-	5 minutes
7	Caterpillar	35/-	5 minutes
8	Pendulum	45/-	5 minutes
9	Fish	25/-	5 minutes
10	Nano	25/-	5 minutes
11	Aeroplane	25/-	5 minutes
12	Cup Saucer	45/-	5 minutes
13	Chand Tara	45/-	5 minutes

22. Decisions regarding canteen rates and canteen operation to be determined by Finance and Contracts Committee of Municipal Corporation, Ludhiana are under consideration.

23. If any dispute of any kind arises between this contract between the first party "Corporation" and the second party "Agency", the Commissioner Municipal Corporation, Ludhiana shall be the arbitrator and any decision rendered by him shall be final and binding on both parties. No appeal can be made against this decision to any court/tribunal.

Party No.2

Party No.2

Hero Cycles Ltd.

Executive Engineer (Horticulture),

TC
15/06/16
D

tot

Annexure R/2/8

TO
THE HON'BLE NATIONAL GREEN TRIBUNAL,
COPERNICUS MARG.
NEW DELHI.

SUB: ORIGINAL APPLICATION NO. 292/2023 REGARDING COMPLIANCE WITH THE
ORDER DATED 21.11.2023 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL

WITH REFERENCE TO LETTER NO.7104 DATED 17.09.2022 OF THE ADDITIONAL
COMMISSIONER, MUNICIPAL CORPORATION, LUDHIANA ON THE ABOVE
SUBJECT.

WITH REFERENCE THROUGH THE LETTER WRITTEN BY THE HON'BLE
ADDITIONAL COMMISSIONER, MUNICIPAL CORPORATION, LUDHIANA TO M/S
HERO CYCLES LIMITED, HERO NAGAR, GT ROAD, LUDHIANA IS THAT:-

"VIDE RESOLUTION NO. 7104 DATED 17.09.2022 OF THE FINANCE AND CONTRACTS
COMMITTEE OF THE MUNICIPAL CORPORATION, LUDHIANA, AN AGREEMENT
DATED 28.9.2022 WAS ENTERED INTO WITH YOU FOR MAINTENANCE OF RAKH
BAGH PARK LUDHIANA. AS PER CONDITION SERIES NO.6 AND 12 OF THIS
AGREEMENT YOU (THE AGENCY) SHALL NOT SUBLET THE CONTRACT OF THIS
PARK TO ANY OTHER FIRM OR COMPANY AND YOU (THE AGENCY) SHALL NOT BE
PERMITTED TO CARRY OUT ANY COMMERCIAL ACTIVITIES IN THE PARK. THAT
COMMERCIAL ACTIVITIES (CAFETERIA) ARE BEING CARRIED OUT IN RAKH BAGH
PARK IN VIOLATION OF THE CONDITION NUMBER 6 AND 12 OF THE AGREEMENT"
DATED 28.09.2022 HAS BEEN FILED BY MR. AMANDEEP SINGH BAINS IN NGT
AGAINST THE COMMERCIAL ACTIVITIES (COMMERCIAL ACTIVITIES) BEING
CARRIED OUT BY YOU IN RAKH BAGH PARK. NOW THE NEXT DATE OF
APPEARANCE DATE 31.01.2024 HAS BEEN FIXED FOR FILING ACTION TAKE...
REPORT BY MUNICIPAL CORPORATION, LUDHIANA.

IT SHOULD ALSO BE MENTIONED HERE THAT A CASE BY THE HON'BLE SUPREME
COURT SPECIAL LEAVE TO APPEAL (CIVIL) NO. 8519 OF 2006 TITLED AS "UNION OF
INDIA V/S STATE OF GUJARAT & OTHERS" AS PER ORDER DATED 18.01.2013:-

"WE FURTHER DIRECT THAT HENCEFORTH, STATE GOVERNMENT SHALL NOT
GRANT ANY PERMISSION FOR INSTALLATION OF ANY STATUE OR
CONSTRUCTION OF ANY STRUCTURE IN PUBLIC ROADS, PAVEMENTS, SIDEWAYS
AND OTHER PUBLIC UTILITY PLACES."

BUT YOU HAVE INSTALLED A STATUE IN RAKH BAGH PARK WITHOUT ANY PRIOR
APPROVAL FROM THE MUNICIPAL CORPORATION, LUDHIANA, WHICH IS ILLEGAL
AS WELL AS VIOLATING THE INSTRUCTIONS OF THE HON'BLE SUPREME COURT.
IN THIS REGARD, CLARIFICATION WAS SOUGHT FROM YOU EARLIER BY
MUNICIPAL CORPORATION, LUDHIANA THROUGH LETTER NO.
86/HORTICULTURE/D DATED 04.08.2023. NOW THE HON'BLE NGT HAS GIVEN THE
FOLLOWING ORDER IN ITS ORDER DATED 21.11.2023:-

Raja Sonkar - 7800429050

169

87

ASHRAM - 9517621581
JASJEET Singh - 84372-03043

दीपक - 8858978722

~~...~~ 9463355277

~~...~~ 9780039410

Rishant 81461-81608

Rajkumar → 9878564373

Sukumar Chaudhary 9417522247

Vijay Bahadur 8968354266

अमर 9472477449

Junilal 98153 75736

Chashmal 98882 02412

योगेश कुमार 9815 9570 50-

Sant 93169 15241

Ravindra Mehta 98155 04034

Talpi 8699301019

Shivam 9417535141

Blere open Carleen

VIJAY KUMAR 8360981648

Vareet 9877390563

ATTAR SINGH 9988967050

अमर 95928-41474

Ashok Sai - 9915611888

DARSHAN 9878200721

Asur Tur 9417001089

Vishal Jain 9988490864

m mst 8872287200

Anu Bakshi 98761 66932

Manoj Khol - 88474-51691

Suresh 9814365555

~~...~~
~~...~~
~~...~~
~~...~~

(Rajkumar
Sukumar)

103 88

"4. THE REPORT FURTHER REFLECTS THAT THE STATUE HAS BEEN ERECTED BY THE M/S HERO CYCLE LTD. IN THE PARK WHICH IS FOUND TO BE ILLEGAL THEREFORE APPROPRIATE ACTION IN ACCORDANCE WITH LAW IS REQUIRED TO BE TAKEN."

SINCE THE STATUE ERECTED BY YOU IN RAKH BAGH IS ILLEGAL AND THE COMMERCIAL ACTIVITIES (CAFETERIA) BEING CARRIED OUT IN RAKH BAGH ARE ALSO IN VIOLATION OF THE TERMS OF THE AGREEMENT DATED 28.09.2022, THEREFORE YOU ARE HEREBY INSTRUCTED THAT YOU THE STATUE INSTALLED IN BAGH PARK SHOULD BE REMOVED FROM THE PARK WITHIN 15 DAYS AND THE COMMERCIAL ACTIVITIES (CAFETERIA) BEING DONE ALONG WITH IT SHOULD ALSO BE CLOSED WITHIN 15 DAYS SO THAT WITHIN THE TIME LIMIT ACTION TAKEN REPORT CAN BE FILED FOLLOWING THE ORDERS MADE BY THE HON'BLE NATIONAL GREEN TRIBUNAL. THIS OFFICE SHOULD ALSO BE INFORMED ABOUT THE ACTION TAKEN IN THIS REGARD."

IN THIS REGARD, WE WOULD LIKE TO BRING TO THE ATTENTION OF THE GENERAL PUBLIC THAT BEFORE M/S HERO CYCLE LIMITED, HERO NAGAR, GT ROAD, LUDHIANA TOOK OVER THIS PARK, THE CONDITION OF THIS PARK WAS VERY BAD. WHERE IT WAS NOT POSSIBLE TO USE IT PROPERLY BY THE GENERAL PUBLIC. EVER SINCE THE PARK HAS BEEN MAINTAINED BY THIS COMPANY, THE FACE OF THE PARK HAS CHANGED. THE CAFETERIA THAT WAS DEVELOPED BY THIS COMPANY IN THE PARK ALSO HAD COMPLETE CARE OF CLEANLINESS AS PER THE INSTRUCTIONS OF THE NATIONAL GREEN TRIBUNAL. THIS CAFETERIA WAS DEVELOPED ONLY AFTER THE DEMAND OF THE PUBLIC, WHICH WAS CLOSED BY THE COMPANY AS PER THE ABOVE ORDERS OF THE MUNICIPAL CORPORATION, LUDHIANA, WHICH HAS CAUSED A LOT OF ANGER FROM THE PUBLIC, THE VIDEOS OF THE CONVERSATIONS MADE IN THE MEDIA. VIDEOGRAPHY IS ATTACHED FOR YOUR INFORMATION. YOU ARE REQUESTED TO KINDLY PASS ORDERS TO M/S HERO CYCLE LTD., HERO NAGAR, GT ROAD, LUDHIANA, THE MAINTAINING COMPANY OF RAKH BAGH, TO REVIVE THE CAFETERIA DEVELOPED AT RAKH BAGH. PLEASE DO NOT LET THE PUBLIC BE DEPRIVED OF THE FACILITIES AVAILABLE FROM THIS CAFETERIA.

WITH THANKS

YOURS SINCERELY
ALL THE PUBLIC
RAKH BAGH LUDHIANA

SUMIT AGGARWAL - 79863138419

171¹⁰⁴

89

VARINDER SINGH - 75289-32499

GURCHAMAN SINGH - 98151-93578

- Deaf

Dhanwant. Singh - 9815533122

Indeet Singh 9897806-00099

Manjeet Singh 9417300333

Ajinder Pal Minter 98774-8594-84943

Varinder Kharla 98880-22611

Hajinder Singh 62836-32586

Simar Singh 8427238240

Mandeep Singh 7340315403

Jasvinder Singh 9855010158

Himani 6284245503

Aminder Singh 6280702140

A. R. Chahal 9814044209

Kuldeep Jee 9653767455

Lalit 9417059445

Prat Sandhu 7837193301

Ravi Shankar - 7657896182

Ash Kumar = 7502132417

Sohit - 8283800855

MANAV 9369999118

Shashi Kant - 7707806292

Lachhant Singh - 95960-41242

Sat Singh 98550-33461

ABDUL 8699993457

Kuldeep 9988036421

Sohit 9814727961

Mandeep 9872177206

(ANIL BHAGAT) - 9592024284

TL
15/11/18

**POST RESTORATION
MESSAGES ABOUT RAKH BAGH AS POSTED ON NET**

1. **HillTraveler1979**, Ludhiana, India
Dec, 2015

Cycling Facility inside Park

Recently Rakh Bagh Park was renovated in Ludhiana by HERO CYCLES (Mr OP Munjal). Mr Munjal was great futuristic vision. A cafeteria also developed inside the park. A special attraction for children is JOY TRAIN which runs on the periphery of the park. One additional thing is that a Little Swimming Pool which was open in Summer Vacations for Learner children and concessionaire for school going children.

2. **Neelam_Arora**, Ludhiana, India
Feb, 2016

Excellent with family on a Sunday

The park has been renovated by Hero group and also has a toy train for kids enjoyment though I have seen most grown ups also on the train the part is good morning walk place.

3. **Hardial_13**, Kharar, India
Feb, 2016

Nice Place to Spend Quality Time

Rakh Bagh Park is very Nice Place to Spend some Quality Time. It is well maintained park and one of the popular place in Ludhiana.

4. **machoman34india**, Ludhiana, India
Mar, 2016

Upgraded but not upto the Mark

This is a very old and famous park of Ludhiana. It is very huge and recently has been upgraded but it still has a long way to go. It is always crowded specially in the Sundays mornings and Evenings. A private company has done well to maintain the park but the people lack civic sense. The famous Toy Train has been started again after such a long time, which is an attraction for the kids. Lots of activities you can do in the park. You will find some people walking on the walking track, some doing yoga and some doing cycling on a special cycling track. But it is always a chaos cause you will find cyclist with cycles in the grass and walkers walking on the cycling track. It also has one of the oldest swimming pool in Ludhiana, which has turned out in ruins and is just like an eyesore. I remember the times when I had my first swimming lessons when we were young. One of the best thing you can have is the tastiest Chai(Tea) in the newly open cafe at this bagh.

5. **Vikram**, Ludhiana, India
Mar, 2016

Nice park

After long time our government have renovate the park. But the park is really nice for outing. The train will memories our childhood. cycling in park is good initiative by hero group.

6. **Harshmeet**, Noida, India
Apr, 2016

Good Place for morning walk

It's a perfect place for morning walk in Ludhiana, you find lot of people walking, jogging, kids taking karate lessons. You can also get cycle on rent. It has a open gym. The toy train was not operational during my visit. The bottom line, do visit early morning and burn some calories

7. **CoachPaarth**, Gurugram (Gurgaon), India
May, 2016

Good for Morning Walks

I have been a visitor to Rakh Bagh Park for years between 2008 and 2012. The park is well maintained and is flocked by morning walkers. It does require some promotion in order to turn itself into a local attraction.

8. **drkewaldheer**, Ludhiana, India
May, 2016

Rakh Bagh has become proud of Ludhiana.

Rakh Bagh was an average place a few months ago but when it was adopted by Hero Cycles its face changed altogether. Now it has become a beautiful tourist place, a wonderful Green

Valley and above all a Cultural Hub of the City where kids, families, solos and groups visit on every Sunday, enjoy and participate cultural events.....Congrats to Pankaj Munjal and Om Parkash Munjal Foundation who have provided a Beautiful-Wonderful Gift of Culture to the city.

9. **Anand N**, Da Nang, Vietnam
Jun, 2016

Must Visit Toy Train Park in Ludhiana.

Its a unique attraction for whole family and especially children to come to Rakh Bagh...Its a beautiful and pollution free place in Ludhiana. I recommend to come in the evening and do have the experience of Toy Train which roams randomly throughout the park. Great Experience. On Sunday some artists also perform in the park with cool songs and dance. Eating restaurant and joints are cool and fine place there. You can enjoy everything inside the park. Have a cool photography there in the evening of Sunset especially...

10. **jasminder2016**
Jun, 2016

Just an ordinary park

This Park is just an ordinary park and a tourist attraction. It has a toy train for kids, a small food canteen, is not much clean, a morning and evening walk spot for locals, opposite to Guru

Nanak stadium, outside of park has fountains. An average place to spend time

11. **Rahul S**, Mohali District, India
Jun, 2016

Ragh Bagh

Now beautifully managed, good time pass with kids not as earlier as maximum people are playing cards there

12. **vijay k**, Ludhiana, India
Aug, 2016

Amazing Public Park

This park's rail for kids is super attraction. In the afternoon, many couples are come and u can say its lover point in the afternoon. So, with family you can't think for go out in afternoon. In morning and evening many public come there. so you can say it is a public attraction in Ludhiana, Punjab.

13. **ankush j**
Aug, 2016

Great park to spend Sunday evening

Toy train waiting period 45 min on weekends. Hero cycle ride track is gud and for all age groups. Fast food is also gud in taste but not seems to be too healthy with the way they prepare it but still not me n none of my contacts have stomachache yet If ur kid is above 4 yrs do visit for machine Cricket and trekking..... It's fun..... Upper limit for trekking is 70 kgs.... No age bar

14. **Callum_Mequeen**, Ludhiana, India
Sep, 2016

Expansive and suitable for various outdoor activities

Has been significantly upgraded recently. It contains various facilities including snacks counter, al fresco cafe, rides for kids, sports fields and a walking running track around the circumference of the park. There's also a miniature train.

15. **Tejinder S**, Fortune, Canada
Sep, 2016
Enjoy the evening

A park with a toy train and lot of street food is a good way to spend the evening. Just be careful to avoid stepping barefoot on the tracks.

16. **r0shan333**, Ludhiana, India
Nov, 2016

Good Place To Cool

This is a good place to walk and travel. There are many cool kids playing things, restaurant, trees clean place. I go much of time after my school.

17. **Ankur Agg**, Ludhiana, India
Dec, 2016

Fun for everyone...

It remember me my childhood days... Now taking my children's for it... Thanks for restoring it... there are lots of things to do now...

18. **Rohit Kumar C**
Dec, 2016

Best for jogging, cycling and yoga activities

It is having a toy train and swings that are simple for the children upto 5 years of age. The cleanliness has improved a lot in last couple of months since Hero group has taken care of it

19. **Mj_sidana**
Feb, 2017

Nice Garden

Rakh Bagh is a garden with vast area and a rail for kids is a single attraction of this park. It has wide and long paths for joggings and walks. It is full of greenery. A variety of trees and flower plants attracts.

20. **Manoj A**
Mar, 2017

Rakh Bagh is a nice park for a morning walk. It also has a small train and a railway track for children. So this is one place where you can bring the kids to give them a train journey experience. Also this is a picnic place where couple can sit and relax. You can find people of all ages at this place.

21. **Ragini P, New Delhi, India**
Mar, 2017

Nice garden for family picnics

Nice green space in the middle of the city to hang out family. There is also a toy train for kids which is fairly good and

quite popular among the young crowd. The garden also has tree-lined cycling and jogging tracks.

22. **Neha S**
Mar, 2017

Hangout

Its a okay okay place. If you have nothing else to do or wants to have budgeted plan, you can go there. The place is clean and has siting arrangements.

23. **Surinder S**
Mar, 2017

A great place to chill

The cool Theme Park and Nature-based park as environmental impact is a key consideration. Where group of entertainment attractions for children is available. The main attraction here is the Toy Train. Ride on train in a location for the enjoyment of large numbers of people is there. Separate lane for Cycling is also available. Inside the town in good locality near Railway Station. The food at restaurants available in Rakh Bagh is so so. Not that good quality, just time pass.

24. **avtar s**
May, 2017

Well Maintained

Very well maintained by Hero Group lots of people come to do exercise and walking and visiting with their friends or relatives.

25. **Sumer J**, Chennai (Madras), India
May, 2017

A Walkers Park

A decent place to walk in Ludhiana. The park is too crowded in the morning and the worst part is that it is difficult to find parking place in the morning. The park has been taken care by a huge company which has made its conditions way better. People often go there play sports. The park is also located in the middle of the town which is a plus point.

26. **Alia S**, Chandigarh, India
Oct, 2017

Perfect place for kids

A good place to for morning and evening walk. Many camps are held there. Their are fast food shops as well. You can spend a good time with your family. Bi cycles are given on rent. for the riders. their is toy train inside. Each and every citizen can go their and travel in it. no age bars. A joyous place to fro kids.

27. **AbhimanyuSinghi**, Ludhiana, India
Oct, 2017

Revamped Park for Family Outing

This used to be a below average park but after undergoing complete revamp - there is enough to do here and hence its quite crowded in evenings and on weekends. Amidst all the greenery, they have made a cycling path here and you can rent bicycles for a nice relaxing ride. They have also started a toy train and some other activities along with a food cafe. Outside the park there are

plenty of food vendors as well. Lot of families come here for a outing especially on Sundays. Entry is free and you can just enjoy some family time here without having to spend much money. Lot of people also come here with their picnic baskets. And of course there are lots of teenage couples here when there isn't much crowd.

28. **Rahul T**
Oct, 2017

Big Park In Ludhiana

If you living near park its good for you go there for cycling, jogging or exercise, So big park for Walking

29. **jaisingh, Coventry**
Nov, 2017

For the train and history

Its good that they revamped the train and track which was there from British times. The train ride makes this park now stand out and worth coming even if you live on the opposite side of Ludhiana like Sarabha Nagar etc..

30. **Mukesh S**
Jan, 2018

Good Experience

Good experience in Rakh Bagh park with children full enjoyment and very good experience so many time I have to go.

31. **Nish0901**, New Delhi, India
Mar, 2018

Near Guru Nanak Stadium

The park becomes crowded during evening hours. Good place to go for jogging. Toy train is the main attraction, which is enjoyed by children. Not a tourist place but just a park.

32. **RahulSainis**, Ludhiana District, India
Mar, 2018

Nice place to go in the evening or whenever the weather is good.. parking issues with car.

The place is well approachable situated near the railway station. The main attraction is the toy train moreover you can also enjoy riding bicycles. You may face parking issues if you're traveling with your car. There are fast food joints and street food available so if you are travelling with kids it is best to carry your own food and beverage.

33. **Aman Dhaliwal**, Ludhiana, India
Apr, 2018
Nice Park

Best place to spend time with family. Toy train is the main attraction, which is loved and enjoyed by children, Amidst all the greenery, they have made a cycling path here and you can rent bicycles for a nice relaxing ride.

34. **21av**, Dar es Salaam, Tanzania
Apr, 2018

Excellent and must place to enjoy for kids and families

Very nice place, many new things swings/slides/attractions added for kids. Children can enjoy it for atleast half a day,

35. **Monika S**
Jun, 2018

Nice place

It's a nice place to be with children and young kids. Good rides and train but need to reach early if you want to enjoy train ride. Overall good fun place to be at.

36. **kunal_pau**, Ludhiana, India
Jun, 2018
Best place for walking and family outing

A nice place for nature lovers. Best for morning and evening walkers with clean and pure atmosphere. Also good for family outings and picnics.

37. **DivineDestination**, Amritsar, India
Aug, 2018

Manicured greens for mornings, evenings or winter afternoons

Perfectly cared 13 acre park with its own biking pathways, walkways & rides for kids. A delight for outdoor lovers in a chaotic city. Even has its own Organic Famers market, an Earth Store for natural products, and areas for gyming.

38. **Ashish G**
Sep, 2018

Improving the Standards of Ludhiana: A Family Place

Numerous activities for kids, Well maintained lawns for morning and evening walks. A cycle track for the enthusiasts (caution walkers vive for the same space too). A toy train ride around the park (for both kids and adults alike), Free parking and entry. The only nuisance are the people who litter.....

39. Amolak Rattan K, New Delhi, India
Dec, 2018

A well maintained and popular park in Ludhiana. For walkers and nature lovers this park offers you relaxation at any time you go there. For children there is a toy train. You get good snacks also.

40. Anitraveller, Mumbai, India
Dec, 2018

Great park with pure air

This is just like a nature lover park. Good place for kids. It is maintained by Hero Cycles. Its very clean. One may take there children for amusement

41. Connector.JSCLDH
Jan, 2019

Best place for people for morning walk and exercises in morning. Good place for picnic in winter afternoons. Same as above. You will enjoy and like the place. Very clean and tidy. It is maintained by Hero Cycles Ltd. You can rent cycle there also

42. drarshdeepsingh
Jan, 2019

Fun time for kids

A nice place to hang out with family and friends.. Fun rides, toy train, lush green lawns, cycles on rent, eatery, pleasant aura.....

43. **Rajeev S**, Chandigarh, India
Mar, 2019

Enjoy at Toytrain

Nice place centrally located well maintained by Hero group
Neat and clean beautiful sight to visit with family

44. **robinsongreat007**, Bharuch, India,
May, 2019

Rakh Bagh Park is nice option for picnic.
Many people are coming for daily exercise in the morning and in the evening. There are fun activities like toy train, rides etc.

45. **sanjam**
Jul, 2019

There is a great fun here you can come here with your family or friends you can do here cycling adventurous games and many things also. There are good food availability.

46. **Balwinder Pal Singh**
Jul, 2019

Rakh Bagh is now smiling teeth of Ludhiana.

I heard any place but visited after 10 years. It is really a modern park. Planned by an Intelligent Civil Engineer and maintained by strict Managers and employees. Beautifully carved out Bicycle lane, track for walk, places green for sitting, Games

area swings, Eating area with genuine rates .Security is there, it should remain 24×7.

47. **Abhimanyu Singhi**, Ludhiana, India
Sep, 2019

The revamped Rakh Bagh is far better than what it used to be. It has now becoming a sort of hangout / picnic spot for locals who don't want to spend too much or want to avoid the malls. The facilities for children like the toy train and other games are decent. But on weekends you will definitely find this place to be overcrowded so its avoidable.

48. **John**, Vadnagar, India
Dec, 2019

Rukh Bagh park is a nice place for enjoyment with your family, friends and couple, park is nice and beautiful garden, fully enjoy with your kids.

True extract

15/08/19
Advocate

O P MUNJAL FOUNDATION

HERO NAGAR, G.T. ROAD, LUDHIANA-141003

08 August 2023

The Land Scape Officer,
Municipal Corporation,
LUDHIANA

REG: INSTALLATION OF STATUE AND WAR MEMORIAL AT RAKH BAGH

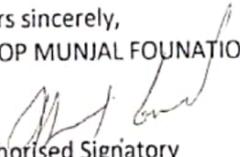
Dear Sir,

This has reference to your letter no. 186/Horticulture/D dated 04.08.2023 on the captioned subject, whereby it has been pointed out that we have installed statue of Sh. O.P. Munjal without the knowledge of Corporation. We may inform you that the naming of park as O P Munjal Rakh Bagh along with statue was part of park undertaken and it was inaugurated by Sh.Sukhvir Singh Badal, the then Dy. Chief Minister of Punjab in the presence of Mayor, Mr.Harcharn Singh Gohalwaria, who dedicated the said park to the people of Ludhiana on 28th February, 2016 wide publicity was given to the event by way of News coverage. It is wrong to say that installation of statue was not in the knowledge of Corporation. Even Mr.Ghansham Thori, Additional Commissioner himself clarify to the media that no tree was axed to make space for statue.

Secondly, Pakshi Sewa Society who is maintaining the War Memorial at Rakh Bagh is registered since 30th November, 2010 vide certificate of registration no. 524 of 2010-11 under the Society Registration Act. While we were authorised to maintain the park from 2015 onwards. You will note that society was operating well before we took the charge in the park. It is pertinent to note that society doing novel cause by feeding and treating sick birds. And also keep the area neat and tidy.

Thanking you,

Yours sincerely,
For OP MUNJAL FOUNDATION



Authorised Signatory

Encl:
Invitation Card & photographs of inauguration stone
Copy of news cutting.
Copy of certificate Pakshi Sewa Society

OP MUNJAL FOUNDATION

HERO NAGAR, G.T. ROAD, LUDHIANA-141 003

Inauguration Function Of Shri Om Parkash Munjal Rakh Bagh, Ludhiana

Minute to Minute Program.

- 1635: Arrival at Venue (Entry through Main Gate)
- 1638: Welcome of Honorable Deputy Chief Minister
(Presentation of Bouquet)
(MC will be in place to control the flow of proceedings)
- 1640: Small Presentation on Background of Rakh Bagh,
contribution of Sh OP Munjal and contribution of
Ms/ Hero Cycle Ltd. MC request Chairman Hero Cycle,
Sh Pankaj Munjal to say few words.
- 1645-1650: Address by Sh Pankaj Munjal.
Address by Carlos Delich of ZFR
- 1650-1700: Address by Deputy Chief Minister
Vote of Thanks by Sh. SK Rai
- 1700-1710: Ride on bicycle and toy train.
- 1710-1725: Refreshment and memento presentation by Sh Pankaj Mur
- 1725: Departure from station gate.



Shankar

OP MUNJAL FOUNDATION

107



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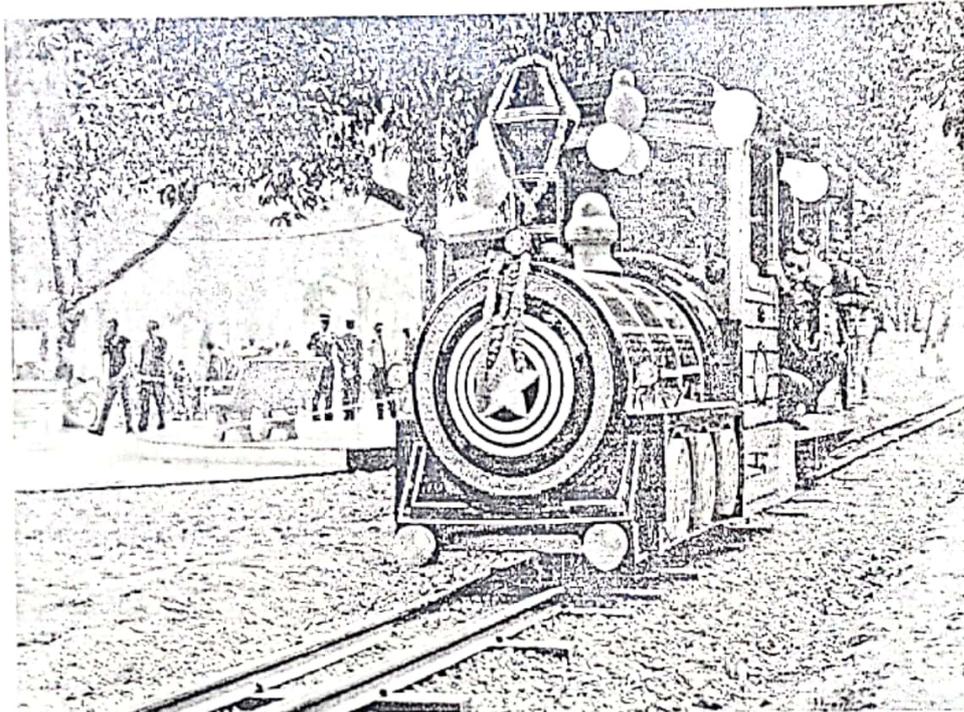
Rakh Bagh named after Hero Cycles founder Munjal

LUDHIANA: The Rakh Bagh has now been named as OP Munjal Rakh Bagh to pay tribute to the Hero Cycles founder chairman.

SHARE ARTICLE

• Updated At: Jan 05, 2016 12:56 AM (IST)

• 298



The toy train has been a major attraction at OP Munjal Rakh Bagh. A file photo

Advertisement

Tribune News Service

Ludhiana, January 4

The Rakh Bagh has now been named as OP Munjal Rakh Bagh to pay tribute to the Hero Cycles founder chairman. The property of the Municipal Corporation is being revamped by the Hero Group at a cost of about Rs 8 crore. A toy train,

cycling track, inter-locking tiles, new swings, a cafeteria are being built to give a fresh look to the park.

Meanwhile, the company has slashed the rates of tickets for a ride on the toy train, responding to the public demand. The Additional Commissioner, Municipal Corporation, Ghanshyam Thori, confirmed the development. He said the ticket for a single ride on the toy train will now cost Rs 35 from Monday to Friday as against the previous rate of Rs 50. However, the ticket rate will be Rs 50 on Saturday and Sunday.

Thori said a file on slashing the rates was sent to the Mayor for approval and a meeting was held with the Hero Group. "School children (on trip) will now have to pay Rs 20 per student from Monday to Friday. The rates for a ride on pressure-based swings have also been slashed from Rs 20 to Rs 10. The cycles for adults (with gears) will be available for a rent for Rs 20 per hour whereas for children, these will be available for Rs 10 per hour," said Thori.

The Hero Group will reportedly install a statue of Munjal at the park. Residents have alleged that a few trees were being axed to make space for the statue. Kamal Kumar, an evening walker, said if trees were axed to make space for the statue, then the company should plant more trees in the city.

Meanwhile, Thori said no trees were axed to make space for the statue. He said: "One or two old trees might have been cut as these had dried. More trees will certainly be planted at the place from where the tree were removed."

TC
15/07/19
Q

O P MUNJAL FOUNDATION

136/PS/R
04/1/24

Annexure R/2/10

REF: OPMF/2023-24/
January 4, 2024

Sh.Sandeep Rishi, IAS
Commissioner,
Municipal Corporation,
LUDHIANA

Sub: Maintenance of Rakh Bagh under CSR

Dear Sir,

This is with reference to your letter no. 20/AC/P/D dated 24th November, 2023 with respect to compliance of order of NGT dated 21st November, 2023. We being the CSR arm of the company took the responsibility for the maintenance of the Bagh. We feel that our case was not presented properly. The facts are as under:

1. The maintenance of park was allotted to us vide Resolution no. 167 dated 20th December, 2014 after tender process by Municipal Corporation on the approval of F&CC of the Corporation after exhaustive discussion on DPR for the period of five years which was extended from time to time and the last extension for two years was granted by resolution no.7104 dated 17th September, 2022. We have developed the park strictly in compliance with DPR.
2. The Canteen was integral part of the park and it was renovated from time to time. The previous renovation was done on 8th December, 2011 and was dedicated to public by dedication plaque by Hon'ble Minister, Sr.Hira Singh Gabria, copy enclosed. It is wrong to say that we have constructed the canteen for commercial purpose. The order of closing the canteen within 15 days was neither proper nor just and not even in the public interest.
3. Though we have removed the statue as per the directions of NGT, we may inform that the same was installed with the consent of Municipal Corporation and inaugurated by then Hon'ble Deputy Chief Minister, Sr.Sukhvir Singh Badal, in the present of Sh.Harcharan Singh Gohalwaria, Mayor Ludhiana Municipal Corporation and Sh. G.K. Singh IAS, Commissioner Municipal Corporation on 26th February, 2016, copy of photograph of plaque attached.
4. Toy Train though installed earlier was not in operation and it could be operated through Diesel Engine which was totally defunct. We renovated the track and replaced the Engine with eco-friendly Electric Engine.

...contd..p/2

O P MUNJAL FOUNDATION

Hero Nagar, G.T. Road, Ludhiana -141003. Ph.0161 2539448-52,5026969

O P MUNJAL FOUNDATION

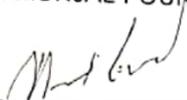
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5. The only new construction though in accordance with DPR are the public facility as the existing toilets were in miserable state and were not in usable condition. We built state of art two additional toilets considering the footfall in the park for the benefits of the visitors. We also constructed a rain shelter an essential facility for huge crowd that visit in the park regularly.
6. The mandate for park management was to convert park to a family entertainment center rather than for limited use of walking & yoga. A facility missed by citizen of Ludhiana. Amusement Rides were installed in the rakh bagh with the approval of the Municipal corporation and rates at which services were provided by the Service Provider were also approved by Municipal Corporation from time to time.

You will appreciate that as law abiding institution we have worked diligently and tried our best to meet the expectation of citizens and Municipal Corporation. We have not constructed any thing for violation of DPR and subsequent agreement signed with Municipal Corporation. The facilities at the park were inaugurated by various high-level dignitaries of the time, photocopies of the same are enclosed for your reference. In view of the facts stated above, we need your consent to become a party to present our point of view before NGT.

Thanking you,

Yours faithfully,
for O.P. MUNJAL FOUNDATION

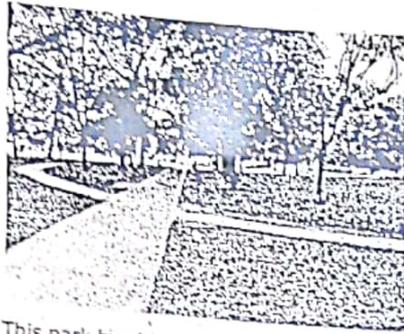


AUTHORISED SIGNATORY

Encl: as above.

O P MUNJAL FOUNDATION
Hero Nagar, G.T. Road, Ludhiana -141003. Ph.0161 2539448-52,5026969

1 INTRODUCTION



Rakh Bagh Park is one of the biggest and happening park of Ludhiana, which is spread over approx. 12.61 acres of land in the heart of Ludhiana city, and offering lush green environment to people of Ludhiana, this park attracts visitors of almost all age group and section of society.

This park by virtue of its location and size has a big potential for improvement, thereby offering better and varied recreational facility to people Ludhiana, and tourists visiting Ludhiana.

HERO **Hero Cycles**, the biggest industrial house of Ludhiana, engaged in several social and philanthropic activities for the past so many years, proposes to redevelop the RakhBagh Park, so that common man coming to park, can enjoy and have the best time in the park.

Understanding the importance of the good public park in common man's life, Hero Group's proposed redevelopment plan for the RakhBagh Park would include following.

- 1.12 KM long Cycle track including cycling club, including steps to encourage by-cycling as health activity & providing by-cycles & necessary services.
- Reinventing reinvigorated, Branding and merchandising for 0.7 KM long Toy train ride for children.
- Formal Fountains.
- Enhance lighting, which increases chance of late evening experience at park.
- Renovation of the existing toilet block and café, shall be run by companies like Sulabh & coffee café day.
- Plantation of 1000 sapling and improvement of the basic soft- landscape, including landscape clock.
- Recreational, fitness and health related products outlets, this shall include Yoga activities.
- Health centre, promoting naturopathy Renovation and Improvement of the basic infrastructure.
- CCTV Coverage for complete park to make it safer through-out the day.

Primarily, above said activities may need some changes during construction & case to case shall be mutually agreed upon by Horticulture DC & Hero Cycle Limited.

Hero Cycles

[Handwritten signature] 24/6/11 Page 3



TC
10/21/16
B

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POWER OF ATTORNEY

BEFORE GREENS TRIBUNAL, NEW DELHI

DR Amandeep Singh BainsOriginal Applicants
Versus

Municipal Commissioner of Gurgaon ... Respondents
Addl. org.

KNOW ALL the whom these present shall come that we the undersigned appoint Shri I S Ratta, Advocate to be the Advocate for Respondent No.2 in the above mentioned case; to do the following acts, deeds and things or any of them, that to say:-

1. To act, appear and plead in the above-mentioned cause in the Court or any to her Court. In which the same may be tried or heard in the first instance or in appeal or letters patent appeal or review or revision or execution or in any other stage of its progress until its final decision.
2. To present pleadings. Appeals letters patent appeals. Petition for appeal to Supreme Court cross-objections or petitions for execution for review revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said cause in all stages.
3. To file and take back documents.
4. To withdraw or compromise the said cause or submit to arbitration any differences or dispute that shall arise to touching or in any manner relating to the said cause.
5. To deposit, draw and receive moneys and grant receipts thereof, and to do all other acts and things, which may be necessary to be done for the progress and in the course of the prosecution of the said cause.
6. To employ any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND We hereby agree to ratify whatever the Advocate or his substitute shall do in the premises.

AND We hereby agree not to hold the Advocate or his substitute responsible or the result of the said cause in consequence of his absence from the Court when the said cause is called up for hearing.

AND We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said cause until the same is paid.

IN WITNESS WHEREOF We hereunto set my/our hand to these presents the contents of which have been explained to and understood by me/us this the... 31/10/2004 day of... 2004.
Accepted

IS Ratta

(Signature or thumb impression)

IQBAL SINGH RATTA & TANVIR SINGH RATTA
Advocates. iqbalratta@yahoo.com
Bungalow No. 352, Sector 9-D, Chandigarh
Mob: 98140-27419, 98154-50073
Enr.No.P/110/1977, P/1075/2005