

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 40 OF 2024**

IN THE MATTER OF:

BALWINDER KAUR

...APPLICANT

VERSUS

STATE OF PUNJAB & ORS.

...RESPONDENTS

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THROUGH

**Place: New Delhi
Date: 06.08.2024**


Apex Partners
Advocates for Respondent No. 4
A1/274, Safdarjung Enclave,
New Delhi – 110029
Mobile – 9910382830
e -mail: priyabrat@apexpartners.in

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REPLY ON BEHALF OF RESPONDENT NO. 4 (CEIGALL INDIA LIMITED) ALONG WITH SUPPORTING AFFIDAVIT.

MOST RESPECTFULLY SHOWETH:

1. That National Highways Authority of India (“NHAI”), vide an agreement 25-March-2022 (“Concession Agreement”) has awarded a contract for Construction of 4/6 Lane Greenfield Ludhiana-Rupnagar National High NH-205K from Junction with NE-5 Village near Manewal (Ludhiana) to Junction with NH-205 Near Bheora Village (Rupnagar) including Spur to Kharar with Ludhiana Bypass under Bharatmala Pariyojana in the State of Punjab on Hybrid Annuity Mode Package -3 (Design Ch.66.440 to 90.500 and Spur to Kharar Design Ch.0.000 to 19.200 total length 43.26km) (“Project”) to Ircon Ludhiana Rupnagar Pvt. Ltd. (“Concessionaire”). The Concessionaire has subsequently, vide its

agreement dated 02-Sept-2022 (“**EPC Contract**”) awarded the construction of the Project to Ircon International Ltd. (“**Ircon**”) and Ircon has further subcontracted the construction of the Project to Ceigall India Ltd. (“**Ceigall**”) vide an agreement dated 04-Aug-2022 (“**Sub-EPC Contract**”) and appointed date for the Project was declared on 16.02.2023.

2. That the present Original Application was registered on a letter petition whereby it was alleged by the Applicant that illegal mining was being carried out in an agricultural land adjacent to forest land due to which thousands of trees were facing risk of land slide.

3. That this Hon’ble Tribunal took cognizance of the complaint and vide its order dated 09.04.2024, constituted a Joint Committee comprising of representatives of the Punjab Pollution Control Board (“**PPCB**”) and directed such Joint Committee to investigate the matter and file its report on the same. In compliance of the order dated 09.04.2024, the Joint Committee has submitted a report dated 20.05.2024 on the incident.

4. That for execution of the Project, the answering respondent has taken certain private land on lease for excavation of ordinary earth from such land. The answering respondent has also obtained K-1 permit from the District Mining Office, Rupnagar for excavating ordinary earth from the leased-out land.

5. That from the Joint Committee Report, it is quite clear that answering respondent has done the mining only from the land which has been taken on lease by it from the private owners without trespassing into any other land be private, panchayat or forest land. The Joint Committee Report further notes that there was no damage to any forest property/trees and the forest land is in “perfect condition” without any chance for any future land sliding etc.

6. That the answering respondent has also taken steps such as stone pitching for protection of the adjoining areas including that of the Applicant and the Applicant has expressed its satisfaction on the measures taken by the answering respondent. Photographs pertaining to the stone pitching work undertaken by the answering respondent are attached herewith and marked as ANNEXURE A.

7. That though the answering respondent was issued three demand notices by the mining department for extracting more materials, those demand notices were under the provisions of Punjab Minor Mineral Rules, 2013. It is submitted that the excess mining done by the answering respondent was not at all deliberate and the same was done due to confusion caused by issuance of dual K-1 permits pertaining to the same land.

However, these issues have been closed with the answering respondent depositing the demand amount.

8. It is pertinent to mention herein that the PPCB has issued an order dated 19.07.2024 for "*Imposition of Environmental Compensation for violation of the provisions of Environmental Laws by National Highway Authority of India (NHAI), M/s IRCON International Limited and M/s Ceigall India Limited.*". It is submitted that the answering respondent has responded to the PPCB regarding the imposition of environmental compensation vide letter no. CIL/LR3/24/1555 dated 05.08.2024. (Copy attached)

9. In view of the above, it is submitted that all remedial steps have been taken to restore the burrowed area. Further, the answering respondent has also complied with the demand notice issued for excess extraction and since the forest land/trees are in perfect condition, the grievance of the Applicant stands redressed.


RESPONDENT NO. 4
(CEIGALL INDIA LTD.)

THROUGH

Place: New Delhi
Date: 06.08.2024


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Advocates for Respondent No. 4
A1/274, Safdarjung Enclave,
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Mobile – 9910382830

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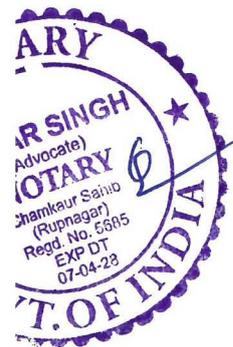
STATE OF PUNJAB & ORS.

...RESPONDENTS

AFFIDAVIT

I, Kanwaldeep Singh Luthra, S/o Mr. Pritam Singh Luthra, aged about 48 years, Authorised Signatory of the Respondent No. 4, Ceigall India Ltd., having its Registered Office at A-898, Tagore Nagar, Ludhiana – 141001 years, Resident of Jalandhar do hereby solemnly affirm and declare as under:

1. That I am the authorized signatory of the Respondent No. 4 and hence I am well conversant with the facts of the case in my official capacity.



- 2. That I have gone through the contents of the present Reply which has been drafted by my counsel on the instructions of the Respondent No. 4 and on the basis of documents in its custody.

- 3. That the contents thereof are true and correct on the basis of the official record and nothing material has been concealed therefrom. Legal submissions are true and correct on the basis of information received and believed to be true.

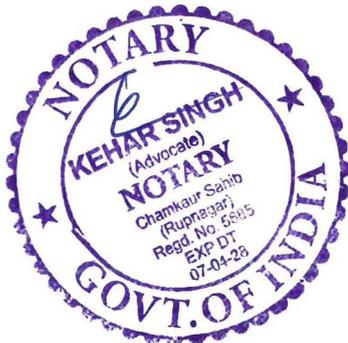
W/h
DEPONENT

VERIFICATION:

Verified at Rupnagar, Punjab on this the 6th day of August, 2024, that the contents of above Affidavit are true and correct as per the records maintained by the Respondent No. 4. No part of it is false and nothing material has been concealed therefrom.



Regd no 1837
06-8-24



W/h
DEPONENT

**Declared Before Me
 ATTESTED**
W/h
06-8-24
KEHAR SINGH (Advocate)
NOTARY
 Tehsil Complex
 S/o Chamkaur Sahib (Rupnagar)
 Pb (INDIA)











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VAKALATNAMA

I/We, **Ceigall India Limited.**, Respondent No. 4 in the captioned matter, do hereby appoint and retain **Mr. Priyabrat Tripathy** [D/448/2002], & **Mr. Ayush Acharjee** [D/6855/2018] *Advocates* to appear for me/us in the above mentioned matter, as also in appellate proceedings, and to conduct, prosecute, or defend the same and take all proceedings that may be necessary in respect of any application(s) or order passed therein and, to apply for and obtain copy of all documents on the record of the proceedings, and take all steps that may be expected of an advocate. I/we hereby agree to ratify all lawful acts done by the aforesaid Advocate(s) in pursuance of this authority, which shall be valid and binding on me/us as if done by us.

Dated this the 5th day of August, 2024

ACCEPTED

PRIYABRAT TRIPATHY

CEIGALL INDIA LTD.

AYUSH ACHARJEE



ADDRESS FOR SERVICE:

Apex Partners, Advocates & Solicitors
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New Delhi - 110029
Mob: +91 9910382830 | +91 9999269963
Email: priyabrat@apexpartners.in
ayush@apexpartners.in

IDENTIFIED



**CEIGALL INDIA LIMITED**

An ISO : 9001-2008 Certified Company

Office: A-898, Tagore Nagar, Ludhiana. 141001

Telefax: +91-161-4623666

E-mail: ceigall@ceigallindia.com

CIN: U45201PB2002PTC025257

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF M/S CEIGALL INDIA LIMITED AT THEIR MEETING HELD ON WEDNESDAY, THE 08TH DAY OF JUNE, 2022 AT 10.00 A.M. AT THE REGISTERED OFFICE OF THE COMPANY SITUATED AT A-898, TAGORE NAGAR, LUDHIANA-141001 PUNJAB AND CONCLUDED AT 11:00 AM

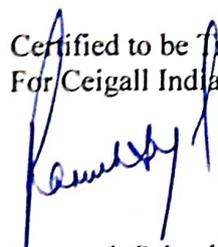
The Chairman described the Board about the requirement to authorise a person for the purpose of signing the documents in connection with Company's Project "Construction of four/six lane Greenfield Ludhiana – Rupnagar National Highway no. NH-205k from junction with NE-5 village near Manewal (Ludhiana) to junction with NH-205 near Bheora village (Rupnagar) including spur to Kharar with Ludhiana bypass under Bharatmala Pariyojana in the state of Punjab on EPC Mode (Design CH. 66.440 to Design CH. 90.500 and spur to Kharar Design CH. 0.000 to Design CH. 19.200, total length 43.26 km". The Chairman proposed to authorize Mr. Kanwaldeep Singh Luthra, Project Head for the above purpose.

The Board discussed the matter and after discussion, the following resolution was passed:-

RESOLVED THAT Mr. Kanwaldeep Singh Luthra, Project Head of the Company, be and is hereby authorized to sign the documents in connection with or incidental to Company's Project "Construction of four/six lane Greenfield Ludhiana – Rupnagar National Highway no. NH-205k from junction with NE-5 village near Manewal (Ludhiana) to junction with NH-205 near Bheora village (Rupnagar) including spur to Kharar with Ludhiana bypass under Bharatmala Pariyojana in the state of Punjab on EPC Mode (design CH. 66.440 to design CH. 90.500 and spur to Kharar design CH. 0.000 to design CH. 19.200, total length 43.26 km", on behalf of the Company.

RESOLVED FURTHER THAT a true copy of the aforesaid resolution, duly certified by chairman of the meeting or any of the Director of the Company, be given to respective Authorities as and when required for their records."

Certified to be True Copy,
For Ceigall India Limited


Ramneek Sehgal
(Managing Director)

DIN: - 01614465

Address: House No. G-9, South City,
Ludhiana 141001

PROOF OF SERVICE

14

10/08/2024, 15:00

Mutagen Mail - OA No. 40 of 2024 titled "Balwinder Kaur v. State of Punjab & Ors. - Reply on behalf of Respondent No. 4 (Ceigall India L...



Ayush Acharjee <ayush@apexpartners.in>

OA No. 40 of 2024 titled "Balwinder Kaur v. State of Punjab & Ors. - Reply on behalf of Respondent No. 4 (Ceigall India Ltd.)

1 message

Ayush Acharjee <ayush@apexpartners.in>

10 August 2024 at 15:00

To: balwinder kaur <binderdhalawal1985@gmail.com>

Cc: Priyabrat Tripathy <priyabrat@apexpartners.in>, Ceigall Contracts <contracts@ceigall.com>, Abhishek Aggarwal <Contracts.agm@ceigall.com>

Ms. Balwinder Kaur,

We represent the Respondent No. 4 (Ceigall India Ltd.) in the captioned matter. Please find attached herewith a copy of our Reply being filed before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

Kindly treat this as an advance service of the same.

Regards,

Ayush Acharjee

Mobile: +91 9999269963

 **Reply on behalf of Respondent No. 4 (Ceigall India Ltd.).pdf**
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