

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
O.A. NO. 292 of 2023**

IN THE MATTER OF:

Dr. Amandeep Singh Bains

...Applicant

Versus

The Municipal Commissioner of Ludhiana &Ors

...Respondent(s)

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Action taken report submitted in compliance with the order dated 21.11.2023  
issued by the Hon'ble National Green Tribunal.

Through:

Place: Ludhiana  
Date: 25.01.2024

FILED BY :  
Naginder Benipal, Advocate

*Naginder Benipal*

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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**Action taken report submitted in compliance with the order  
dated 21.11.2023 issued by the Hon'ble National Green Tribunal.**

**MOST RESPECTFULLY SHOWETH:**

**I, Sandeep Rishi, IAS, Commissioner of Municipal Corporation, Ludhiana** do hereby solemnly affirm and submit this action taken report as under:

1. That the present Report is submitted in compliance of the Order dated 21.11.2023 issued before The Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 292 of 2019 titled as "Dr. Amandeep Singh Bains V/s The Municipal Commissioner of Ludhiana &Ors" in which the Hon'ble Tribunal has instructed the Municipal Corporation, Ludhiana to take appropriate action in accordance with law.
2. That in compliance to the said order Municipal Corporation, Ludhiana has taken following the steps:
  - a. That Municipal Corporation Ludhiana had issued notice no. 120/AC/P/D dated 24.11.2023 to M/s Hero Cycle Limited regarding the erected statue in the park which was considered illegal, in compliance with the same notice and the Order mentioned above, the statue was taken down. (Annexed here as Annexure 1)
  - b. That the M/s Hero Cycle Limited had developed a Cafeteria, who serves the eatable items for public in the park, which was taken down in compliance to the abovementioned order. (Annexed here as Annexure 2)
  - c. The Municipal Corporation, Ludhiana has checked the rate being charged by M/s Hero Cycle Limited, for rides, toy train & games and found that they are charging the rates fixed by the Municipal Corporation, Ludhiana, as passed by the General House of the Municipal



*[Handwritten signature]*

Corporation, vide resolution No. 7104 dated 17.9.2022. (Annexed here as Annexure 3)

That the park namely Rakh Bagh is well maintained in 11 Acres of land approximately and numbers of trees/plants are implanted in the same, large number of inhabitants of Ludhiana are using the same for the morning/evening walk and also used for the amusement of the children, even toy train, games, rides and other recreational activities are available for the public at large. There is no commercialization of the park as stated in the application/petition. The Municipal Corporation, Ludhiana is making best efforts to make the city clean and green and in this regards the Corporation has taken many initiatives. The Municipal Corporation, Ludhiana will take further actions if any violation is found at any point of time. Hence, this report.

Considering the foregoing submissions, it is respectfully requested that the Hon'ble Tribunal may pass appropriate orders as it deems fit and proper in the interest of justice, conscience, and good faith.

Certified that the affidavit/SPA/GPA has been read over & explained to the deponent executed who seemed correctly to understand the same at the time making thereof

  
DEPONENT



**VERIFICATION:**

Verified at Ludhiana on this the 25th day of January, 2024 that the contents of the above Affidavit are true and correct to my best of knowledge. No part of it is false and nothing material has been concealed there from.

Identify the deponent/executor & he/she has signed / thumb marked in my presence  
G=Hire

Attested As Identified  
  
Notary Public  
Distt. Ludhiana (Pb.)

  
DEPONENT

Place: Ludhiana  
Date: 25.01.2024

Through  
  
Naginder Benipal  
ADVOCATE,  
Office: E-358, 1 GF, Greater Kailash - I,  
New Delhi - 110048  
(M): 9999329299

25 JAN 2024

ਦਫਤਰ ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ  
(ਨੋਟਿਸ)

ਦੱਸ

ਮੈਸ. ਹੀਰੋ ਸਾਇਕਲ ਲਿਮਿਟਿਡ,

ਹੀਰੋ ਨਗਰ, ਜੀ.ਟੀ. ਰੋਡ,

ਲੁਧਿਆਣਾ।

ਨੰਬਰ 20/Aclp/D

ਮਿਤੀ 24/11/23

ਵਿਸ਼ਾ- Original Application no. 292/2023 ਵਿੱਚ ਮਾਨਯੋਗ ਐਨ.ਜੀ.ਟੀ. ਵੱਲੋਂ ਪਾਸ ਕੀਤੇ ਹੁਕਮ  
ਮਿਤੀ 21.11.2023 ਦੀ ਪਾਲਣਾ ਕਰਨ ਸਬੰਧੀ।

ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ ਦੇ ਵਿੱਤ ਅਤੇ ਠੇਕਾ ਕਮੇਟੀ ਦੇ ਮਤਾ ਨੰਬਰ 7104 ਮਿਤੀ 17.09.2022 ਰਾਹੀਂ ਤੁਹਾਡੇ ਨਾਲ, ਰੱਖ ਬਾਗ ਪਾਰਕ ਲੁਧਿਆਣਾ ਦੀ ਸਾਭ ਸੰਭਾਲ ਕਰਨ ਸਬੰਧੀ, ਇੱਕ ਇਕਰਾਰਨਾਮਾ ਮਿਤੀ 28.09.2022 ਕੀਤਾ ਗਿਆ ਸੀ। ਇਸ ਇਕਰਾਰਨਾਮੇ ਦੀ ਸਰਤ ਲੜੀ ਨੰਬਰ 6 ਅਤੇ 12 ਅਨੁਸਾਰ ਤੁਸੀਂ (ਏਜੰਸੀ) ਇਸ ਪਾਰਕ ਦੇ ਕੰਟਰੈਕਟ ਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਫਰਮ ਜਾਂ ਕੰਪਨੀ ਨੂੰ ਅੱਗੇ ਸਬਲੈਟ ਨਹੀਂ ਕਰ ਸਕਦੇ ਅਤੇ ਤੁਹਾਨੂੰ (ਏਜੰਸੀ) ਪਾਰਕ ਵਿੱਚ ਕਿਸੇ ਵੀ ਤਰ੍ਹਾਂ ਦੀਆਂ ਵਪਾਰਕ ਗਤੀਵਿਧੀਆਂ (Commercial Activities) ਕਰਨ ਦੀ ਇਜਾਜ਼ਤ ਨਹੀਂ ਹੋਵੇਗੀ। ਪਰ ਇਹ ਦੇਖਣ ਵਿੱਚ ਆਇਆ ਹੈ ਕਿ ਤੁਹਾਡੇ ਵੱਲੋਂ ਇਕਰਾਰਨਾਮਾ ਮਿਤੀ 28.09.2022 ਦੀ ਸਰਤ ਲੜੀ ਨੰਬਰ 6 ਅਤੇ 12 ਦੀ ਉਲੰਘਣਾ ਕਰਦੇ ਹੋਏ ਰੱਖ ਬਾਗ ਪਾਰਕ ਵਿੱਚ Commercial Activities (Cafeteria) ਕੀਤੀਆਂ ਜਾ ਰਹੀਆਂ ਹਨ। ਜਿਸ ਸਬੰਧੀ ਤੁਹਾਨੂੰ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਸ਼੍ਰੀ ਅਮਨਦੀਪ ਸਿੰਘ ਬੈਂਸ ਵੱਲੋਂ ਵਿਸ਼ੇ ਅਧੀਨ ਕੇਸ ਮਾਨਯੋਗ ਐਨ.ਜੀ.ਟੀ. ਵਿੱਚ, ਤੁਹਾਡੇ ਵੱਲੋਂ ਰੱਖ ਬਾਗ ਪਾਰਕ ਵਿੱਚ ਕੀਤੀਆਂ ਜਾ ਰਹੀਆਂ ਵਪਾਰਕ ਗਤੀਵਿਧੀਆਂ (Commercial Activities) ਵਿਰੁੱਧ ਦਾਇਰ ਕੀਤਾ ਗਿਆ ਹੈ। ਜਿਸ ਦੀ ਹੁਣ ਅਗਲੀ ਤਰੀਖ ਪੇਸ਼ੀ ਮਿਤੀ 31.01.2024 ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ ਵੱਲੋਂ Action Taken Report ਦਾਇਰ ਕਰਨ ਲਈ ਨਿਸ਼ਚਿਤ ਕੀਤੀ ਗਈ ਹੈ।

ਇੱਥੇ ਇਹ ਵੀ ਦੱਸਣਯੋਗ ਹੈ ਕਿ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਵੱਲੋਂ ਇੱਕ ਕੇਸ Special Leave to Appeal (Civil) no. 8519 of 2006 titled as "Union of India V/s State of Gujarat & others" ਵਿੱਚ ਪਾਸ ਕੀਤੇ ਹੁਕਮ ਮਿਤੀ 18.01.2013 ਅਨੁਸਾਰ -

*"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."*

ਪਰ ਤੁਹਾਡੇ ਵੱਲੋਂ ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ ਪਾਸੋਂ ਬਿਨਾਂ ਕੋਈ ਅਗਾਊ ਮੰਜੂਰੀ ਤੋਂ ਰੱਖ ਬਾਗ ਪਾਰਕ ਵਿੱਚ ਇੱਕ ਸਟੈਚੂ ਲਗਾਇਆ ਗਿਆ ਹੈ ਜੋ ਕਿ ਕਾਨੂੰਨ ਗਲਤ ਹੋਣ ਦੇ ਨਾਲ-ਨਾਲ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਦੀਆਂ ਕਾਇਮਤਾ ਦੀ ਵੀ ਉਲੰਘਣਾ ਕਰਦਾ ਹੈ। ਇਸ ਸਬੰਧੀ ਤੁਹਾਨੂੰ ਪਹਿਲਾਂ ਵੀ ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ ਵੱਲੋਂ ਪੱਤਰ ਨੰਬਰ

186/ਰਾਰਟੀਕਲਚਰ/ਡੀ ਮਿਤੀ 04.08.2023 ਰਾਹੀਂ ਸਪਸ਼ਟੀਕਰਨ ਮੰਗਿਆ ਗਿਆ ਸੀ। ਹੁਣ ਮਾਨਯੋਗ ਐਨ.ਜੀ.ਟੀ. ਵੱਲੋਂ ਆਪਣੇ ਹੁਕਮ ਮਿਤੀ 21.11.2023 ਵਿੱਚ ਹੇਠ ਲਿਖੇ ਹੁਕਮ ਕੀਤੇ ਹਨ-

*"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."*

ਕਿਉ ਜੇ ਤੁਹਾਡੇ ਵੱਲੋਂ ਰੱਖ ਬਾਗ ਵਿੱਚ ਲਗਾਇਆ ਗਿਆ ਸਟੈਚੂ ਗੈਰਕਾਨੂੰਨੀ ਹੈ ਅਤੇ ਰੱਖ ਬਾਗ ਵਿੱਚ ਕੀਤੀਆਂ ਜਾ ਰਹੀਆਂ ਵਪਾਰਕ ਗਤੀਵਿਧੀਆਂ (Cafeteria) ਵੀ ਇਕਰਾਰਨਾਮਾ ਮਿਤੀ 28.09.2022 ਦੀਆਂ ਸ਼ਰਤਾਂ ਦੀ ਉਲੰਘਣਾ ਹੈ, ਇਸ ਲਈ ਇਸ ਨੋਟਿਸ ਰਾਹੀਂ ਤੁਹਾਨੂੰ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਤੁਹਾਡੇ ਵੱਲੋਂ ਰੱਖ ਬਾਗ ਪਾਰਕ ਵਿੱਚ ਲਗਾਇਆ ਗਿਆ ਸਟੈਚੂ 15 ਦਿਨ ਦੇ ਅੰਦਰ-ਅੰਦਰ ਪਾਰਕ ਵਿੱਚੋਂ ਹਟਾਇਆ ਜਾਵੇ ਅਤੇ ਇਸ ਦੇ ਨਾਲ-ਨਾਲ ਕੀਤੀਆਂ ਜਾ ਰਹੀਆਂ ਵਪਾਰਕ ਗਤੀਵਿਧੀਆਂ (Cafeteria) ਵੀ 15 ਦਿਨ ਦੇ ਅੰਦਰ-ਅੰਦਰ ਆਪਣੇ ਪੱਧਰ ਤੇ ਬੰਦ ਕੀਤੀਆਂ ਜਾਣ ਤਾਂ ਜੋ ਸਮਾਂ ਹੱਦ ਅੰਦਰ ਮਾਨਯੋਗ ਐਨ.ਜੀ.ਟੀ. ਵੱਲੋਂ ਕੀਤੇ ਗਏ ਹੁਕਮਾਂ ਦੀ ਪਾਲਣਾ ਕਰਦੇ ਹੋਏ Action Taken Report ਦਾਇਰ ਕੀਤੀ ਜਾ ਸਕੇ। ਇਸ ਸਬੰਧੀ ਕੀਤੀ ਗਈ ਕਾਰਵਾਈ ਬਾਰੇ ਇਸ ਦਫਤਰ ਨੂੰ ਵੀ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ।

ਇਸ ਨੂੰ ਪਰਮ ਅਗੇਤ ਦਿੱਤੀ ਜਾਵੇ।

  
ਵਧੀਕ ਕਮਿਸ਼ਨਰ,  
ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ।

Office of Municipal Corporation Ludhiana

(Notice)

To,

M/s Hero Cycle Limited,

Hero Nagar, G.T. Road

Ludhiana

No.120/AC/P/D

Dated 24/11/23

Subject: Regarding compliance of order dated 21.11.2023 passed by the Hon'ble N.G.T. in Original Application no.292/2023

Vide Resolution No.7104 dated 17.09.2022 of the Finance and Contract Committee of the Municipal Corporation Ludhiana, with regard to maintenance of Rakh Bagh Park at Ludhiana, an agreement was executed with you on 28.09.2022. According to terms Sr. No.6 and 12 of this agreement, you (agency) cannot sublet the contract of this park to any other firm or company and you (agency) will not be allowed to conduct any commercial activities (Commercial Activities) in the park. But, it has been seen that by violating the terms mentioned at Sr. No.6 and 12 of the agreement dated 28.09.2022, you are doing Commercial Activities (Cafeteria) within Rakh Bagh

Park, in regard to which, you are informed that Sh. Amandeep Singh Bains has filed O.A. No. 292 of 2023 under reference subject in the Hon'ble N.G.T. against commercial activities (Commercial Activities) within Rakh Bagh Park, in which next date of hearing is on 31.01.2024 & Municipal Corporation Ludhiana has been asked to submit Action Taken Report accordingly.

It is pertinent to mention here that as per the order dated 18.01.2023 by the Hon'ble Supreme Court in a case Special Leave to Appeal (Civil) no.8519 of 2006 titled as "Union of India V/s State of Gujarat & others"-

*"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 without taking any prior permission from the Municipal Corporation Ludhiana, you have affixed a statue within Rakh Bagh Park, which violates the directions of the Hon'ble Supreme Court. In this regard, Municipal Corporation Ludhiana have also sought clarification from you through letter No.186/Horticulture/D dated

04.08.2023. Now, the Hon'ble N.G.T. issued below mentioned orders vide its order dated 21.11.2023-

*"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."*

As statue installed by you in the (Rakh Bagh Garden) is illegal and the commercial activities (Cafeteria) being conducted within the park are in violation of agreement dated 28.09.2022. Therefore, through this notice, you are hereby directed that the statue installed by you within the park may be removed within 15 days and the commercial activities (Cafeteria) being conducted in the park may be ended within 15 days so that appropriate Action Taken Report may be submitted as per orders by Hon'ble National Green Tribunal. This office be informed about the action taken in this regard.

It should be given top priority.

sd/-

Additional Commissioner  
Municipal Corporation,  
Ludhiana.

दिना :



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