

Interim Compliance Report

As per

Hon'ble National Green Tribunal

(Order dated 2nd February, 2022)

IN THE MATTER OF

Raman Sharma

V/s

State of Haryana

IN

Original Application No.

68/2022

Compliance Report of Hon'ble NGT order dated 02.02.2022 in the matter of Raman Sharma V/s State of Haryana in Original Application No. 68/2022

1. Background:-

Grievance in the application by applicant Mr. Raman Sharma is regarding running of 10 DG sets in the green belt of Integrated Residential Colony of Malibu Town, Gurugram, Haryana by M/S Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurgaon(North), Haryana without any approval of Haryana State Pollution control Board. It is submitted that the builders in the area are flouting the directions and provisions of C & D Waste Management Rules, 2016 and also carrying out the construction in violation of the Air and Water Pollution Act. Despite the refusal of consent to operate by the Haryana state Pollution Control Board.

Hon'ble National Green Tribunal vide order dated 02.08.2022 has directed as follows:-

“Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a joint Committee of the HSPCB, SEIAA, HUDA, DFO-Gurugram, and the District Magistrate-Gurugram(Haryana). The HSPCB will be the Nodal agency for coordination and compliance. The joint Committee may meet within four weeks and undertake site visit and look into the grievance. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

2. Compliance of Hon'ble National Green Tribunal directions:-

In compliance of Hon'ble NGT directions issued vide order dated 02.02.2022, a committee of following officers was constituted to undertake site visit and look into the grievance and factual action taken report: -

Sr. No.	Name of Officer & Designation	Representative
1.	Ms. Ankita Choudhary, IAS, SDM, Gurugram	District Magistrate, Gurugram
2.	Sh. Rajeev Tejyan, IFS, DFO, Gurugram	Forest Department
3.	Dr. R. Baskar, Member, SEAC	SEIAA, Haryana
4.	Sh. Mahender Singh Yadav, Executive Engineer, HSVP, Gurugram	HSVP
5.	Ms. Akansha Tanwar, AEE	State PCB (from 22.02.22 to 18.07.22)
6.	Mr. Aparnesh Kaushik, Scientist B	State PCB (from 21.07.22 to till date)

Observations and Findings: -

Joint committee comprising of representative of District Magistrate, Forest Department, SEIAA Haryana and State PCB visited the site on 09.05.2022 and it was found that the site under question is a residential plotted colony over an area measuring **204.796 acres** which also includes a group housing component (**11.89 acres**). Nomination of member by HSVP was still awaited but site was inspected to avoid further delay. The applicant Sh Raman Sharma could not be present during site inspection due to his other engagements. The committee members postponed the site visit in absence of the applicant and nominee of HSVP.

Thereafter a Personal Hearing was given to the applicant Sh. Raman Sharma on 13.07.2022 at 10:00 AM through Video Conference in virtual presence of Joint Committee constituted by NGT in the matter of Raman Sharma V/s State of Haryana in Original Application No. 68/2022. The minutes of the Personal Hearing are attached as **Annexure A**. The constitution of complete joint committee was finally completed on 24.06.22 and The site inspection by the joint committee was conducted on 14.07.22 in presence of the Applicant and other residents of the residential colony and the observations of the committee are listed below:

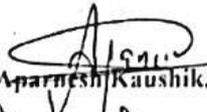
- 1) There were 10 no. DG sets installed in the residential colony ie 5 nos. in group housing part, 2 nos. in the corner of the park falling between 14 Mtr wide White wood Road & 12 Mtr wide Malibu Drive Road and 3 nos. in Public Health Services site were found installed/ placed in the Green belt/park etc in the Malibu Towne, sector 47 and 50 Gurugram. The committee concluded that an Action Taken Report from Town and Country planning may be sought in this matter.
- 2) C and D waste in small quantity was lying in the residential colony which is shown in the photographs of site visit attached as **Annexure B**. The applicant submitted that they want a complete report from MCG regarding disposal of C and D waste generated from demolition of dispensary site. The permission granted to the M/s Goyal iron steel traders by MCG for dismantling the dispensary site is attached as **Annexure- C** and cancellation of the same is attached as **Annexure -D Colly**. It was decided that a complete action taken report in this matter be sought from MCG before initiating any action.
- 3) HSPCB representative submitted to the applicant that they have already filed a complaint against Malibu Estate private limited, and its directors in Special Environment Court, Faridabad for non-compliance and violation of Water Act 1974 and the same is pending. The Environmental Compensation is under finalization with the joint committee at head

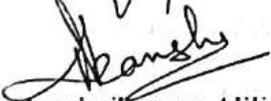
office HSPCB. The applicant also submitted that the colony has been expanded in 2008 without obtaining Environmental clearance from SEIAA and no action has been initiated with regard to this violation. HSPCB representative submitted that a complaint against Malibu Estate private limited, and its directors in Special Environment Court, Faridabad for violation of EIA notification 2006 is under approval and same would be filed after vetting procedure however all applicable actions have been initiated.

- 4) The committee jointly concluded that an action taken report in the concerned matter may be sought from MCG and Town and Country planning in this matter

Conclusion and recommendation of Committee: -

- 1) The District Town Planner accepted in their report dated 10.08.22 (Annexure-E) submitted to the committee that all the DG sets are placed in the green area and they have not given any permission for the placement of above said DG sets in the residential colony and that cognizance of the same has been taken after a complaint was received from the applicant in 2021. But till date no further action has been taken in this matter. It is recommended that directions may be issued to the Town and Country planning department for allocation of proper space for placement of DG sets without curtailment of green area after approval in the layout plan as per procedure and submit Action taken report within 15 days.
- 2) The MCG report regarding proper disposal of Construction and Demolition waste is still awaited. It is recommended that necessary directions may be issued to the MCG to submit complete Action taken Report regarding disposal of Construction and Demolition waste by M/s Goyal iron steel traders and action taken for this non-compliance within 15 days.
- 3) The joint committee recommended HSPCB to expediate the pending actions against M/s Malibu Estate private limited for violation of Environmental Laws.

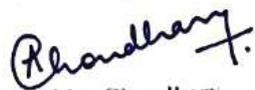

Mr. Aparnesh Kaushik, Scientist B


Akansha Tanwar, AEE,
HSPCB


Dr. R. Basu,
Member, SEAC


Rajeev Tejwan, IFS
Divisional Forest Officer


Mahender Singh Yadav,
HSVP, Executive Engineer


Ankita Choudhary,
IAS

Minutes of meeting held on 13.07.2022 at 10:00 AM through Video Conference of Joint Committee constituted by NGT and applicants in the matter of Raman Sharma V/s State of Haryana in Original Application No. 68/2022.

The meeting was held on 13.07.2022 at 11:00 AM through Video Conference. The followings members of constituted committee attended the meeting:-

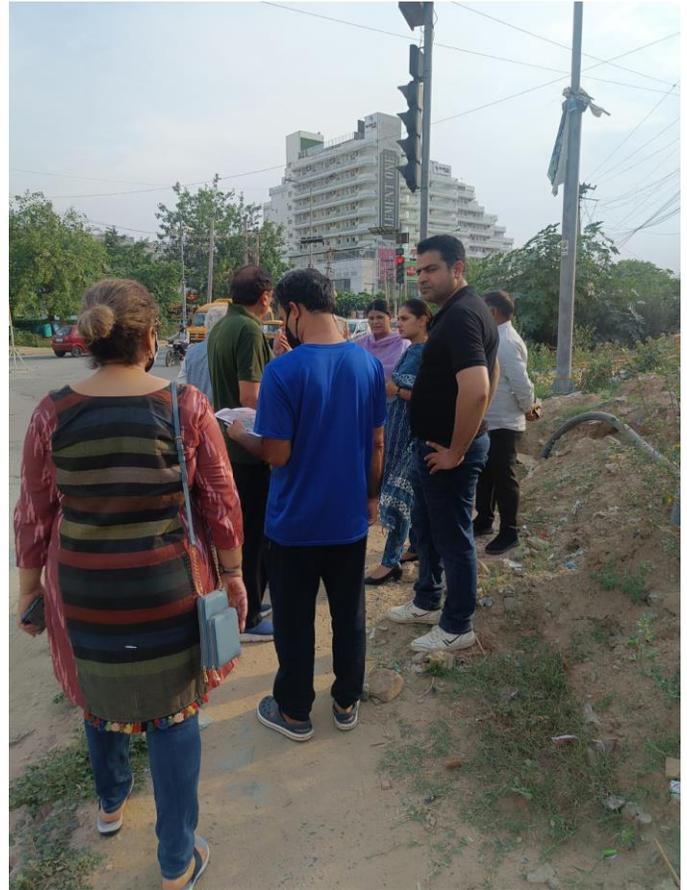
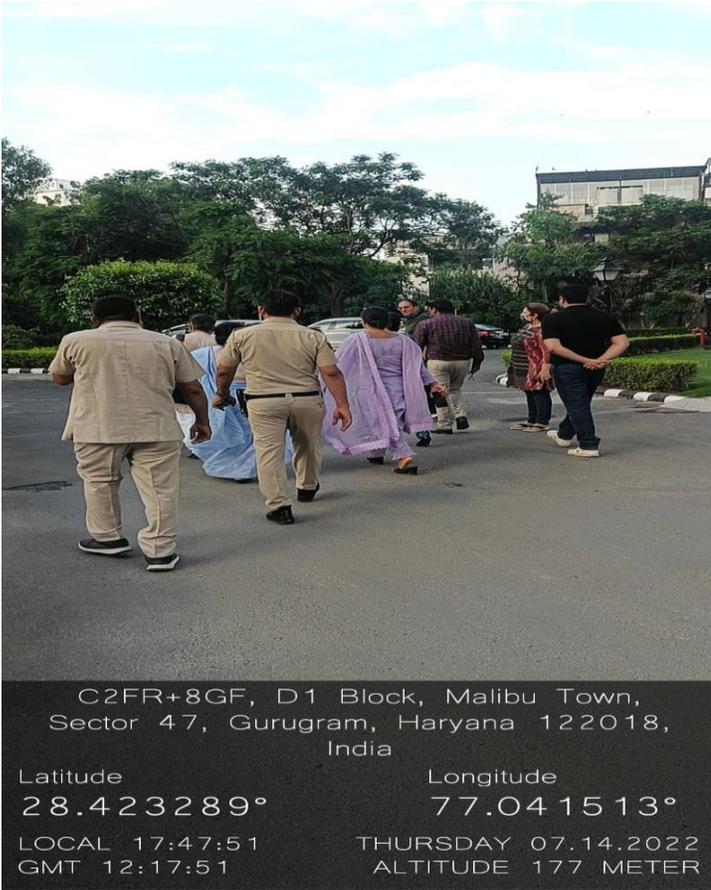
S.no	Name	Designation	Nominee
1.	Ms Ankita Chaudhary	SDM (North) Gurugram	District Magistrate, Gurugram
2.	Sh. Rajeev Tejyan, IFS	DFO, Gurugram	Forest Department
3.	Dr. R. Baskar	Member, SEAC	SEIAA, Haryana
4.	Ms. Akansha Tanwar	AEE, HSPCB, Gurugram (North)	State PCB

At the outset of the meeting Smt. Akansha Tanwar, AEE Gurugram Region (North) welcomed all the joint committee members and the Applicant Sh. Raman Sharma. He also briefed the committee members about order dated 28.09.2021 in the matter of Raman Sharma V/s State of Haryana in Original Application No. 68/2022. After detailed discussion, it was decided that :-

- 1) Grievance in the application by applicant Mr. Raman Sharma is regarding running of 10 DG sets in the green belt of Integrated Residential Colony of Malibu Town, Gurugram, Haryana by M/S Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurgaon(North), Haryana without any approval of Haryana State Pollution control Board. It is also submitted that the builders in the area are flouting the directions and provisions of C & D Waste Management Rules, 2016 and also carrying out the construction in violation of the Air and Water Pollution Act. Despite the refusal of consent to operate by the Haryana state Pollution Control Board.
- 2) Applicant submitted that DTP has given no objection to two number of DG sets installed in the park but not given any permission for the same. He submitted that no space was given for installation of DG sets by builder.
- 3) Applicant submitted that 10,000 cubic metre tonnes of C & D waste has been generated after demolition of the dispensary site and the same has been disposed illegally. The committee members said that at present the waste could not be located in the residential colony. He Submitted some photographs of 2020 to the committee members.
- 4) HSPCB representative submitted that they have already filed a complaint under Water Act, 1974 in Special Environment Court Faridabad against Malibu Estate private limited and it's directors, after taking into cognizance that STPs already installed in the residential colony were not working properly and are under capacity.
- 5) Sub-divisional Magistrate concluded the meeting and fixed the date of site inspection to be 14.07.22 and also recommended that the concerned Officer from Town and Country planning should also join the site inspection along with the Committee members and the Applicant.

Meeting ended with a vote of thanks to the Chair.

Malibu Town, Sector-47, Gurugram





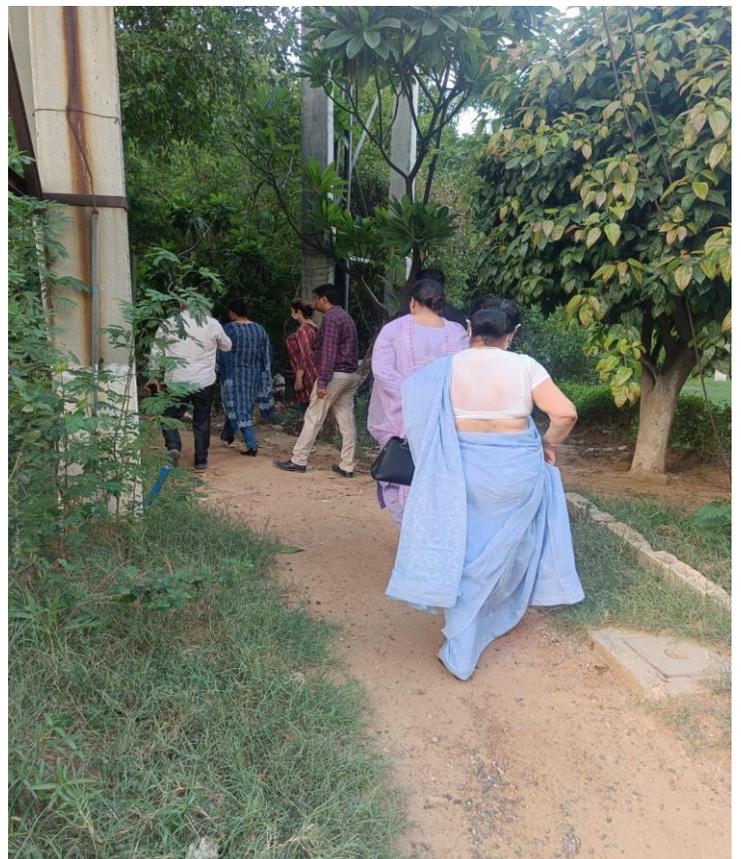
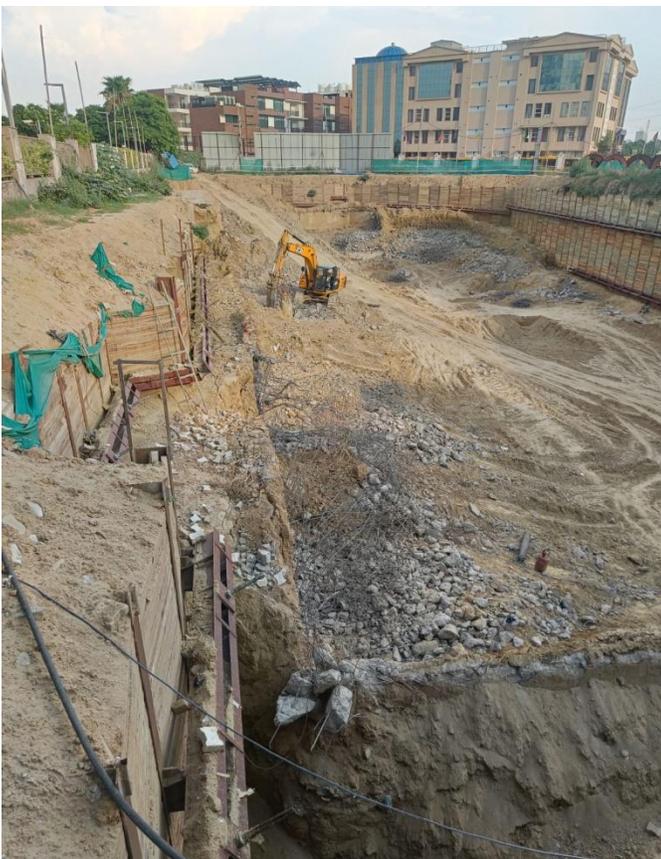
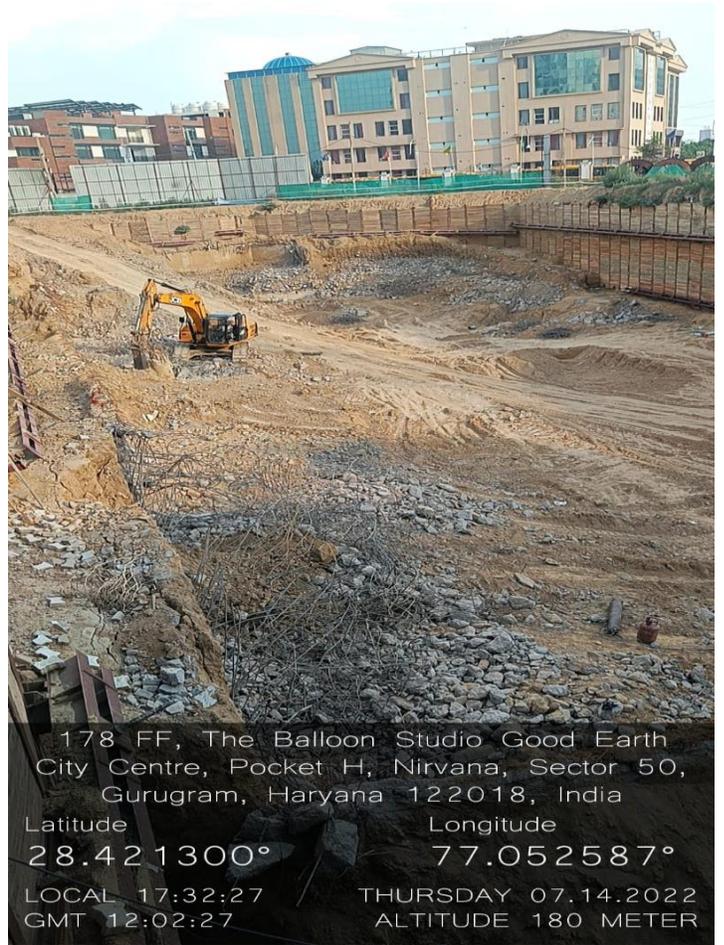


178 FF, The Balloon Studio Good Earth
City Centre, Pocket H, Nirvana, Sector 50,
Gurugram, Haryana 122018, India
Latitude 28.421304° Longitude 77.052581°
LOCAL 17:32:35 THURSDAY 07.14.2022
GMT 12:02:35 ALTITUDE 180 METER



C3C2+FJ5, Malibu Town, Sector 47,
Fatehpur, Haryana 122018, India
Latitude 28.421049° Longitude 77.051769°
LOCAL 17:26:57 THURSDAY 07.14.2022
GMT 11:56:57 ALTITUDE 180 METER







Joint Commissioner (Hq)
Nagar Nigam, Gurugram

M/s. Goyal Iron Steel Traders
K-73, 6B, Nangal Raya
New Delhi 110016

No. MCG/JC-(HQ)/2020/ 731

Dated... 29/09/2020

Subject: Dismantling of Dispensary Site at Plot No. 47-50, Sector-47/50 - Self disposal of C&D Waste.

With reference to the subject mentioned above, It is to inform you that your request for dismantling of dispensary site at Plot No. 47-50, Sector-47/50, Gurugram has been accepted on the following terms and conditions:-

1. At the time of dismantling of dispensary you will follow the rules and regulations as mentioned in Construction & Demolition Waste Management Rule - 2016.
2. You will adopt all measure mentioned in the Guidelines on Dust Mitigation Measures in handling Construction and Construction & Demolition Waste Issued by Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, Government of India.

Joint Commissioner (Hq)
Nagar Nigam, Gurugram

No. MCG/JC-(HQ)/2020/ 732

Dated... 29/09/2020

Copy forwarded to:

1. M/s. Pragati Al Natural Resources Pvt. Ltd. - Information & necessary action.
2. PA to JJ/CMC and ADMC, Nagar Nigam Gurugram

Joint Commissioner (Hq)
Nagar Nigam, Gurugram

From

Assistant Engineer-SBM,
Municipal Corporation,
Gurugram.

To

M/s Goyal Iron Steel Traders,
K-73/68, Nangal Raya,
New Delhi.

Memo No.MCG/AE(SBM)/2021/08

Dated: 02.12.2021

Subject: Regarding providing of details of dumping and re-use of C&D waste.

With reference to the subject cited above, a permission was granted to your firm for reuse of C&D waste vide office memo no. MCG/JC(HQ)/2020/731 dated 29.09.2020 with the condition to follow the laws and rules applicable for management, transportation and processing of C&D waste. Due to violating the conditions, the permission had been cancelled vide memo no. MCG/EE-SBM/2021/38148 dated 30.11.2021.

2. Keeping in view of the above, you are hereby directed to submit details of the site where the C&D waste was transported/dumped. The detail of re-use of C&D waste alongwith details of method of disposal be also submitted to this office otherwise action as per Construction & Demolition Waste Management Rules, 2016 will be initiated against you.

for Assistant Engineer-SBM,
Municipal Corporation,
Gurugram.

Dated:02.12.2021

Endst No. MCG/AE(SBM)/2021/09

A copy of the above is forwarded to the following for information please:

1. Joint Commissioner (HQ), Municipal Corporation, Gurugram.
2. PA to CMC/Addl.CMC-IV/Addl.MC, Municipal Corporation, Gurugram.

for Assistant Engineer-SBM,
Municipal Corporation,
Gurugram.

Submitted for further orders please.

Adresse:jc3

Dr. Harbhajan
iec.sbm
Swachh Bharat Mission(SBM)
MCG
28-Sep-2020 17:45:26.807

Note:2

Approved as proposed

Adresse:iec.sbm

Hariom Attri
jc3
Joint Commissioner
MCG
29-Sep-2020 12:56:42.907

Note:3

Letter for approval issued to the organisation

Dr. Harbhajan
iec.sbm
Swachh Bharat Mission(SBM)
MCG
29-Sep-2020 13:37:30.567

Note:4

The File has been transferred to 'sbm', for further n/a please.

Adresse:sbm

E-office Supervisor
iec.sbm
Swachh Bharat Mission(SBM)
MCG
10-Nov-2021 16:40:11.497

Note:5

Note:4

The File has been transferred to 'sbm', for further n/a please.

Adresse:sbm

E-office Supervisor
iec.sbm
Swachh Bharat Mission(SBM)
MCG
10-Nov-2021 16:40:11.497

Note:5

This matter is not related to this office , so it is requested to you please send it to the concern .

Adresse:ee.sbm

Rakesh Joon
sbm
Swachh Bharat Mission(SBM)
MCG
11-Nov-2021 10:36:48.28

eoffice.mcg.gov.in:8080/egov_prod/white_hall/notes/PrintNotesFrame.jsp

1/2

12/6/21, 1:58 PM

List Print Notes

Note:6

As discussed.

Adresse:jchq

Sunder
ee.sbm
Executive Engineer
MCG
22-Nov-2021 16:50:13.07

Note:7

Permission of re-use of C&D waste was granted to M/s Goyal Iron Steel Traders to manage the C&D waste and to avoid increase in the quantity of C&D Waste in the city. Such permission was granted to M/s Goyal Iron Steel Traders with the condition, that he shall follow the laws and rules applicable to the management, transportation and processing of C&D waste.

Whereas it has been observed that M/s Goyal Iron Steel Traders has neither given a satisfactory response in the matter nor has turned up despite the issuance of SCN to him after a complaint dated 27.10.2021 with regard to the violation of the terms and conditions of permission granted to him.

Facts of the complaints have been got verified through the field staff. As per office report dated 30.10.2021 given by JE (Field staff), M/s Goyal Iron Steel Traders has violated the terms and conditions of the permission for the reuse of C&D waste and provisions of C&D Waste Management Rules.

Therefore, the permission granted to M/s Goyal Iron Steel Traders for reuse of C&D waste is hereby withdrawn with immediate effect with a direction to EE(SBM) to take necessary action against M/s Goyal Iron Steel Traders under C&D Waste Management Rules and further to issue Show Cause Notice to the concerned field official qua delay in reporting the matter in time to the office.

The above directions may adhered to strictly.

Adresse:ee.sbm

Hariom Attri
jchq
Joint Commissioner
MCG
22-Nov-2021 17:14:56.137

From

Assistant Engineer-SBM,
Municipal Corporation,
Gurugram.

To

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Swachh Bharat Mission(SBM)
MCG
10-Nov-2021 16:40:11.497

Note:5

Note:4

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E-office Supervisor
iec.sbm
Swachh Bharat Mission(SBM)
MCG
10-Nov-2021 16:40:11.497

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Adresse:ee.sbm

Rakesh Joon
sbm
Swachh Bharat Mission(SBM)
MCG
11-Nov-2021 10:36:48.28

eoffice.mcg.gov.in:8080/egov_prod/white_hall/notes/PrintNotesFrame.jsp

1/2

12/6/21, 1:58 PM

List Print Notes

Note:6

As discussed.

Adresse:jchq

Sunder
ee.sbm
Executive Engineer
MCG
22-Nov-2021 16:50:13.07

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Whereas it has been observed that M/s Goyal Iron Steel Traders has neither given a satisfactory response in the matter nor has turned up despite the issuance of SCN to him after a complaint dated 27.10.2021 with regard to the violation of the terms and conditions of permission granted to him.

Facts of the complaints have been got verified through the field staff. As per office report dated 30.10.2021 given by JE (Field staff), M/s Goyal Iron Steel Traders has violated the terms and conditions of the permission for the reuse of C&D waste and provisions of C&D Waste Management Rules.

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Adresse:ee.sbm

Hariom Attri
jchq
Joint Commissioner
MCG
22-Nov-2021 17:14:56.137

Sub Divisional Officer (C), Gurugram



Add :- Ground Floor, Mini Secretariat,
Gurugram 122001 Contact:0124-2321808
E-Mail:- sdmgurugram@gmail.com

10-8-22

सेवा में,

R.O. Pollution Control Board,
Gurugram (North),

क्रमांक 1717 स्टैनों दिनांक 10/08/22

विषय:-

O.A. No. 68/2022 titled as Raman Sharma Applicant Vrsus State of Haryana.

उपरोक्त विषय आपके कार्यालय के पत्र दिनांक 01.07.2022 के सन्दर्भ में।

विषयाधीन मामलें में जिला नगर योजनाकार (प्लानिंग), गुरुग्राम से प्राप्त रिपोर्ट आपको आगामी आवश्यक कार्यवाही हेतु प्रेषित है।

सलगन:-उक्त

उप मण्डल अधिकारी (ना0),
गुरुग्राम।

35/2022

File No.HSPCB-260001/28/2022-Region Gurugram North-HSPCB

2792

MA for n/a
as per cases

DC, Ggm

Regional Office, Gurugram (N)
Haryana State Pollution Control Board

Vikas Sadan, Opposite- New Court, Gurugram
Website: - www.hspcb.gov.in Tel: 0124-2332775, 2972341
Email ID: - hspcbrogrn@gmail.com

Dated:01.07.2022.

To

1. Ms. Ankita Choudhary, IAS
SDM (North), Gurugram, (Member of Committee as representative of
DC, Gurugram)
Email:- sdmggn26@gmail.com
2. Sh. Rajeev Tejyan, IFS
Forest Department, Gurugram, (Member of
Committee) Email:-
dfogurgaon1@gmail.com
3. Dr. R. Baskar, Member (Member of Committee as representative of SEIAA,
Haryana)
State Expert Appraisal
Committee, Bays No.
55-58, Prayatan
Bhawan, Sector-2,
Panchkula
Email:- rbaskar@ignou.ac.in
4. Sh. Mahender Singh Yadav, Executive Engineer (Member of Committee as
representative of HSVP)
HSVP, Division No. VI, Gurugram
Email :- xenhsvp6ggm@gmail.com
5. Ms. Akansha Tanwar, AEE (Member of Committee as representative of
HSPCB & Coordinator with concerned Members/Departments)
Gurugram Region (N)

Dairy No. 3800

Dated 5-7-22

DSR/Reader/MRC/DLC/MC/C/S/eng

Phandray
300(C) GGN (W)

Sub: Action taken report regarding OA No. 68/2022 titled as Raman
Sharma Applicant Versus State of Haryana.

Ref: This office letter dated 06.05.2022.

Kindly refer to the subject noted above, it is intimated that you were
requested to submit the action taken report by 10.05.2022 regarding OA No.
68/2022 titled as Raman Sharma Applicant Versus State of Haryana. The applicant
has also moved contempt application before Hon'ble NGT, New Delhi.

Keeping in view of above, it is therefore again requested that the

o/o Deputy Commissioner Gurugram

Memo No 3596 /MB dated 4/7/2022

A City is awarded to the SOM Gurugram for
Necessary action & as per Rules

For Deputy Commissioner
Gurugram

124

File No.HSPCB-260001/28/2022-Region Gurugram North-HSPCB

action taken report in the above said matter may be submitted to the undersigned, so that the same could be filed before Hon'ble Tribunal well before next date of hearing i.e. 29.07.2022.

**Regional Officer,
Gurugram Region (N)**

CC:-

A copy of above is forwarded to the followings:-

1. Sh. Anil Grover, AAG, Haryana at Hon'ble NGT, New Delhi.
2. The Chairman, Haryana State Pollution Control Board, Panchkula.
3. The Deputy Commissioner, Gurugram.
4. The CTM, Gurugram.

To RO pollution North
4272

JNA

Dairy No.
Dated: 28-7-22 ✓
DGR/Reader/MRC/DLC/MC/BC/Slano
Abraham
SDO(C) GGN (W)

District Town Planner, Gurugram (Planning)
DEPARTMENT OF TOWN AND COUNTRY PLANNING
HUDA Office Complex, Sector-14, Gurugram
Tel No.: 0124-2320573,
E-mail: dtp6.gurugram.tcp@gmail.com

Memo No: DTP(G)/2022/ 8936

Dated: 27/7/2022

To

Sub Divisional Magistrate, Gurugram - cum -
Member of Committee as representative of
Deputy Commissioner, Gurugram.

Subject:- O.A. No. 68/2022 titled as Raman Sharma Applicant Versus State of Haryana.

Reference:- Your good office Letter dated 18.07.2022 (copy enclosed), received in this office on 20.07.2022.

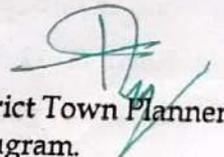
With reference to subject cited above, it is intimated that the 10 nos. of D.G. sets i.e. 5 nos. in Group Housing part, 2 nos. in the corner of Park falling between 14 Mtr. wide White Wood Road & 12 Mtr. wide Malibu Drive Road and 3 nos. in Public Health Services site found installed/placed in the Green Belt/Parks etc. in the Malibu Towne, Sector-47 & 50, Gurugram during the joint site inspection dated 14.07.2022 conducted by the Committee consisting of concerned officers of HSPCB (Nodal agency for co-ordination and compliance of Hon'ble NGT orders dated 02.02.2022); SEIAA; HUDA; DFO, Gurugram and District Magistrate, Gurugram (Haryana), have also been mentioned in the revised Layout Plan bearing Drawing No. DTCP-5626 dated 28.09.2016 (copy enclosed) of the residential plotted colony namely Malibu Towne, Sector-47 & 50, Gurugram, which was in-principally approved vide Directorate Memo No. 6680 dated 07.03.2019 (copy enclosed), except the above mentioned 2 nos. D.G. sets placed in the corner of Park falling between 14 Mtr. wide White Wood Road & 12 Mtr. wide Malibu Drive Road. However, it is pertinent to mention here that only the area alongwith location of aforementioned D.G. sets at 3 nos. of locations has been shown in the said in-principally approved Revised Layout Plan however, the numbers of D.G. sets placed at respective location is not mentioned overthere. Moreover, due to colonizer's non-compliance of the conditions imposed vide said in-principal approval, the final approval of the aforesaid in-principally approved revised Layout Plan was refused vide Directorate Memo No. 17408-11 dated 22.08.2021 (copy enclosed). Hence, it is clear from the aforementioned facts that no permission/NOC has been granted by the Department for placement of above mentioned D.G. sets in Malibu Towne, Sector-47 & 50, Gurugram.

Seen Place

SDO (C)
GGN

Furthermore, taking cognizance of the complaint (containing 83 nos. of issues) 16.03.2021 of Sh. Raman Sharma, the aforesaid colony was jointly inspected by field officials of the office in co-ordination with field officials of DTP (Enforcement), Gurugram office and the detailed site inspection report mentioning the deviations/variations/violations observed during said site inspection was sent to Senior Town Planner, Gurugram Circle, Gurugram vide this office Memo No. 8077 dated 18.08.2021 & 9455 dated 17.09.2021 (copies enclosed) alongwith the endorsement to the Directorate & DTP (Enforcement), Gurugram respectively for information and necessary action accordingly. Your kind attention is also drawn towards the fact that DTP (Enforcement), Gurugram has also been requested vide this office Memo No. 6168 dated 01.07.2021 followed-up with Reminders-I & II bearing Memo Nos. 8914 dated 06.09.2021 & 12322 dated 23.11.2021 (copies enclosed) respectively for taking necessary action on the issue raised at Sr. No. 68 (Unlawful placement of DG sets in Green Belts and STPs in Public Parks) of the complaint dated 16.03.2021 of Sh. Raman Sharma. The above report alongwith relevant supportive enclosures, is being forwarded herewith for your kind perusal and further necessary action please.

DA/As above.


District Town Planner,
Gurugram.

Endst. No.

Dated:

A copy of the above is forwarded to the following for information & necessary action please:-

1. Senior Town Planner, Gurugram Circle, Gurugram.
2. District Town Planner (Enforcement), Gurugram.
3. Regional Officer, Gurugram (North), Haryana State Pollution Control Board.


District Town Planner,
Gurugram.

Memo No. ZP-5-Vol-IV/SD(DK)/2019/ 6680 Dated:- 07-03-19

To Malibu Estate Pvt. Ltd.,
38 DDA Commercial Complex,
Kailash Colony extn. (Zamrudpur)
New Delhi -110048..

Subject:- Approval of revised Layout Plan for setting up of Residential Plotted Colony for the area measuring 204.796 acres namely "Malibu Towne" in Sector-47 & 50 Gurugram - Malibu Estate Pvt. Ltd.

Reference:- Your letter dated 03.10.2018 and PSTCP memo no. Misc-2157/7/16/2006-2TCP dated 28.01.2013 on the subject cited above.

With reference to the revision proposed in the layout plan and the detailed statement of proposed revision along with justification thereof has been considered by this office and in-principle approval for the said revision in layout plan for the purpose of inviting objections as per policy dated 28.01.2013 is granted on the following conditions:-

a) That you shall invite objections from the general public regarding the said amendment in the layout plans through an advertisement to be issued in at least three of the following daily newspaper i.e. Times of India, Hindustan times, Indian Express, The Tribune, (English) Dainik Jagran, Dainik Bhaskar and Hindustan (Hindi) having wide circulation, within a period of 10 days from the issuance of approval.

Each existing allottee shall also be informed about the proposed revision through registered post with a copy endorsed to District Town Planner, Gurugram in case of revised layout plan within two days from the advertisement as per (a) above clearly indicating the last date for submission of objection. A certified list of all existing allottees shall also be submitted to District Town Planner, Gurugram.

That you shall submit certificate from concerned District Town Planner about hosting the revised layout plan showing changes in the earlier approved plan on the website of the licensee.

A copy of the earlier approved layout plan and the revised layout plan being approved in principle shall be hosted on your company's website and site office for information of all such general public,

To display the revised layout plan showing changes from the approved layout plan at your site office.

That the allottees may be granted 30 days time to file their objections in the office of District Town Planner, Gurugram. During this 30 days period the original layout plan as well as the revised layout plan shall be available in the office of the colonizer as well in the office of District Town Planner, Gurugram for reference of the general public.

The objections received, if any, shall be examined by the office of District Town Planner, Gurugram and report shall be forwarded to DTCP, Haryana. After giving an opportunity to the colonizer to explain its position in the matter, the DTCP, Haryana,

Memo No. ZP-5-Vol-IV/SD(DK)/2019/

6680

Dated:-

07-03-19

To Malibu Estate Pvt. Ltd.,
38 DDA Commercial Complex,
Kailash Colony extn. (Zamrudpur)
New Delhi -110048..

Subject:- Approval of revised Layout Plan for setting up of Residential Plotted Colony for the area measuring 204.796 acres namely "Malibu Towne" in Sector-47 & 50 Gurugram - Malibu Estate Pvt. Ltd.

Reference:- Your letter dated 03.10.2018 and PSTCP memo no. Misc-2157/7/16/2006-2TCP dated 28.01.2013 on the subject cited above.

With reference to the revision proposed in the layout plan and the detailed statement of proposed revision along with justification thereof has been considered by this office and in-principle approval for the said revision in layout plan for the purpose of inviting objections as per policy dated 28.01.2013 is granted on the following conditions:-

a) That you shall invite objections from the general public regarding the said amendment in the layout plans through an advertisement to be issued in at least three of the following daily newspaper i.e. Times of India, Hindustan times, Indian Express, The Tribune, (English) Dainik Jagran, Dainik Bhaskar and Hindustan (Hindi) having wide circulation, within a period of 10 days from the issuance of approval.

b) Each existing allottee shall also be informed about the proposed revision through registered post with a copy endorsed to District Town Planner, Gurugram in case of revised layout plan within two days from the advertisement as per (a) above clearly indicating the last date for submission of objection. A certified list of all existing allottees shall also be submitted to District Town Planner, Gurugram.

That you shall submit certificate from concerned District Town Planner about hosting the revised layout plan showing changes in the earlier approved plan on the website of the licensee.

A copy of the earlier approved layout plan and the revised layout plan being approved in principle shall be hosted on your company's website and site office for information of all such general public,

To display the revised layout plan showing changes from the approved layout plan at your site office.

That the allottees may be granted 30 days time to file their objections in the office of District Town Planner, Gurugram. During this 30 days period the original layout plan as well as the revised layout plan shall be available in the office of the colonizer as well in the office of District Town Planner, Gurugram for reference of the general public.

The objections received, if any, shall be examined by the office of District Town Planner, Gurugram and report shall be forwarded to DTCP, Haryana. After giving an opportunity to the colonizer to explain its position in the matter, the DTCP, Haryana,

within a period of 90 days from the issuance of the advertisement, may decide to make amendments in the layout plan, which shall be binding upon you.

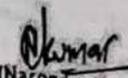
h) That you shall submit a report clearly indicating the objection if any, received by you from the general public and action taken thereof alongwith undertaking to the effect that the rights of the general public have not been infringed, and that no objection on the changes in location of the green space has been received from any general public.

i) That you shall not give the advertisement for booking/sale of plots and shall not book any plot in the applied area till the final approval of revised layout plan.

Thereafter, "Final" approval of the "Provisional" layout plan will be conveyed after examination of the objections, if any received in this regard from the General Public/existing allottees within 30 days after issuance of communication as and when issued by you.

A copy of revised layout plan bearing drawing No. DTCP/5626 dated 28.09.2016 approved in-principle and public notice for the purpose of inviting objections alongwith draft notice for inviting objections is enclosed for further necessary action.

DA/As above


(Narender Kumar)
District Town Planner (HQ)
For Director, Town & Country Planning
Haryana, Chandigarh

Endst. No. ZP-5-Vol-IV/SD(DK)/2019/

Dated:-

A copy is forwarded to the District Town Planner, Gurugram alongwith a copy of the provisional revised layout plan. At the end of thirty days period from the issue of advertisement seeking objection you are requested to ascertain that all existing allottees have been served the information about revision in layout plan and certified about hosting the revised layout plan showing changes in the earlier approved plan on the website of the licensee. The revised layout plan shall be made available for general viewing in your office during the said observation period. Any objections received within 30 days of publication of notice may be forwarded to this office along with your comments on the same to enable final decision on the matter:-

DA/As above

(Narender Kumar)
District Town Planner (H)
For Director, Town & Country Planning
Haryana, Chandigarh

Endst. No. ZP-5-Vol-IV/SD(DK)/2019/

Dated:-

A copy is forwarded to Nodal Officer, Website Updation alongwith scanned approved provisional revised layout plan in CD format with a request to host the list of such revised layout plan mentioning the name of the licensee, licence number, sector number/Town, etc. of earlier approval and date of in-principle approval on the website of the Department. At expiry of the thirty days period the name of that licensee will be removed from this list additional case if any should be added.

DA/As above

(Narender Kumar)
District Town Planner (H)
For Director, Town & Country Planning
Haryana, Chandigarh

25.07.2021

CP (3)

Memo No. ZP-5-Vol-IV/AD (RA)/2021/17/108 Date: 25.07.2021

To
Malibu Estate Pvt. Ltd.
Shopping Arcade, 2nd Floor
Malibu Towne, Sohna Road,
Gurgaon-122018,

Subject: Approval of revised layout plan of Residential Plotted Colony for an area measuring 204.796 acres in Sector-47 & 50 Gurugram being developed by Malibu Estate Pvt. Ltd.

Reference: In continuation to this office memo no. 6520 dated 07.01.2019 on the subject cited above.

Vide letter under reference, it is informed that you have not complied with the following conditions of the in principle approval:-

- i. You have not fulfilled all the requirement of advertisement by making Public Notice in the Newspapers as prescribed time in the in principle approval letter.
- ii. You have not informed about the proposed revision through registered post to each existing allottees.
- iii. You have not hosted the proposal of in principle approval on your website.

In view of above, the final approval of the in principle approval of revised layout plan of Residential Plotted Colony for an area measuring 204.796 acres in Sector-47 & 50 Gurugram has not been considered.

(Lalit Kumar)
District Town Planner (HQ)
For: Director, Town and Country Planning,
Haryana, Chandigarh

Encls. No. ZP-5-Vol-IV/AD (RA)/2021/17/108 Date: _____

A copy of the same is forwarded to the following:-

1. Senior Town Planner, Gurugram
2. District Town Planner (PI), Gurugram
3. District Town Planner (Enf.), Gurugram

(Lalit Kumar)
District Town Planner (HQ)
For: Director, Town and Country Planning,
Haryana, Chandigarh

District Town Planner, Gurugram (Planning)
DEPARTMENT OF TOWN AND COUNTRY PLANNING
HUDA Office Complex, Sector-14, Gurugram,
Tel No.: 0124-2320573,
E-mail: ntp6.gurugram.tcp@gmail.com

Memo No: DTP(G)/2021/8077

Dated: 18/08/2021

To

Senior Town Planner,
Gurugram Circle, Gurugram.

Subject-

Allegations alleged by Sh. Raman Sharma (the complainant) regarding the issues being overruled/unheard/not written in the site visit report submitted by the Committee constituted for site inspection of Malibu Towne & objections raised during the meeting held under the chairmanship of Senior Town Planner, Gurugram Circle, Gurugram on 16.03.2021, decision taken in the said meeting dated 16.03.2021 and the issues raised by complainant vide e-mail dated 16.03.2021.

Reference:-

E-mails dated 04.04.2020, 19.08.2020, 01.01.2021, 04.01.2021, 05.02.2021, 11.02.2021, 22.02.2021, 16.03.2021, 10.04.2021, 13.04.2021, 15.04.2021, 20.04.2021, 23.04.2021, 28.04.2021, 05.05.2021, 09.05.2021, 11.05.2021, 03.06.2021, 08.06.2021, 23.06.2021, 26.06.2021, 02.07.2021, 08.07.2021, 24.07.2021 & 11.08.2021 (addressed to your good office also) of Sh. Raman Sharma and your good office e-mail dated 26.03.2021, 01.09.2020, 10.05.2021, 26.05.2021, 06.07.2021, 15.07.2021 & 22.07.2021, your good office Memo No. 1898 dated 09.04.2021 & 3055 dated 06.07.2021, Endst. No. 3302 dated 22.07.2021 & 3308 dated 22.07.2021, Memo No. 3350 dated 23.07.2021 & 3699 dated 09.08.2021 and CTP, Haryana e-mail dated 01.07.2021 and DTP, MCG e-mail dated 22.07.2021 and Directorate Endst. No. ZP-5-Vol-IV/AD(RA)/2021/16700 dated 13.07.2021.

With reference to the subject cited above, it is intimated that taking cognizance of the issues raised by Sh. Raman Sharma vide above referred e-mails dated 04.04.2020, 19.08.2020, 01.01.2021, 04.01.2021, 05.02.2021, 11.02.2021, 22.02.2021 and for compliance of the Orders of Hon'ble Court of Additional District Judge, (Senior Court) of Sh. Ashwani Mehta-coma/2/2020, a Committee consisting of the officers/officials of DTP (E), Gurugram & DTP (P), Gurugram alongwith Sh. Raman Sharma & Sh. Rakesh Singh (the complainants) and the representative of M/s Malibu Estate Pvt. Ltd. (MEPL), was constituted vide your good office Order bearing Memo No. 5095 dated 28.12.2020 for inspecting the site of Malibu Towne, Sector-47 & 50, Gurugram. In compliance of the same, the site inspection was carried out by the said Committee on 02.01.2021. The issues/violations highlighted by Sh. Raman Sharma during the site inspection were noted and compiled in a tabular form, which was sent to your good office vide this office e-mail dated 09.03.2021 for further orders regarding action to be taken by the respective offices.

Thereafter, a meeting dated 16.03.2021 was held under the the chairmanship of your good-self to discuss the issues raised by Sh. Raman Sharma and the site report submitted by the Committee constituted for inspection of Malibu Towne, Sector-47, Gurugram. The Minutes of Meeting dated 16.03.2021 were received vide your good office e-mail dated 26.03.2021. The same were examined and observed that the action was required to be taken by this office as well as other offices also. In compliance of Minutes of Meeting dated 16.03.2021 (Annexure A-1), the necessary action was taken by requesting the concerned Departments/Offices i.e. Director, Environment & Climate Change, Haryana, Panchkula; Regional Officer, HSPCB, Gurugram - Executive Engineer-II, HSVP, Gurugram - Executive Engineer, Public Health Engineering Department; Malibu Estate Pvt. Ltd; Superintending Engineers (Operations), DHBVN, Gurugram; Malibu Estate Pvt. Ltd. and Regional Officer, HSPCB, Gurugram vide this office Memo No. 6146-49 dated 01.07.2021, 6150-53 dated 01.07.2021, 6154-56 dated 01.07.2021, 6157-58 dated 01.07.2021, 6161-63 dated 01.07.2021 & 6164-65 dated 01.07.2021 respectively for submitting the requisite reports on various issues related to them. However, a site inspection by this office was required to examine the issues raised by the complainant. The list of such issues alongwith site report on the same is being given as under:-

Sr. No.	Decision taken in Meeting dated 16.03.2021 regarding the action required to be taken by this office on the issues raised by the complainant.	Site report/comments of this office.
1	To inspect the township of Malibu Towne, Sector-47 & 50, Gurugram consisting of Residential Plotted Colony measuring area 204.79 Acres including G.H. Component measuring area 11.89 Acres and to verify the status of unauthorized construction (in the form of toilets & guard rooms) raised over the site without prior permission/approval of Building Plans from the Department (Sr. No. 2 of MoM dated 16.03.2021).	<ol style="list-style-type: none"> i. A security room measuring approx. 2.55 Sqm. has been constructed in the park/open space falling between the various units of EWS Block. ii. A security room measuring approx. 16.05 Sqm. has been constructed in the corner of park, opposite to the Primary School (1.09 Acre).
2	To verify the status of D.G. sets whether placed/installed in green areas/open space of the said licensed colony (Sr. No. 5 of MoM dated 16.03.2021).	<ol style="list-style-type: none"> i. In this regard, Regional Officer, HSPCB, Gurugram has been requested vide this office Memo No. 6164-6165 dated 01.07.2021. ii. Further, during the site inspection, it was found that a D.G. set over an area measuring approx. 8.0 Sqm. has been placed in the park falling on 12 Mtr. wide Starwood Road and 2 No's D.G. sets over an area measuring approx. 99.00 Sqm. have been placed in the corner of park falling between the 14 Mtr. wide Whitewood road and 12 Mtr. wide Malibu Drive road.
3	To examine the requirement of Community Centre w.r.t. policy	In the approved Layout Plan, a site of 2.48 Acres for Club has been approved by Directorate as per

parameter applicable at the time of grant of license/approval of Layout Plan (Sr. No. 10 of MoM dated 16.03.2021).	prevailing norms. Part OC of the Club building stands granted by Circle office vide Memo No. 4355 dated 22.06.2009.
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4 To examine the status of construction of Club House, whether it is fit for use or not and status of Occupation Certificate as on date (Sr. No. 11 & 13 of MoM dated 16.03.2021).	<ol style="list-style-type: none"> i. The condition of the Club could not be ascertained as the same has been sealed by Fire Department. ii. Part OC of the Club House Building stands granted vide Circle office Memo No. 4355 dated 22.06.2009.
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5 The Nursery School site being run in the name of G.D. Goenka Public School has encroached open park/green space behind the school building (Sr. No. 15 of MoM dated 16.03.2021).	As per approved Zoning Plan bearing drawing No. DTCP-1638 dated 14.07.2008, plot no. 1 of E/8, adjoining to the said nursery school site has been amalgamated in the plot of Nursery School (NS-7, measuring area 0.247 Acres). But, the same has been shown as a separate plot in the approved revised Layout Plan bearing drawing No. DTCP-1458 dated 31.01.2008.
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6 To examine the status of land falling under the Service Road whether transferred/handed over to the Govt./Department or not and to upload the same on the e-portal of land inventory, if required (Sr. No. 16 of MoM dated 16.03.2021).	The colonizer was directed vide this office Memo No. 6154 dated 01.07.2021 to provide the status of the land falling under the Service Road, whether transfer/handed over to the Govt./Department. In reference to the same, the colonizer vide letter dated 20.07.2021 (Annexure-2) has informed that they have already applied/intimated to the Commissioner, Municipal Corporation, Gurugram and Senior Town Planner, Gurugram vide letter dated 24.02.2016 & 17.05.2016 respectively for handing over the same to the Govt.Department.
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7 To inform the concerned Department/Authority for taking necessary action against illegal disposal of sewage in the licensed colony (Sr. No. 18 of MoM dated 16.03.2021).	Regional Officer, HSPCB & Executive Engineer, HSVP, Gurugram & Executive Engineer, Public Health Department, Gurugram have been requested vide this office Memo No. 6150-52 dated 01.07.2021 to take immediate necessary action regarding the same, but the report is still awaited.
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8 To examine the issue of Dispensary building (OC stands already granted) demolished without permission of the Department (Sr. No. 20 of MoM dated 16.03.2021).	<ol style="list-style-type: none"> i. The revised Building Plan for said Dispensary site measuring area 1.053 Acres has been approved/sanctioned in favour of M/s Malibu Estate Pvt. Ltd. vide your good office Memo No. 192 dated 18.03.2015 and the Occupation Certificate for the same was issued vide your good office Memo No. 7350 dated 19.09.2018. ii. The complainant vide e-mail dated 15.04.2021 & 16.04.2021 attached a letter of Malibu Estate Pvt. Ltd., which has been addressed to Malibu Estate Dispensary Pvt. Ltd. vide which the explanation regarding permission for demolishing the Dispensary Building and the name of competent authority/concerned Department who granted the permission to do so, has been sought. However, this office was not aware of the said
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Accordingly, the
Demarcation Plan
Revised Layout Plan
drawing N

		<p>facts till the receiving of aforesaid e-mails dated 15.04.2021 & 16.04.2021.</p> <p>iii. However, as on date, the Dispensary stands demolished at site. As per opinion of this office, there is no such provision for obtaining approval regarding demolition of such site by the applicant. Further, it is also apprised that as the competent authority for granting approval/sanction/renewal for such kind of Dispensary sites is Circle office itself.</p>
9	<p>To examine the requirement of Environment Clearance in light of terms & condition imposed in the license, as the builder has now applied for the same and why Good Earth Mall has submitted plans for environment clearance (Sr. No. 21 of MoM dated 16.03.2021)</p>	<p>This issue is required to be deliberated at the level of H.Q. It is also intimated that the complainant has submitted a copy of Memo No. HSPCB/Consent:329962320GUNOCTO7846102 dated 02.09.2020 (Annexure-3), wherein HSPCB has refused the consent under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention & Control of Pollution) Act, 1981.</p>

Besides this, Sh. Raman Sharma vide above referred e-mail dated 16.03.2021 (Annexure-4) raised 83 no's of issues, which was further followed by the complainant's regular other e-mails under reference. The same were examined and the concerned Departments/offices i.e. Director, Town & Country Planning, Haryana; District Town Planner (Enforcement), Gurugram; Administrator, HSVP, Gurugram; Superintending Engineers (Operations), DHBVN, Gurugram; Senior Town Planner, Gurugram; Director, Environment & Climate Change, Haryana, Panchkula - Director, Fire Services, Haryana, Panchkula - Commissioner, Municipal Corporation, Gurugram - Regional Officer, HSPCB, Gurugram - Hydrologist, Ground Water Cell, Gurugram; Malibu Estate Pvt. Ltd.; Sh. Raman Sharma (the complainant) and District Registrar, Firms & Societies, Gurugram were requested vide this office Memo No. 6166-67 dated 01.07.2021, 6168-69 dated 01.07.2021, 6170-71 dated 01.07.2021, 6172-73 dated 01.07.2021, 6174 dated 01.07.2021, 6175-80 dated 01.07.2021, 6181-82 dated 01.07.2021, 6183-84 dated 01.07.2021 & 6185-86 dated 01.07.2021 respectively to examine the same and to take immediate necessary action; thereafter, to send the Action Taken Report directly to your good office under intimation to this office.

Apart from above, your good office vide Minutes of Meeting dated 16.03.2021, also directed this office to demarcate the total area of the colony and to verify the existing status of the colony w.r.t various irregularities in terms of deviations/variations in size of plots, green/open spaces etc. vis-a-vis the approved Layout Plan & Zoning Plan of the colony. It is relevant to mention here that M/s MEPL vide letter dated 16.06.2021, while requesting for considering the request application for issuance of Occupation Certificate of individual plots of Malibu Towne, Sector-47 & 50, Gurugram, also submitted the Demarcation Plan of Malibu Towne, Sector-47 & 50, Gurugram.

Accordingly, the licensed colony was inspected by the field officials of this office and the said Demarcation Plan has been examined/verified vis-a-vis the site situations as well as the approved Revised Layout Plan bearing drawing No. DTCP-1458 dated 31.01.2008 & Zoning Plan bearing drawing No. DTCP-1638 dated 14.07.2008 of subjected licensed colony. The comments w.r.t the issues raised by the complainant are given as under:-

Sr. No.	Issues raised by the complainant vide e-mail dated 16.03.2021, verbally communicated during site inspection dated 02.01.2021 & complainant's e-mail dated 04.01.2021 received through Directorate memo dated 13.07.2021 mentioned under reference.	Site Report regarding examination/verification of Demarcation Plan submitted by M/s MEPL Ltd. vis-a-vis site situations as well as Layout Plan and Zoning Plan of Malibu Towne, Sector-47 & 50, Gurugram.
1	Verification of the overall outer dimensions of the township, dimensions of internal circulation roads, dimension of typical, radial/curvi-linear sides of plots/roads of the township (issues raised by complainant verbally during the site inspection dated 02.01.2021 carried out by the committee constituted for the purpose)	<ul style="list-style-type: none"> i. Verification of overall outer dimension of the township is not feasible due to the construction raised in the surroundings. ii. Dimensions of some internal circulation roads were checked and found correct at site except variations upto 10 centimetres. iii. Dimensions of typical radial/curvi-linear sides of plots & roads could not be measured due to the absence of requisite necessary machinery/equipments i.e. total station survey/Plane Table Survey etc. in the office.
2	Details regarding blockage of internal circulation roads/revenue rastas, if any, in the said colony (issues raised by complainant verbally during the site inspection dated 02.01.2021 carried out by the committee constituted for the purpose)	<ul style="list-style-type: none"> 2. 1 No. of 12 Mtr. wide Whitewood Road in E-Block has been blocked with a brick wall (approx. height 7 Feet).
3	Illegal/unauthorized construction raised at various locations, if any, in the said colony (issue raised by complainant at Sr. No. 10)	<p>The illegal/unauthorized construction raised at various locations in the colony (shown/marked on the Demarcation Plan) is mentioned as under:-</p> <ul style="list-style-type: none"> i. The park space in the EWS Block has been encroached by the local residents whose property adjoins to the boundary wall of EWS Block, in the form of residential structures for tenants and shops. ii. A security room measuring approx. 2.55 Sqm. has been constructed in the park/open space falling between the various units of EWS Block. iii. A Samadhi measuring approx. 18.02 Sqm. has been constructed in the park/open space falling between the various units of EWS Block.

- iv. A Temple measuring approx. 106.25 Sqm. has been constructed in the park/open space falling between the various units of EWS Block.
- v. The EWS Plot No. GS-66 has been extended upto approx. 7.196 Sqm. in the green area.
- vi. A security room measuring approx. 16.05 Sqm. has been constructed in the corner of park, opposite to the Primary School (1.09 Acre).
- vii. The green area adjacent to the Unit No. 38, 39, 40, 41, 42 & 61 has been encroached by the aforesaid unit holders.
- viii. The green area behind the various EWS units on Kenwood Road and adjacent to the boundary wall has been encroached by the unit holders.
- ix. The site earmarked for Religious Building (0.218 Acres) has been developed as Park.
- x. A Milk Booth measuring approx. 16.87 Sqm. has been constructed in the corner of Park, falling between the EWS units on Kenwood Road and religious building (0.218 Acre).
- xi. The mettaled road has been constructed over the Public Open Space adjacent to Plot No. F-44 at Lemon Street.
- xii. Open space falling between Plot No. 12 on Lemon Street Road and the boundary wall of the township has been encroached by the local residents (whose property falls along the boundary wall) in the form of covered parking and access/entry to his property.
- xiii. The green area falling on 18 Mtr. wide road between the commercial site (0.715 Acres) and Public Health Works (1.08 Acre) has been partially used by the colonizer in the form of parking/miscellaneous works.
- xiv. A D.G. set over an area measuring approx. 8.0 Sqm. has been placed in the park falling on 12 Mtr. wide Starwood Road.
- xv. A Tube-well Room measuring approx. 4.00 Sqm. has been constructed in the park adjacent to Plot No. 8 falling on 10 Mtr. wide service road along with 30 Mtr. wide sector dividing road of Sector-47/50.
- xvi. 2 No's D.G. sets over an area measuring approx. 99.00 Sqm. have been placed in the corner of park falling between the 14 Mtr. wide Whitewood road and 12 Mtr. wide Malibu Drive road.
- ~~xvii.~~ An Electric Sub-station measuring approx. 298.10 Sqm. has been constructed in the green

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	<p>area falling along 14 Mtr. wide Whitewood Road.</p> <p>xviii. A Transformer over an area measuring approx. 40.00 Sqm. has been installed in the green area along 5.03 Mtr. wide Revenue Rasta and Plot No. E-47.</p> <p>xix. A Sewerage Treatment Plant measuring approx. 95.15 Sqm. has been constructed in the park adjacent to Nursing Home Site (0.258 Acre) on 18 Mtr. wide road.</p> <p>xx. The green area along the boundary wall of Block-E has been encroached by the local residents (whose property falls outside and adjacent to the said boundary wall) in the form of concrete road providing access/entry to the houses built by them in continuation to the Plot No. 47-F upto 47-L and the same seems to be the part of the licensed colony.</p> <p>xxi. A Sewerage Treatment Plant measuring approx. 95.15 Sqm. has been constructed in the Park falling along 12 Mtr. wide Vine Street Road.</p> <p>xxii. A Pump Room measuring approx. 23.50 Sqm. has been constructed in the Park falling along 12 Mtr. wide Peach Street on Pine Drive Road.</p> <p>xxiii. An Electrical Sub-station/Telephone Exchange measuring approx. 297.38 Sqm. has been constructed in the Park falling along 12 Mtr. wide Peach Street on Pine Drive Road.</p> <p>xxiv. A Sewerage Treatment Plant measuring approx. 95.15 Sqm. has been constructed in the Park falling along 12 Mtr. wide Peach Street on Pine Drive Road.</p> <p>xxv. A Transformer has been placed over an area measuring approx. 42.00 Sqm. in the Park falling along 12 Mtr. wide Peach Street on Pine Drive Road.</p> <p>xxvi. An Electrical Sub-station measuring approx. 308.80 Sqm. has been constructed in the Park falling along 12 Mtr. wide Park Drive Road.</p> <p>xxvii. A Pump Room measuring approx. 103.42 Sqm. has been constructed in the green area falling on 14 Mtr. wide Palmwood Road.</p> <p>xxviii. An Electrical Sub-station measuring approx. 215.79 Sqm. has been constructed in the Park falling behind Plot No. 16 located at 14 Mtr. wide Palmwood Road.</p>
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4	Unapproved/non-sanctioned plots constructed/ developed, if any, in the said colony (issue raised by complainant at Sr. No. 13)	i. The park space in the EWS Block has been encroached by the local residents whose property adjoins to the boundary wall of EWS Block, in the form of residential structures for
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		<p>tenants and shops.</p> <p>ii. The green area along the boundary wall Block-E has been encroached by the local residents (whose property falls outside and adjacent to the said boundary wall) in the form of concrete road providing access/entry to the houses built by them in continuation to the Plot No. 47-F upto 47-L and the same seems to be the part of the licensed colony.</p>
5	List of plots having variations in plot sizes/area, if any, in the said colony (issue raised by complainant at Sr. No. 31)	Some of the rectangular shaped plots have been measured and found correct except variations upto 10 Centimeters, as status of construction of common wall constructed by which owner is not clear. However, the plots having curvilinear/radial/spherical sides could not be measured due to absence of requisite machinery/equipment i.e. Total Station Survey or Plane Table Survey.
6	The detailed list of variations i.e. size/dimension, area and location of the Community Buildings existing, if any, in the said colony (issue raised by complainant at Sr. No. 35 & 38).	<p>i. The outer dimension of the Community Sites (Health Care & Educational) have been inspected and the same are found correct at site except some variation in the dimension of the Nursery School (0.39 Acres) falling on 14 Mtr. wide Kenwood Road.</p> <p>ii. Due to change in the outer dimensions of aforesaid Nursery School, the area comes out to be 0.414 Acres instead of 0.39 Acres.</p>
7	The detailed list of plots violating the prevailing norms and rules applicable w.r.t. HBC-2017 (issue raised by complainant at Sr. No. 39).	DTP (Enf.), Gurugram may be requested to inspect the plots alongwith task force with due permission from the District Administration, as the support of residents for entering the premises is required.
8	Usages of Community Buildings, other than the specified purpose/permitted use, if any, in the said colony (issue raised by complainant at Sr. No. 40).	Some of the Community Sites are lying vacant and the remaining built-up Community Sites are being used only for the specified purpose permitted for the same.
9	Detailed list of plots which have been constructed upto 3 rd Floor without any mummy and stair case (issue raised by complainant at Sr. No. 58).	M/s Malibu Estate Pvt. Ltd. (MEPL) vide letter dated 09.08.2021, has submitted the proceedings of meeting dated 06.01.2012 (Annexure-5) held under the chairmanship of Sh. R.K. Singh (the then STP, Gurugram) to resolve the issues raised of Malibu Towne and various other plotted residential colonies, wherein the matter regarding non accessibility of terrace to the unit holders due to blockage of stair case at 2 nd floor was placed & discussed at Agenda No. 1. Wherein welcoming the participants, the agenda was followed-up on the decision taken in the earlier meeting held on 18.03.2011 in which it was decided that the

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colonizer shall provide a ladder after consulting its design with RWA to make the terrace accessible.

In the said meeting, the representative of the colonizer informed that a meeting was held on 10.08.2011 with members of RWA and they had given a design of the ladder. The president of RWA expressed some concerns about the safety of the person using the ladder. Taking cognizance of the same, it was decided that the colonizer will implement the design in one of the houses within 15 days and it will be inspected by STP, Gurugram himself and thereafter only, a decision will be taken to construct the ladder in other houses also.

Further, STP, Gurugram vide Memo No. 187 dated 27.01.2014 (Annexure-6) submitted the action taken/updated report regarding implementation of decisions taking in the meeting held on 01.10.2013 under the chairmanship of DGTCP, Haryana, wherein in reference to the issue regarding construction of ladder on 2nd floor to access the terrace, the decision taken in the meeting dated 01.10.2013 alongwith action taken and progress report as on 21.01.2014 has been provided under the column of progress report as on 21.01.2014, it has been mentioned that "the representative of colonizer informed that 131 ladders have already been installed and remaining 17 could not be installed, as the owners of 2nd floors are not allowing. The colonizer was asked to handover the ladder to RWA. Further, the colonizer on 20.02.2014 informed that the work has been completed from their side and some residents are still not permitting to fix the ladders. These ladders are lying with the RWA".

10.	Details regarding non-construction of internal circulation road/service road, if any, in the said colony (issue raised by complainant at Sr. No. 63).	<ul style="list-style-type: none"> i. 10 Mtr. wide road between Plot No. 2 of D/2 & Plot No. 3-4 of D/3 has not been constructed at the site. ii. ✓ 12 Mtr. wide road between Plot No. E-40 & E-42 has not been constructed and the same has been developed/converted as a green area. iii. 18 Mtr. wide School Drive Road has not been constructed partially. iv. 10 Mtr. wide Service Road along the 30 Mtr. wide Sector Dividing Road of Sector-47/50, which is adjacent to Plot No. E-1 to E-8 is not constructed. v. ✓ 12 Mtr. wide road falling between Plot No. G 15-21 & E 8 & 27 has not been constructed at site.
11	Details regarding non-construction	No site for ESS was approved in the Layout

complainant at
 Details regarding
 land reserved for the
 Club Building and la
 for Green Belt and la
 Building, if any, in the
 (issue raised by
 No. 69)

<p>of Electric Sub-station, if any, in the said colony (issue raised by complainant at Sr. No. 64).</p>	<p>Plan, however 3 nos. of ESS have been constructed and have already been covered under Sr. No. 3 above regarding illegal/unauthorized construction at various locations.</p>
<p>12 Details regarding construction of residential plots under H.T. Electricity Line, if any, in the said colony (issue raised by complainant at Sr. No. 65 & complainant's e-mail dated 01.04.2021, received vide Directorate Endst. No. ZP-5-Vol-IV/AD(RA)/2021/16700 dated 13.07.2021).</p>	<p>1 No. HT Line of 66 KV is thoroughly passing over the 18 Mtr. wide Malibu Drive Road and an 18 Mtr. wide Right of Way (RoW) has been provided for the same except at a single point i.e. from boundary wall of Plot No. 33 (Orange Drive) to the center of 66 KV HT Line where 8.60 Mtr. RoW has been provided instead of requisite of 9 Mtr. RoW (as per HBC-2017).</p>
<p>13 Details regarding illegal use of common area as commercial area, if any, in the said colony (issue raised by complainant at Sr. No. 66 & complainant's e-mail dated 01.04.2021, received vide Directorate Endst. No. ZP-5-Vol-IV/AD(RA)/2021/16700 dated 13.07.2021).</p>	<p>i. 2 no's shops and a Milk Booth has been constructed in the green area/park of EWS Block and the same are running at site. ii. Apart from the above mentioned violation, no such usage of common area being used for commercial activity, parking of commercial bus in open space for selling of products has been found running over there at site during the inspection.</p>
<p>14 Details regarding existence/non-existence of EWS Plots and NPNL category of plots w.r.t. approved Layout Plan of the colony (issue raised by complainant at Sr. No. 67).</p>	<p>i. M/s Malibu Estate Pvt. Ltd. (MEPL) vide letter dated 12.08.2021 (Annexure-7) submitted the copy of approved Revised Layout Plan bearing Drawing No. DTCP-1458 dated 31.01.2008 showing/mark the NPNL category of plots. ii. The total 230 no's. of EWS plots have been marked on the approved Revised Layout Plan dated 31.01.2008 of Malibu Towne. Further, Drawing Branch official have reported that the details regarding NPNL category plots is not given therein hence, the same cannot be ascertained. iii. However, it is pertinent to mention here that the number & sizes of NPNL & EWS Plots can not be ascertained by this office, as the same is not found mentioned anywhere in the approved Revised Layout Plan dated 31.01.2008. But, the NPNL & EWS plots marked/shown by the colonizer, as mentioned above on the aforesaid approved Revised Layout Plan dated 31.01.2008 have been found existing at site.</p>
<p>15 Details regarding existence/non-existence of DG sets in Green Belt and Sewage Treatment Plant and Public Parks, if any, in the said colony (issue raised by</p>	<p>i. A Generator set has been placed in the park falling on 12 Mtr. wide Starwood Road. ii. 3 no's of Sewerage Treatment Plant have been constructed and are already covered at Sr. No. 3 above.</p>

have been covered

complainant at Sr. No. 68).	Details regarding amalgamation of land reserved for the parks as the Club Building and land reserved for Green Belt as the School Building, if any, in the said colony (issue raised by complainant at Sr. No. 69).	<ol style="list-style-type: none">i. The outer dimensions of Club Building along 18 Mtr. wide Mapple Drive Road has been measured at site and the same is found correct as per Demarcation Plan submitted by MEPL. However, its opposite side could not be measured due to the side being radial/curvilinear in shape and the remaining two sides of the Club Building could not be measured, as only partial fencing has been done and no any defined boundary wall has been constructed.ii. It is relevant to mention here that the Club House site has been sealed by the Fire Department. However, looking through the fencing, it appears that the park adjacent to the Club Building has been converted into Tennis Courts and there is no boundary wall between Club Building and the Tennis Courts. Hence, prima-facie, it appears that the land reserved for Park has been amalgamated with the Club House site.iii. In reference to the issue raised regarding amalgamation of land designated for green belt as the School Building, it is submitted that all the school sites (Nursery/ Primary/ Secondary/ Higher Secondary) were inspected and nowhere, the green belt has been found amalgamated as the School Building.
17	Details regarding encroachment of revenue rasta, if any, in the said colony (issue raised by complainant at Sr. No. 70).	The status of revenue rastas within the said colony have been examined vis-a-vis report sent by this office at the time of reporting for issuance of license and found that no significant encroachment was observed on the revenue rastas.
18	Details regarding illegal encroachment and construction raised, if any, in the said colony (issue raised by complainant at Sr. No. 73).	The same report/remarks provided at Sr. No. 3 may be referred.
19	Details regarding illegal encroachment and construction raised, if any in the said colony, by the Malibu Towne Plots Residents Welfare Association through its office bearers (issue raised by complainant at Sr. No. 76).	Sh. Suresh Dhundia, President - Malibu Towne Plots Resident Welfare Association (MTPRWA) vide letter dated 12.08.2021 has submitted a notarized Affidavit dated 12.08.2021 (Annexure-8) declaring therein that MTPRWA has not done any illegal encroachment/construction in the township through its office bearers.
20.	Details regarding commercial use of land reserved for non-commercial purpose, if any in the said colony (issue raised by complainant at Sr. No. 79).	DTP (Enf.), Gurugram may be requested to inspect the plots alongwith task force with due permission from the District Administration, as the support of residents for entering the premises is required.

21	Details regarding any violation and disrespect of condition imposed vide approved Layout Plan (issue raised by complainant at Sr. No. 81).	The approved Layout Plan for License No. 15 of 2008 dated 31.01.2008 available in this office has been examined but, the conditions mentioned on Layout Plan are not available.
22	Details regarding land available under Open Spaces, if any in the said colony (issue raised by complainant at Sr. No. 82).	The open spaces have been highlighted with green colour on the copy of approved Layout Plan for License No. 15 of 2008 dated 31.01.2008. But, the outer dimensions alongwith details of open spaces are not given in the aforesaid approved Layout Plan hence, the area under open spaces could not be identified/ascertained.
23	Details regarding illegal/non-permitted business activities going on in the green belt and public parks, if any in the said colony (issue raised by complainant at Sr. No. 83)	2 no's shops and a Milk Booth has been constructed in the green area/park of EWS Block and the same are running at site.
24	Details regarding non construction/development of parks/green area, if any, in the said colony (issues raised by complainant verbally during the site inspection dated 02.01.2021 carried out by the committee constituted for the purpose)	<ol style="list-style-type: none"> i. The green area falling on 18 Mtr. wide School Drive road between the Dispensary site (1.053 Acre) and High School site (5.09 Acres) has been encroached in the form of temporary construction. ii. The park falling along 18 Mtr. School Drive Road between the Commercial Site (2.723 Acres) and Primary School (1.066 Acres) is not developed at site. iii. The park adjacent to Dispensary Site (1.053 Acres) falling along 18 Mtr. School Drive Road is not developed at site.

Meanwhile, some other correspondences/developments also took place during the aforementioned time frame, which includes the representation/application dated 20.04.2021 & 27.04.2021 received from President, Malibu Town Tower Resident Welfare Association (MTTRWA) requesting this office for granting permission to replace Passenger & Service lifts of Tower No. 1, Malibu Town, Sector-47, Gurugram. The same was responded vide this office Memo No. 4437 dated 11.05.2021 (Annexure-9) informing the President (MTTRWA) about the authority for issuance of NOC regarding lifts lying with the O/o Executive Engineer, Electrical Inspectorate, Haryana, Gurugram-II. However, it was also informed that regarding any revision/change w.r.t. position of Passenger & Service Lifts in approved Building Plan of the subjected Tower/Group Housing Colony, the concerned licensee/colonizer may apply directly in the Directorate itself.

Further, the Building Plans of Dispensary Site over an area measuring 1.052 Acres in residential plotted colony namely Malibu Town, Sector-47 & 50, Gurugram being developed by Sh. Jagdish Chand Chaudhary, received vide your good office Memo No. 1859 dated 08.04.2021 were examined in this office and the report was sent to your good office vide this office Memo No 4359

dated 29.04.2021 (Annexure-10), whereby your kind attention was also drawn towards several complaints dated 15.04.2021, 16.04.2021 & 26.04.2021 filed by Sh. Raman Sharma, raising therein the issues like transfer of said Dispensary Site to Sh. Jagdish Chand Chaudhary, demolition/re-erection of the said Dispensary Building at site and non-compliance of the directions like wearing of mask, maintenance of proper distance & sanitization etc. w.r.t. contain the spread of Covid-19 pandemic at the demolition site of said Dispensary Building. The report/comments regarding aforementioned issues has also been sent to your good office vide this office Memo No 4359 dated 29.04.2021.

Further, the representation of Sh. Vikas Chawla (Authorized representative of Sh. Jagdish Chand Chaudhary) seeking permission for soil stabilization work at the Dispensary Site, received vide your good office Memo No. 2164 dated 23.04.2021 was also examined in this office and the report regarding the same has also been sent to your good office vide this office Memo No. 4359 dated 29.04.2021.

The above report alongwith 2 sets of approved Revised Layout Plan bearing drawing No. DTCP-1458 dated 31.01.2008 & Zoning Plan bearing drawing No. DTCP-1638 dated 14.07.2008 and Demarcation Plan of Malibu Towne, Sector-47 & 50, Gurugram (submitted by M/s MEPL) showing/marking the deviations/violations w.r.t. the issues raised by the complainant vis-a-vis site situations is being sent herewith for your kind perusal and further necessary action. Considering the aforesaid report, it is also recommended that the Directorate may be requested to issue instructions/directions regarding de-freezing of approval/sanction of revised Building Plan of individual plots in the residential plotted namely Malibu Colony, Sector-47 & 50, Gurugram, as the acceptance of case files for issuance of individual Occupation Certificate in the said colony have now been started in compliance of Directorate Endst. No. ZP-5-Vol.-IV/AD(RA)/16700 dated 13.07.2021; subject to verification of demarcation of the colony.

DA/As above.

Endst. No. 8078-79

Dated: 18/08/2021


District Town Planner,
Gurugram.

A copy is forwarded to the following for information & further necessary action please:-

1. Director, Town & Country Planning, Haryana, Chandigarh.
2. District Town Planner (Enforcement), Gurugram.


District Town Planner,
Gurugram.

District Town Planner, Gurugram (Planning)
DEPARTMENT OF TOWN AND COUNTRY PLANNING
HUDA Office Complex, Sector-14, Gurugram,
Tel No.: 0124-2320573, E-mail: dtp6.gurugram.tcp@gmail.com

Memo No: DTP(G)/2021/ 9455

Dated: 17/9/2021

To Senior Town Planner,
Gurugram Circle, Gurugram.

Subject:- Revised report regarding allegations alleged by Sh. Raman Sharma (the complainant) for allegations being overruled/unheard/not written in the site visit report submitted to STP, Gurugram by the Committee constituted for site inspection of Malibu Towne, Sector-47 & 50, Gurugram and the complainant's e-mail dated 16.03.2021 claiming therein the 83 no's of issues been omitted from their site report.

Reference:- Minutes of Meeting dated 16.03.2021 held under the chairmanship of STP, Gurugram, Complaint (containing 83 no's of issues) of Sh. Raman Sharma received vide e-mail dated 16.03.2021, this office Memo Nos. 6166, 6168, 6170, 6172, 6174, 6175-79, 6181 & 6185 dated 01.07.2021 and 8912, 8914, 8918, 8920, 8921-25, 8927, 8929, 8931 & 8933 dated 06.09.2021 (addressed to the concerned Department/Offices and endorsed to your good office also) and in continuation to this office Memo No. 8077 dated 18.08.2021.

With reference to subject cited above, it is intimated that in compliance of the directions received vide above referred Minutes of Meeting dated 16.03.2021 and taking cognizance of the above referred complaint of Sh. Raman Sharma, the subjected colony was inspected by the field officials of this office and accordingly the site inspection report w.r.t. 83 no's of issues raised by the complainant was sent vide above referred memo dated 18.08.2021 to your good office.

Further, to comply with the verbal directions of your goodself as per the telephonic conversation, the subjected colony was jointly inspected by the field official of this office in co-ordination with field officials of DTP (Enf), Gurugram office and some more observations have been found during the said inspection, which have been incorporated in the action taken report (on 83 no's of issues raised by the complainant vide e-mail dated 16.03.2021 and the issues raised by the complainant during the site inspection dated 02.01.2021 of said colony carried out by the Committee constituted for the purpose, in presence of the complainant), is annexed herewith as Annexure-A containing 22 pages. Accordingly, the action taken report on the directions received vide Minutes of Meeting dated 16.03.2021 have also been revised and the same is annexed herewith as Annexure-B containing 2 pages.

Moreover, it is also submitted that the intimation regarding submission of reports sought from concerned Departments/offices vide above referred letter dated 01.07.2021 has not been received till 03.09.2021 in this office and the compiled/consolidated report cannot be sent to your good office, until & unless the concerned Department/offices furnish the same. However, all the 83 no's of issues raised by the complainant, have again been examined and observed that while forwarding/sending the aforesaid issues to concerned Department/offices for taking necessary action, some of the issues raised at different Sr. No's were inadvertently been circulated/mentioned to the different Department/offices, which are not the concerned Department/competent authority to deal the same. So, the same was rectified and the concerned Department/offices have again been requested/followed-up vide this office Memo Nos. 8912, 8914, 8918, 8920, 8921-25, 8927, 8929 & 8931 dated 06.09.2021 for providing the requisite report/comments directly to your good office under intimation to this office.

Besides this, Sh. Raman Sharma has also been requested vide this office Memo No. 8933 dated 06.09.2021 to specify the term & condition no's, plot no's/type & category of building/owner's name/location, kind/category of deficient infrastructure, Govt Order/Policy No., kind of change/amendment, factors/parameters responsible for conversion of plotted colony into illegal colony, etc. against the serial wise issues raised by him.

However, your kind attention is also drawn towards the discussion held before W/DTCP, Haryana on 02.09.2021, wherein it was directed to hire an agency for conducting Total Station Survey of the subjected township to find out the deviations/variations/violations at site vis-a-vis the Demarcation Plan (report sent to the Directorate vide this office Memo No. 3929-30 dated 05.06.2008). In compliance of the same, the agencies for conducting such kind of survey were contacted telephonically and the quotations were received from different agencies. Copies of the same are enclosed herewith. Considering the lowest work rates offer and having been empanelled with HSVP, having an account of Haryana Engineering Works Portal, Govt of Haryana bearing Contractor ID-2021R3599 and having Haryana Udhyan Memorandum, Govt of Haryana bearing Udhyan No. HU52FXAF01, M/s Globe Surveyor & Engineers (Pan No ALRPK3123C) has been awarded the work order vide this office Memo No. 9392 dated 16.09.2021 under intimation to the Directorate as well as your good office also. Accordingly, the detailed list of variation/deviations/violations at site will be sent separately to your good office as soon as the survey work will be completed and the report will be received from the concerned agency, who has been directed to furnish the task within 15 days.

In addition to the above, it is also informed that during the aforementioned discussion held on 02.09.2021, W/DTCP, Haryana also sought the point-wise comments on the issues mentioned in the Hon'ble Lokayukta, Haryana order dated 25.11.2019 in Complaint No. 319 of 2011 filed by Sh. Raman Sharma & Complaint No. 169 of 2014 filed by Dr. Vinod Kohli and the issues raised by the complainant (Sh. Raman Sharma) vide Complaint No. 319 of 2011 filed before Hon'ble Lokayukta, Haryana. In this regard, it is submitted that the point-wise comments on the issues mentioned in the aforesaid orders dated 25.11.2019 of Hon'ble Lokayukta, Haryana and the issues raised by the complainant (Sh. Raman Sharma) vide Complaint No. 319 of 2011, have also been examined in co-ordination with your goodself alongwith DTP (Enf.), Gurugram and the comments thus prepared are annexed herewith as Annexure-C containing 9 pages.

Accordingly, the revised action taken report (containing deviations/variations/violations observed during the latest joint site inspection carried out in co-ordination with DTP (Enf.), Gurugram office) annexed as Annexure-A and the same have been marked on the copy of Demarcation Plan enclosed herewith, for which the report was earlier sent to your good office vide this office Memo No. 3929-30 dated 05.06.2008, the revised action taken report on the directions received vide Minutes of Meeting dated 16.03.2021, annexed as Annexure-B alongwith the comments prepared jointly w.r.t. the Complaint No. 319 of 2011 filed before Hon'ble Lokayukta, Haryana, annexed as Annexure-C, are being sent herewith for your kind perusal and further necessary action please.
DA/As above.

Endst. No.

9451-9457

please:-

A copy is forwarded to the following for information & further necessary action

1. Director, Town & Country Planning, Haryana, Chandigarh.
2. District Town Planner (Enforcement), Gurugram.

District Town Planner,
Gurugram

Dated: 17/09/2021

District Town Planner,
Gurugram.

Sr. No's of issues raised by Sh. Raman Sharma (the complainant) vide e-mail dated 16.03.2021 claiming therein the issues been omitted from the site report submitted to STP, Gurugram in the meeting dated 16.03.2021, by the Committee constituted for the purpose.	Action Taken Report/Comments of DTP (P), Gurugram office (containing deviations/variations/violations observed during the latest site inspection jointly carried out by field officials of this office in co-ordination with DTP (Enf.), Gurugram office).
1 The issuance of unlawful License to Malibu Estate Pvt. Ltd. and others in 1992. Total number of Shares and Source of Funds of Ms. Kumkum Kholi, Ms. Meeta Dhingra, Ms. Veenu Dhingra, Mr. Raninder Singh in Malibu Estate Pvt. Ltd and other Companies and the details as per the provisions of Section 3(1)(c),(d),(iv), (v), (vi), (vii), (viii), (ix), (x) and Section 3(3) of the Haryana Development and Regulations of Urban Areas Rules, 1976.	The licenses alongwith renewal of the same to M/s Malibu Estate Pvt. Ltd. (MEPL) have been granted by the Directorate hence, the issues mentioned at these Sr. No's are related to the Directorate. In this regard, the Directorate has been requested vide this office Memo No. 6166 dated 01.07.2021 and further a reminder bearing Memo No. 8912 dated 06.09.2021 to examine the issues and take necessary action accordingly.
2 The issuance of illegal, unlawful Additional Licenses to Malibu Estate Pvt. Ltd and others from 1993, 1994, 1995, 1997 and 2008.	
3 The unlawful and corrupt renewal of Principal and Additional Licenses of Malibu Estate Pvt. Ltd. and others from 1993 to last renewal.	
4 Violations of License Conditions by Malibu Estate Pvt. Ltd. and others.	The complainant has not specifically mentioned the conditions of license, which have been violated by MEPL. However, all the conditions mentioned in the said licenses granted to MEPL have been examined and observed that no such condition has been violated by the colonizer hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the aforesaid details, directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
5 No action against the Licensee for not completing the project in a stipulated time frame.	In reply to this allegation, it is submitted that the development of a colony is a continuous process. Therefore, it is quite difficult that a colony is completely developed in an original license validity period of two years, having such a large area i.e. more than 100 acres. Considering this, the state legislative, through amendment in the Act of 1975, extended the validity of license from 2 years to 4 years and thereafter from 4 years to 5 years vide amendment dated 18.03.2009 & 04.04.2014 respectively. Even after that, the Rule 13 of Rules 1966 enables to further renew the license for a period of 5 years (Initially it was one year which was subsequently increased to 2 years & thereafter to 5 years). The part completions were granted for this colony on account of the reason that the development works as per approved layout plan

		<p>were not completed in all respect. Further, licenses for additional land were granted which include the layout plan in totality of the licenses granted for the colony. In view of the above, no time frame can be fixed for the completion of the project.</p> <p>Moreover, the Directorate has been requested vide this office Memo No. 6166 dated 01.07.2021 and further a reminder bearing Memo No. 8912 dated 06.09.2021 to examine the issue and take necessary action accordingly.</p>
6	Expiry of all Licenses and the Section 12, 13, 14 of the Haryana Development and Regulations of Urban Areas Rules, 1976.	<p>The report regarding the status of validity/ expiry of licenses granted to Malibu Estate Pvt. Ltd. is to be provided by the Directorate. So, the Directorate has been requested vide this office Memo No. 6166 dated 01.07.2021 and further a reminder bearing Memo No. 8912 dated 06.09.2021 to examine the record at H.Q. level and take necessary action accordingly.</p>
7	Capacity to develop the colony was not established causing the violations.	<p>The financial capacity of a colonizer applying for issuance of license to develop the colony is examined at the Directorate level. So, the Directorate has been requested vide this office Memo No. 6166 dated 01.07.2021 and further a reminder bearing Memo No. 8912 dated 06.09.2021 to examine the record at H.Q. level and take necessary action accordingly.</p>
8	Defective Layout plan approved in 1992. List of total Layout Plans submitted and approved and the Section 15, 16, 17 18 and 19 of the Haryana Development and Regulations of Urban Areas Rules, 1976.	<p>The Layout Plans of a licensed colony are approved by the Directorate. So, the Directorate has been requested vide this office Memo No. 6166 dated 01.07.2021 and further a reminder bearing Memo No. 8912 dated 06.09.2021 to examine the record at H.Q. level and take necessary action accordingly.</p>
9	Regular changes and amendments given benefits to Licensee.	<p>The complainant has not specifically mentioned about the changes & amendments vide which the licensee has been given benefit. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the aforesaid details, directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.</p>
10	Plotted colony converted into illegal colony.	<p>The complainant has not specifically mentioned about the factors/parameters, on the basis of which he has alleged the said allegations. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the aforesaid details, directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.</p> <p>Further, the revised list of deviations/variations found during latest site inspection jointly carried out by field officials of this office as well as DTP (Enf.), Gurugram office vis-a-vis the report regarding Demarcation Plan sent to Circle office vide this office Memo No.</p>

3929-30 dated 05.06.2008 are being enclosed given as under:-

- i. The park space in the EWS Block has been encroached by the local residents whose property adjoins to the boundary wall of EWS Block, in the form of residential structures for tenants and shops.
- ii. A Guard Room measuring approx. 2.55 Sqm. has been constructed in the park/open space falling between the various units of EWS Block.
- iii. A Samadhi measuring approx. 18.02 Sqm. has been constructed in the park/open space falling between the various units of EWS Block.
- iv. A Temple measuring approx. 106.25 Sqm. has been constructed in the park/open space falling between the various units of EWS Block.
- v. The EWS Plot No. GS-66 has been extended upto approx. 7.196 Sqm. in the green area.
- vi. A Guard Room measuring approx. 16.05 Sqm. has been constructed in the corner of park, opposite to the Primary School (1.09 Acre).
- vii. The green area adjacent to the Unit No. 38, 39, 40, 41, 42 & 61 has been encroached by the aforesaid unit holders.
- viii. The green area behind the various EWS units on Kenwood Road and adjacent to the boundary wall has been encroached by the unit holders.
- ix. The site earmarked for Religious Building (0.218 Acres) has been developed as Park.
- x. A Milk Booth measuring approx. 16.87 Sqm. has been constructed in the corner of Park, falling between the EWS units on Kenwood Road and religious building (0.218 Acre).
- xi. 2 no's shops and a Milk Booth has been constructed in the green area/park of EWS Block and the same are running at site.
- xii. The metalled road has been constructed over the Public Open Space adjacent to Plot No. F-45 at Lemon Street.
- xiii. Open space falling between Plot No. 12 on Lemon Street Road and the boundary wall of the township has been encroached by the local residents (whose property falls along the boundary wall) in the form of covered parking and access/entry to his property.
- xiv. The green area falling on 18 Mtr. wide road between the commercial site (0.715 Acres) and Public Health Works (1.08

- Acre) has been partially used by the colonizer in the form of parking/miscellaneous works.
- xv. A Tube-well Room measuring approx. 4.00 Sqm. has been constructed in the park adjacent to Plot No. E-8 falling on 10 Mtr. wide service road along with 30 Mtr. wide sector dividing road of Sector-47/50.
- xvi. An Electric Sub-station measuring approx. 298.10 Sqm. has been constructed in the green area falling along 14 Mtr. wide Whitewood Road.
- xvii. A Transformer over an area measuring approx. 62.00 Sqm. has been installed in the green area along 5.03 Mtr. wide Revenue Rasta and Opp. to the Plot No. E-47.
- xviii. A Sewerage Treatment Plant measuring approx. 95.15 Sqm. has been constructed in the park adjacent to Nursing Home Site (0.258 Acre) on 18 Mtr. wide road.
- xix. The green area along the boundary wall of Block-E has been encroached by the local residents (whose property falls outside and adjacent to the said boundary wall) in the form of concrete road providing access/entry to the houses built by them in continuation to the Plot No. 47-F upto 47-L and the same seems to be the part of the licensed colony.
- xx. A Sewerage Treatment Plant measuring approx. 95.15 Sqm. has been constructed in the Park falling along 12 Mtr. wide Vase Street Road.
- xxi. A Pump Room measuring approx. 23.50 Sqm. has been constructed in the Park falling along 12 Mtr. wide Peach Street on Pine Drive Road.
- xxii. An Electrical Sub-station/Telephone Exchange measuring approx. 297.38 Sqm. has been constructed in the Park falling along 12 Mtr. wide Peach Street on Pine Drive Road.
- xxiii. A Sewerage Treatment Plant measuring approx. 95.15 Sqm. has been constructed in the Park falling along 12 Mtr. wide Peach Street on Pine Drive Road.
- xxiv. A Transformer has been placed over an area measuring approx. 42.00 Sqm. in the Park falling along 14 Mtr. wide Fairview Drive Road.
- xxv. An Electrical Sub-station measuring approx. 308.80 Sqm. has been constructed in the Park falling along 12 Mtr. wide Park Drive Road.
- xxvi. A Pump Room measuring approx. 103.42 Sqm. has been constructed in the green

area falling on 14 Mtr. wide Palmwood Road.

xxvii. An Electrical Sub-station measuring approx. 215.79 Sqm. has been constructed in the Park falling behind Plot No. 16 located at 14 Mtr. wide Palmwood Road.

xxviii. The Open Space strips adjacent to Plot No. 1 & 20, 35 & 54, 55 & 74 falling along 14 Mtr. wide Kenwood Road has been encroached by the said plot holders and the same is being used as berm/ramp/parking etc.

xxix. An unauthorized entrance gate on 12 Mtr. wide road along the Commercial site measuring 0.715 Acres has been constructed and the unauthorized boundary wall along the Sector Dividing Road of Sector-47 & 50 from the said entrance gate upto the boundary of licensed colony has been constructed.

xxx. The 10 Mtr. wide service between 30 Mtr. wide Sector Dividing Road and the Commercial site measuring 0.715 Acres, hence the partially constructed (5.55 Mtr. as metalled road) and the left over 4.4 Mtr. wide road space has been hard-scapped with flooring tiles and the same is being used as the parking space for said commercial site.

xxxi. A guard room measuring approx. 3.50 Sqm. has been constructed in the green area falling on 18 Mtr. wide internal circulation road adjacent to Commercial site measuring 2.723 Acres (Good Earth).

xxxii. The park space in the EWS Block has been encroached by the local residents whose property adjoins to the boundary wall of EWS Block, in the form of residential structures for tenants and shops.

xxxiii. The green area along the boundary wall of Block-E has been encroached by the local residents (whose property falls outside and adjacent to the said boundary wall) in the form of concrete road providing access/entry to the houses built by them in continuation to the Plot No. 47-F upto 47-L and the same seems to be the part of the licensed colony.

xxxiv. 10 Mtr. wide road between Plot No. 2 of D/2 & Plot No. 3-4 of D/3 has not been constructed at the site.

xxxv. 12 Mtr. wide road between Plot No. E-40 & E-42 has not been constructed and the same has been developed/converted as a green area.

xxxvi. 18 Mtr. wide School Drive Road on the rear side of Park & Dispensary Site

measuring 1.053 Acres has not been constructed, however the same road in front of Higher Secondary School measuring 5.09 Acres & Primary School measuring 1.066 Acres has been constructed upto WBM level.

xxvii. 12 Mtr. wide road falling between Plot No. G 15-21 & E 8 & 27 has not been constructed at site.

xxviii. The 1 Mtr. wide green strip falling along the 10 Mtr. wide Service Road and in front of Plot Nos. E-1 to E-8 has been encroached in Plot No. E-8 (constructed) and the same has been continuously included till E-1, due to which the alignment of the orientation of 12 Mtr. wide road in front of Plot No. E-1 to E-8 has been affected/shifted.

xxix. A temporary structure (Store Room) has been constructed in EWS Pocket, in front of Plot No. E-69.

xl. The dimension of front side of Plot No. 33 falling on 12 Mtr. wide Park Drive Road has been found as 14.50 Mtr. at site instead of 12 Mtr. (as shown on the Demarcation Plan) and the depth of the same also varies at site.

xli. The dimension of front side of Plot No. 34 falling on 12 Mtr. wide Park Drive Road has been found as 13.00 Mtr. at site instead of 16.35 Mtr. (as shown on the Demarcation Plan) and the depth of the same also varies at site.

xlii. 1 No. of 12 Mtr. wide Whitewood Road in E-Block has been blocked with a brick wall (approx. height 7 Feet).

xliii. The width of 10 Mtr. wide Green Street Road has been found as 9.60 Mtr. between Plot No. GS-11 & GS-159 of EWS Block and further regularly increasing upto 9.80 Mtr. between Plot No. GS-22 & GS-45 of EWS Block.

xliv. The width of 16.45 Mtr. wide road behind plots falling on Park Drive Street has been reduced and the same is 15.42 Mtr. instead of 16.45 Mtr.

xlv. The green area falling on 18 Mtr. wide School Drive road between the Dispensary site (1.053 Acre) and High School site (5.09 Acres) has been encroached in the form of temporary construction.

xlvi. The park falling along 18 Mtr. School Drive Road between the Commercial Site (2.723 Acres) and Primary School (1.066 Acres) is not developed at site.

xlvii. The park adjacent to Dispensary Site (1.053 Acres) falling along 18 Mtr. School

xlviij Drive Road is not developed at site.
 A permanent structure in the form of a Store Room measuring approx. 2.70 x 2.45 = 6.615 Sqm. has been constructed in green area adjacent to Plot No. E1-38 along 14 Mtr. wide Whitewood Road.
 The aforesaid deviations/ variations/ violations have been marked on the copy of Demarcation Plan, for which the report was earlier sent to your good office vide this office Memo No. 3929-30 dated 05.06.2008. Taking cognizance of the aforesaid violations, DTP (Enf.), Gurugram may be requested for taking further necessary action as per Act/Rules.

11 The status of Layout, Demarcation and Zoning Plan and the Section 4(1), (2), of the Haryana Development and Regulations of Urban Areas Rules, 1976.

On the basis of the License No. 71-75 of 1992 dated 28.10.1992, the layout plan of the said colony was approved in year 1992 for an area of 107.682 acres. Thereafter, some additional licenses bearing no. 4-8 of 1993 dated 18.03.1993 (for 16.18 acres area), 15-19 of 1994 dated 08.12.1994 (for 14.96 acres area), 4-8 of 1995 dated 15.11.1995 (for 26.83 acres area), 36-46 of 1997 dated 21.0.1997 (for 14.46 acres area) & 15 of 2008 dated 31.01.2008 (for 24.68 acres area) were granted and the revised layout plan for the total area of 204.796 acres was approved in year 2008, which bears Drawing No. DTCP-1458 dated 03.01.2008. Accordingly, the zoning plan of the colony bearing Drawing No. DTCP-1638 dated 14.07.2008 was also approved.

This office vide Memo No. 3929-30 dated 05.06.2008 had also sent the duly verified Demarcation Plan of the colony. The information regarding the approval of any demarcation plan of the colony is not available in the record of this office, so the same may kindly be got verified in the Directorate. After the receipt of many complaints of deviations in the colony, another revised layout plan of the colony bearing drawing no. DTCP-5626 dated 28.09.2016, was in-principally approved vide Directorate memo no. 6680 dated 07.03.2019. The conditions of this in-principal approval have not been complied with by the colonizer, so the final approval of the in-principal approval has not been considered vide Directorate memo no. 17408-11 dated 22.08.2021.

However, the Directorate has already been requested vide this office Memo No. 6166 dated 01.07.2021 and further a reminder bearing Memo No. 8912 dated 06.09.2021 to examine the status of Layout/Demarcation/Zoning Plans of said colony at H.Q. level and take necessary action accordingly.

12 List of year wise Violations from 1992 to till date as per approved Layout Plan and the Section 5 of the Haryana Development and Regulations of Urban Areas Rules, 1976.

No such list of year wise violations is available in the record of this office. However, the list of violations found during site inspection and verification of the whole colony vis-a-vis approved Layout Plan has already been

		<p>provided/sent to your good office vide this office Memo No. 8077 dated 18.08.2021.</p> <p>Further, the revised list of violations found during latest site inspection jointly carried out by field officials of this office in co-ordination with field officials of DTP (Enf.), Gurugram office have been provided/mentioned in this report against the serial-wise issues raised by the complainant. Taking cognizance of the same, DTP (Enf.), Gurugram may be requested for taking necessary action as per Act/Rules.</p>
13	The unlawful sale of land, unapproved construction and change of land use and illegal allotment of land for various purposes by violating the Layout plan and the Section 6, 7, 8, 9 and 10 of the Haryana Development and Regulations of Urban Areas Rules, 1976.	The complainant has not specified the particular plot no./building wherein, the process of unlawful sale of land, unapproved construction, change of land use and illegal allotment of land for various purposes by violating the Layout Plan and Rules 6, 7, 8, 9 & 10 of HDRUA Rules, 1976 took place. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the aforesaid details directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
14	The achievement of Government Policies and disregard of policies imposed through Layout Plan and Zoning Plan and the Section 11 of the Haryana Development and Regulations of Urban Areas Rules, 1976.	<p>The complainant has not specified the disregard of policies imposed through Layout Plan and Zoning Plan by the colonizer. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to provide the same directly to STP, Gurugram under intimation to this office, so that further necessary action may be initiated accordingly.</p> <p>The matter regarding compliance of conditions mentioned under Rule 11 of the HDRUA Rules, 1976 by the colonizer is related to the Directorate hence, the Directorate has been requested vide this office Memo No. 6166 dated 01.07.2021 and further, reminder bearing Memo No. 8912 dated 06.09.2021 to examine the said issue and take necessary action accordingly.</p>
15	The approval, status and correctness of Service Plan Estimates.	The matter regarding approval, status and correctness of Service Plan Estimates is related to HSVP, Gurugram. Hence, S.E., HSVP, Gurugram has been requested vide this office Memo No. 8931 dated 06.09.2021 to provide the report regarding same directly to STP, Gurugram under intimation to this office as well as complainant's too.
16	The approval, status and correctness of Building Plans.	The complainant has not specified the details like Plot No., applicant/owner of plot, type/category of building constructed at said plot etc. for which he has sought the details at this Sr. No. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to provide the same, directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.

of Sewage and Storm water
December, 2011.

	<p>The matter regarding Sewage and Storm water disposal is related to HSVP, Gurugram. Hence, the Administrator, HSVP, Gurugram has already been requested vide this office Memo No. 6170 dated 01.07.2021 to direct the concerned Executive Engineer, HSVP, Gurugram for providing the requisite report directly to STP, Gurugram under intimation to this office.</p> <p>Moreover, the particularly concerned office i.e. S.E., HSVP, Gurugram has also been requested vide this office Memo No. 8931 dated 06.09.2021 to provide the requisite report directly to STP, Gurugram under intimation to this office as well as the complainant too.</p>
18 The detail of the sale of Property by MEPL and others with date of first sale and thereon.	<p>The complainant has not specified the details like Plot no's/applicant/owners name etc., which have been sold by MEPL & others and the complainant wants to know about its first sale-deed and the developments/proceedings thereon. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to provide the same, so that M/s MEPL may be directed to provide the requisite information/details regarding those plots.</p>
19 Details of land under the services with date of operation and permission from competent authority.	<p>The report regarding details of land under the services with date of operation and permission from competent authority is to be given by SE, HSVP, Gurugram. Hence, the Administrator, HSVP, Gurugram has already been requested vide this office Memo No. 6170 dated 01.07.2021 to direct the concerned Executive Engineer, HSVP, Gurugram for providing the requisite report directly to STP, Gurugram under intimation to this office.</p> <p>Moreover, the particularly concerned office i.e. S.E., HSVP, Gurugram has also been requested vide this office Memo No. 8931 dated 06.09.2021 to provide the requisite report directly to STP, Gurugram under intimation to this office as well as the complainant too.</p>
20 List of Bank Guarantees issued and withdrawn against the Licenses and present status and and the Section 19 and 20 of the Haryana Development and Regulations of Urban Areas Rules, 1976.	<p>The detail regarding Bank Guarantees submitted by the colonizer is not available in this and the same is available in the Directorate. So, the Directorate has been requested vide this office Memo No. 6166 dated 01.07.2021 and further, reminder bearing Memo No, 8912 dated 06.09.2021 to examine the said issue and take necessary action accordingly.</p>
21 Detail of Development work proposed and achieved with quality, quantity and cost and present status.	<p>The complainant has not specified the Plot No. & type/category of building for which he wants to gather information like development work proposed and achieved with quality, quantity and cost and present status. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that the concerned i.e. S.E., HSVP,</p>

22	List of all Agreements by Malibu Estate Pvt. Ltd (MEPL) through its Directors, Associated Companies, its collection agents and the status of Agreements.	<p>Gurugram may be requested to report/comments regarding the same.</p> <p>The list of agreements made by M/s MEPL through its Director, Associated Companies collection agents and the status of Agreements may only be available with the colonizer i.e. M/s MEPL and the Directorate (agreement related to this Department). Hence, M/s MEPL has been requested vide this office Memo No. 8927 dated 06.09.2021 to provide the same directly to STP, Gurugram under intimation to this office as well as complainant too.</p> <p>Moreover, the Directorate has also been requested vide this office Memo No. 6166 dated 01.07.2021 and further reminder bearing Memo No. 8912 dated 06.09.2021 to examine the said issue and take necessary action accordingly.</p>
23	Date of sale of each Property by Malibu Estate Pvt. Ltd (MEPL) through its Directors, Associated Companies, its collection agents.	<p>The information sought in this point is not available in the records of this office. Hence, M/s MEPL has been requested vide this office Memo No. 8927 dated 06.09.2021 to provide the requisite report regarding date of sale of each property sold by M/s MEPL through its Directors, Associated Companies & its collection agents directly to STP, Gurugram under intimation to this office as well as complainant too.</p>
24	Date of possession of the Property by Third Party thereon.	<p>The information sought in this point is not available in the records of field office. Hence, M/s MEPL has been requested vide this office Memo No. 8927 dated 06.09.2021 to provide the requisite report regarding date of possession of each property sold by M/s MEPL possessed by the Third Party directly to STP, Gurugram under intimation to this office as well as complainant too.</p>
25	List of Maintenance work against the completion of development works, date of completion of the work for services, date of starting the maintenance work, details of 7 year free maintenance period and the quality, quantity and cost of the maintenance services.	<p>The information sought in this point is not available in the records of field office. Hence, M/s MEPL and S.E., HSVP, Gurugram have been requested vide this office Memo No. 8927 dated 06.09.2021 and Memo No. 8931 dated 06.09.2021 respectively to provide the requisite report regarding list of maintenance work against the completion of development works, date of completion of the work for services, date of starting the maintenance work, details of 7 year free maintenance period and the quality, quantity and cost of the maintenance services directly to STP, Gurugram under intimation to this office as well as complainant too.</p>
26	List of third parties involved in the maintenance after the installation of Servicers and Infrastructure.	<p>The information sought in this point is not available in the records of field office. Hence, M/s MEPL has been requested vide this office Memo No. 8927 dated 06.09.2021 to provide the requisite report regarding third parties involved in the maintenance of the said colony after the installation of services and infrastructure, directly to STP, Gurugram under intimation to this office</p>

<p>stated to provide same. M/s MEPL stated by M/s MEPL Status of Agreement dated by M/s MEPL</p>	<p>as well as complainant too.</p>
<p>28 Bills issued for the maintenance service. Copy of first bill to last</p>	<p>The information sought in this point is not available in the records of field office. Hence, M/s MEPL has been requested vide this office Memo No. 8927 dated 06.09.2021 to provide the requisite report regarding bills issued for the maintenance for each service and copy of first bill to last bill, directly to STP, Gurugram under intimation to this office as well as complainant too.</p>
<p>29 List of services given to property buyers. Date of completion of the services, date of start, the details of 7 year free Service period and the quality, quantity and cost of services. Sewage Disposal system with location from 1992 to 2012.</p>	<p>The information sought in this point is not available in the records of field office. Hence, M/s MEPL has been requested vide this office Memo No. 8927 dated 06.09.2021 to provide the requisite report regarding list of services given to property buyers, date of completion of the services, date of start, the details of 7 year free service period and the quality, quantity and cost of services. Sewage Disposal system with location from 1992 to 2012 directly to STP, Gurugram under intimation to this office as well as complainant too.</p>
<p>30 List of third parties involved in the Services, Maintenance and Community Buildings.</p>	<p>The information sought in this point is not available in the records of field office. Hence, M/s MEPL has been requested vide this office Memo No. 8927 dated 06.09.2021 to provide the requisite report regarding list of third parties involved in the Services, Maintenance and Community Buildings directly to STP, Gurugram under intimation to this office as well as complainant too.</p>
<p>31 Copy of bills issued for the Services and execution of Layout Plan and the development works.</p>	<p>The information sought in this point is not available in the records of field office. Hence, M/s MEPL has been requested vide this office Memo No. 8927 dated 06.09.2021 to provide the requisite report regarding copy of bills issued for the services and execution of Layout Plan and the development works directly to STP, Gurugram under intimation to this office as well as complainant too.</p>
<p>32 List of plots with size and location under the approved category.</p>	<p>All the plots with size and locations have been shown on the approved Layout Plan bearing drawing no. DTCP-1458 dated 31.01.2008 and approved Zoning Plan bearing drawing no. DTCP-1638 dated 14.07.2008. The copies of the same have already been sent to Circle office vide this office Memo No. 8077 dated 18.08.2021.</p>
<p>33 List of part completion certificates issued with the details of work completion and their present Status and the Section 21, 22, 23, 24, 25, 26 and 27 of the Haryana Development and Regulations of Urban Areas Rules, 1976.</p>	<p>The part Completion Certificate to M/s MEPL have been granted by the Directorate and Rule 21, 22, 23, 24, 25, 26 & 27 of HDRUA Rules, 1976 are related to the Directorate. Hence, the Directorate has already been requested vide this office Memo No. 6166 dated 01.07.2021 and further, reminder bearing Memo No. 8912 dated 06.09.2021 to examine the said issue and take necessary action accordingly.</p>
<p>34 The details of Occupation Certificates issued on the name of MEPL or its associates and their present status.</p>	<p>The Occupation Certificates issued to M/s MEPL have been granted by the Directorate and STP, Gurugram office. Hence, the Directorate has</p>

		<p>already been requested vide this office Memo No. 6166 dated 01.07.2021 and further, reminder bearing Memo No. 8912 dated 06.09.2021 to examine the record at H.Q. level and take necessary action accordingly.</p> <p>Moreover, STP, Gurugram has also been requested vide this office Memo No. 8920 dated 06.09.2021 for examining the records of Circle office and taking necessary action accordingly.</p>
34	Total Building plans approved on the name of MEPL or its associates and their present status.	<p>The Building Plans issued to M/s MEPL have been sanctioned by the Directorate and STP, Gurugram office. Hence, the Directorate and STP, Gurugram office have already been requested vide this office Memo No. 6166 dated 01.07.2021 and further, reminder bearing Memo No. 8912 dated 06.09.2021 to examine the record at H.Q. level and take necessary action accordingly.</p> <p>Moreover, STP, Gurugram has also been requested vide this office Memo No. 8920 dated 06.09.2021 for examining the records of Circle office and taking necessary action accordingly.</p>
35	The details of plot and building under the category of Community Buildings and their present status.	<p>The details of plots and buildings under the category of Community Buildings has been mentioned on the approved Layout Plan bearing drawing no. DTCP-1458 dated 31.01.2008 and approved Zoning Plan bearing drawing no. DTCP-1638 dated 14.07.2008. The copies of the same have already been sent to your good office vide this office Memo No. 8077 dated 18.08.2021. However, the outer dimensions of the Community Sites (Health Care & Educational) have been measured and the same are found correct at site except some variations in the dimensions of the Nursery School measuring 0.39 Acres falling on 14 Mtr. wide Kenwood Road. Due to variations in the outer dimensions of aforesaid Nursery School, the area comes out to be 0.414 Acres at site instead of 0.39 Acres mentioned in the approved Layout/Zoning Plan.</p>
36	The details of Electric Infrastructure against the requirements and Directions of the DHBVN and position of approved Electric Plots.	<p>The information sought at this Sr. No. is not available in the record of this office, as the same is related to Superintending Engineer (Operations), DHBVN, Gurugram. Hence, the Superintending Engineer (Operations), DHBVN, Gurugram has already been requested vide this office Memo No. 6172 dated 01.07.2021 and further, reminder bearing Memo No. 8918 dated 06.09.2021 to provide the details of Electric Infrastructure against the requirements and directions of the DHBVN and position of approved Electric Plots in the said colony, directly to STP, Gurugram under intimation to this office as well as complainant too.</p>
37	Details of Environment Clearance, NOC from MoEF, NOC from Fire Department, NOC from HSPCB and NOC from MCG on solid waste management and Garbage	<p>The information sought at this Sr. No. is not available in the record of this office and the same is related to different other offices/departments. So, the Director, Environment & Climate Change,</p>

	<p>Haryana, Panchkula; Director, Fire Services, Haryana, Panchkula; Commissioner, Municipal Corporation, Gurugram; Regional Officer, Haryana State Pollution Control Board, Vikas Sadan, Gurugram & the Hydrologist, Ground Water Cell, Gurugram respectively were requested vide this office Memo No. 6175-79 dated 01.07.2021 and further, reminder bearing Memo No. 8921-25 dated 06.09.2021 to provide the requisite report regarding the same directly to STP, Gurugram under intimation to this office as well as complainant too.</p>
<p>58 Details of Community Centres and their present status.</p>	<p>In reply to the issue raised at this Sr. No., it is informed that there is no Community Centre site approved in the Layout Plan of the said colony. However, a Club site is approved in the said colony and presently this club has been sealed by the Assistant Divisional Fire Officer, Municipal Corporation, Gurugram vide Memo No. 764 dated 17.02.2021 due to non-compliance of Fire Norms.</p>
<p>59 List of Plots violating the approved category and other norms applicable.</p>	<p>The complainant has not specified the Plot No. & type/ category of building wherein, the norms applicable on the same has been violated. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office as well as DTP (Enf.), Gurugram so that necessary action as per Act/Rules may be initiated accordingly.</p>
<p>60 Use and misuse of Community buildings according to the applicable Law.</p>	<p>The complainant has not specified the details like Plot No. & name of the community site building w.r.t. which, he wants to know about the use/misuse of said building accordingly to applicable law. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office as well as DTP (Enf.), Gurugram so that necessary action as per Act/Rules may be initiated accordingly.</p> <p>However, during joint site inspection carried out by field officials of this office in coordination with field officials of DTP (Enf.), Gurugram office, it has been found that some of the Community Sites are lying vacant and the remaining built-up Community Sites are being used only for the specified purpose permitted for the same.</p>
<p>61 List of violations and criminal breach of Trust by MEPL and its associates through their Directors by violating the LC-IV Agreement and Bilateral Agreement.</p>	<p>The complainant has not specified the list of violations and criminal breach of Trust by MEPL and its associates through their Directors by violating the LC-IV Agreement and Bilateral Agreement. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office as well as DTP (Enf.), Gurugram so that necessary</p>

		action as per Act/Rules may be initiated accordingly.
42	Establishment of Funds according to U/S 3-A of the Haryana Development and Regulations of Urban Areas Act, 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
43	Erection or re-erection of buildings in a licensed colony according to U/S 3-B of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
44	Maintenance of Registers according to U/S 4 of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
45	Cost of Development works according to U/S 5 of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
46	Auditing of accounts according to U/S 6 of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
47	Prohibition to advertise and transfer plots according to U/S 7 of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
48	Cancellation of licence according to U/S 8 of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.

	es according to U/S 10 of the Haryana Development and Regulations of Urban Areas Act 1975.	initiated accordingly. The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
50	Duty of Police officers according to U/S 11-A of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
51	Power to arrest according to U/S 11-B of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
52	Offences by companies according to U/S 12 of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
53	Composition of offences according to U/S 13 of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
54	Effect of other laws according to U/S 16 of the Haryana Development and Regulations of Urban Areas Act 1975.	The allegation raised at this Sr. No. is not clear so the complainant has already been requested vide this office Memo No. 6183 dated 01.07.2021 and further reminder bearing Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
55	List of crimes reported to Town and Country Planning Haryana and other responsible Departments and action.	The list of crimes reported to Town and Country Planning Haryana and other responsible Departments and action is not available in the record of this office and the complainant has already been informed about the same vide this office Memo No. 6183 dated 01.07.2021. Moreover, the complainant has again been requested vide this office Memo No. 8933 dated

		06.09.2021 to specify/provide the same details to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
56	List of members of the club.	The list of members of the club is not available in the record of this office. Hence, M/s MEPL has been requested vide this office Memo No. 612 dated 01.07.2021 and further, the reminder bearing Memo No. 8927 dated 06.09.2021 to provide the requisite report directly to STP, Gurugram under intimation to this office as well as the complainant too.
57	List of RWAs in Malibu Town with the approval of District Registrar Firms and Societies.	The list of RWAs in Malibu Town with the approval of District Registrar Firms and Societies is not available in the record of this office. Hence, District Registrar Firms and Societies, Gurugram has been requested vide this office Memo No. 6185 dated 01.07.2021 and further, the reminder bearing Memo No. 8929 dated 06.09.2021 to provide the requisite report directly to STP, Gurugram under intimation to this office as well as the complainant too.
58	Non construction of Mumty and stair case in three story floors.	The complainant has not specified the plot no's wherein, the mumty over stair case has not been constructed in the said colony. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the details of the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
59	Non placement of Fire Hydrants	The matter regarding issue raised at this Sr. No. 4 related to Director, Fire Services, Haryana Panchkula. So, the Director, Fire Services Haryana, Panchkula has already been requested vide this office Memo No. 6175-79 dated 01.07.2021 and further Reminder bearing Memo No. 8921-25 dated 06.09.2021 to provide the requisite report directly to STP, Gurugram under intimation to this office as well as the complainant too.
60	Illegal sale of Common area. Parking in Group housing and additional unapproved area.	The complainant has not specified the location of the particular common area, parking in Group Housing and additional unapproved area, which have been sold illegally by the colonizer. Hence, the complaint has been requested vide this office Memo No. 8933 dated 06.09.2021 to provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
61	Possession in houses without Occupation Certificates.	The Occupation of the houses without obtaining Occupation Certificate is a compoundable offence and the same may be compounded at the time of grant of Occupation Certificate. Further, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to provide the details of such houses, which have been occupied

	without obtaining occupation certificate, directly to STP, Gurugram under intimation to this office as well as DTP (Enf.), Gurugram so that necessary action as per Act/Rules may be initiated accordingly.
13 No action on the Report of Hon'ble Lokayukta Haryana and Vigilance Report of HUDA/HSVP.	<p>As per the information received from concerned DTP(HQ), the case file has been submitted to Chief Secretary, Haryana for approval of the proposal for the compliance of the orders of Hon'ble Lokayukta, Haryana. However, no Vigilance report of HUDA/HSVP has been received in this office.</p> <p>Moreover, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.</p>
14 Non-construction of Service ROAD.	<p>The matter regarding non-construction of service road is related to S.E., HSVP, Gurugram. Hence, S.E., HSVP, Gurugram has been requested vide this office Memo No. 8931 dated 06.09.2021 to provide the requisite report directly to STP, Gurugram under intimation to this office as well as complainant too so that necessary action as per Act/Rules may be initiated accordingly. However, during joint site inspection carried out by field officials of this office in co-ordination with field officials of DTP (Enf.), Gurugram office, it has been found that 10 Mtr. wide Service Road along the 30 Mtr. wide Sector Dividing Road of Sector-47/50, which is adjacent to Plot No. E-1 to E-8 is not constructed.</p>
14 Non-construction of Electric Sub-Station.	<p>The matter regarding non-construction of Electric Sub-Station is related to Superintending Engineer (Operations), DHBVN, Gurugram. Hence, Superintending Engineer (Operations), DHBVN, Gurugram has been requested vide this office Memo No. 6172 dated 01.07.2021 and further the reminder bearing Memo No. 8918 dated 06.09.2021 to provide the requisite report directly to STP, Gurugram under intimation to this office as well as complainant too so that necessary action as per Act/Rules may be initiated accordingly.</p> <p>However, it is pertinent to mention here that no any site for ESS was approved/sanctioned in the Layout Plan of the said colony but, 3 nos. of ESS have been constructed at different locations (Same has already been covered under observations against Sr. No. 10 above regarding illegal/unauthorized construction at various locations).</p>
15 Unlawful placement of residential plots under high tension wires.	<p>Regarding the issue raised at this Sr. No., it is submitted that the site has been inspected by the field official of this office and found that some portion (0.40 Mtr.) of boundary wall of the Plot No. 33 (Orange Drive) is falling under the</p>

	<p>influence zone (RoW) of 66 KV HT line.</p> <p>In this regard, DTP (Enf.), Gurugram has already been requested vide this office Memo No. 6168 dated 01.07.2021 and further, reminder bearing Memo No. 8914 dated 06.09.2021 to coordinate with DHBVN for examining the same and to take necessary action as per Act/Rules thereafter to send the action taken report directly to STP, Gurugram under intimation to this office.</p>
<p>66 Unlawful use of Common area as Commercial area.</p>	<p>The complainant has not mentioned the specific Common area being used unlawfully as commercial area. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the details of such area directly to STP, Gurugram under intimation to this office, so that further necessary action as per Act/Rules may be initiated accordingly. However, during latest joint site inspection, no such usage of common area being used for commercial activity, parking of commercial bus in open space for selling of products (issue raised by the complainant vide e-mail dated 01.04.2021, addressed to the Directorate) has been found running over there at site during the inspection.</p>
<p>67 Non placement of 10% EWS Plots and 25% No Profit No Loss Plots</p>	<p>Regarding the issue raised at this Sr. No., it is informed that as per Departmental policy, the 20% plots should be reserved for EWS plots and 25% should be reserved for NPPL plots out of the total number of plots/dwelling units of a particular licensed residential colony.</p> <p>It is also submitted that the EWS and NPPL category of plots are not marked/shown on the approved Layout Plan bearing Drawing No. DTCP-1458 dated 31.01.2008 and approved Zoning Plan bearing drawing no. DTCP-1458 dated 14.07.2008 received from the Directorate. Copies of the same have already been sent to Circle office vide this office Memo No. 8077 dated 18.08.2021.</p> <p>However, M/s MEPL vide letter dated 12.08.2021 has submitted the copies of aforementioned Layout Plan showing/markings the EWS/NPPL category of plots, marked by their own in this office. Copy of the same is being forwarded herewith for your kind perusal and further necessary action to direct M/s MEPL for providing the details of sale/allotment of aforesaid category of plots.</p> <p>It is brought to your kind notice that M/s Malibu Estate Pvt. Ltd. (MEPL) has marked the total 230 no's. of EWS plots on the approved Revised Layout Plan dated 31.01.2008 of Malibu Towne. However, it is pertinent to mention here that the number & sizes of NPPL & EWS Plots cannot be ascertained by this office, as the same is not found mentioned anywhere in the approved Revised Layout Plan dated 31.01.2008. But the</p>

<p>lawful placement of DG Sets in Green Belts and STPs in Public Parks.</p>	<p>NPNL & EWS plots marked/shown by the colonizer, as mentioned above on the aforesaid approved Revised Layout Plan dated 31.01.2008 have been found existing at site.</p> <p>Regarding the issue raised at this Sr. No., it is informed that the said colony has been inspected by the field official of this office and found that 3 no's of DG sets have been placed in the green belts/areas (marked/shown on the copy of approved Layout Plan bearing Drawing No. DTCP-1458 dated 31.01.2008 sent to your good office vide this office Memo No. 8077 dated 18.08.2021), which was not approved in the said Layout Plan.</p> <p>In this regard, DTP (E), Gurugram has already been requested vide this office Memo No. 6168 dated 01.07.2021 and further, reminder bearing Memo No. 8914 dated 06.09.2021 to take necessary action as per Act/Law. However,</p> <ol style="list-style-type: none"> i. A D.G. set over an area measuring approx. 8.0 Sqm. has been placed in the park falling on 12 Mtr. wide Starwood Road. ii. 2 No's D.G. sets over an area measuring approx. 99.00 Sqm. have been placed in the corner of park falling between the 14 Mtr. wide Whitewood road and 12 Mtr. wide Malibu Drive road. iii. 3 no's of Sewerage Treatment Plant have been constructed at different location in the said colony (same has already been covered under observations against Sr. No. 10 above).
<p>69 Land of park is amalgamated in the Club area and Green belt in School land.</p>	<p>Regarding the issue raised at this Sr. No., it is informed that the said colony has been inspected by the field official of this office and found that the park area on both sides of the Club site has been amalgamated in the Club, as there is no specific defined boundary on between the Club site and the parks falling on both sides of the same, as there is a partially fencing been done instead of a defined boundary wall, due to which both the park areas seems been amalgamated in the Club.</p> <p>Moreover, the aforesaid Club site has been sealed by Assistant Divisional Fire Officer, Municipal Corporation, Gurugram vide Memo No. 764 dated 17.02.2021 due to non-compliance of fire norms. However, it is pertinent to mention here that the green belt is nowhere been found amalgamated into the plot/site of School Buildings.</p>
<p>70 Encroachment of Revenue Rasta.</p>	<p>Regarding the issue raised at this Sr. No., it is informed that the said colony has been inspected by the field official of this office and found that no such revenue rasta has been found encroached anywhere in the colony except the revenue rasta crossing between Plot No. D-47A & E-1</p>

		(shown/marked in the approved Layout bearing Drawing No. DTCP-1458 dated 31.01.2008) where, a temporary tin shed has been constructed by a laundryman. However, it is pertinent to mention here that somewhere, the greenery/vegetables have been grown by the adjoining plot holders on the revenue rastas and shrubs/bushes are also raised at some places.
71	Defective and insufficient infrastructure	The complainant has not specified the kind/category of defective and insufficient infrastructure. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
72	Disrespect to Government Orders and Policies.	The complainant has not specified the Govt. Orders/Policy No. alongwith dates, which have been disrespected. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
73	Illegal Construction and encroachments on more than 100 buildings	The complainant has not specified the plot no's/category of buildings on which the illegal construction and encroachment has been raised. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the details of the same directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
74	Illegal sale of Floors and Buildings and other Property.	The complainant has not specified the details like floor no's/dwelling unit no's/ plot no's/name of building and other properties, which have been illegally sold out by the colonizer. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the aforesaid details directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
75	Licenses are renewed without valid "Reason Beyond the Control".	The matter regarding issue raised at this Sr. No. is related to the Directorate. Hence, the Directorate has already been requested vide this office Memo No. 6166 dated 01.07.2021 and further reminder bearing Memo No. 8912 dated 06.09.2021 to examine the records at H.Q. level and take necessary action accordingly.
76	Illegal encroachment and construction by Malibu Town Plots Residents Welfare Association through its Office Bearers.	The complainant has not specified the plot no's/name of building/location, wherein the illegal encroachment and construction has been raised by Malibu Town Plots Residents Welfare Association through its office bearers. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to

	<p>specify/provide the aforesaid details directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.</p> <p>However, Sh. Suresh Dhundia, President, Malibu Town Plots Residents Welfare Association vide letter dated 12.08.2021, has submitted an Affidavit dated 12.08.2021 (copy enclosed) declaring therein that "Malibu Town Plots Residents Welfare Association (MPTRWA) has not done any illegal encroachment or raised construction in the township through its office bearers".</p>
<p>77 Illegal Agreements by Malibu Town Plots Residents Welfare Association through its Office Bearers on the services and for the services without any rightful power of authority from the Residents.</p>	<p>The complainant has not specified the particular Agreements made by Malibu Town Plots Residents Welfare Association through its office bearers on the services and for the services without any rightful power of authority from the residents, which has been alleged as illegal. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the aforesaid details directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.</p>
<p>78 Sale of Ground water.</p>	<p>The matter regarding sale of Ground water is related to Hydrologist, Ground Water Cell, Gurugram. Hence, Hydrologist, Ground Water Cell, Gurugram has already been requested vide this office Memo No. 6175-79 dated 01.07.2021 and further, the reminder bearing Memo No. 8921-25 dated 06.09.2021 to examine the matter and provide the requisite report/comments directly to STP, Gurugram under intimation to this office as well as complainant too, so that necessary action as per Act/Rules may be initiated accordingly.</p>
<p>79 Commercial use of land set for non-commercial purpose in Malibu Town by some people with the connivance of some officials of Municipal Corporation Gurugram.</p>	<p>The complainant has not specified the particular plot no's/location wherein, the land reserved for non-commercial purpose is being used for commercial purpose. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the aforesaid details directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.</p> <p>However, the Commissioner, Municipal Corporation, Gurugram has already been requested vide this office Memo No. 6175-79 dated 01.07.2021 and further, the reminder bearing Memo No. 8921-25 dated 06.09.2021 to examine the issue and take necessary action as per Act/Rules and thereafter to send the report directly to STP, Gurugram under intimation to this office as well as complainant too.</p>
<p>80 No audit of services since last revision of FAR.</p>	<p>Regarding the issue raised at this Sr. No., it is informed that no such auditing of services has been heard in general and also not found therein</p>

		the HDRUA Act No. 8 of 1975. However, requested to examine the same at Circle office level.
81	Violation and Disrespect of the Conditions imposed through Layout Plan.	The complainant has not specified the particular condition imposed vide approved Layout Plan which has been violated and disrespected. Hence, the complainant has been requested vide office Memo No. 8933 dated 06.09.2021 to specify/provide the aforesaid details directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly.
82	Details of land available under Open Space.	The details of land under open spaces have already been provided in the approved Layout Plan bearing Drawing No. DTCP-1458 dated 31.01.2008 sent to Circle office vide this office Memo No. 8077 dated 18.08.2021. However, DTP (Enf.) has already been requested vide this office Memo No. 6168 dated 01.07.2021 to take necessary action as per Act/Rules. Further, deviations/variations in the Open Space found during the latest site inspection report, has also been forwarded to DTP (Enf), Gurugram vide this office Endst. No. 8079 dated 18.08.2021 and further, reminder bearing Memo No. 8914 dated 06.09.2021 to take necessary action as per Act/Law and to send action taken report to your good office under intimation to this office. However, it is pertinent to mention here that the outer dimensions alongwith details of open spaces are not given in the approved Layout Plan of the said colony hence, the area under open spaces could not be identified/ascertained.
83	Illegal Placement of non permitted business/ services on Green belt & Public Parks.	The complainant has not specified the particular location, where the non-permitted business/services have been placed/running on green belt and public parks. Hence, the complainant has been requested vide this office Memo No. 8933 dated 06.09.2021 to specify/provide the aforesaid details directly to STP, Gurugram under intimation to this office so that necessary action as per Act/Rules may be initiated accordingly. However, during the joint site inspection, it has been found that 2 no's shops and a Milk Booth has been constructed in the green area/park of EWS Block and the same are running at site (same has already been covered under the observations against Sr. No. 10 above).

Minutes received vide dates of the Meeting dated	Action Taken Report/Comments of DTP (P), Gurugram office.
<p>16.03.2021</p> <p>To inspect the township of Malibu Towne, Sector-47 & 50, Gurugram consisting of Residential Plotted Colony measuring area 204.79 Acres including G.H. Component measuring area 11.89 Acres and to verify the status of unauthorized construction (in the form of toilets & guard rooms) raised over the site without prior permission/approval of Building Plans from the Department (Sr. No. 2 of MoM dated 16.03.2021).</p>	<p>The subjected colony was inspected by field officials of this office and the status of unauthorized construction in the form of Guard Rooms & Toilets raised over the site without prior permission/approval of Building Plans from the Department is given below:-</p> <ol style="list-style-type: none"> i. A Guard Room measuring approx. 2.55 Sqm. has been constructed in the park/open space falling between the various units of EWS Block. ii. A Guard Room measuring approx. 16.05 Sqm. has been constructed in the corner of park, opposite to the Primary School (1.09 Acre). iii. A guard room measuring approx. 3.50 Sqm. has been constructed in the green area falling on 18 Mtr. wide internal circulation road adjacent to Commercial site measuring 2.723 Acres (Good Earth).
<p>2</p> <p>To verify the status of D.G. sets whether placed/installed in green areas/open space of the said licensed colony (Sr. No. 5 of MoM dated 16.03.2021).</p>	<ol style="list-style-type: none"> i. During the site inspection, it was found that a D.G. set over an area measuring approx. 8.0 Sqm. has been placed in the park falling on 12 Mtr. wide Starwood Road. ii. Further, 2 No's D.G. sets over an area measuring approx. 99.00 Sqm. have been placed in the corner of park falling between the 14 Mtr. wide Whitewood road and 12 Mtr. wide Malibu Drive road. iii. A temporary toilet has been constructed on the restricted belt near main entrance gate approaching Gurugram-Sohna Road. <p>However, Regional Officer, HSPCB, Gurugram has also been requested vide this office earlier Memo No. 6164-6165 dated 01.07.2021 for taking necessary action on the said issue, but the report is still awaited.</p>
<p>3</p> <p>To examine the requirement of Community Centre w.r.t. policy parameter applicable at the time of grant of license/approval of Layout Plan (Sr. No. 10 of MoM dated 16.03.2021).</p>	<p>The approved Layout/Zoning/Demarcation Plan of the subjected colony have been examined and found that no such Community Centre has been approved.</p>
<p>4</p> <p>To examine the status of construction of Club House, whether it is fit for use or not and status of Occupation Certificate as on date (Sr. No. 11 & 13 of MoM dated 16.03.2021).</p>	<p>A site measuring 2.48 Acres for Club has been approved by Directorate in the Layout/Zoning/Demarcation Plan of the subjected colony, as per prevailing norms. Part OC of the Club building stands granted by Circle office vide Memo No. 4355 dated 22.06.2009. However, the same has been sealed by the Assistant Divisional Fire Officer, Municipal Corporation, Gurugram vide Memo No. 764 dated 17.02.2021 due to non-compliance of Fire Norms.</p>
<p>5</p> <p>The Nursery School site being run in the name of G.D. Goenka Public School has encroached open park/green</p>	<p>As per approved Zoning Plan bearing drawing No. DTCP-1638 dated 14.07.2008, plot no. 1 of E/8, adjoining to the said nursery school site has been amalgamated in the plot of Nursery School (NS-7,</p>

	space behind the school building (Sr. No. 15 of MoM dated 16.03.2021).	measuring area 0.247 Acres). But, the same has been shown as a separate plot in the approved revised Layout Plan bearing Drawing No. DTCP-1458 dated 31.01.2008.
6	To examine the status of land falling under the Service Road whether transferred/handed over to the Govt./Department or not and to upload the same on the e-portal of land inventory, if required (Sr. No. 16 of MoM dated 16.03.2021).	The colonizer was directed vide this office Memo No. 6154 dated 01.07.2021 to provide the status of the land falling under the Service Road, whether transfer/handed over to the Govt./Department. In reference to the same, the colonizer vide letter dated 20.07.2021 (copy enclosed) has informed that they have already applied/intimated to the Commissioner Municipal Corporation, Gurugram and Senior Town Planner, Gurugram vide letter dated 24.02.2016 & 17.05.2016 respectively for handing over the same to the Govt./Department.
7	To inform the concerned Department/Authority for taking necessary action against illegal disposal of sewage in the licensed colony (Sr. No. 18 of MoM dated 16.03.2021).	Regional Officer, HSPCB & Executive Engineer, HSVP, Gurugram & Executive Engineer, Public Health Department, Gurugram have been requested vide this office Memo No. 6150-52 dated 01.07.2021 to take immediate necessary action regarding the same, but the report is still awaited.
8	To examine the issue of Dispensary building (OC stands already granted) demolished without permission of the Department (Sr. No. 20 of MoM dated 16.03.2021).	<p>i. The revised Building Plan for said Dispensary site measuring area 1.053 Acres has been approved/sanctioned in favour of M/s Malibu Estate Pvt. Ltd. vide your good office Memo No. 192 dated 18.03.2015 and the Occupation Certificate for the same was issued vide your good office Memo No. 7330 dated 19.09.2018.</p> <p>ii. The complainant vide e-mail dated 15.04.2021 & 16.04.2021 attached a letter of Malibu Estate Pvt. Ltd., which has been addressed to Malibu Estate Dispensary Pvt. Ltd. wherein, the explanation regarding permission for demolishing the Dispensary Building and the name of competent authority/concerned Department, who granted the permission to do so has been sought. However, this office was not aware of the said facts till the receiving of aforesaid e-mails dated 15.04.2021 & 16.04.2021.</p> <p>iii. However, as on date, the Dispensary Building stands demolished at site. As per opinion of this office, there is no such provision for obtaining approval regarding demolition of such site by the applicant. Further, it is also apprised that as the competent authority for granting approval/sanction/renewal for such kind of Dispensary sites is Circle office itself.</p>
9	To examine the requirement of Environment Clearance in light of terms & condition imposed in the license, as the builder has now applied for the same and why Good Earth Mall has submitted plans for environment clearance (Sr. No. 21 of MoM dated 16.03.2021)	This issue is required to be deliberated at the level of H.Q. It is also intimated that the complainant has submitted a copy of Memo No. HSPCB/Consent:329962320GUNOCTO7846102 dated 02.09.2020 (copy enclosed), wherein HSPCB has refused the consent under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention & Control of Pollution) Act, 1981.

Point-wise comments on issues mentioned in Hon'ble Lokayukta Haryana order dated 25.11.2019 in Complaint No. 319 of 2011 filed by Sh. Raman Sharman and Complaint. 169 of 2014 filed by Dr. Vinod Kohli, Malibu Town, Sohna Road, Sector-46, Gurugram.

Issues 1:-

The competent authority as per the Act of 1975 to grant approval for grant of license is the Director, whereas the license no. 36 of 1997 was granted after approval of Government.

Reply:-

The competent authority as per the Act of 1975 to grant approval for grant of license is the Director, but as per section 9A of Act of 1975, Director shall carryout such directions, as may be issued to him from time to time by the Government for efficient administration of the Act *ibid.* Hence, the Director is bound by the orders of the Government. The internal concurrence/approval of Government was required for grant of license since the year 1991. It is only after 01.11.2016, that the files for grant of license were not sent to the Government for internal concurrence, when the Govt. decided to amend the Standing Orders which were amended w.e.f. 1.11.2016.

Issues 2:-

The license was granted without determining the experience of licensee in real estate and establishing financial positions and the capacity of the developer to develop a licensed colony.

Reply:-

The first license no. 71-75 of 1992 dated 28.10.1992 was granted after duly ascertaining the capacity of the colonizer i.e. Malibu Estate Pvt. Ltd. to develop a colony over an area measuring 107.687 acres as per prevailing provisions i.e. section 3(2)(c) of Act of 1975 and Rule 8 (c) of Rules of 1976. Subsequently, additional licenses were granted considering the technical and financial capacity of the colonizer on the basis of the already granted license as mentioned above.

Issues 3:-

As per Rule 12(2) of the Rules, 1976, the license granted under Sub section 3 of section 3 of Act of 1975 shall be valid for a period of 2 years from the date of its grant during which period all development works in the colony shall be completed and certificate of completion obtained from the Director as provided in rule 16.

Reply:-

In case the colonizer fails to complete the development work within the period specified in the license then colonizer can apply for renewal of license under Rule 13 of Rules of 1976. As per Rule 14(1), DTCP is competent to renew the license and accordingly, the licenses of the colony namely Malibu Town were renewed.

Issues 4:-

The building was to be completed within 2 years but the same was not completed and the renewal was granted under Rule-13.

Reply:-

The Act of 1975 mandates development works to be completed within validity period of license and not to construction of buildings. The rule-13 read with

section 3(4) of the Act no. 8 of 1975, provides for renewal of license of a colony. No where it provides that there is any cap on the number of times of the renewal of license.

Issues 5:-

The colonizer has not completed development works in the colony as per the approved layout plan and service estimates within the validity of period of license.

Reply:-

It is important to note that the first group of licenses i.e. license no. 71-75 of 1992 dated 28.10.1992 were granted to the colonizer for development of residential plotted colony over an area measuring 107.682 acres. It is worth mentioning that development of a colony is a continuous process. Therefore, it is quite difficult that a colony is completely developed in an original license validity period of two years, having such a large area of more than 100 acres. Considering this, the state legislative, through amendment in the Act of 1975, extended the validity of license from 2 years to 4 years and thereafter from 4 years to 5 years vide amendment dated 18.03.2009 & 04.04.2014 respectively. Even after that the Rule 13 of Rules 1975 enables to further renew the license for a period of 5 years (initially it was one year which was subsequently increased to 2 years & thereafter to 5 years). The part completions were granted on account of the reason that the development works as per approved layout plan were not completed in all respect. Further, licenses for additional land were granted which include the layout plan in totality of the licenses granted for the colony.

Rule 16 of Rules of 1976 provides for issuance of the completion certificate/part completion certificate of a colony. It is submitted that before issuance of the completion certificate to the colonizer, the Department of Town & Country Planning, seeks confirmation report from field that the services are laid at site in accordance with approved service plans/ estimates. The part completion is granted only after receipt of satisfactory report regarding laying of services at site. The same practice was also adopted while issuing the part completion certificate of MEPL. The Completion Certificates of almost 94.04 % of the total colony were issued by the Department till September, 2016. Therefore, the part completion certificates of the colony were granted as per Act/Rules within validity of the licenses.

Issues 6:-

There is no provision to renew the license after expiry of license.

Reply:-

Section 13 of Act of 1975 empowers the Director to compound any offence punishable under the Act. The Department has renewed the license after charging penal interest for delay in filing request for renewal of license.

Moreover, most of the requests for renewal of license were filed within time and no relaxation has been given to the colonizer.

The builder has not taken any clearance and the irony of the system is that Mr. T.C. Gupta, respondent without verifying the implementation of the conditions has again renewed the same in 2010.

Kind attention is invited towards the notification no. S.O.1533 dated 14.09.2006 issued by the Ministry of Environment & Forests, Government of India. This notification is applicable for the projects having an area more than 50 hectares or constructed area more than 20,000 sq. mtrs, whereas license no. 15 of 2008 was granted for an area measuring 24.68 acres (9.99 hectares). Therefore, the aforesaid MoEF notification dated 14.09.2006 was not applicable in respect of license no. 15 of 2008, although it is admitted that a condition w.r.t MoEF notification NOC was inadvertently imposed in the license. Moreover, the Part Completion certificates of the colony w.r.t all the licenses granted prior to license no. 15 of 2008, were granted by the Department till 05.03.2003 in accordance with Rule 16 of Rules of 1976. Hence, the license granted for an additional area measuring 24.681 acres vide license no 15 of 2008 dated 31.01.2008 is less than the areas prescribed in the MoEF notification dated 14.09.2006. Moreover, the competent authority for enforcing the MOEF notification dated 14.09.2006 is Department of Environment and Forest.

Issue 8:-

The colonizer has not constructed community buildings.

Reply:-

The Section 3(3)(a)(iv) of Act no. 1975 provides that the community site either can be constructed by the licensee/colonizer or get it constructed within the stipulated period, failing which, the land earmarked for community site shall vest with the Government. It is pertinent to mention that the prescribed time for construction of community site was upto 30.05.2018 as per section 3(3)(a)(iv) of Act no. 1975. However, the said date has now been extended upto 5 years at a time w.e.f. 30.05.2018 vide notification dated 31.01.2019 subject to payment of extension fees.

As per approved layout plan, total 16 nos. of community sites were provided, occupation certificate in respect of 11 no. of community buildings had already been granted till September 2018. One religious building has been handed over to the Government and site of sub-post office has been provided in the shopping centre. Now, the occupation certificates in respect of only 4 no. of community buildings are required to be obtained by the colonizer before issuance of final completion certificate under Rule 16 of Rules of 1976.

Issues 9:-

Sale of independent floors in violation of policy dated 27.03.2009:- The report proves that the matter is still under consideration of the Directorate meaning thereby inspite of violation no action has been taken.

Reply:-

The matter of registration of independent floors stands decided by DTCP, Haryana vide order dated 15.01.2019 under section 10 of the Act no. 41 of 1963. However, the aforesaid orders have been challenged before the Appellant Authority-cum-Principal Secretary to the Government, Haryana Town and Country Planning Department through appeal no. 5, 6 & 7 of 2019. The said appeal has been decided on 07.11.2019 by the appellant authority, wherein it has been held the registration prior to 27.03.2009 is not illegal. Further, the Hon'ble Punjab and Haryana High court vide its order dated 18.03.2020 in CWP No. 25807 of 2016 Om Parkash Parihar & Another Vs State of Haryana has observed that the said guidelines i.e. policy dated 27.03.2009 are discriminatory and violative of the provisions of Section 17 (1) of the Registration Act. The said guidelines cannot prevail upon the statutory provisions of law.

Issues 10:-

The Mumty was constructed without there being any provision and in violation of approved building plans.

Reply:-

The provision of Mumty even if not there in the approved building plans and when the same is constructed, is a compoundable offence. The composition policy is not against the policy of Act/Rules

Issues 11:-

As per the action taken report, the colonizer has reported that all the documents required and as asked for by the electricity department for setting up of 33KV(ESS) have been submitted but this report itself is sufficient to prove that approval has not been accorded so far. Thus the colonizer has failed to construct the 66 KV sub-station as required.

Reply:-

It is submitted that the 33 KV ESS site has been approved as part of group housing scheme of Malibu Town colony and its operational at site to meet the electricity demand of its residents. Further, during the site visit, XEN, DHBVN intimated that electrification plan of Malibu Town was sanctioned on 33 KV level, although as per the HERC norms, the builder is required to construct a 66 KV sub-station, whereas the builder has completed partial work of 33 KV independent feeder and also installed 10/12.5 MVA, 33/11 KV power T/F in the colony. Superintending Engineer, OP circle, DHBVN, Gurugram vide his office memo no. CH-40-DRG dated 23.01.2015 had intimated that a proposal had already been submitted by DHVBN to its higher authorities for up-gradation of 33 KV sub-station at Malibu Town with connectivity through two no. of independent 33 KV feeder from 220 KV sub-station of sector-72, GMUC and

DHVB
filing at
Haryana
13.07.2015

Issues 12:-

AVBN shall obtain the approval of HERC for regularizing the above proposed filing arrangement. These facts were submitted to the Hon'ble Lokayukta, Haryana by STP, Gurugram, while filing the ATR dated 23.04.2015, 07.07.2015 & 13.07.2015.

Issues 12:- STP, Gurugram did not take steps for compliance of his own speaking order; that the Senior Town Planner has once again erred in his responsibility of enforcing compliance of his orders dated 21.3.2011. STP has again refused to act or enforce the provisions and did not check the violations wherein the BSNL office/exchange and VITA booth built on the green belt.

Reply:- The action taken report has been filed by STP, Gurugram vide his letter dated 07.07.2015, dated 03.07.2015, dated 26.10.2015, dated 24.03.2015, dated 13.07.2017 reporting the status of action taken report of each issue including the removal of encroachments from the green belt. Moreover, the Hon'ble Lokayukta, Haryana at para no. 2 in page no. 20 in his final report dated 25.05.2018 that DTP (Enf.), Gurugram has carried out the demolition drive on 25.02.2012 to report the aforesaid structures including the vita booth, BSNL exchange etc. Moreover, the case of lodging the FIR was forwarded by DTP (Enf.), Gurugram vide memo dated 19.01.2012 to Commissioner of Police. Further, DTP (Enf.) Gurugram has issued restoration order under section 10(2) of Act of 1975 on 13.07.2017 for BSNL office. Moreover, the Department has granted in-principle approval on 07.03.2019 to revise the layout plan of the colony. No orders to regularize the unauthorized structures raised in the green belt have been passed.

However, it is pertinent to mention here that the said colony was jointly inspected by field officials of DTP (P), Gurugram office in co-ordination with DTP (Enf.), Gurugram office and found some unauthorized structures raised in the green areas/parks, which are the components of essential services (Sewerage Treatment Plant, Electrical Sub-Stations, BSNL Telephone Exchange, D.G. sets & Milk Booth) alongwith temples/religious buildings etc. The removal of such unauthorized structures will disrupt the essential services being delivered to the general public/residents of the colony and the same may hamper the public at large. Hence, the decision for directing DTP (Enf.), Gurugram to take necessary action against the unauthorized structures raised in the colony, may be taken at the Directorate level.

Issues 13:- Action taken report itself is sufficient to prove that the colonizers have failed to comply with the terms and conditions of the licenses and the respondents who were duty bound to ensure that the terms and conditions of the licenses are complied with by the colonizers have failed to do their duty and no serious steps have been taken to get the said terms and conditions complied with or in

alternative to take the appropriate action against the colonizer. Hence, the departmental action is required to be recommended against all the respondents who by one or other way are responsible for dereliction of their duties. Accordingly, the report is submitted to the Hon'ble Lokayukta."

Reply:-

The scrutiny report dated 10.05.2019 of Registrar O/o Lokayukta, Haryana is devoid of any merits and does not contain the factual position, therefore, no officer is responsible for dereliction of his duties and no action is to be recommended against any officer. No relaxation has been given to the colonizer for complying terms and conditions of license. The Registrar O/o Lokayukta, Haryana has ignored the following facts w.r.t the compliances made by the colonizer as already mentioned in the synopsis. The license no. 71-75 of 1992, 4-8 of 1993, 15-19 of 1994, 36-46 of 1997, 15 of 2008 were renewed after making due compliances under Rule 14 of Rules of 1976.

Further, the company had obtained part completion certificate for the area measuring 120.7 acres, out of the total licensed land measuring 204.8 acres within 2 to 4 years from grant of license. Further, the part Completion Certificate for an area measuring 192.606 acres (94%), out of the total area of the colony measuring 204.8 acres, (except group housing component) has been issued under Rule 16 of Rules of 1976, meaning thereby that the majority of the colony has been laid down as per the approved layout plan.

The proceedings in accordance with Rule-18 & 19 of the Rules 1976 have not been undertaken on account of satisfactory performance of the licensee with regard to development works carried out at site as evident from the dates of grant of part completion certificates.

Hence, it is proved that the scrutiny report is devoid of merits and does not contain the factual position. Therefore, no officer is responsible for dereliction of duties and no action is to be recommended against any officer as recommendations of Registrar are baseless and against facts.

Therefore, this allegation of the complainant on the officers of the Department is also not legally tenable.

Further, as regard the observations of W/PSTCP regarding constitution of SIT as recommended by the Hon'ble Lokayukta Haryana in the concluded para office enquiry report dated 25.11.2019, it is submitted that the submission/comments of this Department at 'A' at NP/227 and 'B' at NP/228 is reiterated alongwith the comments of DTCP at NP/230-232 as well as the recommendation of W/PSTCP at NP/233.

In view of above, the file is submitted to W/PSTCP in compliance of his order dated 11.12.2020 at NP/267 for consideration/orders and accordingly, submitting the above comments for necessary approval/orders please.

Issue 14:-

The colonizer has not complied with the terms and condition of Rule 24, 26(2) and 28 of Rules, 1976.

Reply:-

This allegation of the complainant is not valid. It is submitted that all the layout plans of the project were approved as per the planning norms prevailing at that time. However, it is submitted that layout plan is approved at Directorate level, so the concerned DTP (HQ) should examine the record of the Directorate and submit the clarification on this allegation of the complainant.

Issue 15:-

No fire hydrants have been provided as per the requirement of NBC.

Reply:-

The information sought in this point is not available in the record of field offices so DTP(P), Gurugram has sought the said information from the Fire Services, Haryana, Panchkula.

Issue 16:-

Developer has not got the license renewed from time to time, thereby huge financial loss of State Exchequer.

Reply:-

The allegation raised by the complainant is not valid and sustainable. In case the colonizer fails to complete the development work within the period specified in the license, then colonizer can apply for renewal of license under Rule 13 of Rules of 1976. As per Rule 14(1), DTCP is competent to renew the license and accordingly, the licenses of the colony namely Malibu Town were renewed. The renewal of the licenses granted to Malibu Estate Pvt. Ltd. was done under the provisions of Haryana Development and Regulations of Urban Areas Act, 1975 & its Rules, 1976. It is also submitted that the colonizer submits the request of the renewal of license in the Directorate and the whole process of renewal of license is done at Directorate level. So, the concerned DTP (HQ) should examine the record of the Directorate and submit the clarification on this allegation of the complainant.

Issue 17:-

12 nos. of additional licenses have been granted and amalgamated despite prohibition of such Act under Rule 17 of Rules, 1976.

Reply:-

The allegation raised by the complainant is not valid and sustainable. The licenses to Malibu Estate Pvt. Ltd. and Ors. were issued by the Department for development of plotted colony from time to time. All these licenses were issued under the provisions of Haryana Development and Regulations of Urban Areas Act, 1975 & its Rules, 1976. It is also submitted that the field offices only send the site reports and the whole process of grant of license is done at Directorate level. So, the concerned DTP (HQ) should examine the record of the Directorate and submit the clarification on this allegation of the complainant.

Issue 18:-

The community facilities have not been provided by the colonizer rather the community building are being used for commercial purpose.

Reply:- The said colony has been visited by the field staff of DTP(P), Gurugram and observed that all the community facility site mentioned in the approved layout plan of the colony are available.

Issue 19:- The encroachment has been made on the green belts and open spaces by raising permanent structure.

Reply:- The submission made at 2nd Paragraph of Issue raised at Sr. No. 12 above are reiterated to avoid repetition.

Issue 20:- The resident welfare association has been ignored in the important decision making of the township in collusion with the developer.

Reply:- This allegation is not valid. This Department has taken all the decision regarding this colony as per the provisions of the Act/Law.

Issue 21:- No construction of ladders on second floor to access terrace on the constructed floors.

Reply:- After having a meeting with the members of RWA, it was decided to provide ladder to access terrace. As on 21.01.2014, ladder to access the terrace was provided on 131 plots but could not be provided on 17 plots due to non consent of the plot owners.

Issue 22:- There is no space for the telephone exchange.

Reply:- Yes, it is true that no space for telephone exchange is approved in the layout plan. It is also pertinent to mention that in telephone exchange is a town level facility and is not approved in each plotted colony.

Issue 23:- Sewerage treatment plant has been shifted from the proposed location.

Reply:- No Sewerage treatment plant has been approved in the layout plan. However, the information regarding the same may be available in the Directorate as service plan estimate are issued from the Directorate. So, the concerned DTP (HQ) should examine the record of the Directorate and submit the clarification on this point.

The submission made at 2nd Paragraph of Issue raised at Sr. No. 12 above are reiterated to avoid repetition.

Issue 24:- No objection certificate has been obtained MOEF and construction has been made without Environmental clearance.

Reply:- Kind attention is invited towards the notification no. S.O.1533 dated 14.09.2006 issued by the Ministry of Environment & Forests, Government of India. This notification is applicable for the projects having an area more than 50 hectares or constructed area more than 20,000 sq. mtrs, whereas license no. 15 of 2008 was granted for an area measuring 24.68 acres (9.99 hectares). Therefore, the aforesaid MoEF notification dated 14.09.2006 was not applicable in respect of license no. 15 of 2008, although it is admitted that a condition w.r.t MoEF notification NOC was

inadvertently imposed in the license. Moreover, the Part Completion certificates of the colony w.r.t all the licenses granted prior to license no. 15 of 2008, were granted by the Department till 05.03.2003 in accordance with Rule 16 of Rules of 1976. Hence, the license granted for an additional area measuring 24.681 acres vide license no 15 of 2008 dated 31.01.2008 is less than the areas prescribed in the MoEF notification dated 14.09.2006. Moreover, the competent authority for enforcing the MOEF notification dated 14.09.2006 is Department of Environment and Forest.

Issue 25:-

No sub-post office has been constructed in the colony.

Reply:-

No separate sub-post office site is approved in the layout plan of the colony. However, a site of sub-post office is approved in the commercial area of the colony, which has already been handed over to the Postal Department.

Issue 26:-

The bank guarantees submitted by the developer has been released contrary to the provisions of the Act/Rules.

Reply:-

The decision regarding release of bank guarantees is taken at Directorate level. So the concerned DTP (HQ) should examine the record of the Directorate and submit the clarification on this allegation of the complainant.

The report on the issues raised in the complaint no. 319 of 2011 has already been provided by the Directorate to PSTCP, vide Directorate Memo No. 9470 dated 13.07.2011 and the aforesaid point-wise reply was also filed by the Department in the Hon'ble Lokayukta, Haryana. Hence, no further comments are required on behalf of field offices.

District Town Planner, Gurugram (Planning)
DEPARTMENT OF TOWN AND COUNTRY PLANNING
HUDA Office Complex, Sector-14, Gurugram,
Tel No.: 0124-2320573,

E-mail: ntp5.gurugram.tcp@gmail.com

Memo No: DTP(G)/2021/6168

Dated: 01-07-2021

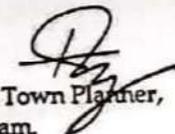
To

District Town Planner (Enforcement),
Gurugram.

Subject:- Allegations alleged by Sh. Raman Sharma (the complainant) for allegations being overruled/unheard/not written in the site visit report submitted by the Committee constituted for site inspection of Malibu Towne and objections raised during the meeting held today i.e. 16.03.2021.

Reference:- E-mail dated 16.03.2021 (copy enclosed) of Sh. Raman Sharma.

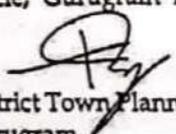
With reference to subject cited above, it is intimated that vide above referred e-mail, a total of 83 issues have been raised by the complainant. The same have been examined and observed that the issues raised at Sr. No. 10, 12, 13, 39, 40, 41, 65, 66, 68, 69, 70, 73, 76, 79, 81, 82 & 83 are related to your office. Hence, it is requested to examine the same and take immediate necessary action. Thereafter, send the action taken report directly to Senior Town Planner, Gurugram under intimation to this office.


District Town Planner,
Gurugram.

Dated: 01-07-2021

Endst. No. 6169

A copy is forwarded to Senior Town Planner, Gurugram Circle, Gurugram for information please.


District Town Planner,
Gurugram.

✓

District Town Planner, Gurugram (Planning)
DEPARTMENT OF TOWN AND COUNTRY PLANNING
HUDA Office Complex, Sector-14, Gurugram,
Tel No.: 0124-2320573,
E-mail: dtp6.gurugram.tcp@gmail.com

REMINDER-I

Memo No: DTP(G)/2021/8914

Dated: 06/09/2021

To

District Town Planner (Enforcement),
Gurugram.

Subject:-

Allegations alleged by Sh. Raman Sharma (the complainant) for allegations being overruled/unheard/not written in the site visit report submitted to STP, Gurugram by the Committee constituted for site inspection of Malibu Towne, Sector-47 & 50, Gurugram and the complainant's claims regarding 83 no's of issues being omitted from their site report.

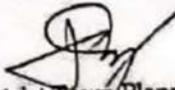
Reference:-

Complaint of Sh. Raman Sharma received vide e-mail dated 16.03.2021 and in continuation to this office Memo No. 6168 dated 01.07.2021 & Endst. No. 8079 dated 18.08.2021.

Your kind attention is drawn towards the above referred letter dated 01.07.2021 vide which, it was requested to examine the issues raised at Sr. No. 65, 68 & 82 by Sh. Raman Sharma (the complainant) through e-mail dated 16.03.2021 and to send the requisite report/comments directly to Senior Town Planner, Gurugram office under intimation to this office.

Further, the site report containing deviations/violations found in subjected colony w.r.t. the approved Layout/Zoning Plan was sent vide this office Endst. No. 8079 dated 18.08.2021 to take necessary action against the deviations/violations found at site as per Act/Rules. However, no intimation regarding action been taken against the same, has been received till now.

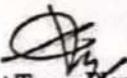
Now, in supersession of the site report dated 18.08.2021, the latest site report (Annexure-A) containing the deviations/violations found at site is being sent herewith with the request to take necessary action against the same as per the provisions of Act/Rules and send action taken report directly to Senior Town Planner, Gurugram under intimation to this office.


O/c District Town Planner,
Gurugram. 

Endst. No. 8915

Dated: 06/09/2021

A copy is forwarded to Senior Town Planner, Gurugram Circle, Gurugram for information please.


O/c District Town Planner,
Gurugram. 

District Town Planner, Gurugram (Planning)
DEPARTMENT OF TOWN AND COUNTRY PLANNING
HUDA Office Complex, Sector-14, Gurugram,
Tel No.: 0124-2320573,
E-mail: dtp6.gurugram.tcp@gmail.com

REMINDER-II

Memo No: DTP(G)/2021/ 12322

Dated:

23/11/2021

District Town Planner (Enforcement),
Gurugram.

Subject:-

Allegations alleged by Sh. Raman Sharma (the complainant) for allegations being overruled/unheard/not written in the site visit report submitted to STP, Gurugram by the Committee constituted for site inspection of Malibu Towne, Sector-47 & 50, Gurugram and the complainant's claims regarding 83 no's of issues been omitted from their site report.

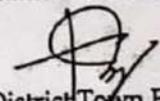
Reference:-

Complaint of Sh. Raman Sharma received vide e-mail dated 16.03.2021, STP, Gurugram office Memo No. 5048 Dated 22/10/2021 and in continuation to this office Memo No. 6168 dated 01.07.2021 & Endst. No. 8079 dated 18.08.2021 and Memo No. 8914 dated 06.09.2021.

Your kind attention is drawn towards the above referred letter dated 01.07.2021 in which, it was requested to examine the issues raised at Sr. No. 65, 68 & 82 by Sh. Raman Sharma (the complainant) through e-mail dated 16.03.2021 and to send the requisite report/comments directly to Senior Town Planner, Gurugram office under intimation to this office.

Further, the site report containing deviations/violations found in subjected colony w.r.t. the approved Layout/Zoning Plan was sent vide this office Endst. No. 8079 dated 18.08.2021 to take necessary action against the deviations/violations found at site as per Act/Rules. However, no intimation regarding action been taken against the same, has been received till now.

Now, in supersession of the site report dated 18.08.2021, the latest site report (Annexure-A) containing the deviations/violations found at site is being sent herewith with the request to take necessary action against the same as per the provisions of Act/Rules and send action taken report directly to Senior Town Planner, Gurugram under intimation to this office. Copy of E-Mail is attached.


o/c District Town Planner,
Gurugram.

Endst No.

12323 to 12324

Dated: 23/11/2021

A copy of the above is forwarded to the following for information please:-

1. Director, Town & Country Planning, Haryana, Chandigarh.
2. Senior Town Planner, Gurugram.


o/c District Town Planner,
Gurugram.