

Compliance Report dated 10.10.2022

As per

Hon'ble National Green Tribunal

(Order dated 2nd February, 2022)

IN THEMATTER 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

It is submitted that interim report was filed on 05.09.2022 by the then constituted committee in this regard. As one of the member Ms. Ankita Choudhary, IAS representative of District Magistrate, Gurugram has been transferred from Gurugram to Sonapat on 26.08.2022 and another member Sh. Mahender Singh, Executive Engineer, HSVP, Gurugram representative of HSVP has been retired on 31.07.2022. Till date HSVP has not appointed representative inspite of repeated request vide letter dated 09.09.2022 and 21.09.2022. Re-constituted committee except member of HSVP has convened a meeting on 07.10.2022 and minutes of meeting is attached as **Annexure-1** wherein MCG and DTP was asked to submit final action taken report. Assistant Engineer (SBM), MCG has submitted report dated 08.10.2022 (**Annexure-2**) received on 10.10.2022 which is reproduced as under:-

“...a dispensary existed in Malibu Town, Sector 50, Malibu Town is a private colonization area under a license issued by the Town & Country Planning Department Government of Haryana. The owners of the properties in Malibu Town sold the above-mentioned dispensary to Shri Jagdish Chand Chaudhary. Shri Jagdish Chand Chaudhary hired a private contractor, M/s Goyal Iron Steels, for the demolition of the dispensary building. M/s Goyal Iron Steels requested this office, for permission to allow him to dispose of the C&D waste, likely to be generated as a result of the demolition of the above-mentioned Dispensary in accordance with the Construction & Demolition Waste Management Rules, 2016 through their own agency.

On the request of the applicant M/s Goyal Iron Steels; Municipal Corporation, Gurugram granted permission to M/s Goyal Iron Steels for the disposal of C&D waste as per construction and Demolition Waste Management Rules, 2016 vide Memo. MCG/JC-HQ/2020/731 dated 29.09.2020.

The officers of MCG, observed that the agency M/s Goyal Iron Steels did not dispose of the C&D Waste as per C&D Waste Rules, 2016 and due to non-compliance with the C&D Waste Rules, 2016, a suitable action was taken against the defaulter and a challan was issued in favour of the owner Shri Jagdish Chand Chaudhary (the owner of the Property).

The challan to the defaulter was settled by imposing a fine amounting to Rs. 50,000/- on dated 28.10.2021. The challan amount was deposited by the owner Sh. Jagdish Chand Chaudhary in MCG vide Receipt No. 1731426.

Thereafter, the officials of MCG visited the site and assessed the existing C&D Waste at the site of the dispensary. Accordingly, a notice of the assessment of C&D waste was issued to the owner Sh. Jagdish Chand Chaudhary vide memo. No. JCHQ/MCG/2021/916 dated 11.11.2021; amounting to Rs. 9,07,200/-; including a penalty at the rate of 20% of assessment amount amounting to Rs. 1,51,200/- and MCG withdrew the permission for self-disposal of the C&D Waste, and the defaulter was informed accordingly vide memo. No. MCG/EE-SBM/38108 dated 30.11.2021.

Thereafter, based on the built-up area as mentioned in the sanctioned plan for the dispensary building, a final assessment was made, and a final notice was issued to the owner Sh. Jagdish Chand Chaudhary vide memo. No. AE/CND/MCG/2022/47, amounting to Rs. 23,86,638/- including a penalty at the rate of 20% of the assessment amount; amounting to Rs. 3,97,728/-, Sh. Jagdish Chand Chaudhary the owner has paid the requisite fee for a sum of Rs. 23,86,368/-; vide receipt No. 1845147 and a sum of Rs. 9,07,200/- vide receipt No. 1845185 in the office of Municipal Corporation, Gurugram.

The total amount so paid by the owner Sh. Jagdish Chand Chaudhary to the MCG, is a sum of Rs. 33,43,568/-. Now that the MCG has taken over the process of removal of the C&D waste at the site of the dispensary and is scientifically disposing of the waste, as per the requirement of the C&D Waste Rules, 2016.

The Municipal Corporation, Gurugram (MCG) has already entered into an agreement with M/s ILFS Environmental Infrastructure and Services Limited on 13.12.2016 (subsequently amended vide addendum agreement dated 10.03.2022) for the period of 20 years for Collection and transportation and disposal of C&D Waste. In furtherance of such agreement, the concessionaire has established the C&D Waste processing facility at village Basai (Gurugram) for proper disposal of construction & demolition waste generated in Municipal Limits of Gurugram.

The construction & demolition waste lying at the site of project in question will now be processed by MCG at the C&D Waste processing facility at village Basai (Gurugram). This is being lifted and sent to this designated site for scientific

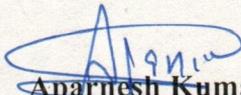
disposal.

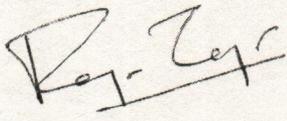
That in view of complaint received about C&D waste on the present site, Municipal Corporation, Gurugram (MCG) taking proactive action to deal with C&D Waste within the jurisdiction of MCG and is committed to safeguard the interest of public at large.”

DTP, Gurugram vide letter dated 10.10.2022 (**Annexure-3**) which is reproduced as under:-

“.....the in-principal approval of the Revised Layout Plan, wherein the D.G. sets existing in the green area were also under consideration, was previously refused vide Directorate Memo No. 17408 dated 22.07.2021 and further representation was refused vide 21868 dated 01.09.2021. However, Directorate vide Memo No. 2130 dated 27.01.2022 (copy enclosed), received in this office for information, has again considered the request of the colonizer i.e. Malibu Estate Pvt. Ltd. for compliance of the orders dated 25.01.2021. The final approval of the in-principal approval of the Revised Layout Plan of residential plotted colony is pending consideration in the Department. subject to the compliance of orders dated 25.01.2021”

The report is being submitted in light of order of Hon'ble Tribunal with request to dispose off the said OA, please.


Aparnesh Kumar,
Scientist B, HSPCB


Rajeev Tejyan, IFS
Divisional Forest Officer


Ravinder Yadav, HCS
SDM, Gurugram

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 07.10.2022

To

1. Sh. Ravinder Yadav, HCS, 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. The District Town Planner (Planning),
Gurugram
5. The Joint Commissioner,
Municipal Corporation, Gurugram
6. The Representative of Administrator, HSVP with request to depute her nominee as already requested vide letter dated 09.09.2022 & 21.09.2022

Subject:- Minutes of Meeting held on 07.10.2022 at 10:00 AM regarding submission of Action taken report in the matter OA No. 68/2022 titled as Raman Sharma Applicant Versus State of Haryana.

Kindly refer to the subject noted above, please find enclosed herewith the minutes of meeting held on 07.10.2022 at 10:00 AM regarding submission of action taken report in the matter of OA No. 68/2022 titled as Raman Sharma V/s State of Haryana for your kind information and further necessary action.

DA/As above

**APARNESH
KUMAR**
Aparnesh Kumar, Member of Committee
as representative of HSPCB & Coordinator
with concerned Members/Departments-cum-Scientist 'B',
Gurugram Region (N)

Digitally signed by APARNESH
KUMAR
Date: 2022.10.07 10:45:29 +05'30'

Minutes of meeting held on 07.10.2022 at 10:00 AM under the Chairmanship of Sh. Ravinder Yadav, HCS, SDM (North), Gurugram in his office room the matter of OA No. 68 of 2022 titled as Raman Sharma V/s State of Haryana.

At the outset, Sh. Aparnesh Kumar, Scientist B, HSPCB, Gurugram Region (N) welcomed the Chairman and all other participants of meeting. Dr. R. Baskar, Member (Member of Committee as representative of SEIAA, Haryana) has not attended the meeting. The list of participants is enclosed as **Annexure-1**.

Sh. Aparnesh Kumar, Scientist B, HSPCB, Gurugram Region (N) has briefed the grievance of applicant mentioned in OA and about the interim action taken report submitted before Hon'ble NGT by the earlier committee. After detailed discussion, following decision were taken:-

1. Town & Country Planning Department & Municipal Corporation, Gurugram will submit action taken report by 10.10.2022.

The meeting ended with a vote of thanks to Chair.

Attendance Sheet (Meeting in OA No. 68/2022 titled as Raman Sharma Applicant Versus State of Haryana)

07.10.2022

Sr. No.	Name	Department	Mobile No.	Email ID	Signature
1	Rajeev Tejwan	Forest	8447134282	dto.gurgaon@gmail.com	
2	ANCHAL ROHILLA ATP	DTP, Ggm	9675191734	atp.hqax.tep@gmail.com dtp6.tep.gurgaon@gmail.com	
3	Apamsh Kanshik	HSPCB	9811287111		
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To

The Regional Officer, Gurugram (South)

Haryana State Pollution Control Board.

Memo No! - 39878

Dated! - 08/10/2022

Sub: OA No. 68 of 2022 titled as Raman Sharma Vs State of Haryana.

**ACTION TAKEN REPORT ON BEHALF OF MUNICIPAL CORPORATION,
GURUGRAM IS AS UNDER:**

It is stated that a dispensary existed in Malibu Town, Sector 50. Malibu Town is a private colonization area under a license issued by the Town and Country Planning Department Government of Haryana. The owners of the properties in Malibu Town sold the above-mentioned dispensary to Shri Jagdish Chand Chaudhary. Shri Jagdish Chand Chaudhary hired a private contractor, M/S Goyal Iron Steels, for the demolition of the dispensary building. M/s Goyal Iron Steels requested this office, for permission to allow him to dispose of the C&D waste, likely to be generated as a result of the demolition of the above-mentioned Dispensary in accordance with the Construction and Demolition Waste Management Rules 2016, through their own agency.

On the request of the applicant M/s Goyal Iron Steels; Municipal Corporation, Gurugram, granted permission to M/s Goyal Iron Steels for the disposal of C&D Waste as per Construction and Demolition Waste Management Rules 2016 vide memo no. MCG/JC-HQ/2020/731 Dated 29/09/2020.

The officers of MCG, observed that the agency M/s Goyal Iron Steels did not dispose of the C&D waste as per C&D Waste Rules 2016 and due to non-compliance with the C&D Waste Rules 2016, a suitable action was taken against the defaulter and a challan was issued in favor of the owner Shri Jagdish Chand Chaudhary (the owner of the Property).

The challan to the defaulter was settled by imposing a fine amounting to Rs 50,000/- on dated 28/10/2021. The challan amount was deposited by the owner Sh. Jagdish Chand Chaudhary in MCG vide. Receipt no. 1731426.

Thereafter, the officials of MCG visited the site and assessed the existing C&D waste at the site of the dispensary. Accordingly, a notice of the assessment of C&D waste was issued to the owner Sh. Jagdish Chand Chaudhary vide memo no. JCHQ/MCG/2021/916 dated 11/11/2021; amounting to Rs 9,07,200/-; including a penalty at the rate of 20% of the assessment amount amounting to Rs 1,51,200/- and MCG withdrew the permission for self-disposal of the C&D waste, and the defaulter was informed accordingly vide memo no. MCG/EE-SBM/38108 Dated 30/11/2021.

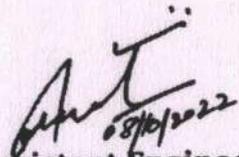
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The total amount so paid by the owner Sh. Jagdish Chand Chaudhary to the MCG, is a sum of Rs 33,43,568/-. Now that the MCG has taken over the process of removal of the C&D waste at the site of the dispensary and is scientifically disposing of the waste, as per the requirement of the C&D waste rules 2016.

The Municipal Corporation, Gurugram (MCG) has already entered into an agreement with M/s ILFS Environmental Infrastructure and Services Limited on 13.12.2016 (subsequently amended vide addendum agreement dated 10.03.2022) for the period of 20 years for Collection and transportation and disposal of the C & D Waste. In furtherance of such agreement, the concessionaire has established the C & D Waste processing facility at village Basai (Gurugram) for proper disposal of construction & demolition waste generated in Municipal Limits of Gurugram.

The construction & demolition waste lying at the site of Project in question will now be processed by MCG at the C & D Waste processing facility at village Basai (Gurugram). The is being lifted and sent to this designated site for scientific disposal.

That in view of complaint received about C & D Waste on the present Site, Municipal Corporation Gurugram (MCG) taking proactive action to deal with C & D waste within the jurisdiction of MCG and is committed to safeguard the interest of public at large.


Assistant Engineer (SBM)
Municipal Corporation,
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)/2022/ 12214
Dated: 10/10/2022

To

Deputy Commissioner,
Gurugram.

Subject:- Minutes of Meeting held on 07.10.2022 at 10:00 AM regarding submission of Action Taken Report in the matter O.A. No. 68/2022 titled as Raman Sharma Applicant Versus State of Haryana.

Reference:- Minutes of the Meeting received vide R.O. (N), HSPCB, Gurugram letter dated 07.10.2022.

With reference to the subject cited above, it is intimated that the previous report in the subjected matter was sent to Sub Divisional Magistrate, Gurugram vide this office Memo No. 8936 dated 27.07.2022 (copy enclosed) wherein, it was informed that the no permission/NOC has been granted by the Department for the D.G. sets in question.

In the Meeting dated 07.10.2022 under the chairmanship of Sh. Ravinder Yadav, HCS, SDM (North), Gurugram, the recommendation of the Committee in the said matter was conveyed to this office stating that "direction may be issued to Department of Town & Country Planning, Haryana for allocation of proper space for placement of D.G. sets without curtailment of green area after approval in the Layout Plan as per procedure and submit an Action taken report". Now, in compliance of the Minutes of Meeting under reference, it is relevant to mention here that the in-principal approval of the Revised Layout Plan, wherein the D.G. sets existing in the green area were also under consideration, was previously refused vide Directorate Memo No. 17408 dated 22.07.2021 and further representation was refused vide 21868 dated 01.09.2021. However, Directorate vide Memo No. 2130 dated 27.01.2022 (copy enclosed), received in this office for information, has again considered the request of the colonizer i.e. Malibu Estate Pvt. Ltd. for compliance of the orders dated 25.01.2021. The final approval of the in-principal approval of the Revised Layout Plan of residential plotted colony is pending consideration in the Department. subject to the compliance of orders dated 25.01.2021.

This is for your information & necessary action please.

DA/As above.


District Town Planner,
Gurugram.

Endst No.

12215 to 12218

Dated:

10/10/2022

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

1. Director General, Town and Country Planning, Haryana, Chandigarh.
2. Senior Town Planner, Gurugram Circle, Gurugram.
3. Joint Commissioner, Municipal Corporation, Gurugram.
4. Regional Officer, Haryana State Pollution Control Board, Gurugram.


District Town Planner,
Gurugram.

Memo No. ZP-5-Vol-IV/AD (RA)/2022/ 2130 Date: 27/01/22

To
Malibu Estate Pvt. Ltd.,
Shopping Arcade, 2nd Floor,
Malibu Towne, Sohna Road,
Gurugram-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. 6580 dated 07.03.2019, 17408 dated 22.07.2021 and 21868 dated 01.09.2021 on the subject cited above.

Vide letter under reference, it is informed that you have failed to comply with the conditions of the in-principle approval dated 07.03.2019. Your request for approval of revised layout plan was not considered vide letter dated 01.09.2021. Now you have again requested to comply with the conditions vide letter under reference and in reference to department orders dated 25.01.2021 (Copy enclosed).

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 shall be considered only after compliance of the orders dated 25.01.2021.

DA/As above.



(Rajesh Kaushik)

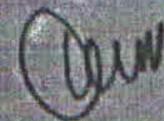
District Town Planner (HQ),

For: Director, Town and Country Planning,
Haryana, Chandigarh.

Endst. No. ZP-5-Vol-IV/AD (RA)/2022/ 2131-33 Date: 27-01-22

A copy if the same is forwarded to the followings:-

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



(Rajesh Kaushik)

District Town Planner (HQ),

For: Director, Town and Country Planning,
Haryana, Chandigarh.