

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 68 OF 2022

IN THE MATTER OF:-

Raman Sharma ... Applicant
VERSUS
State of Haryana & Ors. ... Respondents

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FILED BY



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ADVOCATES FOR RESPONDENT NO. 7

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Email: gautamradhika.r@gmail.com

Date: 10-11-2023

Place: New Delhi

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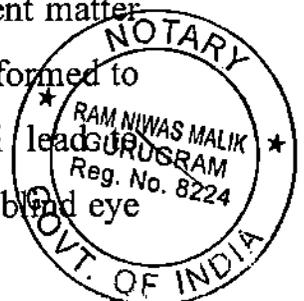
AFFIDAVIT ON BEHALF OF RESPONDENT NO.7

I, Vijay Shiv Nath, aged about 51 years, son of Shri Shankar Pillai Shiv Nath, Secretary of Malibu Federation, having office at RWA Office, Opposite Park Drive, 12 Malibu Towne, Gurugram, Haryana do hereby solemnly affirm and state as under:-

1. That I am the Secretary of Respondent No. 5 Federation in the present matter and I am well conversant with the facts and circumstances of the case and as such I am fully competent to swear this affidavit.
2. That I have read and understood the contents of the Affidavit and that the facts stated therein are true and correct to best of my knowledge and belief. I also state that the copies of the annexures annexed to the accompanying affidavit are true copies of their respective originals.

ENCROACHMENT OF GREEN BELTS BY HSVPN

3. That the Respondent No 5 (HSVPN) recently auctioned 29 plots within the periphery of the residential colony Malibu Towne, for a whopping a sale consideration of around 200 crores(as per a local news platform). That during the course of development of the said land by the HSVPN the officials of RWA informed the officer of HSVPN about the present matter and the issues involved in same. It was specifically informed to the officers of the HSVPN that there action will lead to permanent destruction of green belt, however turning blind eye



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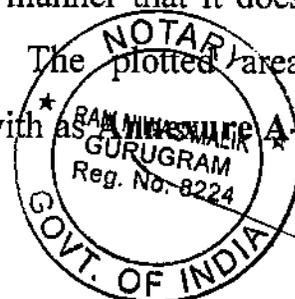
to the said request, the officers of the HSVPN under pressure of their allottees are continuing with the construction and destruction of the green belt. That various Photos of the Green belt and its destruction has been filed as **Annexure A-1 (Colly)**.

4. That the destruction and redevelopment of Green Belt to accommodate road and driveway for 29 plots by HSVPN has been done in the following manner:

Sl.NO	Purpose for which green belt encroached	Measurement
1.	Road (Marked E-1 on Map Attached)	36 Sq Meter
2.	Driveway of plots auctioned No 1116 to 1118. (Marked E-2 on Map Attached)	51.75 Sq Meter

The above area falls into green belt as per the approved layout plan of the colony. The HSVPN should not have taken any action without proper approval of DTCP (Haryana), the said deliberate action was taken by HSVPN knowing well that the DTCP could not have accorded approval without the consent of residents as third party rights have been created in township. Further neither the HSVPN or DTCP has provided the alternate space to the Residents to compensate the said 87 sq.mts. The copy of the Map attached as **Annexure A-2**.

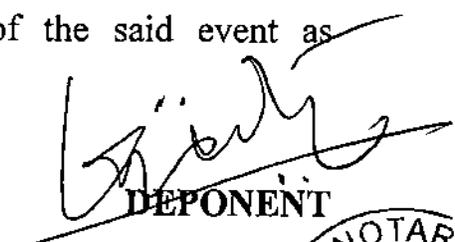
5. That besides the above area the HSVPN has also encroached an area of 162 Sq Meter of general services which was outside the land belonging to the HSVPN and under the specific jurisdiction of the DTCP.
6. That the HSVPN while preparing the layout plan could have planned opening and size of plots in such manner that it does not lead to destruction of green belts. The plotted area developed by the HSVPN is annexed herewith as **Annexure A-3**.



7. That in order to protect the green belt the constituent association of Malibu Federation has filed a civil suit for permanent injunction, titled as MT Plot Residents Welfare Association Versus Haryana Shehri Vikas Pradhikaran and another bearing no. CS 2507/2023. The Hon'ble court was pleased to pass the injunction order against the HSVPN and DTP(E) Gurugram, however again turning blind eye to the said order, the HSVPN has been carrying out development activity on the green belts. The Copy of the Court order is **Annexure A-4**.
8. That Applicant of the present complaint was aware of the facts about the on-going encroachment on green belts. This can be ascertained from the fact that he filed a frivolous complaint in month of August 2023, in which the officials from Sadar Police Station Gurugram contacted the Chairman Mr. Niranjana Yadav, on being contacted Mr. Niranjana Yadav informed officials about the present proceedings. The Applicant's stoic silence on said issue clearly demonstrate the true intentions of Applicant which has nothing to do with environment.

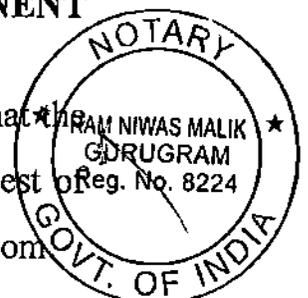
SOLID WASTE MANAGEMENT PLANT

9. That Malibu Federation after constant following up with the SPCB, MCG and STP Gurugram has been accorded the permission to start SWM in the Malibu Towne. The said action was planned long time back, however on account of false and frivolous complaints by few residents the said action got delayed. The permission letter is annexed herewith as **Annexure A-5**. Recently bhumi puja of the site for development was also done, photos of the said event as Annexed herewith as **Annexure A-6**.


DEPONENT

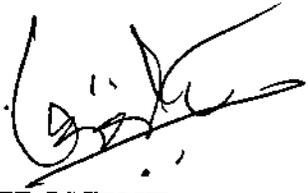
VERIFICATION:

I the abovenamed deponent, do hereby solemnly verify that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.



4

Verified at _____ on this _____ day of October, 2023.



DEPONENT



ATTESTED
RAM NIWAS MALIK, ADVOCATE
NOTARY, GURUGRAM (HR.) INDIA

02 NOV 2023

5

Reg. No. HR/018/2013/00611

MALIBU FEDERATION

Federation of Malibu Towne Residents Associations

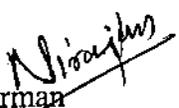
Opposite 12 PKD, Federation Office, Malibu Towne, Sohna Road, Gurugram, (HR) 122018. Email: malibufederation2020@gmail.com

“RESOLVED THAT to maintain flexibility and convenience it would be desirable to appoint an authorized person to represent the “Federation Malibu Towne A Welfare Association” (Regd.) (Herein after referred as FMTWA) and sign and execute necessary documents with regards to the Legal Proceedings before Hon’ble Supreme Court, Hon’ble High Court, District & Session Court, Tribunal, Commissions, Government Authority.

AUTHORITY TO SIGN AND SUBMIT THE NECESSARY DOCUMENTS ON BEHALF OF
FMTWA

RESOLVED FURTHER THAT Mr. VIJAY S. NATH who is working as General Secretary, is hereby authorized to sign all Legal papers, applications, Civil Suit, written statements, petitions, affidavits, give Evidence, Vakalatnamas and all other documents required to be filed before the Hon’ble Supreme Court, Hon’ble High Court, District & Session Court or any other Courts/Tribunal, commissions that may be necessary in connection with the legal proceedings for the FMTWA and to represent the “FMTWA” in the matters filed by the Federation or against it incidental thereto as may be considered necessary and expedient and all acts done by him on behalf of the “FMTWA” shall be binding on the “FMTWA”.

For Federation Malibu Towne A Welfare Association


Chairman

Dt-19.10.2023

6

Amre A/C (6/11/14)



7





Annex A3

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33.05

2
27.70

15.0

15.0

17.35

11.10

20.60

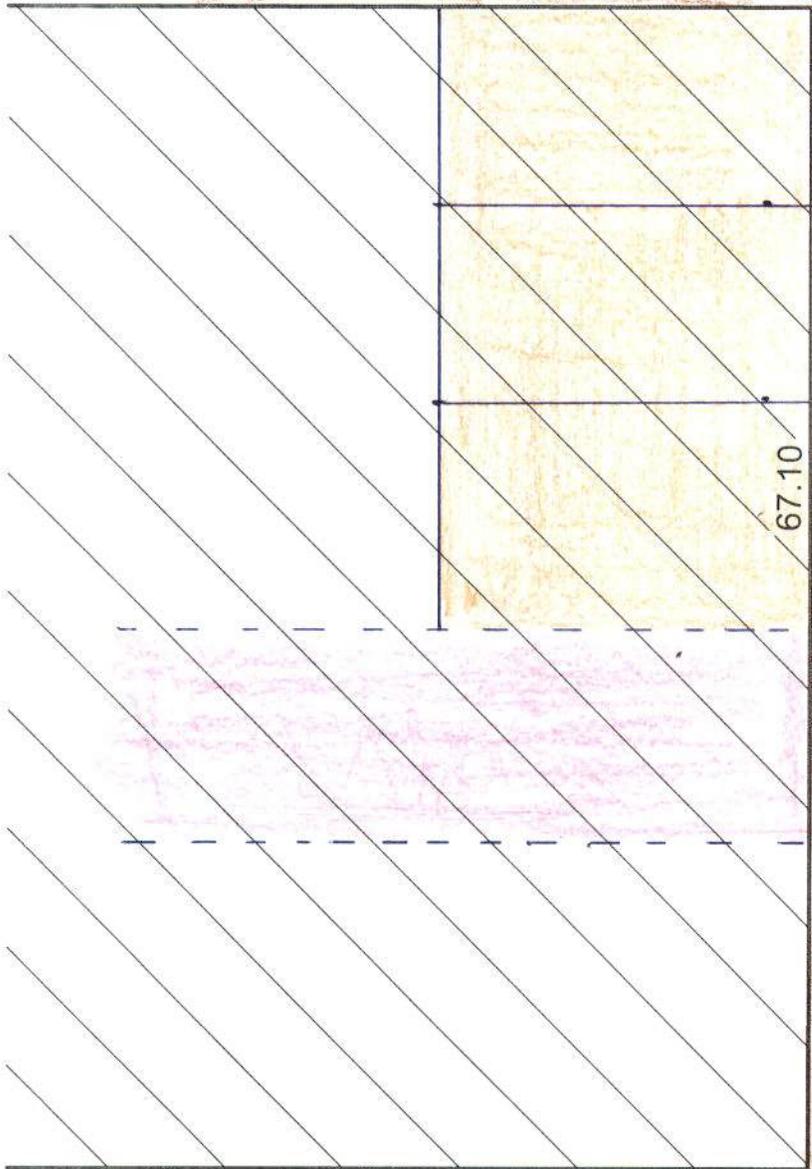
1.10

18.20

26.82

8.39

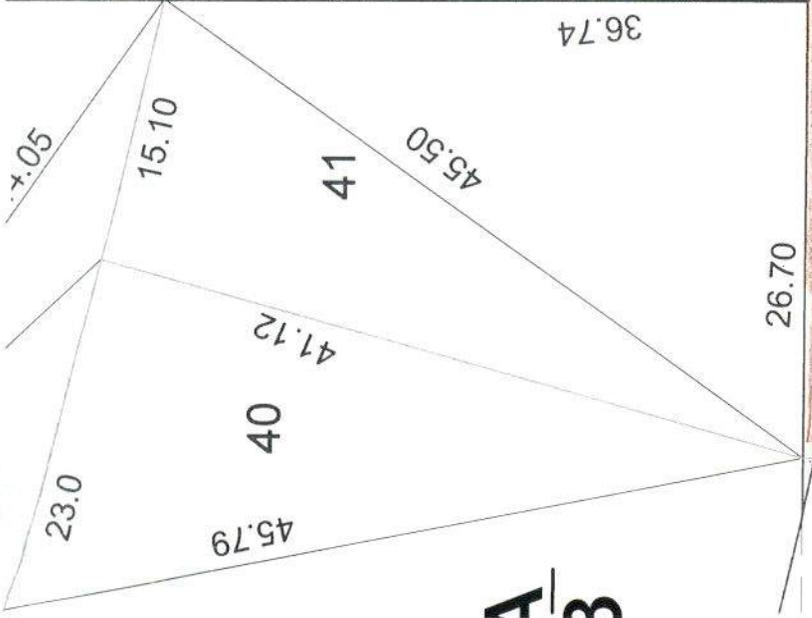
REFT



3.35 MT WIDE RASTA

E-1 E-2

67.10



39

40

41

49

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51

52

53

44.80

40.98

43.10

37.80

42.82

20.0

20.0

36.10

41.20

20.0

36.60

20

11

Amexuse A4

CNR No: HRGR020038702023

CIS No: CS/2507/2023

**MT PLOT RESIDENTS WELFARE ASSOCIATION VS HARYANA SHEHRI
VIKAS PRADHIKARAN etc.**

Present : Shri Sandeep Aneja, Advocate for plaintiffs.

Sh. Ravi Atri, Advocate for defendant no. 1. (WS & reply filed)

Sh. Rajesh Kaushik (DTP) in person for defendant no. 2.

Vakalatnama filed on behalf of defendant no. 1 by Sh. Ravi Atri, Advocate. Written-statement and reply of injunction application filed on behalf of defendant no. 1. An adjournment sought for filing written-statement/reply on behalf of defendant no. 2. Heard. Allowed. Now to come up on 30.10.2023 for filing written-statement/reply on behalf of defendant no. 2.

Both the parties are directed to maintain status quo qua notice dated 14.08.2023 for all parties till next date of hearing.

Date of Order 16.09.2023

Priyanka

(Anil Kumar)
CJ(JD), Gurugram
UID No. HR-0524

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CNR No: HRGR020038702023

CIS No: CS/2507/2023

**MT PLOT RESIDENTS WELFARE ASSOCIATION VS HARYANA SHEHRI
VIKAS PRADHIKARAN etc.**

Present : Shri Sandeep Aneja, Advocate for plaintiffs.

Sh. Ravi Atri, Advocate for defendant no. 1. (WS & reply filed)

Sh. Rajesh Kaushik (DTP) in person for defendant no. 2. (WS filed)

Reply of defendant no. 2 filed. Reply of injunction application not filed. Now to come up on 05.12.2023 for filing reply of injunction application on behalf of defendant no. 2.

Both the parties are directed to maintain status quo qua notice dated 14.08.2023 for all parties till next date of hearing.

Date of Order 30.10.2023

Priyanka

(Anil Kumar)
CJ(JD), Gurugram
UID No. HR-0524

13

Amc AS

From

Joint Commissioner- III,
Municipal Corporation,
Gurugram

To,

Malibu Towne Federation and
All RWAs in Malibu Towne

Memo No. JC-III/MCG/2023/ 29943

Dated: 19/9/2023

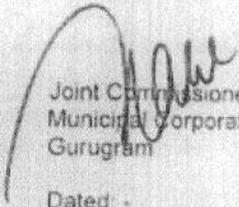
Sub: No Objection Letter for Setting up Waste Management Plant

Subsequent to your request dated 03rd October 2022 via email and submission of General Body Minutes approvals of all associations in Malibu Towne (Stakeholder's consent), MCG has no objection in your setting up the waste management plant around the utilities/public health area marked as per drawings with DTCP as per your proposal.

You would be required to set-up and operate the waste management plant around the utilities area and submit the final layout and photographs upon construction. You would also be required to adhere to all guidelines of SWM 2016 and submit a declaration for addressing no environmental damage due to this plant.

You would also be required to submit a monthly report on the following to undersign at sbm@mcg.gov.in and jc3@mcg.gov.in by 10th of subsequent month and ensure the API of your dashboard is shared with GMDA portal and MCG command and control centre

1. Total Waste Collected
2. Wet Waste Processed
3. Total Compost Made.
4. Dry Waste Processed and its utilisation evidence
5. Bio-Hazardous waste processed
6. E-Waste Processed with evidence

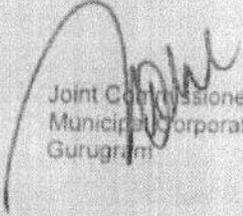

Joint Commissioner-III,
Municipal Corporation,
Gurugram

Dated: -

Endst No. JC-SBM/MCG/2023/

A copy is forwarded to the following for information and necessary action please.

1. PA to Commissioner / Additional Commissioner / Additional Municipal Commissioner, Municipal Corporation Gurugram
2. Joint Commissioner SBM
3. Chief Engineer, Municipal Corporation Gurugram.
4. Executive Engineer- SBM
5. Consultant SBM
6. SDO/JE- SBM, Municipal Corporation Gurugram


Joint Commissioner-III,
Municipal Corporation,
Gurugram

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Anne A6

