

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

O.A. NO. 68 OF 2022

IN THE MATTER OF:

Raman Sharma

...Applicant (s)

-Versus-

State of Haryana & Ors.

...Respondent (s)

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NDoH: 04.12.2024

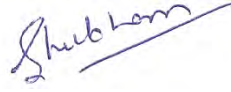
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Date: 02.12.2024

Place: New Delhi

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**COMPREHENSIVE REPLY AND OBJECTIONS ON BEHALF OF
RESPONDENT NO. 8- M/S MALIBU ESTATE PVT. LTD. TO THE
SPEAKING ORDER OF SEIAA DATED 24.10.2024.**

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal is currently seized of the above-mentioned Original Application which has been filed by one Raman Sharma in the form of a complaint via an email dated 03.12.2021 to the Registrar General of this Hon'ble Tribunal, alleging that the Respondents are running 10 DG sets in the green belt area of integrated residential colony of Malibu Town, Sohna road, Gurugram, Haryana without any prior approval of the Haryana State Pollution Control Board, flouting the directions and provisions of Construction and Demolition Waste Management Rules, 2016 and also carrying out constructions in violation of the Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and without prior Environmental Clearance which in the humble submissions of the answering Respondent is not only hopelessly barred by limitation but also is in violation of Rule 14 of National Green Tribunal (Practice and Procedure) Rules, 2011 violating the principle of bar on plural remedies in a single application before this Hon'ble Tribunal.

2. That this Hon'ble Tribunal vide Order dated 11.01.2023 i.e., after more than year impleaded "M/s Malibu Estate Pvt. Ltd." as Respondent No. 8 (hereby referred as "answering Respondent").
3. That thereafter, this Hon'ble Tribunal vide Order dated 28.03.2023 had directed the answering Respondent to clarify in its reply "*whether the answering Respondent has applied for Environmental Clearance, whether any third-party rights have been created, if so, what is the number of persons in whose favour third party rights have been created and what is the amount invested by them and what is the stage of the projects for which EC is required.*" Through the same Order, State Environment Impact Assessment Authority (hereinafter referred as "SEIAA") was also directed to look into the aspects of present status of the project for which EC is required.
4. That the Ld. SEIAA, vide letter dated 14.06.2023, directed to present relevant documents pertaining to the project to the answering Respondent. Accordingly this Hon'ble Tribunal, after noting the fact about the letter dated 14.06.2023, directed the Ld. SEIAA vide Order dated 25.07.2023, to dispose of the matter and take a decision according to the Rules after giving an opportunity of hearing to the person(s) concerned within a reasonable time.
5. That the answering Respondent also filed its Reply dated 24.07.2023 in the present matter raising preliminary objections and submissions which may be read as a part and parcel of the present reply and objections and the contents of which are not repeated for the sake of brevity.
6. That thereafter, the answering Respondent appeared before Ld. SEIAA on a number of dates and submitted numerous submissions and documents to prove its case that the project of the answering Respondent did not require Environment Clearance and is not a case of violation of EIA Notification. The same has been detailed below in the present Objections.

7. That on 15.10.2024, the Ld. SEIAA passed an Order whereby it sought some clarifications from the Director Town and Country Planning Department regarding the scope of changes in the Zoning Plan/ Layout Plans of 1998 and 2008 of the project. Further clarification was also sought as to whether the site plan/layout plan of earlier licences were modified while approving the site plan/layout plan of the license No. 15 Of 2008 in 2008. However, since no final decision was taken by Ld. SEIAA regarding the requirement of prior EC for the project, the order was non-est.
8. That in light of the above order, Ld. SEIAA issued a letter dated 15.10.2024 to the Director, Town and Country Planning Department requesting it to clarify the scope of changes in Zoning Plan/layout plans of 1998 and 2008 as to whether the site plan/layout plan of earlier licenses were modified while approving the site plan/layout plan of the license no. 15 of 2008 in 2008.
9. That meanwhile, the matter was taken up for hearing on 16.10.2024 by this Hon'ble Tribunal wherein this Hon'ble Tribunal expressed its displeasure with the Order dated 15.10.2024 as it was in the nature of an inconclusive communication and could not be said to be a decision or Order of Ld. SEIAA with regard to the requirement of Environmental Clearance for the Project under the EIA Notification, 2006. Later, on the request of the Counsel for Ld. SEIAA, the Hon'ble Tribunal granted further two weeks' time to the Ld. SEIAA to give a clear decision on the above-mentioned aspect.
10. That in response to the letter dated 15.10.2024, the Directorate of Town & Country Planning, Haryana issued letter dated 23.10.2024 to Ld. SEIAA wherein it informed about the changes that have been made by the answering Respondent while getting approval for a composite layout plan for an area measuring 204.796 Acres in the year 2008. Based on this information and without giving an opportunity of hearing to the answering respondent, the Ld.

SEIAA passed a speaking Order dated 24.10.2024 wherein it erroneously held that provisions of EIA Notification dated 14.09.2006 applied to *the development carried out pursuant to the license dated 31.01.2008 and zoning plan approved on 31.01.2008 (emphasis supplied)* and that the answering respondent had executed development activities without obtaining prior EC and thus violated EIA Notification, 2006. It is also important to mention that a letter dated 29.03.2010 was submitted by the Applicant only on 14.10.2024 which was related to the answering Respondent, however, no opportunity of hearing was given to the answering respondent to explain the said letter or its contents thereof. Hence, the basic rule of Principle of Natural Justice has been violated.

11. It is pertinent to mention that the purported speaking order dated 24.10.2024 passed by Ld. SEIAA suffers from several infirmities. The Ld. SEIAA has failed to refer to the submissions made by the answering Respondent, before itself, in toto and has in-fact based its order on premises which are factually incorrect, incomplete and unreasonable. The said Order has also been passed, as stated earlier, without giving any opportunity to the answering Respondent to make its submissions/ provide clarifications with respect to the letter dated 29.03.2010 filed by the Applicant which was related to the answering Respondent and without providing the context of clarification letter dated 23.10.2024 provided by the DTCP to SEIAA.

12. That the answering Respondent seeks to submit, some preliminary Submissions with regard to the maintainability of present Original Application as well as its Objections to corroborate the submissions of the answering Respondent to prove that the speaking Order dated 24.10.2024 is not only unreasonable but is also incomplete as it fails to give complete

picture/ facts regarding the proceedings that were concluded before Ld. SEIAA, which is detailed hereinbelow after the preliminary submissions.

PRELIMINARY SUBMISSIONS:

13. That the present Original Application was registered suo-moto based on a complaint dated 03.12.2021 submitted by the Applicant to the Registrar General of this Hon'ble Tribunal raising multifarious issues out of which one issue pertains to the requirement of obtaining Environmental Clearance by the answering respondent for its project.
14. That at the outset, it is pertinent to submit that the Applicant had made a Complaint No. 319/2011 in the year 2011 before the Hon'ble Lokayukta, Haryana on a number of issues against the answering Respondent (M/s Malibu Estate Pvt. Ltd.), such as illegal construction on green belt, non-obtainment of No Objection Certificate from the Ministry of Environment & Forests in reference to the condition levied in the licence no. 15 of 2008 among others (i.e., requirement of prior Environmental Clearance) . These issues were duly discussed in a meeting dated 20.02.2014 chaired by Director General, Town & Country Planning, Haryana (DTCP) wherein on the issue of non-obtainment of No Objection Certificate from Ministry of Environment & Forest, the DTCP concluded that no action is required on this issue, as the Covered Area under the said license no. 15 of 2008 was less than 1,50,000 sq. mts. Therefore, in the humble submission of the answering Respondent, a very important question of law that this Hon'ble Tribunal ought to decide is whether an issue that had been raised and conclusively decided without being challenged, can again be raised after a gap of ten years from the date of complaint and almost eight years after the decision on the subject which is hopelessly barred by limitation. The Hon'ble Tribunal has all powers to take a case Suo moto on the basis of letter petition, but whether these letter

petitions are immune from the Principle of Res Judicata or Principle of Limitation is an important issue that requires determination from this Hon'ble Tribunal.

15. That, it is also pertinent to mention here that in the humble opinion of the answering Respondent, a bare perusal of the Orders dated 15.10.2024 and 24.10.2024 passed by the Ld. SEIAA, reflect that the said orders were passed by neither taking into consideration the submissions nor the numerous documents submitted by the answering Respondent before the Ld. SEIAA. Further, no reasons have been provided by the Ld. SEIAA as to why the submissions and documents of the answering Respondent have not been relied upon while passing the above Orders. In fact, the Ld. SEIAA has relied on a document dated 29.03.2010 mailed by the Applicant on 14.10.2024 (without imputing any allegation against the answering Respondent) and without even affording an opportunity to the answering Respondent to respond to the same as it is a communication between the answering Respondent and the DTCP. Ld. SEIAA neither questioned the mode of procuring of the said document by the Complainant nor gave any opportunity to the answering Respondent to explain the said document. The said hurried decision thus suffers from arbitrariness and unreasonableness.

16. That further, the letter dated 23.10.2024 of DTCP, Haryana was accepted by Ld. SEIAA as gospel truth without considering the various written and oral submissions made by the answering Respondent before the Ld. SEIAA as the said Order does not disclose on the merits of either the submitted documents or the submissions including a detailed written submissions. It is also important to point out that during the pendency of the proceedings before the Ld. SEIAA, the Chairman was changed twice and from the current proceedings it is obvious that previous submissions and arguments have not

been considered by the present Chairman in his order dated 24.10.2024 for reasons best known to him. This itself is a ground to set aside the said Order and not consider the same in the present proceedings.

17. That the observation of the Ld. SEIAA, in its orders dated 15.10.2024 and 24.10.2024, that the Reply dated 14.10.2024 filed by the answering respondent to the Applicant's submission dated 12.10.2024, was without any documentary evidence, is absolutely incorrect and totally false. True copy of Reply dated 14.10.2024 along with the screen shot of email which shows the documentary evidences appended is annexed as **ANNEXURE-1**.

18. That before submitting detailed objections to the Order dated 24.10.2024 read with Order dated 15.10.2024 filed before the Hon'ble NGT on 12.11.2024, the answering Respondent craves the liberty of this Hon'ble Tribunal to present few facts regarding the hearing of the case before the Ld. SEIAA.

BRIEF FACTS RELATED TO THE PROCEEDINGS BEFORE SEIAA.

19. That after the letter dated 14.06.2023 wherein the Ld. SEIAA provided the opportunity to the answering Respondent to appear and produce evidence to prove his defence, the answering Respondent had appeared before the Ld. SEIAA along with their Counsels on about eight occasions. The answering Respondent had also submitted several documents before the Ld. SEIAA such as Representation dated 02.08.2023, Additional documents dated 15.09.2023, Reply dated 29.09.2023 to the Written Statement of the Applicant/Complainant, Response dated 31.10.2023, Written Submissions dated 10.07.2024, Reply dated 19.09.2024 to the written arguments of Applicant/Complainant, Reply dated 14.10.2024 to Applicant/Complainant submissions dated 12.10.2024.

20. That for the sake of brevity, instead of reiterating all the submissions that were made before the Ld. SEIAA, the answering Respondent is only submitting

some of the important submissions that the answering Respondent had made before the Ld. SEIAA to prove its defence that the project of the answering Respondent is not case of violation of EIA Notification or its amendments and that the project did not require a prior Environmental Clearance. The submissions are as follows:

- 20.1. That the answering Respondent and its Associate Companies had obtained 31 licenses for an area of about 180.116 Acres (72.77 Ha) in Sector 47, 50 Gurgaon (for plotted development) starting from 1992 till the year 1997. Thereafter one license for an area of about 24.681 Acres (9.97 Ha) was obtained by over thirty farmers/landowners on 31.01.2008.
- 20.2. That the Partial Completion for the development works including services like sewerage, water supply etc. was obtained for all the 31 licenses (issued till 1997) for an area of about 167.925 Acres (67.957 Ha) till 2003 (the last being dated 05.02.2003, except one license obtained in 2008).
- 20.3. That the remaining 11.89 acres was allotted to the Group Housing Scheme wherein Part Completion certificate for 10.40 acres (allotted in License No.71-75 of 1992) was granted on 23.02.1996, for 0.10 acres (allotted in License No. 04-08 of 1993) on 03.05.1996 and for 1.39 acres (allotted in License No.15-19 of 1994) on 06.06.2003.
- 20.4. That it is pertinent to note that building and construction projects and the requirement of prior Environment Clearance was not part of the first Environment Impact Assessment Notification (EIA), issued in January 1994. Building and constructions projects, for the first time, in fact, were included in the EIA Notification, 1994 by amendment Notification dated 07.07.2004. Significantly, in the Explanation to the said Notification it

was clarified that the EIA Notification would be applicable to the projects where construction had not come up to the plinth level till the date of the said Amendment. A copy of the 1994 EIA Notification along with the said amendment on 07.07.2004 is appended as **ANNEXURE 2**

20.5. That on 31.01.2008, license No. 15/2008 dated 31.01.2008 (for an area of about 24.681 acres (9.97 Ha)) was issued to thirty farmers/landowners for plotted development adjacent to the Old project. The answering Respondent entered into a collaboration agreement with the said landowners for developing this license area and a separate approval for a *separate Zoning Plan (emphasis supplied)* for license No. 15/2008 for an area measuring 24.681 Acres was obtained by the answering Respondent on 14.07.2008.

20.6. Further the Individual land allottees who have constructed on the allotted plot and where the said construction has been beyond the threshold of built-up area of 20,000 Sq. mts. have obtained prior Environmental Clearance (EC) for their projects. Two such examples include M/s Nikiyog Buildwell Pvt. Ltd. (EC- 08.01.2008); M/s Endure Realty Pvt. Ltd. (EC- 04.09.2013). It is submitted that these ECs were not only granted by SEIAA itself but also never challenged by the Applicant and more importantly the Ld. SEIAA, while granting the said ECs, never held that the developed land where such ECs were given itself required prior EC. In other words, an EC granted on a land which is legally developed, cannot now be a land which itself requires EC. Such arguments were never considered by the Ld. SEIAA and therefore renders the said observations null and void.

20.7. That, as stated earlier, a Complaint No. 319/2011 was filed by Applicant/Complainant before the Hon'ble Lokayukta, Haryana wherein

one of the issues raised was regarding the non-obtainment of NOC from MoEF by the answering Respondent with respect to license no. 15 of 2008 (in other words the requirement of prior EC on the same project). Thereafter, a meeting was held on 20.02.2014 in reference to the above mentioned complaint wherein the DG, TCP concluded that the answering Respondent's project did not require NOC from MoEF as the covered area was less than 1,50,000 sq. mtrs. Further, the DTCP in its written statement dated 24.07.2023 filed before the Hon'ble National Green Tribunal, has also corroborated the submissions of the answering Respondent that the EIA Notification, 2006 may not be applicable on the new licence No. 15 of 2008, as the Area is only 24.681 acres or 9.97 Hectares which is less than 50 Hectare threshold. It is also humbly submitted that there is no construction done by the answering Respondent on the said licence.

- 20.8. That it is pertinent to mention here that the answering Respondent, on wrong legal advice, had forwarded an application dated 16.04.2015 seeking post facto EC under item 8(b) of EIA Notification, 2006 for a total area of about 204.796 acres and the Terms of Reference was also issued on 19.06.2015 by MoEF&CC. Another EC Application dated 07.09.2017 was also applied on a wrong legal advice as per the violation Notification dated 14.03.2017, for which TOR was uploaded on 18.12.2020, but the same is neither visible on Parivesh portal nor received by answering Respondent. Further, it is submitted that the *Application for Environmental Clearance was withdrawn on 16.08.2018* (Annexure R/9 of Reply of Malibu dated 24.07.2023 filed before this Hon'ble Tribunal @ Pg. 788). Thereafter, no communication from the SEIAA has been received regarding the same.

20.9. That the abovementioned submissions from para 20.1 to 20.8 were submitted before the Ld. SEIAA on 02.08.2023 which is annexed as **ANNEXURE-3** and which have not been considered in toto by the Ld. SEIAA and therefore is a ground alone to discard the view of the Ld. SEIAA in these proceedings and be considered afresh by this Hon'ble Tribunal, if it so desires.

20.10. That after the hearing dated 02.08.2023, the Ld. SEIAA directed the answering Respondent to give additional details regarding the break-up of constructions done by Malibu and other relevant facts such as sale deed, other documents to prove the fact that the project was almost completed even before the EIA Amendment Notification dated 07.07.2004.

20.11. That thereafter, the answering Respondent submitted Additional Documents dated 15.09.2023 before the Ld. SEIAA in compliance with the Order dated 02.08.2023. In the said submissions, the answering Respondent submitted that the development and construction of the area in question commenced in the year 1992 and much of it was completed and developed before the year 2003. (Evidences are the Partial Completion Certificates for Thirty-one licenses which were granted till 2003 -Annexure-II @ Pg. 15 of Representation dated 02.08.2023, also the Measurement Book, photos etc. which have been filed). The True Copy of Additional Documents dated 15.09.2023 is annexed as **ANNEXURE-4**.

20.12. That it was submitted that the conception of the project and the licenses for the land were received and the development and/ or construction work had commenced before the first EIA Notification itself was even conceived in the year 1994. Pertinently, this was much before the

introduction of the law relating to Building and Construction within the ambit of EIA vide EIA Amendment Notification dated 07.07.2004 in the 1994 EIA Notification. It is also reiterated that as per the Explanation to the said amendment EIA Notification, EIA Amendment shall not apply if plinth level development has already taken place before the said amendment Notification of 2004. Further, the total built-up area being built by the answering Respondent, including Group Housing, Plot Development and their Floors, Shopping Arcade, Club and other developments even today is about 1,29,676.27 sq. mts wherein the threshold under the EIA Notification, 2006 i.e., 1,50,000 sq. mts, is not applicable in the present case.

20.13. That accordingly, it is submitted that both developments and constructions in the area of 180.116 acres were much beyond plinth level and by and large completed before 2004 and were ready for occupation. In fact the same were also handed over, except for one license which got approved in 2008, where only plot development works has been undertaken and no construction has taken place by answering Respondent.

20.14. That the answering Respondent had also submitted the details of constructions done by the answering Respondent and details regarding the Sale Deeds and Grant of Occupation Certificate in the above-mentioned Additional Documents dated 15.09.2023 such as:

- i. The answering Respondent has constructed Group Housing Tower or (Building 1,3,4,5,6), Malibu Country Club, Floors and Malibu Shopping Arcade, before the year 2004. The Group Housing Complex was handed over to the Resident Welfare Association with effect from 31.01.2021 vide handover takeover agreement dated 23.05.2022.

- ii. The answering Respondent also submitted the chart showing details of sale deeds executed between the answering Respondent and different vendees for various flats on different floors in various towers in Group Housing Project depicting the dates of such sale deeds which was much before 07.07.2004. This shows that the construction of Group Housing project was completed much beyond plinth level even before the EIA amendment Notification 07.07.2004 came into existence. Apart from Group Housing Towers, the answering Respondent had undertaken the construction of 444 floors and details of Occupancy Certificates granted by Sr. Town Planner, Gurugram for the said floors was given in a chart again showing the dates i.e., before 07.07.2004.
- iii. That the Malibu Country Club and Shopping Arcade was also built before the Notification dated 07.07.2004 and sufficient proof with respect to the same, including work orders regarding installation of AC etc. in Country club, can be submitted if so desired by this Hon'ble Tribunal.
- iv. The answering Respondent had also submitted the details of investment done by the answering Respondent and the details of various contracts and bank guarantees submitted by the contractors to prove that almost all the construction in the project was completed before 2004 and in any case not only up to the plinth level but much beyond the plinth level which was the requirement of law as it stood then for exemption of prior EC.
- v. Thereafter, the answering Respondent also submitted one reply dated 29.09.2023 to the written Statement of Applicant/Complainant, Affidavit dated 17.10.2023, Additional Response dated 31.10.2023, Written Submissions dated 10.07.2024, Reply dated 19.09.2024 to the

written arguments of the Applicant/Complainant and finally Reply dated 14.10.2024 on the specific issue whether there is shifting of sites within the project. The documents dated 29.09.2023, 17.10.2023, 31.10.2023, 10.07.2024, 19.09.2024 are annexed as **ANNEXURE-5(Colly)**. It is humbly submitted that the same has not been considered by the SEIAA and especially by the new Chairperson in the proceedings before him.

SPECIFIC OBJECTIONS TO THE ORDER OF SEIAA DATED 24.10.2024 FILED BEFORE THE HON'BLE NGT ON 12.11.2024.

21. At the outset, it is submitted that the Order dated 24.10.2024 is incomplete, unreasonable, incorrect and also suffers from some factual errors. In order to assist this Hon'ble Tribunal in a more appropriate manner, the answering Respondent craves liberty to submit para wise objections to the Order dated 24.10.2024.

Para-wise Objections:

- 21.1. That the contents of para 1 the Order dated 24.10.2024 (@ Pg 1569) are disputed as the earlier Order dated 15.10.2024 was rejected by this Hon'ble Tribunal as an inconclusive communication and cannot be said to be a decision or an order on the question regarding the requirement of Environmental Clearance for the project of the answering Respondent, therefore the Order dated 24.10.2024 cannot be referred to as an Order in continuation of the Order dated 15.10.2024.
- 21.2. That the contents of para 2 of the Order dated 24.10.2024 (@ Pg 1569) only represent the partial set of facts as presented before the Ld. SEIAA by the Applicant. As mentioned above, the answering Respondent had initially obtained 31 licenses for an area of about 180.116 acres (72.77 Ha) in Sector 47, 50 Gurgaon (for plotted development) starting from

1992 till the year 1997. The Partial Completion for the development works of all the 31 licenses including services like sewerage, water supply etc. for an area of about 167.925 Acres (67.957 Ha) was obtained on or before 2003 (the last partial completion being dated 05.02.2003).

The remaining 11.89 acres was allotted to the Group Housing Scheme wherein Part Completion certificate for 10.40 acres (allotted in License No.71-75 of 1992) was granted on 23.02.1996, for 0.10 acres (allotted in License No. 04-08 of 1993) on 03.05.1996 and for 1.39 acres (allotted in License No.15-19 of 1994) on 06.06.2003. Further the Occupation Certificate for the group housing towers 1,3,4,5 & 6 and EWS blocks constructed by Malibu Estate Private Limited (MEPL) was granted on 03.08.2000 details of which were submitted as Annexure-1 in the additional documents dated 15.09.2023 before the Ld. SEIAA.

The license No. 15 of 2008 dated 31.01.2008 was issued in the name of some thirty landowners/farmers, the application for which was made on 26.04.2004 for an area of about 26.85 acres i.e., much before the EIA, Notification 2006 and also before the amendment Notification dated 07.07.2004. Out of the said 26.85 acres, about 2.169 acres of land was acquired by the Government and for the remaining land, the answering Respondent entered into a collaboration agreement with the landowners/farmers to develop the said land obtained in 2008. At the outset it is submitted that no constructions had been done by the answering Respondent with respect to the said license.

It is also important to point out here that the approved zoning plan of the year 1998 and the year 2008 were submitted before the Ld. SEIAA as Annexure 1 and Annexure 2 along with the submissions dated 14.10.2024 by the answering Respondent, to prove that there has been

no change in the site allocation of the project and all the sites, as given in the 1998 zonal plan, have been retained in the 2008 plan as well without any substantial change in sites.

Thus, in view of the above-mentioned submissions, it is humbly submitted that the answering Respondent Project did not require Environmental Clearance for the license no. 15 of 2008 as it is only for an Area of about 24.681 Acres (9.97 Hectares) which is less than 50 Hectares which is the threshold under Item 8 (b) of the Schedule to the EIA Notification 2006. Further the built up area also has never exceeded the threshold of 150000 sq. metre. In fact, even today, as stated earlier, when the said project was handed over to the RWA/MCG, the built-up area constructed by the answering Respondent is only about 129,676.27 sq. metres as detailed in the Table @ Pg 16 as Annexure-1 of the Additional Documents dated 15.09.2023 which is appended as ANNEXURE-4.

- 21.3. That the contents of para 3 and 4 of the Order dated 24.10.2024 (@ Pg 1569) are the accepted facts. However, the submissions that the Application for grant of EC, which was made by the answering Respondent on 16.04.2015, was based on wrong legal and expert advice for which the TOR was granted on 19.06.2015 by the MOEF&CC was never considered or recorded by the Ld. SEIAA in its speaking Order dated 24.10.2024. Thereafter another Application dated 07.09.2017 was made by the answering Respondent, albeit under the wrong impression that the project of the answering Respondent is a violation case under the Notification dated 14.03.2017 which was issued by the MOEF & CC for appraisal of Violation cases. The TOR for the same was issued but it was neither communicated to the answering Respondent nor was it visible on

the Parivesh Portal. Further, the answering Respondent, after realizing that the legal and expert advice was not in accordance with law, also submitted a letter dated 16.08.2018 before the Ld. SEIAA requesting to withdraw the said Application dated 16.04.2015 and implicitly its subsequent developments. A copy of the said letter is annexed as Annexure R/9 in the Reply of answering Respondent dated 24.07.2023 filed before this Hon'ble Tribunal @ Pg. 788.

Therefore, it is evident that the Ld. SEIAA in this para had only stated partial facts without disclosing all the relevant facts in detail. In any case, making an Application for EC under the wrong legal or expert advice and without disclosing the facts about the withdrawal of the same cannot be considered as evidence against the answering Respondent to conclude that the project requires a prior EC.

21.4. That the contents of para 5 of the Order dated 24.10.2024 (@ Pg 1570) are accepted to the extent that the matter was heard on 11.10.2024, but the facts that the documents submitted on various dates were examined is disputed because had the documents dated 02.08.2023, 15.09.2023, 29.09.2023, 17.10.2023, 31.10.2023, 10.07.2024 and 19.09.2024 been considered by Ld. SEIAA, then such an Order with incomplete facts ought not to have been made. This is also evident from the fact that there is no mention/ reference to these documents in the Order dated 24.10.2024 passed by Ld. SEIAA.

21.5. That the contents of para 6 of the Order dated 24.10.2024 (@ Pg 1570) are denied as the Ld. SEIAA had referred to the submissions dated 28.08.2024 of the Complainant which was never shared with the answering Respondent before the hearing. Further, the Ld. SEIAA had accepted all the allegations as mentioned in the submissions dated

28.08.2024 without putting any burden of proof on the Complainant for the same. It is also pertinent to mention here that the License No. 86 of 2008 was issued in the name of Unitech and the evidence for the same was submitted to the Ld. SEIAA alongwith the written submissions emailed on 10.07.2024. This proves the fact that the Ld. SEIAA had not referred to all the documents submitted before it by the answering Respondent.

21.6. That the contents of para 7 of the Order dated 24.10.2024 (@ Pg 1570) are denied as the said document dated 29.03.2010 was emailed by the Applicant on 14.10.2024 without imputing any allegations on the answering Respondent. Further, since the alleged document is a communication between the answering Respondent and DTCP, Haryana, the Ld. SEIAA ought to have given an opportunity to the answering Respondent to reply to the same to ascertain the context and genuineness of the said document. But the Ld. SEIAA chose to rely on the said document without giving any opportunity to the answering Respondent to explain the contents of the said document, which in the humble opinion of the answering Respondent constitutes a violation of the Principle of Natural Justice and the Rule of Law. Further the revised zoning plan was applied for getting *a separate zoning plan for License No. 15 of 2008* and it is clearly mentioned in the zoning plan that it was only for areas bounded in red colour i.e., areas which are a part of License No. 15 of 2008.

21.7. That the contents of para 8 of the Order dated 24.10.2024 (@ Pg 1570) are denied as false and incorrect because the submissions dated 14.10.2024 were mailed along with the two annexures i.e., Zoning plan of 1998 and Zoning Plan of 2008, so it is incorrect on the part Ld. SEIAA

to say that the said submissions were made without any documentary evidences. The said document was annexed above as Annexure-1.

- 21.8. That in response to the contents of para 9 of the Order dated 24.10.2024 (@ Pg 1571), it is humbly submitted that the Director of Town and Country Planning has no role in the grant of prior EC and it is the EIA notification which is the governing legal instrument of which SEIAA is the custodian. As regards the master plan etc in the EIA Notification, it is stated that the sanctioned plan has to be submitted especially if the said construction/project is within the ambit of EIA or not. In the present case neither the building nor the area of the Licence No. of 15 of 2008 has crossed the threshold of 1,50,000 sq. metre built up area nor the area is beyond 50 ha. In fact, the sanctioned area by the DTCP in the year 2008 is only about 24.681 acres (9.97 ha)
- 21.9. That the contents of para 10 of the Order dated 24.10.2024 (@ Pg 1571) are denied as the answering Respondent was not aware of any such meeting dated 20.10.2024. Further the contents of para does not specify the details of modification. It just makes a bald reference without giving any details of the said appearance of representatives of DTCP before the Ld. SEIAA. It is also pertinent to mention here that the approval of layout plan is under the building laws, by-laws of a State and whether any modification due to a Bonafide compulsion etc. cannot amount to violation of EIA Notification 2006.
- 21.10. That the contents of para 11 of the Order dated 24.10.2024 (@ Pg 1571) is denied as the contents of letter dated 23.10.2024 which were relied upon to reach a conclusion have not been reiterated in the contents of para 11. Further, it is also pertinent to mention here that judgment should generally consist of Ratio decidendi and Obiter dictum and these two

parts have their own precedential value. The Ld. SEIAA has not given any details about the specific paragraphs of the judgment in Praveen Kakar & Ors vs MoEF & Ors O.A. No. 661 of 2018 which have been relied upon to reach at a conclusion in the present case. In any case, the facts of the above-mentioned case are totally different from the present case, which the answering Respondent shall demonstrate at the time of hearing with the liberty of the Hon'ble Tribunal.

That further it is important to mention here that the individual plot owners who required Environmental Clearance under item 8(a) of the Schedule of the EIA Notification 2006 had also obtained the same and this fact had also been brought to the notice of the Ld. SEIAA at the time of hearing. All these important facts that are necessary for the adjudication of this case were not taken into consideration while deciding the Applicability of the EIA Notification, 2006 on the project.

That the Ld. SEIAA in the conclusion had mentioned that EIA, 2006 provisions would *apply to the development carried out in pursuance of license dated 31.01.2008 (emphasis supplied)*, it is again reiterated that the answering Respondent had only sold plots in the said license area and had undertaken only some developmental activities. Thus, because of the fact that the license is only for an area of about 24.681 Acres (9.97 Hectares) which does not fall in any of the items related to building and constructions nor Township and Area Development within the Schedule of the EIA Notification, 2006, so it is not clear under which law or item the answering Respondent would require an EC if any.

21.11. The contents of para 12 of the Order dated 24.10.2024 (@ Pg 1571) are infructuous because of the fact that the proceeding under the Environment (Protection) Act, 1986 are pending before the Gurugram

District Court vide case no. COMA/290/2024 and the information regarding this had also been submitted before the Ld. SEIAA at the time of hearing and which also demonstrates the indifference and ignorance towards the facts of the present case.

22. That the answering Respondent also wants to submit that as per the definition of “Zoning Plan” given in Haryana Municipal Building Bye-laws 1982, the “Zoning Plan” shall mean the detailed layout plan of the municipal area or part thereof maintained in the office of the municipality showing the subdivision plots, open spaces, streets, position of protected trees and other features in respect of each plot, permitted land use, building lines and restriction with regards to the use and development of each plot in addition to those laid down in the building bye-laws. The correct approach could be to compare zoning plan instead of layout plan which has not been done by the Ld. SEIAA. In any case, it is the submissions of the answering Respondent that that a new license obtained by different owners, albeit adjacent, has not crossed any threshold of the EIA Notification 2006 as is clear from above said paras.

Further the answering Respondent also want to submit that layout plan or zoning plan are approved under the Punjab Scheduled Roads and Controlled, Areas Restriction of Unregulated Development Act, 1963 (Applicable to Haryana also). Therefore, in the humble submission of the answering Respondent it will not be correct in law to say that any change in layout or zoning plan will make the answering Respondent liable for taking the Environment Clearance thus bringing two legislations in conflict with one another.

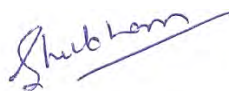
23. In view of the above-mentioned submissions and fact that the township was handed over to the Municipal Corporation Gurugram (MCG) by an

Agreement dated 15/16.06.2022 and vide DTCP order dated 09.05.2022, it is humbly submitted that there is no violation on the part of answering Respondent. Further there are no substantial changes in the site plan and phase 1 of the project on 31 licenses was completed even before the EIA amendment Notification dated 07.07.2004 when for the first time building and constructions projects were included within the purview of EIA, 1994 and License No. 15 of 2008 which was developed under the collaboration agreement was only for an area of 9.97 Hectares which is way below the threshold of 50 hectares as given in Item 8 (b) of the Schedule to the EIA, Notification 2006. Further it is clarified that there is no construction that had been done by the answering Respondent on the said License. True copy of the agreement dated 15/16.06.2022 is annexed as ANNEXURE- 6. [Colly]

24. In view of the above-mentioned submissions/objections, it is humbly submitted that the speaking order dated 24.10.2024 be discarded and the said Letter petition be rejected accordingly.

Date: 02.12.2024
Place: New Delhi

DRAWN & FILED BY:



Shubham Upadhyay & Surya Gupta
Advocates for Respondent No. 8
29, LGF, Presidential Estate,
Nizamuddin East, New Delhi-110013

Email: shubham@eldfindia.com +91-7351772000

SETTLED BY:

Mr. Sanjay Upadhyay
[Senior Advocate]

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 68 OF 2022

IN THE MATTER OF:

Raman Sharma ...Applicant (s)

Versus

State of Haryana & Ors. ...Respondent (s)

AFFIDAVIT

I, Subhash Raghav S/o Shri Ompal Singh Raghav aged about 46, am the Authorized Signatory for M/s Malibu Estate Pvt. Ltd, at 38 DDA Commercial Complex, Kailash Colony Extn. (Zamrudpur), New Delhi – 110048, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying comprehensive reply and objections are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying comprehensive reply and objections are true and correct to the best of my knowledge.

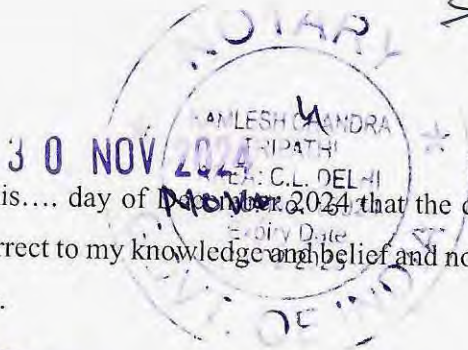
For MALIBU ESTATE PVT. LTD.

[Signature]
Authorised Signatory

DEPONENT

VERIFICATION

Verified at New Delhi on this.... day of 30 NOV 2024 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.



For MALIBU ESTATE PVT. LTD.

[Signature]
Authorised Signatory

DEPONENT



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT/EXECUTANT WHO IS SEEMED PERFECTLY TO UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI
Adv. Subhash Raghav
IDENTIFY THE EXECUTANT/ DEPONENT WHO HAS SIGNED IN MY PRESENCE
KAMLESH BHANDARI TRIPATHI Advocate Reg. No. 16924
NOTARY PUBLIC (C.L. DELHI)

10/9/87

30 NOV 2024

*Verified
Subhash
27/11/2018
I Identify the Executant/Deponent
Who has Signed in my Presence*

From: Shubham Upadhyay
Sent: 14 October 2024 23:39
To: SEIAAHRY Environment Dept, Haryana <seiaa-21.env@hry.gov.in>
Cc: Malibu Towne <malibutowne@hotmail.com>; shramansharmaji@gmail.com <shramansharmaji@gmail.com>
Subject: Submissions after hearing dated 11.10.2024- Raman Sharma vs. State of Haryana & Ors. (OA No. 68 of 2022)

Respected Sir,

As per the direction of Ld. Authority, Please find attached the Reply of the M/s Malibu Estate Pvt. Ltd. to the queries raised by the Ld. Authority in the hearing dated 11.10.2024 and against the allegations of the Complainant in its submission dated 12.10.2024.

As the reply contain some maps so its large in size, it is humbly requested in case of any difficulty in opening the document, Please inform me.

Thanks & Regards
Shubham Upadhyay
Advocate of M/s Malibu Estate Pvt. Ltd.

 [14.10.2024 - Reply Malibu Estate.pdf](#)

Shubham Upadhyay
Advocate & Associate Partner
Mobile: +91-7351772000
Email: shubham@eldfindia.com
Enviro Legal Defence Firm
Web: www.eldfindia.com
New Delhi Office: 29, Presidential Estate; LGF; Nizamuddin (East) New Delhi-110013; Ph No. +91-11-40573181



NOTE: Law Firms in India are not allowed to have websites as per Bar Council Rules. If you want to know more about Enviro Legal Defence Firm contact the address above. Incidentally, ELDF is India's first environmental law firm!

From: Shubham Upadhyay <shubham@eldfindia.com>
Sent: 15 October 2024 13:56
To: SEIAAHRY Environment Dept, Haryana <seiaa-21.env@hry.gov.in>
Cc: Malibu Towne <malibutowne@hotmail.com>; shramansharmaji@gmail.com <shramansharmaji@gmail.com>
Subject: Re: Submissions after hearing dated 11.10.2024- Raman Sharma vs. State of Haryana & Ors. (OA No. 68 of 2022)

Respected Sir,

The Complainant had served on us various other documents (some maps) at around 1 PM today i.e., 15.10.2024, which are illegible and unauthenticated without raising any specific allegation. It is humbly requested that the Project Proponent (M/s Malibu Estate Pvt. Ltd.) may be allowed to respond to the same before the Ld. Authority may take into consideration these documents or in the alternative the Ld. Authority may discard or ignore these documents while deciding the above-mentioned case.

Thanks and Regards
Shubham Upadhyay
Advocate for M/s Malibu Estate Pvt. Ltd.

Shubham Upadhyay
Advocate & Associate Partner
Mobile: +91-7351772000
Email: shubham@eldfindia.com
Enviro Legal Defence Firm
Web: www.eldfindia.com
New Delhi Office: 29, Presidential Estate; LGF; Nizamuddin (East) New Delhi-110013; Ph No. +91-11-40573181

Date: 14.10.2024

Submission on behalf of Project Proponent on the allegations of shifting of sites by the Complainant in its submissions dated 12.10.2024.

INDEX

S. No.	Particulars	Page. No
1.	Submission on behalf of Project Proponent on the allegations of shifting of sites by the Complainant in its submissions dated 12.10.2024.	1-7
2.	<u>ANNEXURE – 1</u> : A copy of the zoning plan of 1998	8
3.	<u>ANNEXURE – 2</u> : A copy of the zoning plan of 2008	9
4.	<u>ANNEXURE – 3</u> : A copy of the approval of site for the allotment of alternate religious site.	10
5.	<u>ANNEXURE – 4</u> : A copy of the screenshot of the website of Greencindia Consulting Private Limited.	11

MALIBU ESTATE PRIVATE LIMITED

Regd. Office : 38, DDA Commercial Complex, Kailash Colony Extn. (Zamrudpur), New Delhi-110048.

CIN: U74899DL1992PTC048517

Date: 14.10.2024

The Chairman

State Environment Impact Assessment Authority, Haryana,

First Floor, Bay's No. 55-58, Sector-2,

Panchkula, Haryana

Subject: Submission on behalf of Project Proponent on the allegations of shifting of sites by the Complainant in its submissions dated 12.10.2024.

Sir,

1. That the undersigned had Appeared before the Ld. Authority on 11.10.2024 in the Matter titled "Raman Sharma vs. State of Haryana & Ors" OA No. 68 of 2022. The Ld. Authority had asked the undersigned to respond to the allegations related to the shifting of sites in the old and new Zoning or Layout Plan and other allegations.
2. That at the outset it is submitted that after the hearing dated 11.10.2024, the undersigned had received three mails dated 12.10.2024, 13.10.2024 and 14.10.2024 containing overall four documents from the Complainant. These documents are mailed to the Ld. Authority and the undersigned without taking permission from the Ld. Authority and even after submitting his final argument to which the undersigned had already replied. The undersigned wants the liberty of this Ld. Authority to reply to these documents or in the alternative these documents may not be taken on record.
3. That at the outset it is important to submit that the Complainant is making allegations without giving any evidence to prove the same. More importantly, the Complainant has also tried to deliberately mislead this Ld.

Authority by resorting to cherry picking certain documents and presenting the same out of context with the sole aim to mislead this Ld. Authority.

4. That for instance, the Complainant, in his Reply dated 12.10.2024, has compared the layout plan of 1993 with the zonal plan of 2008 of the undersigned, in order to allege that some of the sites have been shifted between the licenses which is a false and wrong allegation.
5. That as regards the submission of the undersigned that no site has been shifted in the undersigned project in the manner as alleged by the Applicant and in view of the same the undersigned seeks to place reliance on the Zoning Plan of 1998 as well as the Zoning Plan of 2008. The highlighted portions in the Zoning Plan of 2008 shows the additional areas that have been added vide the License No. 15/2008 dated 31.01.2008. A copy of the zoning plan of 1998 is annexed herewith as **ANNEXURE 1**. A copy of the zoning plan of 2008 is annexed herewith as **ANNEXURE 2**.
6. That it is evident from a comparison of the zoning plan of 1998 and 2008 that despite the additional area in the 2008 zonal plan, there has been no change in the site allocation of the project and all the sites, as given in the 1998 zonal plan, have been retained in the 2008 plan as well without any substantial change in site.
7. Further, the undersigned wants to submit that the burden of proof of proving all the allegations made by the Complainant in all his submissions is on the Complainant and the Complainant has failed to discharge this burden despite repeated opportunity provided by this Ld. Tribunal. On the contrary, the Complainant has converted the present proceedings to a fishing and roving exercise.

In view of the above submissions read with all the other submissions of the Undersigned and taking into considerations the *peculiar facts* (emphasis supplied) of the present case, It is humbly submitted that the project of undersigned neither come within the purview of the EIA, Notification 1994

read with Amendment Notification of 07.07.2004 nor it comes within the purview of EIA, Notification, 2006.

Para wise reply to the Letter dated 12.10.2024

List of Documents attached:

1. That the contents of para 1 are denied as the copy of Map annexed as Annexure-1 is unclear, illegible and unauthenticated without any specific pleadings or documents to show how the Complainant has obtained the same.
2. That the contents of para 2 are denied as the Complainant has only annexed the Layout Plan of 1993 for License No. 04 to 08 of 1993 an Annexure-2 which is also unclear, illegible and unauthenticated without any specific pleadings or documents to show how the Complainant has obtained the same.
3. That the contents of para 3 are denied as the Complainant has only annexed the Zoning Plan of 2008 as Annexure-3 which is also unclear, illegible and unauthenticated without any specific pleadings or documents to show how the Complainant has obtained the same. Further for better clarity the Ld. Authority may refer to **ANNEXURE-2** annexed with this Reply in which it was clearly mentioned that the Zoning plan of 2008 is only for pockets bounded in red colour (which is in bold in the said Annexure).
4. That the contents of para 4 are denied as the Complainant has only annexed some Sewerage Scheme which is also unclear, illegible and unauthenticated without any specific pleadings or documents to show how the Complainant has obtained the same. Further in the humble opinion of the Undersigned this document has no relevance with the issue of the requirement of prior Environmental Clearance by the Undersigned's project.

5. That it is humbly submitted that the so called Graph A which has a table underneath needs to be ignored because a layout plan has been compared with the zoning plan. It is common knowledge that apples should not be compared with oranges and it is the approved zoning plan of 1998 that ought to be compared with the zoning plan of 2008. In view of the same, the said table may be totally ignored. In fact, the exact status is submitted in the chart below wherein the five structures namely – the Primary School, dispensary, Religious Structure and the high School their status, both in the zoning plan of 1998 and 2008, is specifically given and which may be kindly considered. What is important is that there are very minor deviations and not a single relocation, except the religious site under the Order of the High Court. A copy of the approval of site for the allotment of alternate religious site is annexed as **ANNEXURE 3**.

S. No	Sites	Zoning Plan of 1998	Zoning Plan of 2008	Remarks
1.	Primary School		Two Primary Schools added	
2.	Dispensary	Yes	Yes	Only shape of dispensary changed after license no. 15/2008 due to the provision of sector road. Location is same as earlier

3.	Religious site	Yes	Yes	Refer ANNEXURE 3
4.	High School	Yes	Yes	No change in site

6. That in paragraph 1 of the Reply, the Complainant has again alleged revision in sites based on an erroneous comparison of the Layout Plan of 1993 of license 04 to 08 of 1993 and the Zonal Plan of 2008, even though the Zonal Plan of 2008 ought to have been compared with the Zonal Plan of 1998. In any event, the Complainant has merely mentioned “commercial” sites without specifying the exact location with respect to which the allegations are raised.
7. That the contents of paragraph 2 are vehemently denied as frivolous and baseless and reliance is placed on all the previous submissions of the Undersigned. At the outset, it is worth mentioning that the construction done by the Undersigned has not even reached the threshold of built up area of 1,50,000 sq. meters even today.
8. That the contents of paragraphs 3 – 6 are denied. It is submitted that the Complainant has made submissions which have no relevance to the question of requirement of obtaining EC by the Undersigned with a view to mislead and confuse this Ld. Authority.
9. That the contents of Paragraph 7 are vehemently denied. It is pertinent to note that all the Sewage Treatment Plants (STPs) were handed over to the Municipal Corporation Gurugram on 16.06.2022 and since then, the same have been operating by Municipal Corporation Gurugram. Till the time of handing over, all the STPs were well-managed and in proper working condition and in fact, the Undersigned handed over the STPs to Municipal Corporation Gurugram after proper upgradation. Also, the

said allegations have no relevance to the issue of requirement of Environment Clearance.

10. That the contents of Paragraph 8 are denied as false and baseless. It is submitted that all the Part Completion Certificates were granted in accordance with the extant Rules. Also, the said allegation has no relevance to the question of requirement of prior Environment Clearance and the Complainant is making extraneous submissions which have no bearing to the issue of Environment Clearance.
11. That the contents of Paragraphs 9 - 10 do not merit any comment. It is however clarified that the requirement of obtaining EC does not arise in case of the Undersigned in view of its peculiar facts and circumstances as explained in the previous Replies of the Undersigned
12. That the contents of Paragraph 11 are denied as false and incorrect. The Complainant has raised bald allegations without any document/evidence to support its claim. Nevertheless, it is submitted that the Undersigned had installed DG Sets at two places i.e.- Group Housing and Arcade for the benefits of the residents and the same have already been handed over to the Resident Welfare Association long time back. Also, the said allegation has no relevance to the question of requirement of prior Environment Clearance pending before this Ld. Authority.
13. That the contents of Paragraph 12 are hereby denied as incorrect. As noted earlier, the Complainant has erroneously compared the layout plan of 1993 and the Zonal Plan of 2008 even though the same are not comparable. Further, the said allegation is totally cryptic and incomprehensively and as such may be ignored by this Ld. Authority.
14. That the contents of Paragraph 13-14 does not contain any clear allegation against the Undersigned and therefore do not merit any comment. It is interesting to note that the said allegation has been plagiarized by the complainant, in its entirety, from website of some

company named – Greencindia Consulting Private Limited. This shows that the Complainant is merely raising frivolous allegations without any substance while wasting the precious time of this Ld. Authority. It is humbly submitted that strict action may be taken by this Ld. Authority for such abuse of its process. A copy of the screenshot of the website of Greencindia Consulting Private Limited is annexed herewith as **ANNEXURE- 4**.

That it is further submitted that the project has been handed over to the Municipal Corporation Gurugram and it was environmentally compliant since its inception. Project had a valid CTO, Green Area coverage is more than the departmental norms and the waste was segregated and disposed of at the designated sites till the handing over of the project, among others.

In view of the above, the said submissions may be taken on record and it is prayed that this Ld. Authority may conclude that no prior Environment Clearance may be required for both the phases of development as described in detail in earlier submissions.

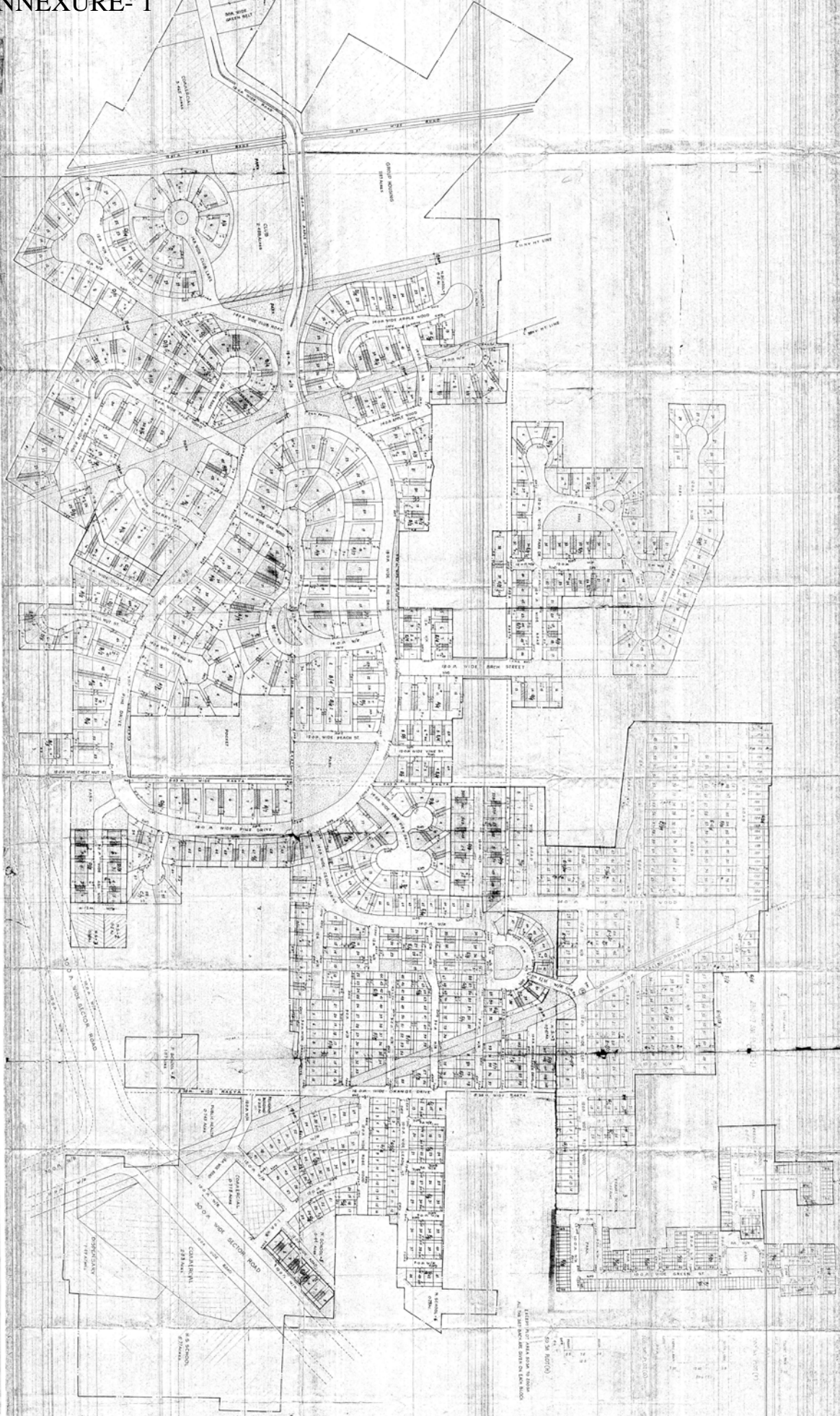
It is further stated that the undersigned reserves its rights to reply to any new document that the Applicant has submitted and alternatively the same may be discarded as such.

Thanks & Regards



Subhash Raghav

ANNEXURE-1



ZONING PLAN
SCALE 1:500

MAILED, TOWN, IN SECTION 47.1.50
GARDNER (MURRAY) & SONS (COMPANY)

DATE OF PLAN - REVISED 2011
MAY 10 2011

READ THE SHOWN CONDITIONS IN THE PLAN
AND THE SPECIFICATIONS ON SHEET N. 2075

1. THE TOWN PLAN IS TO BE CONSIDERED AS A WHOLE AND THE SEVERAL PARTS THEREOF SHALL BE READ AND INTERPRETED TOGETHER.

2. THE TOWN PLAN IS TO BE CONSIDERED AS A WHOLE AND THE SEVERAL PARTS THEREOF SHALL BE READ AND INTERPRETED TOGETHER.

3. THE TOWN PLAN IS TO BE CONSIDERED AS A WHOLE AND THE SEVERAL PARTS THEREOF SHALL BE READ AND INTERPRETED TOGETHER.

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14. THE TOWN PLAN IS TO BE CONSIDERED AS A WHOLE AND THE SEVERAL PARTS THEREOF SHALL BE READ AND INTERPRETED TOGETHER.

15. THE TOWN PLAN IS TO BE CONSIDERED AS A WHOLE AND THE SEVERAL PARTS THEREOF SHALL BE READ AND INTERPRETED TOGETHER.

16. THE TOWN PLAN IS TO BE CONSIDERED AS A WHOLE AND THE SEVERAL PARTS THEREOF SHALL BE READ AND INTERPRETED TOGETHER.

17. THE TOWN PLAN IS TO BE CONSIDERED AS A WHOLE AND THE SEVERAL PARTS THEREOF SHALL BE READ AND INTERPRETED TOGETHER.

18. THE TOWN PLAN IS TO BE CONSIDERED AS A WHOLE AND THE SEVERAL PARTS THEREOF SHALL BE READ AND INTERPRETED TOGETHER.

19. THE TOWN PLAN IS TO BE CONSIDERED AS A WHOLE AND THE SEVERAL PARTS THEREOF SHALL BE READ AND INTERPRETED TOGETHER.

20. THE TOWN PLAN IS TO BE CONSIDERED AS A WHOLE AND THE SEVERAL PARTS THEREOF SHALL BE READ AND INTERPRETED TOGETHER.

ANNEXURE- 3

Mozoyo Case

Jul 18 '06 12:13

KUMAR ERDUF

Fax : 011-172-897635

FAX

From

The Chief Administrator,
HUDA (Town Planning Wing),
Panchkula.

The Administrator,
HUDA, Gurgaon.

Memo. no. CTP-HUDA-DTP (M)/ 5734

Dated: 19/7/06

Subject: Regarding approval of site for allotment of alternate religious site in licence colony in Gurgaon.

Reference: Your office memo.no.7407; dated 02.06.06.

Government has approved the proposal of carving out of a religious site for allotment to Haryana Anjuman Charitable Trust in sector 57, Gurgaon and to adjust all the four organizations of disputed religious sites in sector 57, Part-I&II, Gurgaon. You are requested to take further necessary action accordingly under intimation to this office please.

Handwritten Signature
District Town Planner,
For Chief Administrator, HUDA, Panchkula.

Adst. no. CTP/HUDA-DTP(N)/

Dated:

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

1. The Chief administrator HUDA (Urban Branch) Panchkula along with a copy of Administrator HUDA Gurgaon office memo no. 1173 dated 7.2.06, 4268 dated 28.4.06, 7407 dated 2.06.06 and a copy of the orders of Hon'ble CM Harvna.
2. The Senior Town Planner, Gurgaon.
3. The District Town Planner, Gurgaon.
4. The Estate Officer, HUDA Gurgaon.

Handwritten Signature
District Town Planner,
For Chief Administrator, HUDA, Panchkula.

ANNEXURE- 4



Environment clearance is necessary for a few categories of construction projects and area development projects under the new EIA Notification, 2006 and its amendment. The following clearances and NoC are obtained by our side for the project proponent for construction projects.

EC and EIA

The objective of the EIA Notification, 2006 is to set procedures of environmental clearance before establishment of identified nature and size. The suitability of site proposed for a proposed development is one of primary concerns in according environmental clearance to a project.

Environment Clearance is essential for construction projects depending on their plot area and built up area, Form 1, Form 1A along with Environment Management Plan and Conceptual plan should be provided for 8a B2 category of construction project where the plot area is within 20000 Square Meters or the built up area within 150000 Square Meters. Township and area development projects spread over 50 Hectares or more are appraised with Form 1 & proposed TOR. Our organization analyses the baseline environment status, predicts and assesses environment impacts. We also suggest the environment management plan and mitigation measures according to the present and future environment impacts.

The significant environmental parameters are identified in order to assess the existing status within the impact zone with respect to air, water, noise, soil and socio-economic components of environment.

Our organization conducts the reconnaissance survey and sampling locations are identified on the basis of predominant wind direction in the study area as recorded by nearest IMD Station existing topography, location of surface water bodies like ponds, canals and rivers, location of nearby habitation and sensitive areas, areas which represent baseline conditions; and collection, collation and analysis of baseline data for various environmental attributes.

The field data for soils, meteorology, water quality, air quality, noise, ecology for the study will be generated and tested for parameters such as air quality, meteorological parameters, water quality, soil type, ambient noise level.

Management Plan is drawn and pollution control measures will be suggested to mitigate the impacts so as to maintain them within stipulated standards for air, water and noise quality of the study area. Moreover measures will be suggested to minimize the impacts of the project on socio-economic and ecological environment.

Consent to Establish & Operate

We also help our clients in obtaining CTE & CTO from the respective agencies i.e. State Pollution Control Board as per the guidelines.

It is mandatory to obtain Consent to Establish (NOC) from respective State Pollution Control Board As per the Water Act 1974 and Air Act 1981, before commencement of the construction activities on the site. The consent to establish is obtained by making an application in a prescribed format to respective State Pollution Control Board along with required documents and scrutiny fees. It is followed by physical inspection of the site and assessment of the environmental management system proposed so as to meet with the mandatory requirement prescribed by State pollution Control Board. The list of data required for carrying out the Consent to establish varies according to the state. The time period of obtaining the consent also varies according to the type and area of the industry or process as the time period for granting the NOC from the concerned authority straight away dependent on type of industry as green industries gets the NOC in a short duration than the orange or red industry. The location of the project also affects the condition of the project and the time duration taken for obtaining the consent to establish.

Similarly as per the Water Act 1974 and Air Act 1981, it is mandatory to obtain Consent to Operate (CTO) from respective State pollution Control Board after the commencement of the development activities. The procedure for obtaining the Consent to Operate is also the same and the similar documents are required for this process.

As a consultant it is our responsibility to obtain the Consent to Establish & Consent to Operate for our clients. Our services includes filling up of application form and then revising it according to the requirement of the State Pollution Control Board followed by awarding of NOC by the agency.



भारत का राजपत्र The Gazette of India

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पर्यावरण और वन मंत्रालय

प्रधिसूचना

नई दिल्ली, 27 जनवरी, 1994

का.प्रा. 60 (अ) :- पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) के अधीन एक प्रधिसूचना सं. का.प्रा. 80 (अ), तारीख 28 जनवरी, 1993 प्रकाशित की गई थी जिसमें जब तक कि उक्त प्रधिसूचना में विनिर्दिष्ट प्रक्रिया के अनुसार केंद्रीय सरकार या राज्य सरकार द्वारा पर्यावरण संबंधी प्रस्तावित न दे दी गई हो, तब तक भारत के किसी भी भाग में प्रारंभ किए जाने वाले क्रियाकलाप या नई परियोजनाओं के विस्तारण या प्राधुनिकीकरण के संबंध में निर्बंधन और प्रतिबंध अधिरोपित करने के केंद्रीय सरकार के प्राणय के विरुद्ध जनता से उक्त प्रधिसूचना के प्रकाशन की तारीख से साठ दिन के भीतर आक्षेप मांगे गए थे ;

और प्राप्त सभी आक्षेपों पर सम्यक् रूप से विचार किया गया है ;

अतः केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (अ) के खंड (अ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए निवेश देती है कि इस प्रधिसूचना के राजपत्र में प्रकाशन की तारीख से ही किमी क्रियाकलाप का, यदि प्रदूषण भार विद्यमान प्रदूषण भार से अधिक है या इस प्रधिसूचना की अनुसूची-1 में सूचीबद्ध नई परियोजना

भारत के किसी भाग में तब तक प्रारंभ नहीं की जाएगी जब तक कि इस प्रधिसूचना में इसके पश्चात् विनिर्दिष्ट प्रक्रिया के अनुसार केंद्रीय सरकार द्वारा पर्यावरण संबंधी प्रस्तावित न दे दी गई हो ।

2. परियोजना की पर्यावरण संबंधी प्रस्तावित प्राप्त करने के लिए अपेक्षाएं और प्रक्रिया :

I. (क) कोई व्यक्ति जो भारत के किसी भाग में किसी परियोजना को प्रथम अनुसूची 1 में सूचीबद्ध किसी विद्यमान उद्योग या परियोजना का विस्तारण या प्राधुनिकीकरण प्रारंभ करना चाहता है, सचिव, पर्यावरण और वन मंत्रालय, नई दिल्ली को एक आवेदन भेजेगा ।

यह आवेदन इस प्रधिसूचना की (अनुसूची 2) में विनिर्दिष्ट प्रोफार्मा में किया जाएगा और उसके साथ परियोजना की ब्यौरेवार रिपोर्ट होगी जिसमें अन्य बातों के साथ-साथ पर्यावरण संबंधी प्रभाव निर्धारण रिपोर्ट और केंद्रीय सरकार के पर्यावरण और वन मंत्रालय द्वारा समय-समय पर जारी किए गए मार्गदर्शक सिद्धान्तों के अनुसार तैयार की गई पर्यावरण प्रबंध योजना होगी ।

(ख) आंकड़ों और कार्य योजना को प्रपत्रित अथवा अनुपयुक्त प्रस्तुत किए जाने के कारण अस्वीकृत किए गए मामलों का पुर्विलोकन किया जा सकेगा जब भी उन्हें पूर्ण आंकड़ों और कार्य योजना के साथ प्रस्तुत किया जाता है । दूसरी बार अपूर्ण आंकड़ों

का प्रस्तुत किया जाना स्वयं ही प्रभाव निर्धारण अभिकरण के लिए मामले की संक्षेपतः अस्वीकृत करने के लिए पर्याप्त कारण होगा।

II. निम्नलिखित स्थल-विनिर्दिष्ट परियोजनाओं की वशा में—

- (क) खनन ;
- (ख) पिट हेड ताप विद्युत केंद्र ;
- (ग) जल विद्युत मुख्य सिंचाई परियोजना और उसका संयोजन जिसमें बाढ़ नियंत्रण सम्मिलित है।
- (घ) पत्तन तथा बंदरगाह (लघु पत्तन को छोड़कर)

परियोजना प्राधिकारी कोई अन्वेषण या सर्वेक्षण प्रारंभ करते समय केंद्रीय सरकार के पर्यावरण और वन मंत्रालय को परियोजना स्थल के स्थान के बारे में सूचित करेंगे। केंद्रीय सरकार का पर्यावरण और वन मंत्रालय तीस दिन की अधिकतम अवधि के भीतर प्रस्तावित स्थल की उपयुक्तता या अन्यथा के बारे में विनिश्चय सूचित करेगा। उक्त स्थल अनापत्ति ;

—किसी स्वीकृत क्षमता या खनन पट्टे के लिए ;

—500 हेक्टर या अधिक क्षेत्र में, यदि अपेक्षित हो, कमिजों के पूर्वोक्षण और खोज के लिए,

अंजूर की जाएगी और सन्निर्माण, संक्रिया या खनन प्रारंभ करने के लिए यह पांच वर्ष की अवधि के लिए विधिमाम्य होगी।

III. (क) प्रायोजन के साथ प्रस्तुत की गई संक्षिप्त साध्यता रिपोर्ट का, यथास्थिति, केंद्रीय सरकार के प्रभाव निर्धारण अभिकरण द्वारा, इस अधिसूचना की अनुसूची 3 में विनिर्दिष्ट संरचना वाली विशेषज्ञ समिति के परामर्श से मूल्यांकन और निर्धारण किया जाएगा। प्रभाव निर्धारण अभिकरण, संघ का पर्यावरण और वन मंत्रालय होगा। ऊपर वर्णित विशेषज्ञ समिति का गठन संबंधित प्रभाव निर्धारण अभिकरण या इस बाबत प्रभाव निर्धारण अभिकरण द्वारा प्राधिकृत, केंद्रीय सरकार के अधीन ऐसे अन्य निकाय द्वारा किया जाएगा।

(ख) उक्त विशेषज्ञ समिति को परियोजना से संबंधित संक्रियाओं के प्रारंभ से पूर्व, उनके दौरान या उसके पश्चात् किसी समय, यथास्थिति, स्थल या कारखाना परिसरों में प्रवेश करने और उनका निरीक्षण करने का पूर्ण अधिकार होगा।

(ग) प्रभाव निर्धारण अभिकरण परियोजना प्राधिकारियों द्वारा दिए गए दस्तावेजों, आंकड़ों, जो स्थलों अथवा कारखानों में की गई यात्राओं के दौरान संगृहीत आंकड़ों द्वारा अनुपूरित होंगे के तकनीकी निर्धारण और प्रभावित जनसंख्या और पर्यावरण संबंधी समूहों की अन्तःक्रिया पर आधारीत सिफारिशें तैयार करेगा। विस्तृत पर्यावरणीय प्रबन्ध योजनाओं सहित संक्षिप्त साध्यता रिपोर्ट, सिफारिश और वे शर्तें, जिनके अध्याधीन रहने हुए पर्यावरण संबंधी अनापत्ति दी गई है, संबंधित पक्षकारों या पर्यावरण संबंधी समूहों की अनुरोध पर उपलब्ध कराई जाएगी। जनता के विचार यदि प्रभाव निर्धारण अभिकरण द्वारा प्रस्ताव के प्राप्ति के 30 दिन भीतर ऐसी सिफारिश की जाए तो इस प्रयोजन के लिए व्यवस्थित लोक सुनवाईयों में, ऐसी सुनवाई की कम से कम दो समाचारपत्रों में एक मास की सूचना देने के पश्चात् मांगे जा सकेंगे।

जनता को परियोजना रिपोर्टों और पर्यावरणीय प्रबन्ध योजनाओं तक पहुँच की प्रभाव निर्धारण अभिकरण मुख्यालय में व्यवस्था की जाएगी।

निर्धारण परियोजना प्राधिकारियों से अपेक्षित दस्तावेजों और आंकड़ों की प्राप्ति से तीन मास की अवधि के भीतर और जहाँ अपेक्षित हो वहाँ लोक सुनवाई की समाप्ति पर पूरा किया जाएगा और विनिश्चय उसके पश्चात् अधिकतम तीस दिन के भीतर सूचित कर दिया जाएगा। परियोजना के स्थापित किए जाने से संबंधित कोई प्रारंभिक या अन्य कार्य पर्यावरणीय स्थल अनापत्ति प्राप्त किए जाने तक प्रारंभ नहीं किया जा सकेगा।

IV. संबंधित प्रभाव निर्धारण अभिकरण की सिफारिशों के कार्यान्वयन और उन शर्तों को, जिनके अधीन पर्यावरण संबंधी अनापत्ति दी गई है, प्रभावी रूप से मानिटर करने के लिए समर्थ बनाने की दृष्टि से सम्बन्धित परियोजना प्राधिकारी संबंधी अभिकरण को छायाही रिपोर्ट प्रस्तुत करेंगे। प्रभाव निर्धारण अभिकरण अनुपालन रिपोर्ट सार्वजनिक रूप से उपलब्ध कराएगा।

यदि प्रभाव निर्धारण अभिकरण से समय सीमा के भीतर कोई टिप्पणी प्राप्त नहीं होती है तो परियोजना उस रूप में अनुमोदित कर ली समझी जाएगी जिस रूप में वह परियोजना प्राधिकारियों द्वारा प्रस्तावित की गई थी।

3. इस अधिसूचना की, कोई बात निम्नलिखित को लागू नहीं होगी :

(क) अधिसूचना का.प्रा.सं. 102 (अ), तारीख 1 फरवरी, 1989 का.प्रा.सं. 114 (अ), तारीख 20 फरवरी, 1991 और का.प्रा.सं. 319 (अ), तारीख 7 मई, 1992 के अंतर्गत आने वाले क्षेत्र में अवस्थित या अवस्थान के लिए प्रस्तावित अनुसूची-1 की प्रविष्टि सं. 318 और 20 के अधीन आने वाली कोई मत्र।

(ख) अनुसूची 1 की प्रविष्टि 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 16, 17, 19, 25, 27 के अधीन आने वाली कोई मत्र यदि विनिर्धान 50 करोड़ रुपए से कम हो।

(ग) लघु औद्योगिक सेक्टर के लिए प्रारंभित कोई मत्र जिसमें विनिर्धान एक करोड़ रुपए से कम का हो।

4. वास्तविक आंकड़ों को छिपाने या मिथ्या, भ्रामक आंकड़ों/रिपोर्ट, विनिश्चय या सिफारिशें प्रस्तुत किए जाने से परियोजना अस्वीकार हो जाएगी, अनुमोदन भी, यदि मिथ्या आंकड़ों के आधार पर पहले दिया गया हो तो प्रतिसंहत हो जाएगा। भ्रामक और गलत जानकारी के अन्तर्गत निम्नलिखित आएंगे :

— मिथ्या जनकारी

—मिथ्या आंकड़े

—बनाई गई रिपोर्ट

—वास्तविक आंकड़ों का छिपाना

—मिथ्या सिफारिशें या विनिश्चय।

[सं. जेड 12013/4/89-1 ए-1]

भार. राजामणि, मन्त्र (पर्यावरण और वन)

अनुसूची-1

(पैरा 1 और 2 देखिए)

केंद्रीय सरकार से पर्यावरणीय अनापत्ति की अपेक्षा करने वाली परियोजनाओं की सूची

1. न्यूक्लीयर पावर और संबंधित परियोजनाएं जैसे भारी जल संयंत्र नाभिकीय ईंधन परिसर, विरल मुदा (रेक्टर धर्म)।

2. नदी घाटी परियोजनाएं जिसमें जल विद्युत, मुख्य सिंचाई और उनके समुच्चय बाढ़ नियंत्रण सम्मिलित हैं।

3. पत्तन बंदरगाह और विमान पत्तन (नद्यु पत्तन और बंदरगाह के सिवाय)

4. पेट्रोलियम परिष्करणी जिसमें अपरिष्कृत उत्पाद पाइपलाइन हैं।

5. एकल सुपरफास्ट के अलावा अन्य रासायनिक उर्वरक (नाइट्रोजिनस और फास्फेटिक)।

6. नाणकजीव मार (तकनीकी)

7. पैट्रो-रासायनिक काम्प्लेक्स (ओपे फिनिक और एरोमेटिक दोनों), और रासायनिक मध्यवर्ती जैसे डी एम टी डीटरोलेक्टम लैब इत्यादि तथा एन एन पी डी ई, एच पी डी ई, पी पी, पी बी सी जैसे प्राथमिक प्लास्टिक का उत्पादन।

8. प्रपंज औषधि और वैषजिक

9. तेल और गैस की खोज तथा उनका उत्पादन, परिवहन और भंडारण।

10. गिगेटिक रबर।

11. एम्बेस्टोस और एस्बस्टोस उत्पाद।

12. हाइड्रोसाइक्लिक ऐसिड और उसकी व्युत्पत्ति।

13. (क) प्राथमिक मौसम विज्ञानी उद्योग (जैसे खीह और इत्यादि एन्यूमीनियम, तांबा, जस्ता, सोना और फेल्डस्पार्थ का उत्पादन)

(ख) विद्युत मार्क भट्टी।

14. क्लोर एल्काली उद्योग।

15. पेंटस के विनिर्माण में काम आने वाली जस्ता कच्ची सामग्री और रेमिन के विनिर्माण सहित सम्बन्धित पेंट काम्प्लेक्स।

16. विगकोस स्टेपल फाइबर और फिलामेंट यार्न।

17. सीरा और मीना एन्टीमनी एलाय के आक्साइडों के विनिर्माण के साथ सम्बन्धित स्टोरेज बैटरियां।

18. समुद्र की उच्च जल रेखा के 200 मीटर से 500 मीटर के बीच समस्त पर्यटन और परियोजनाएं तथा 5 करोड़ से अधिक निवेश के साथ 1000 मीटर से अधिक उत्पादन के अवस्थान पर।

19. तापीय विद्युत संयंत्र।

20. खनन परियोजनाएं (5 हेक्टर से अधिक के लिए पट्टे सहित)

21. राजमार्ग परियोजनाएं

22. हिमालय शृंखला में कोलतारी सड़कें और कनीय अंश

23. आसवनियां

24. अपरिष्कृत खाल और चर्म

25. लुगवी, कागज और अखबारी कागज

26. रंजक

27. सीमेंट

28. दलार्डिअर (व्यष्टिक)

29. विद्युतसेपन

प्रनुसूची-2

[पैरा 3 का उप-पैरा 1 (क) देखिए]

भाव्यन-प्रकृप

1. (क) प्रस्तावित परियोजना का नाम व पता ;

(ख) परियोजना की अवस्थिति :

स्थान का नाम :

जिला : तहसील :

अक्षांश/रेखांश :

निकटतम विमान पत्तन/रेल स्टेशन :

(ग) जांच किए गए बैकल्पिक स्थल तथा प्रस्तावित स्थल का चयन करने के लिए कारण ;

(घ) क्या यह स्थल स्थानीय भूमि प्रयोग योजना के अनुसार अनुबद्ध भूमि प्रयोग के अनुरूप है।

2. परियोजना के उद्देश्य ;

3. (क) अपेक्षित भूमि :

कृषि भूमि :

वन भूमि तथा वनस्पति का घनत्व

अन्य (विनिर्दिष्ट करें)

(ख) (1) आवाह क्षेत्र/प्रस्तावित स्थल के 10 कि.मी. की परिधि में भूमि प्रयोग ;

(2) क्षेत्र की स्थलाकृति, जिनमें ढाल पहलू और ऊंचाई उपबन्धित की गई हो ;

(3) प्रस्तावित भूमि का क्षरण वर्गीकरण।

(ग) 10 कि.मी. की परिधि में विद्यमान प्रदूषण स्रोत तथा वायु, जल और भूमि की गुणवत्ता पर उनका प्रभाव ;

(घ) निकटतम राष्ट्रीय उद्यान/अभयारण्य/जीवमंडल आरक्षित/स्मारकों ऐतिहासिक स्थलों/आरक्षित वनों की दूरी ;

(ङ) खदानों/उधार क्षेत्रों के लिए पुनरुद्धार योजना ;

(च) हरित पट्टी योजना ;

(छ) प्रतिकारात्मक वनरोपण योजना।

4. जलवायु और वायु गुणवत्ता :

(क) स्थल पर पवनारेख ;

(ख) अधिकतम/न्यूनतम/औसत वार्षिक तापमान ;

(ग) प्रतिशतमान की आर्द्रता ;

(घ) चक्रवातों/तूफानों/बावल फटने की आकृति ;

(ङ) परिवेशी वायु गुणवत्ता मापकें ;

(च) परियोजना से एस पी एस, गैस (सी ओ सी ओ, एस ओ, एन ओ एस, सी एस, एन, आदि) के प्रसर्जन की प्रकृति और सान्द्रण।

5. जल सन्तुलन :

(क) स्थल पर जल सन्तुलन ;

(ख) शीत मौसम में जल की उपलब्धता ;
जल की आवश्यकता ;

(ग) प्रतियोगी उपयोगताओं सहित दोहन किए जाने वाले स्रोत (नदी, झील, भूमि, सार्वजनिक आपूर्ति)

- (घ) जल गुणवत्ता ;
(ङ) पिछले 15 वर्षों में भूमि जल की गुणवत्ता और मात्रा में देखे गए परिवर्तन तथा वर्तमान चार्जिंग और निकासी के ब्यौरे ;

(च) (1) शोधन ब्यौरे सहित छोड़े जाने वाले अपशिष्ट जल की मात्रा ;

(2) ठोस अपशिष्टों के ब्ययन से पूर्व और पश्चात प्रसिद्धाही बाँधी में जल की मात्रा और गुणवत्ता ;

(3) भूमि पर छोड़े जाने वाले अपशिष्ट जल की मात्रा और भूमि की किस्म ;

(छ) (1) आवश्यक आवाह शोधन योजना सहित जलाशय जल गुणवत्ता के ब्यौरे ;

(2) कमांड क्षेत्र विकास योजना

6. ठोस अपशिष्ट :

(क) उत्पन्न ठोस अपशिष्टों की प्रकृति और मात्रा ;

(ख) ठोस अपशिष्ट निपटान का तरीका ।

7. शोर और कंपन :

(क) शोर और कंपन के स्रोत ।

(ख) परिवर्षी शोर स्तर ।

(ग) शोर और कंपन नियंत्रण के प्रस्तावित उपाय ।

(घ) श्रवण क्षमता समस्या, यदि कोई हो, और उसके नियंत्रण के उपाय ।

8. बिजली की आवश्यकता, जिसमें आपूर्ति के स्रोत का उल्लेख हो, यदि कैपिटल बिजली इकाई लगाने का प्रस्ताव हो तो पूरा पर्यावरणीय ब्यौरा प्रलग से भेजें ।

9. लगाया जाने वाला श्रम शक्ति बल, जिसमें निम्न ब्यौरा दिया जाए :

— अपशिष्ट जल/वायु/मृदा जनित रोगों के कारण क्षेत्र में स्थायिक स्वास्थ्य समस्याएं ।

— विद्यमान और प्रस्तावित स्वास्थ्य देखभाल प्रणाली ।

10. (क) विस्थापित होने वाले गाँवों और लोगों की संख्या

(ख) पुनर्वास वृहत् योजना ।

11. जोखिम निर्धारण रिपोर्ट तथा विपदा प्रबन्ध योजना ।

12. (क) पर्यावरणीय प्रभाव मूल्यांकन रिपोर्ट (पर्यावरण और वन मंत्रालय द्वारा) ;

(ख) पर्यावरणीय प्रबन्ध योजना (समय-समय पर जारी मार्ग-दर्शक सिद्धांतों के अनुसार तैयार) ;

(ग) विस्तृत व्यावहारिकता रिपोर्ट ;

(घ) विविधत भरी हुई प्रश्नावली ।

13. पर्यावरणीय प्रबन्ध कक्ष का ब्यौरा ।

इसमें यह बताना है कि ऊपर दिए गए प्रांकड़े और सूचना मेरी सर्वोत्तम जानकारी और विश्वास के अनुसार सही हैं और मुझे इस बात की जानकारी है कि यदि प्रस्तुत किए गए प्रांकड़े/सूचना का कोई भाग किसी भी समय मिथ्या या भ्रामक पाया जाता है तो परियोजना को नामंजूर

कर दिया जायेगा और परियोजना को ही गई घनापत्ति, यदि कोई हो, को हमारी जोखिम और लागत पर वापस लिया जा सकेगा ।

तारीख :

आवेदक के हस्ताक्षर

स्थान :

(नाम और पूरे पते सहित)

आवेदक जिस संगठन की ओर से हस्ताक्षर कर रहा है उस संगठन की मोहर

टिप्पण : ऐसे मकों की बाबत जिसके लिए परियोजना प्रस्तावक की घोषणा के अनुसार प्रांकड़े अपेक्षित नहीं हैं या उपलब्ध नहीं हैं तो परियोजना पर उसी आधार पर विचार किया जाएगा ।

अनुसूची-3

[पैरा-3 का उप-पैरा (iii) (क) देखिए]

पर्यावरणीय प्रभाव निर्धारण के लिए विशेषज्ञ समितियों की संरचना

1. केन्द्र और राज्य स्तर पर विकास परियोजनाओं का मूल्यांकन और निर्धारण निम्न प्रकार से गठित विशेष समितियों द्वारा किया जाएगा, जिनमें प्रत्येक क्षेत्र के विशेषज्ञ होंगे :—

1. पारिस्थितिक तंत्र प्रबंध

2. वायु/जल प्रदूषण नियंत्रण

3. जल संसाधन प्रबंध

4. वनस्पतिजात/प्राणिजात संरक्षण और प्रबंध

5. भूमि प्रयोग योजना

6. सामाजिक विज्ञान/पुनर्वास

7. परियोजना मूल्यांकन

8. पारिस्थितिकी

9. पर्यावरणीय स्वास्थ्य

10. विषय क्षेत्र विशेषज्ञ

11. गैर-सरकारी संगठनों के प्रतिनिधि/पर्यावरणीय मुद्दों से संबंधित व्यक्ति ।

2. अध्यक्ष, उरकूट और अनुभवों परिस्थिति-विज्ञानी या पर्यावरणीय विद या तकनीकी व्यावसायिक या सुसंगत विकास क्षेत्र में बहुत प्रबंधकोय अनुभव का होगा ।

3. प्रभाव निर्धारण अभिकरण/केन्द्र/राज्य का प्रतिनिधि सदस्य-सचिव के रूप में कार्य करेगा ।

4. अध्यक्ष और सदस्य प्रतिनिधियों के रूप में विनिश्चित रूप में नामनिर्दिष्ट व्यक्तियों को छोड़कर दैनिकीकृत श्रमियत से कार्य करेंगे ।

5. किसी समिति में 15 से अधिक सदस्य नहीं होंगे ।

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 27th January, 1994

S.O. 60(E).—Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as S.O. No. 80(E) dated 28th January, 1993;

And whereas all objections received have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;

2 Requirements and procedure for seeking environment clearance of projects:

I(a) Any person who desires to undertake any project in any part of India or the expansion or modernisation of any existing industry or project listed in the Schedule shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule II to this notification and shall be accompanied by a detailed project report which shall, inter alia, include an Environmental Impact Assessment Report and an Environment Management Plan prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time.

(b) Case rejected due to submission of insufficient or inadequate data and Action Plans may be reviewed as and when submitted with complete data and Action Plans. Submission of incomplete data for the second time would itself be a sufficient reason for the Impact Assessment Agency to reject the case summarily.

II In case of the following site specified projects:

- (a) mining;
- (b) pit-head thermal power stations;
- (c) hydro-power, major irrigation projects and/or their combination including flood control;
- (d) ports and harbours (excluding minor ports).

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment & Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance will be granted for:

- a sanctioned capacity or for any mining lease;
- 500 ha or above area, if so required, for prospecting and exploration of minerals.

and it will be valid for a period of five years for commencing the construction, operation or mining.

III (a) The summary feasibility report submitted with the application shall be evaluated and assessed by the Impact Assessment Agency at the Central Government in consultation with a Committee of experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the Impact Assessment Agency concerned or such other body under Central Government authorised by Impact Assessment Agency in this regard.

(b) The said Committee of experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to during or after the commencement of the operations relating to the project.

(c) The Impact Assessment Agency will prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities supplemented by data collected during visits to sites or factories and interaction with affected population and environmental groups. Summary feasibility reports, along with the detailed Environmental Management Plans, the recommendation and the conditions subject to which environmental clearance is given shall be made available to the concerned parties or environmental groups on request. Comments of the public may be solicited, if so recommended by IAA within 30 days of receipt of proposal, in public hearings arranged for the purpose after giving one month notice of such hearings in at least two newspapers.

Public shall be provided access to the summary of the project reports and Environmental Management Plans at the Headquarters of the Impact Assessment Agency.

The assessment shall be completed within a period of three months on receipt of the requisite documents and data from the project authorities and completion of public hearing were required and decision conveyed within a maximum of 30 days thereafter. No work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental site clearance is obtained.

IV. In order to enable the Impact Assessment Agency concerned to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half-yearly report to the concerned agency. Impact Assessment Agency will make compliance reports publicly available.

V. If no comments from the Impact Assessment Agency received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

3. Nothing contained in this Notification shall apply to:

- (a) any time falling under entry Nos. 3, 18 and 20 of the Schedule-I to be located or proposed to be located in the areas covered by the Notification's SO No. 102(E) dated 1st February, 1989; S.O. 114(E) dated 20th February, 1991 and S.O. No. 319(E) dated 7th May, 1992
- (b) any item falling under entry Nos. 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 16, 17, 19, 25 and 27 of Schedule-I if the investment is less than Rs. 50 crores.
- (c) any item reserved for Small Scale Industrial sector with investments less than Rs. 1 crore.

4 Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected-approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:

- False information.
- False data.
- Engineering reports.
- Concealing of factual data
- False recommendations or decisions.

SCHEDULE—I

(See paras 1 and 2)

LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM THE CENTRAL GOVERNMENT

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, rare earths.
2. River Valley projects including hydel power, major irrigation and their combination including food control.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines.
5. Chemical Fertilizers (Nitrogenous and Phosphatic) other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DMT, Caprolactam LAB etc. and production of basic plastics such as LLPDE, HPDE, PP PVC.
8. Bulk drugs and pharmaceuticals
9. Exploration for oil and gas and their production, transportation and storage.
10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
- 13 (a) Primary metallurgical Industries (such as production of Iron and Steel, Aluminium, Copper Zinc, Lead and Ferror Alloys).
- (b) Electric arc furnaces (Mini Steel Plants).
14. Chlor alkali industry.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.
16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloy.
18. All tourism projects between 200m—500 meters of High Water Line and at locations with an elevation of more than 1000 meters with investment of more than Rs. 5 crores.
19. Thermal Power plants.
20. Mining projects (with leases more than 5 hectares).
21. Highway Projects.
22. Tared Roads in Himalayas and or Forest areas.
23. Distilleries.
24. Raw Skins and Hides.
25. Pulp, paper and newsprint.
26. Dyes.
27. Cement.
28. Foundries (Individual).
29. Electroplating.

SCHEDULE—II

[See Sub-para I(a) of Para 3]

APPLICATION FORM

1. (a) Name and Address of the project proposed :
- (b) Location of the projects:
Name of the place:
District, Tehsil:
Latitude/Longitude:
Nearest Airport/Railway Station :
- (c) Alternate sites examined and the reasons for selecting the proposed site :
- (d) Does the site conform to stipulated land use as per local land use plan:
2. Objectives of the project:
3. (a) Land Requirement:
Agriculture Land :
Forest land and Density of vegetation.
Other (specify):
- (b) (i) Land use in the Catchment|within 10 Kms. radius of the proposed site
- (ii) Topography of the area indicating gradient, aspects and altitude ;
- (iii) Erodability classification of the proposed land ;
- (c) Pollution sources existing in 10 km. radius and their impact on quality of air, water & land:
- (d) Distance of the nearest National Park/Sanctuary/ Biosphere Reserve/Monuments/heritage site/Reserve Forest:
- (e) Rehabilitation on plan for quarries/borrow areas:
- (f) Green belt plan:
- (g) Compensatory afforestation plan:
4. Climate and Air Quality:
(a) Windrose at site;
- (b) Max./Min./Mean annual temperature
- (c) Frequency of inversion:
- (d) Frequency of cyclones|tornadoes|cloud burst :
- (e) Ambient air quality data:
- (f) Nature & concentration of emission of SPM, Gas (Co, Co₂, NO_x, CH₄ etc.) from the project :
5. Water balance :
- (a) Water balance at site :
- (b) Lean season water availability:
Water Requirement :
- (c) Source to be tapped with competing users (River, lake, Ground, Public supply):
- (d) Water quality :
- (e) Changes observed in quality and quantity of ground water in the last 15 years and present charging & extraction details:
- (f) (i) Quantum of waste water to be released with treatment details :
- (ii) Quantum of quality of water in the receiving body before and after disposal of solid wastes:
- (iii) Quantum of waste water to be released on land and type of land :

- (g) (i) Details of reservoir water quality with necessary Catchment Treatment Plan ;
 (ii) Command Area Development Plan ;
6. Solid wastes :
- (a) Nature and quantity of solid wastes generated.
 (b) Solid waste disposal method:
7. Noise and Vibrations:
- (a) Sources of noise and Vibrations ;
 (b) Ambient noise level:
 (c) Noise and Vibration control measures proposed ;
 (d) Subsidence problem if any with control measures:
8. Power requirement indicating source of supply : Complete environmental details to be furnished separately, if captive power unit proposed:
9. Peak labour force to be deployed giving details of:
- Endemic health problems in the area due to waste water/air/soil borne diseases:
 — Health care system existing and proposal :
10. (a) Number of village and population to be displaced :
 (b) Rehabilitation Master Plan :
11. Risk assessment report and Disaster Management Plan:
12. (a) Environmental Impact Assessment } Report
 (b) Environment Management Plan: } prepared as per
 (c) Detailed Feasibility Report : } guidelines of
 (d) Duly filled in questionnaire } time to time
13. Details of Environmental Management Cell:

project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant
with name and full address.

Date .
Place:

Given under the seal of
Organisation on behalf of
whom the applicant is
signing.

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

SCHEDULE III

[See sub-para III(a) of Para 3]

COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT

1. The evaluation and assessment of development projects at the Central or State level will be undertaken by Experts Committees consisting of experts in each discipline constituted as under:

- (i) Eco-System Management
- (ii) Air/Water Pollution Control
- (iii) Water Resource Management
- (iv) Flora/Fauna conservation and management
- (v) Land Use Planning
- (vi) Social Sciences/Rehabilitation
- (vii) Project Appraisal
- (viii) Ecology
- (ix) Environmental Health
- (x) Subject Area Specialists
- (xi) Representatives of NGOs/persons concerned with environmental issues.

2. The Chairman will be outstanding and experienced ecologist or environmentalist or technical professional or wide managerial experience in the relevant development sector.

3. The representative of Impacts Assessment Agency/Central/State will act as a Member-Secretary.

4. Chairman and Members will serve in their individual capacities except those specifically nominated as representatives.

5. The Membership of a Committee shall not exceed 15.

I hereby give an undertaking that the data and information given above are true to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the



भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

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पर्यावरण एवं वन मंत्रालय

अधिसूचना

नई दिल्ली, 7 जुलाई, 2004

का.आ. 801(अ).— और जबकि भारत सरकार के पर्यावरण एवं वन मंत्रालय की संख्या का.आ. 60 (अ) दिनांक 27 जनवरी, 1994 की अधिसूचना के कतिपय संशोधनों का प्रारूप भारत का राजपत्र असाधारण, भाग II खण्ड 3, उप-खण्ड (ii) में संख्या का.आ. 1236 (अ), दिनांक 27 अक्टूबर, 2003 के तहत प्रकाशित किया गया था जिसमें इससे प्रभावित होने वाले सभी व्यक्तियों से सर्व साधारण को उक्त अधिसूचना निहित राजपत्र की प्रति प्राप्त होने के साठ दिन की अवधि के भीतर आपत्तियों और सुझाव मंगवाए गए हैं ;

और जबकि उक्त अधिसूचना की प्रति जनता को 27 अक्टूबर, 2003 को उपलब्ध करवा दी गई थी ;

और जबकि माननीय उच्चतम न्यायालय ने रिट याचिका (सी) 1985 की सं० 4677 में 1994 की रिट याचिका संख्या 725 के साथ आई ए० संख्या 20, 21, 1207, 1183, 1216 और 1251 में 'हिन्दुस्तान टाइम्स' में 'एक समाचार' एंड क्वाइट फ्लोज द मैली यमुना' बनाम केन्द्रीय प्रदूषण नियंत्रण बोर्ड और यमुना नदी के प्रदूषण से संबंधित अन्य मामले के संबंध में आदेश पर विधिवत विचार किया गया

और जबकि सी एस कुप्पुराज और अन्य बनाम तमिलनाडु राज्य और अन्य के बीच माननीय मद्रास उच्च न्यायालय के रिट याचिका (सी) 2003 की सं० 33493 और रिट याचिका 2003 की सं.

35205, 35517, 35691, 35692 और 35825 और रिट याचिका एम.पी. 2003 की सं० 40556, 42562, 43720, 45348 से 45350, 42791, 42792, 43882, 43181, 43366 से 43369, 43544 और 43545 पर के आदेश पर भी विधिवत विचार किया गया,

और जबकि प्राप्त सभी आपत्तियों और सुझावों पर केन्द्रीय सरकार द्वारा विधिवत विचार किया गया ;

और इसलिए पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986(1986 का 29) की धारा 3 की उपधारा (2) के खंड (v) और उपधारा (1) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार अधिसूचना सं० का.आ. 60 (अ), दिनांक 27 जनवरी, 1994 में आगे निम्नलिखित और संशोधन करती है, नामतः

उक्त अधिसूचना में,-

I पैरा 3 में

(i) मद सं. (क) में " सं. 3,18 और 20 वर्ण, शब्द और आंकड़ों के स्थान पर" संख्या 3,18,20,31 और 32" वर्ण, शब्द और आंकड़े प्रतिस्थापित किए जाएंगे ;

(ii) उप पैरा(च) में निम्नलिखित जोड़े जाएंगे, नामतः-

(छ) 1000(एक हजार) व्यक्तियों या इससे कम के लिए नए टाउनशिप, औद्योगिक टाउनशिप्स, रिहाईशी कालोनियों, व्यावसायिक परिसरों, होटल परिसरों, अस्पताल और कार्यालय परिसरों सहित अनुसूची 1 की प्रविष्टि 31 के अंतर्गत आने वाली अथवा प्रतिदिन 50,000(पचास हजार) लीटर अथवा इससे कम मलजल निकासी करने वाली अथवा 50,00,00,000/-(पचास करोड़ रूपए) या इससे कम के निवेश की कोई निर्माण परियोजना।

(ज) ऐसी औद्योगिक संपदाओं, जिनका क्षेत्र कुछ भी हो लेकिन जिनमें प्रदूषण की संभाव्यता अधिक हो, को छोड़कर 50 हैक्टेयर अथवा इससे कम क्षेत्र में औद्योगिक इकाइयों को स्थान देने वाली औद्योगिक संपदाओं सहित अनुसूची-I की प्रविष्टि 32 के अंतर्गत आने वाली कोई औद्योगिक संपदा ।

स्पष्टीकरण:-

- (i) नई निर्माण परियोजनाएं जिन्हें इस अधिसूचना के अन्तर्गत अपेक्षित मंजूरी के बिना आरंभ किया गया था और जिनका निर्माण कार्य कुर्सी स्तर तक नहीं पहुंचा है, के लिए इस अधिसूचना के अंतर्गत 7 जुलाई 2004 से मंजूरी प्राप्त करना अपेक्षित होगा ।
- (ii) नई औद्योगिक संपदाओं जिन्हें इस अधिसूचना के अन्तर्गत अपेक्षित मंजूरी के बिना आरंभ किया गया था के मामले में और जहां निर्माण कार्य शुरू नहीं हुआ है या व्यय कुल स्वीकृत लागत के 25% से अधिक नहीं है, इस अधिसूचना के अंतर्गत 7 जुलाई 2004 से मंजूरी लेनी अपेक्षित होगी ।
- (iii) किसी परियोजना प्रस्तावक को उप पैरा (छ) और (ज) के अंतर्गत प्रस्तावित परियोजना के चरण बद्ध रूप से अथवा माड्यूल में कार्यान्वयन के लिए इस अधिसूचना के अंतर्गत अनुमोदन के लिए सभी चरणों अथवा मूल्यांकन हेतु माड्यूलों को शामिल करके परियोजना के पूरे विवरण के साथ प्रस्तुत करना अपेक्षित है ।^{*} ;

II . अनुसूची I में मद संख्या 30 और उससे सम्बद्ध प्रविष्टियों के बाद निम्नलिखित को प्रतिस्थापित किया जाएगा, नामतः:

^{*} 31. नई निर्माण परियोजनाएं

32. नई औद्योगिक सम्पदाएं^{*}

III . अनुसूची- II में,

(i) पैरा 5 में, उप पैरा (च) के लिए निम्नलिखित पैरा प्रतिस्थापित किया जाएगा, नामतः:-

^{*} (च)(i) प्रस्तावित गतिविधियों के फलस्वरूप प्राप्ति जल निकाय में छोड़े जाने वाले मौजूदा औद्योगिक बहिस्त्रावों और घरेलू मलजल व उसके वर्धित भार की मात्रा तथा उसके शोधन संबंधी विवरण ;

(ii) नगर ठोस अपशिष्ट, औद्योगिक बहिस्त्राव तथा घरेलू मलजल सहित ठोस अपशिष्टों के निपटान से पूर्व व उसके बाद प्राप्ति जल निकाय में जल की मात्रा व गुणवत्ता;

(iii) भूमि पर छोड़े जानेवाले औद्योगिक बहिस्त्राव एवं घरेलू सीवेज की मात्रा और भूमि की किस्म ; ;

(ii) पैरा 6 में, उप पैरा (क) के लिए निम्नलिखित उप-पैरा प्रतिस्थापित किया जाएगा, नामतः:-

"(क) नगर ठोस अपशिष्ट, जैव चिकित्सा अपशिष्ट, परिसंकटमय अपशिष्ट और औद्योगिक अपशिष्टों सहित उत्सर्जित ठोस अपशिष्टों की किस्म व मात्रा ।"

[सं. जेड-11011/1/2002-आईए-1]

आर.चन्द्रमोहन, संयुक्त सचिव

टिप्पणः- मूल अधिसूचना भारत के राजपत्र में दिनांक 27.1.1994 की सं. का.आ. 60 (अ) के अंतर्गत प्रकाशित की गई थी और तदुपरांत निम्नलिखित के तहत संशोधित किया गया:-

- 1) का.आ. 356 (अ) दिनांक 4 मई, 1994
- 2) का.आ. 318 (अ) दिनांक 10 अप्रैल, 1997
- 3) का.आ. 73 (अ) दिनांक 27 जनवरी, 2000
- 4) का.आ. 1119 (अ) दिनांक 13 दिसम्बर, 2000
- 5) का.आ. 737 (अ) दिनांक 1 अगस्त, 2001
- 6) का.आ. 1148 (अ) दिनांक 21 नवम्बर, 2001
- 7) का.आ. 632 (अ) दिनांक 13 जून, 2002
- 8) का.आ. 248 (अ) दिनांक 28 फरवरी, 2003
- 9) का.आ. 506 (अ) दिनांक 7 मई, 2003
- 10) का.आ. 891 (अ) दिनांक 4 अगस्त, 2003
- 11) का.आ.1087 (अ) दिनांक 22 सितम्बर, 2003

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 7th July, 2004

S.O. 801(E).— Whereas a draft of certain amendments to the notification of the Government of India in the Ministry of Environment and Forests number S.O.60 (E), dated the 27th January 1994 was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O.1236 (E), dated the 27th October, 2003 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 27th October, 2003;

And whereas, the Orders of the Hon'ble Supreme Court in the Writ Petition (C) No.725 of 1994 with I.A. No.20, 21, 1207, 1183, 1216 and 1251 in Writ Petition (C) No.4677 of 1985 in the matter of news item published in Hindustan Times titled "And Quiet Flows the Maily Yamuna" vs. Central Pollution Control Board and Others have been duly considered;

And whereas, the Orders of Hon'ble High Court of Madras in W.P. (C) No.33493 of 2003 and W.P. Nos.35205, 35517, 35691, 35692 and 35825 of 2003 and W.P. M.P. Nos.40556, 42562, 43720, 45348 to 45350, 42791, 42792, 43882, 43181, 43366 to 43369, 43544 and 43545 of 2003 between C.S. Kuppuraj and others Vs. the State of Tamil Nadu and others have also been duly considered;

And whereas, all objections and suggestions received have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the notification number S.O. 60 (E), dated the 27th January 1994, namely:-

In the said notification, -

I. in paragraph 3-

- (i) in item (a), for the letters, word and figures "Nos.3,18 and 20", the letters, word and figures "Nos.3,18,20,31 and 32" shall be substituted;

- (ii) after sub-para (f), the following shall be inserted, namely:-
- “(g) any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (one thousand) persons or below or discharging sewage of 50,000 (fifty thousand) litres per day or below or with an investment of Rs.50,00,00,000/- (Rupees fifty crores) or below.
- (h) any industrial estate falling under entry 32 of Schedule-I including industrial estates accommodating industrial units in an area of 50 hectares or below but excluding the industrial estates irrespective of area if their pollution potential is high.

Explanation.—

- (i) New construction projects which were undertaken without obtaining the clearance required under this notification and, where construction work has not come up to the plinth level, shall require clearance under this notification with effect from the 7th day of July, 2004.
- (ii) In the case of new Industrial Estates which were undertaken without obtaining the clearance required under this notification and where the construction work has not commenced or the expenditure does not exceed 25% of the total sanctioned cost, shall require clearance under this notification with effect from the 7th day of July, 2004.
- (iii) Any project proponent intending to implement the proposed project under sub-paras (g) and (h) in a phased manner or in modules, shall be required to submit the details of the entire project covering all phases or modules for appraisal under this notification”;

II. in Schedule-I, after item 30 and the entry relating thereto, the following shall be inserted, namely:-

- “31. New construction projects.
32. New industrial estates.”;

III. in Schedule-II, -

- (i) in para 5, for sub-para (f), the following shall be substituted, namely:-
- “(f)(i) The quantum of existing industrial effluents and domestic sewage with incremental load to be released in the receiving water body due to the proposed activities along with treatment details;
- (ii) The quantum and quality of water in the receiving water body before and after disposal of solid wastes including municipal solid wastes, industrial effluents and domestic sewage;

(iii) The quantum of industrial effluents and domestic sewage to be released on land and type of land;”;

(ii) in para 6, for sub-para (a), the following shall be substituted, namely:-

“(a) Nature and quantity of solid wastes generated including municipal solid wastes, biomedical wastes, hazardous wastes and industrial wastes.”.

[No. Z-11011/1/2002-IA-I]

R. CHANDRAMOHAN, Jt. Secy.

Note: The principal notification was published in the Gazette of India vide number S.O.60 (E) dated 27-1-1994 and subsequently amended *vide*:

- 1) S.O. 356 (E) dated 4th May, 1994,
- 2) S.O 318 (E), dated 10th April, 1997,
- 3) S.O. 73 (E) dated 27th January, 2000,
- 4) S.O. 1119 (E) dated 13th December, 2000,
- 5) S.O. 737(E) dated 1st August, 2001,
- 6) S.O.1148 (E) dated 21st November, 2001,
- 7) S.O. 632 (E) dated the 13th June, 2002,
- 8) S.O. 248 (E) dated the 28th February, 2003,
- 9) S.O. 506 (E) dated the 7th May, 2003,
- 10) S.O. 891(E) dated the 4th August, 2003,
- 11) S.O. 1087(E) dated the 22nd September, 2003.

MALIBU ESTATE PRIVATE LIMITED

Regd. Office : 38, DDA Commercial Complex, Kailash Colony Extn. (Zamrudpur), New Delhi-110048.
CIN: U74899DL1992PTC048517

Date: 02.08.2023

The Chairman

State Environment Impact Assessment Authority, Haryana

First Floor, Bay's No. 55-58, Sector-2,

Panchkula, Haryana.

Sub: Representation on behalf of M/s Malibu Estate Pvt. Ltd. in reference to Memo No.

SEIAA/HR/2023/406 dated 14.06.2023

Sir,

The Undersigned had received a Notice dated 14.06.2023 from your good office on 20.06.2023 wherein the undersigned was asked to appear before the SEIAA on 22.06.2023 to explain the position why the undersigned project is not a case for violation of EIA Notification 2006 read with Environment Protection Act, 1986.

That on the request of the undersigned via email dated 21.06.2023, the hearing was adjourned to 06.07.2023 wherein the undersigned was directed to appear and to explain the position as to why the undersigned's project is not a case for violation of EIA Notification 2006 read with Environment Protection Act, 1986. Thereafter, the undersigned, appeared in person on 06.07.2023, and verbally sought some more time to submit their detailed reply along-with the relevant documents. That thereafter, the Authority decided to accede the request of the undersigned and the matter was adjourned to 02.08.2023 for final hearing and decision thereof. That thereafter the matter came up for hearing before the Hon'ble NGT on 25.07.2023 in the case titled "Raman Sharma vs. State of Haryana & Ors. (OA 68/2022/PB)", wherein the Hon'ble NGT on the submission of the Respondent No. 8 (Undersigned) has directed the Ld. SEIAA to dispose of the matter as per law after providing the opportunity of hearing to the person concerned.

In view of the above and for the proper appraisal and adjudication of the issue at hand of the Authority (SEIAA), the undersigned craves the liberty of the Hon'ble SEIAA to present before it this representation.

Preliminary Submissions

1. The undersigned and its then associate companies have obtained about 32 licenses spread over an area of about 204.796 acres in Sector 47, Sector 50 in Gurgaon which was carved out of the Fatehpur and Tikri Villages in Gurgaon, Haryana, under the Haryana Development and Regulation of Urban Area Act, 1975. All except one license were obtained from the year 1992 till 2003 admeasuring 180.116 acres. In 2008 another license dated 31.01.2008 admeasuring 24.681 Acres (9.97 Hectare) was added to the project. The details of the License Nos, the date of obtaining such license and the area is tabulated in **ANNEXURE I**. (All licenses are available for perusal by the Ld. SEIAA).
2. It is submitted that once a land is purchased for the plotted development of residential area, several development works are carried out which include water supply, sewerage, storm water drainage, roads, horticulture, and electrification among others for which a partial completion certificate is granted which certifies the services mentioned as above. The partial completion certificates for all except one was granted to the undersigned till June 2003, meaning thereby all development works including services were complete for all licenses except one that was issued in January 2008. A tabular detail of the part completion certificates with the date and the area and the license to which such areas belong, is described in **ANNEXURE II**. (All partial completion Certificates are available for perusal by the Ld. SEIAA).
3. That the Environment Impact Assessment Notification was issued under the Environment Protection Act, 1986 for the first time by the then Ministry of

Environment and Forest in the year 1994. The 1994 Notification did not include the Building and Construction project within its First Schedule; thus, these projects were exempted from the requirement of prior Environmental Clearance. A copy of the 1994 EIA Notification is appended as **ANNEXURE III**.

4. That for the first time the Construction Projects was included in the Schedule to the EIA Notification, 1994 by way of an amendment Notification dated 07.07.2004 wherein Construction Projects including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for more than 1,000 (one thousand) persons or discharging sewage of more than 50,000 (fifty thousand) liters per day or with an investment of more than Rs.50,00,00,000/- (Rupees fifty crores) were included in the Schedule as Entry 31 which then required prior EC. Of course, there was no mention of existing townships or area development projects where development works were complete. Although the 1994 Notification did provide that the “*new construction projects*” (**emphasis supplied**) which were undertaken without obtaining the clearance required under this notification, and where construction work has **not** come up to the plinth level, shall require clearance under this notification with effect from 07.07.2004. A copy of the Amendment Notification dated 07.07.2004 is appended as **ANNEXURE IV**.
5. That it is pertinent to note here that till 1997 all licenses (except one) were issued to the undersigned and its associates companies by Director, Town & Country Planning, Haryana under Haryana Development & Regulation of Urban Areas Act, 1975 & the Rules made thereunder, for an area admeasuring- 180.116 Acres (approx. 72.77 hectare). Out of the 180.116 Acres (approx. 72.77 Hectare) for which the licenses were issued, part completion certificate was granted for an area of about 167.925 Acres (approx. 67.957 Hectares) to M/s Malibu and its associates companies by the

Director, Town & Country planning, Haryana till 2003 (last part completion certificate on 05.02.2003). Therefore, the area for which the part completion was granted, statutorily implies that it is not covered by the amendment to the EIA Notification dated 07.07.2004 and hence did not come within the purview of EIA, Notification 1994.

6. That the remaining land of the licenses granted till 1997 admeasuring about 11.89 acres was allotted for Group Housing Scheme. The details of construction and its details of handing over is described below.
7. That further, the Hon'ble High Court of Delhi by its decision dated 15.07.2004 had given its approval for the Scheme of Amalgamation of the Associates Companies of M/s Malibu Estate Pvt. Ltd. with the M/s Malibu Estate itself under section 391(2) read with Section 394 of the Companies Act, 1956. As a corollary the Transferor Companies (Associates Companies) should stand dissolved without the process of winding up.
8. That the then Ministry of Environment and Forest issued the Environment Impact Assessment Notification, 2006 under the Environment Protection Act, 1986, whereby all new Building and Construction Projects and all such existing projects for undergoing any expansion or modernization of more than 20,000 sq. meters built-up area prior to any construction required to obtain Environmental Clearance. Under the Schedule, projects with built up area of ≥ 20000 sq. meters and $< 1,50,000$ sq. meters were categorized under item 8(a) as "Building & Construction Projects" and projects covering an area ≥ 50 ha and built-up area $\geq 1,50,000$ sq. meters were categorized as item 8(b) as "Township and Area Development project".

Post 2006 acquisition of 24.681 Acres (9.97 Hectare) and construction thereon: M/s Bloom Field Properties and Holding Pvt. Ltd

9. That it is pertinent to add that the Associate Company of the undersigned was also issued a License No. 15/2008 on 31.01.2008 for an area of about 24.681 Acres (9.97 Hectare) to M/s Bloom Field Properties and Holding Pvt. Ltd. and others for setting up of a residential plotted colony at Village Adampur & Fatehpur, Gurgaon, Haryana. That it is submitted that the said land for which the license was issued was meant for “plotted development” or area development, where individual plot owners are responsible for building and constructing their houses in accordance with law.
10. It is submitted that the area development of 24.681 acres or 9.97 ha does not require prior environment clearance as per the EIA Notification, 2006 as amended upto date unless it exceeds 150,000 sq meters built up area. It is reiterated that the undersigned or its associate company have not constructed any such built up area exceeding 150,000 sq m. on the said plotted development. In fact, other than the area development of providing basic services under area development, no construction activities have taken place. Thus, there is no question of any liability under prior environment clearance for this area development of 24.681 Acres or 9.97 Hectare under the project.
- That further the part completion certificate for the area development of 24.681 acres for the License No. 15 of 2008 was also received on 27.09.2016.
11. That further, the Director, Town and Country Planning, Haryana had sent a letter dated 14.07.2008 to M/s Malibu Estate Pvt. Ltd. informing the undersigned about the approval of a separate Zoning Plan for a different licensed area measuring 24.681 Acres along with some revised area in the residential colony Malibu Towne.

It is submitted that the undersigned has never received any notice from any regulatory authority in this regard which reverses this legal status or the compliance status.

Individual developers have obtained prior Environmental Clearance:

12. That the fact that individual beneficiaries who had purchased the land from the area development project have also been complying with the law of the land especially the requirement of Environment Clearance, wherever applicable. Thus, for example, one M/s Endure Realty Pvt. Ltd. and one M/s Nikiyog Builwell Pvt. Ltd. had obtained the Environmental Clearance dated 04.09.2013 and 08.01.2008, respectively under the EIA Notification, 2006 for its proposed commercial complex at sector 47 & 50 Road, Malibu Towne- Gurgaon which was going to construct in an area of about 2.723 acres with a built-up area of 33540.54 sq mt as regards to M/s Endure Realty Pvt. Ltd. and an area of 14022.33 sq mt with a built-up area of 45971.73 sq. mt. Since such construction would fall under the category 8(a) of the schedule of the EIA Notification, 2006, such prior Environment Clearance was obtained as per law. Copies of the prior EC is appended as **ANNEXURE V**.

13. It is pertinent to note that the said Environment Clearances were never challenged by anyone neither any communication was received from the regulatory authority on the same. It is important to reiterate that in a plotted development project it is the responsibility of the individual plot owner(s) to obtain Environmental Clearance if their project comes within the criteria as mentioned in Item 8 of the Schedule to the EIA Notification, 2006 but as the undersigned is a developer of Township and Area Development project and who has obtained the part completion certificates for about 67.957 Hectares of the licensed land till the year 2003 even before the amendment Notification dated 07.07.2004 and EIA Notification, 2006, therefore the requirement

of prior EC was not applicable to the project of the undersigned. Any further purchase or any area has to be vetted in accordance with the law prevalent at that time. It is common knowledge that law is always prospective and not retrospective unless stated otherwise in the statute itself.

14. That in the meanwhile, one Raman Sharma made a Complaint no. 319/2011 before the Hon'ble Lokayukta, Haryana in which one of the issues raised by him is regarding the non-obtainment of the (NOC) from the MoEF by the undersigned in reference to the condition levied in the License No. 15/2008. In response to this issue and other issues raised in the Complaint a meeting dated 20.02.2014 was held under the chairmanship of Director General, Town & Country Planning, Haryana wherein it was concluded that the covered area is less than 1,50,000 sq. mtr. So, the undersigned was not required to obtain NOC from MoEF. A copy of the minutes dated 20.02.2014 is appended as **ANNEXURE VI**.
15. It is important to note that the same Complainant is also a complainant in the National Green Tribunal in OA No 68 of 2022 under which the SEIAA has also been implicated which has initiated this procedural inquiry for which the present reply is being given by the undersigned.
16. That it is the duty of the undersigned to inform that on wrong legal and expert advice, an application for grant of prior Environmental Clearance was forwarded on 16.04.2015 to MOEF & CC under category 8(b) of schedule of the EIA Notification, 2006 for a total area 204.796 Acres which also includes the area of 180.116 acres for which the part completion was granted even before the EIA amendment notification dated 07.07.2004 and the EIA Notification, 2006. The Terms of Reference dated 19.06.2015 for the above-mentioned Application dated 16.04.2015 had also been issued by the Ministry of Environment, Forest & Climate Change to M/s Malibu

Estate. That it is important to state that this was done more in the nature of abundant precaution and due to the fact the SEIAA of Haryana was not in existence, then.

17. That once the Haryana SEIAA was constituted on 21.08.2015, the undersigned accordingly requested the Haryana SEIAA by a letter dated 08.12.2015 to communicate to the MOEF & CC to transfer the file to SEIAA, so that it can be taken up in the next SEAC meeting.
18. That in another development the MOEF & CC had issued a Notification dated 14.03.2017 prescribing a detailed new procedure for appraisal of violation cases. As per this Notification all violation cases need to be appraised by Central Government and not by respective SEAC/SEIAA. This Notification provided a time period of about 6 months for making an application of EC from the date of issuance of this Notification.
19. That the undersigned wrongly considering itself as a violation case had again applied under the 14.03.2017 Notification for the grant of EC by an Application dated 07.09.2017 i.e., within the six-month window as provided by the Notification giving details about the previous TOR granted by the EAC among others. As per the Parivesh portal the said project was accepted by the SEAC on 03.05.2018 and the TOR letter was uploaded on 18.12.2020 but neither visible on the Parivesh Portal nor received by the undersigned. That it is reiterated that the said Application was again forwarded on wrong legal advice but more for abundant precaution with the intent of complying with the law, if applicable.
20. That, thereafter, after realizing that the legal and expert advice was not in accordance with law the undersigned vide a letter dated 16.08.2018, requested the SEIAA, Haryana to withdraw the said Application dated 16.04.2015 and implicitly its subsequential developments.

21. In the meanwhile, a complaint was filed on 03.12.2021, by a serial Complainant Shri Raman Sharma in the NGT which has been converted into O.A No. 68 of 2022 under which the present proceedings are ongoing.
22. That it is pertinent to set out the details of the area, the built-up area of various parcels, the entity that is responsible for the same, the hand over dates and those that remain with the undersigned. The same would make it absolutely clear that there was no prior EC required for the area development project and the threshold within which the construction has been carried out. Moreover, the projects where the plinth and more than plinth areas were constructed much before 2006 EIA Notification and even before 2004 amendment to the EIA Notification 1994.
23. That in view of the above it is humbly submitted that for the licenses obtained for land development till 1997 as enumerated in **Annexure I** and the proof of the completion of the plotted development till the year 2003 as enumerated in the list of Partial Completion Certificates issued by the competent authorities and appended as **Annexure II** and in light of the submissions made above no prior Environmental Clearance was required by law for an area admeasuring 167.925 acres (67.8417 hectares) till 2003.
24. That the remaining area of about 11.89 acres was utilized for Group Housing Scheme as mentioned above and for which no EC was required. This is because for Building No I, III, (wing I & II) Building 4 wing I “& Porch the undersigned obtained the Occupation Certificate dated 30.08.2000 clearly before the 2004 amendment to the EIA Notification. Meanwhile another Occupation Certificate dated 10.03.2017 was obtained for other buildings in the above-mentioned Group Housing Scheme. It is important to add that for the said group housing scheme and other development works the total built up area is less than 150000 sq mt. In fact, a detailed chart is appended as

ANNEXURE VII showing the area of construction and the built up area within those areas which includes remaining part of the Group Housing, Club house, floors, shopping arcade etc. Clearly, it shows that the built-up area is 1,29,676.27 sq mt which is less than 1,50,000 sq mt which is the threshold of Area Development/Township Development under the EIA Notification, 2006. It is reiterated that all these projects were conceived in the early nineties and most constructions were built up prior to 2004. The details of measurement book also describe the fact that most structures were created much beyond the plinth level before 2004. The law on EIA when it was amended on 07.07.2004 to include Township & Area development projects clearly mention that the said Notification shall not be applicable if at the time of Notification if the construction is beyond plinth level. A copy of Measurement Book is appended as **ANNEXURE VIII**.

25. Further, even for the last License No. 15/2008 which was issued after the EIA Amendment Notification dated 07.07.2004 and EIA Notification, 2006, prior EC was not required as the area under the area development project was neither more than 50 hectares nor the built-up area was more than 150000 sq m. and is therefore outside the purview of the Item 8(b) of the Schedule to the EIA Notification, 2006. The wrongful Application on bad expert advice and its subsequent withdrawal may not kindly prejudice any regulator against the undersigned in the facts and circumstances of this case.
26. That it is also pertinent to mention that vide order dated 09.05.2022, under section 23A of Haryana Development and Regulation of Urban Areas Act, 1975, the DTCP, Haryana, has also decided to transfer the licensed colony of Malibu Town to Municipal Corporation Gurgaon with immediate effect.

27. That the undersigned also submits that a Complaint No. 01/2023 dated 22.02.2023 has also been made by MOEF & CC through its Regional Officer (Shri Kuldeep Singh) against the undersigned company which is pending adjudication before the Special Environment Court, Faridabad, raising allegedly the offence of violation of EIA Notification, 2006 and violation of EPA, 1986. Adequate reply is being given in light of the submissions made here to ensure that the said case is dismissed in accordance with law.
28. That the undersigned also submits that the issues pertaining to non-obtainment of CTE & CTO by the undersigned are pending adjudication before the Appellate Authority and therefore maybe left to be decided by the appropriate authority.
29. It is also submitted that the complainant is a serial litigator who is known for hounding various developers, hospital owners and others for various interest other than any environmental interest as it brought out by various complaints and litigation in various forums where many such cases have been dismissed without having any merit and clearly, he doesn't come within definition of an aggrieved person but more as a vested interest.
30. That it is also prayed that no adverse conclusion as hinted in the Notice dated 14.06.2023 be made which could prejudice the present proceedings. It has been mentioned that there is an impression to the authority that the undersigned has failed to comply with the EIA, Notification 2006 and it further amounts to violation of EPA etc and that the undersigned has rendered itself liable for action within the scope and meaning of SOP dated 07.07.2021 and Section 5 of the EPA, 1986 as well as the decisions of the Hon'ble Supreme Court and NGT among others. Such preliminary conclusions may kindly not be drawn unless the above facts and circumstances are heard and considered by your good offices.

Thus, it is humbly requested to accept the above-mentioned submissions of the undersigned and ensure that no action against the undersigned is taken as there has been no violation of EIA Notification, 1994 or 2006 or any other law by the undersigned.

The undersigned wants to assure this authority that they are law abiding and will undertake any measure which will benefit the environment for the said project. Moreover, there is no environment damage caused during the development of this project since 1992 and this Hon'ble Authority may accordingly dispose of this representation on its merits.

Thanks & Regards

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes that form a stylized, cursive representation of a name.

Company/Person	License/date	Area
Malibu Estate Pvt. Ltd.	-71/1992 (28.10.1992)	-21.644 acres
	-04/1993 (18.03.1993)	-8.93750acres
	-15/1994 (08.12.1994)	-3.523 acres
	-06/1995 (15.11.1995)	-7.931 acres
	-36/1997 (21.07.1997)	-3.175 acres
Dinero Estate Pvt. Ltd.	-72/1992 (28.10.1992)	-20.806 acres
	-06/1993 (18.03.1993)	-1.34375 acres
	-18/1994 (08.12.1994)	-0.739 acres
	-07/1995 (15.11.1995)	-4.919 acres
	-37/1997 (21.07.1997)	-2.493 acres
Casa Estate Pvt. Ltd.	-73/1992 (28.10.1992)	-22.113 acres
	-07/1993 (18.03.1993)	-3.85000 acres
	-16/1994 (08.12.1994)	-0.803 acres
	-08/1995 (15.11.1995)	-5.162 acres
	-38/1997 (21.07.1997)	-2.169 acres
Santaluna Estate Pvt. Ltd.	-74/1992 (28.10.1992)	-18.225 acres
	-08/1993 (18.03.1993)	-0.72 acres
	-19/1994 (08.12.1994)	-9.158 acres
	-05/1995 (15.11.1995)	-4.49 acres
	-39/1997 (21.07.1997)	-2.381 acres
Sanpendro Estate Pvt. Ltd.	-75/1992 (28.10.1992)	-24.894 acres
	-05/1993 (18.03.1993)	-1.32500 acres
	-17/1994 (08.12.1994)	-0.739 acres
	-04/1995 (15.11.1995)	-4.328 acres
	-40/1997 (21.07.1997)	-1.993 acres
Citiland Properties Pvt. Ltd.	-41/1997 (21.07.1997)	-0.375 acres
Detour Estate	-42/1997 (21.07.1997)	-0.375 acres
Geoid Estate Pvt. Ltd.	-43/1997 (21.07.1997)	-0.375 acres
Spred Estate Pvt. Ltd.	-44/1997 (21.07.1997)	-0.375 acres
Mr. KS Dhingra	-45/1997 (21.07.1997)	-0.375 acres
Mr. SK Kohli	-46/1997 (21.07.1997)	-0.375 acres
	Total	180.116 Acres

License No. 15 of 2008

Company/Person	Date	Area
M/s Bloom Properties and Holding Pvt. Ltd. and others	31.01.2008	24.681 Acres

ANNEXURE- II

Part Completion Certificate

License No.	Part Completion (PC) Certificate dated	Area
71-75 of 1992	23.02.1996	Total Area- 107.682 Acres PC- 97.282 Acres Group Housing (GH)-10.40 Acres
04-08 of 1993	03.05.1996	Total Area- 16.18 Acres PC- 16.08 Acres Group Housing (GH)- 0.10 Acres
15-19 of 1994	03.05.1996	Total Area- 14.962 Acres PC- 10.332 Acres
	06.06.2003	Total Area- 14.962 Acres PC- 2.94 Acres Group Housing (GH)-1.69 Acres
04-08 of 1995	05.02.2003	Total Area-26.83 Acres PC- 26.83 Acres
36-46 of 1997	05.02.2003	Total Area- 14.461 Acres PC- 14.461 Acres
	Total till 2003	PC- 167.925 Acres Group Housing (GH)- approx. 12 Acres

Part Completion Certificate

15 of 2008	27.09.2016	Total Area- 24.681 Acres (approx. 9.97 hectare) PC- 24.681 Acres
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ANNEXURE- III

भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (II)

राशिधारक से प्रकाशित
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पर्यावरण और वन मंत्रालय

प्रधिसूचना

नई दिल्ली, 27 जनवरी, 1994

का.प्रा. 60 (अ) :- पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) के अधीन एक प्रधिसूचना सं. का.प्रा. 80 (अ), तारीख 28 जनवरी, 1993 प्रकाशित की गई थी जिसमें जब तक कि उक्त प्रधिसूचना में विनिर्दिष्ट प्रक्रिया के अनुसार केंद्रीय सरकार या राज्य सरकार द्वारा पर्यावरण संबंधी प्रस्तावित न दे दी गई हो, तब तक भारत के किसी भी भाग में प्रारंभ किए जाने वाले क्रियाकलाप या नई परियोजनाओं के विस्तारण या प्राधुनिकीकरण के संबंध में निर्बंधन और प्रतिबंध अधिरोपित करने के केंद्रीय सरकार के प्राणय के विरुद्ध जनता से उक्त प्रधिसूचना के प्रकाशन की तारीख से साठ दिन के भीतर आक्षेप मांगे गए थे ;

और प्राप्त सभी आक्षेपों पर सम्यक् रूप से विचार किया गया है ;

अतः केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (अ) के खंड (अ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए निवेश देती है कि इस प्रधिसूचना के राजपत्र में प्रकाशन की तारीख से ही किमी क्रियाकलाप का, यदि प्रदूषण भार विद्यमान प्रदूषण भार से अधिक है या इस प्रधिसूचना की अनुसूची-1 में सूचीबद्ध नई परियोजना

भारत के किसी भाग में तब तक प्रारंभ नहीं की जाएगी जब तक कि इस प्रधिसूचना में इसके पश्चात् विनिर्दिष्ट प्रक्रिया के अनुसार केंद्रीय सरकार द्वारा पर्यावरण संबंधी प्रस्तावित न दे दी गई हो ।

2. परियोजना की पर्यावरण संबंधी प्रस्तावित प्राप्त करने के लिए अपेक्षाएं और प्रक्रिया :

I. (क) कोई व्यक्ति जो भारत के किसी भाग में किसी परियोजना को प्रथम अनुसूची 1 में सूचीबद्ध किसी विद्यमान उद्योग या परियोजना का विस्तारण या प्राधुनिकीकरण प्रारंभ करना चाहता है, सचिव, पर्यावरण और वन मंत्रालय, नई दिल्ली को एक आवेदन भेजेगा ।

यह आवेदन इस प्रधिसूचना की (अनुसूची 2) में विनिर्दिष्ट प्रोफार्मा में किया जाएगा और उसके साथ परियोजना की ब्यारेवार रिपोर्ट होगी जिसमें अन्य बातों के साथ-साथ पर्यावरण संबंधी प्रभाव निर्धारण रिपोर्ट और केंद्रीय सरकार के पर्यावरण और वन मंत्रालय द्वारा समय-समय पर जारी किए गए मार्गदर्शक सिद्धान्तों के अनुसार तैयार की गई पर्यावरण प्रबंध योजना होगी ।

(ख) आंकड़ों और कार्य योजना को प्रपत्रित अथवा अनुपयुक्त प्रस्तुत किए जाने के कारण अस्वीकृत किए गए मामलों का पुर्विलोकन किया जा सकेगा जब भी उन्हें पूर्ण आंकड़ों और कार्य योजना के साथ प्रस्तुत किया जाता है । दूसरी बार अपूर्ण आंकड़ों

का प्रस्तुत किया जाना स्वयं ही प्रभाव निर्धारण अभिकरण के लिए मामले की संक्षेपतः अस्वीकृत करने के लिए पर्याप्त कारण होगा।

II. निम्नलिखित स्थल-विनिर्दिष्ट परियोजनाओं की वशा में—

- (क) खनन ;
- (ख) पिट हेड ताप विद्युत केंद्र ;
- (ग) जल विद्युत मुख्य सिंचाई परियोजना और उसका संयोजन जिसमें बाढ़ नियंत्रण सम्मिलित है।
- (घ) पत्तन तथा बंदरगाह (लघु पत्तन को छोड़कर)

परियोजना प्राधिकारी कोई अन्वेषण या सर्वेक्षण प्रारंभ करते समय केंद्रीय सरकार के पर्यावरण और वन मंत्रालय को परियोजना स्थल के स्थान के बारे में सूचित करेंगे। केंद्रीय सरकार का पर्यावरण और वन मंत्रालय तीस दिन की अधिकतम अवधि के भीतर प्रस्तावित स्थल की उपयुक्तता या अन्यथा के बारे में विनिश्चय सूचित करेगा। उक्त स्थल अनापत्ति ;

—किसी स्वीकृत क्षमता या खनन पट्टे के लिए ;

—500 हेक्टर या अधिक क्षेत्र में, यदि अपेक्षित हो, कमियों के पूर्वक्षण और खोज के लिए,

अंजूर की जाएगी और सन्निर्माण, संक्रिया या खनन प्रारंभ करने के लिए यह पांच वर्ष की अवधि के लिए विधिमाम्य होगी।

III. (क) प्रायदेन के साथ प्रस्तुत की गई संक्षिप्त साध्यता रिपोर्ट का, यथास्थिति, केंद्रीय सरकार के प्रभाव निर्धारण अभिकरण द्वारा, इस अधिसूचना की अनुसूची 3 में विनिर्दिष्ट संरचना वाली विशेषज्ञ समिति के परामर्श से मूल्यांकन और निर्धारण किया जाएगा। प्रभाव निर्धारण अभिकरण, संघ का पर्यावरण और वन मंत्रालय होगा। ऊपर वर्णित विशेषज्ञ समिति का गठन संबंधित प्रभाव निर्धारण अभिकरण या इस बाबत प्रभाव निर्धारण अभिकरण द्वारा प्राधिकृत, केंद्रीय सरकार के अधीन ऐसे अन्य निकाय द्वारा किया जाएगा।

(ख) उक्त विशेषज्ञ समिति को परियोजना से संबंधित संक्रियाओं के प्रारम्भ से पूर्व, उनके दौरान या उसके पश्चात् किसी समय, यथास्थिति, स्थल या कारखाना परिसरों में प्रवेश करने और उनका निरीक्षण करने का पूर्ण अधिकार होगा।

(ग) प्रभाव निर्धारण अभिकरण परियोजना प्राधिकारियों द्वारा दिए गए दस्तावेजों, आंकड़ों, जो स्थलों अथवा कारखानों में की गई यात्राओं के दौरान संगृहीत आंकड़ों द्वारा अनुपूरित होंगे के तकनीकी निर्धारण और प्रभावित जनसंख्या और पर्यावरण संबंधी समूहों की अन्तःक्रिया पर आधारीत सिफारिशें तैयार करेगा। विस्तृत पर्यावरणीय प्रबन्ध योजनाओं सहित संक्षिप्त साध्यता रिपोर्ट, सिफारिश और वे शर्तें, जिनके अध्याधीन रहने हुए पर्यावरण संबंधी अनापत्ति दी गई है, संबंधित पक्षकारों या पर्यावरण संबंधी समूहों को अनुरोध पर उपलब्ध कराई जाएगी। जनता के विचार यदि प्रभाव निर्धारण अभिकरण द्वारा प्रस्ताव के प्राप्ति के 30 दिन भीतर ऐसी सिफारिश की जाए तो इस प्रयोजन के लिए व्यवस्थित लोक सुनवाईयों में, ऐसी सुनवाई की कम से कम दो समाचारपत्रों में एक मास की सूचना देने के पश्चात् मांगे जा सकेंगे।

जनता को परियोजना रिपोर्टों और पर्यावरणीय प्रबन्ध योजनाओं तक पहुँच की प्रभाव निर्धारण अभिकरण मुख्यालय में व्यवस्था की जाएगी।

निर्धारण परियोजना प्राधिकारियों से अपेक्षित दस्तावेजों और आंकड़ों की प्राप्ति से तीन मास की अवधि के भीतर और जहाँ अपेक्षित हो वहाँ लोक सुनवाई की समाप्ति पर पूरा किया जाएगा और विनिश्चय उसके पश्चात् अधिकतम तीस दिन के भीतर सूचित कर दिया जाएगा। परियोजना के स्थापित किए जाने से संबंधित कोई प्रारम्भिक या अन्य कार्य पर्यावरणीय स्थल अनापत्ति प्राप्त किए जाने तक प्रारम्भ नहीं किया जा सकेगा।

IV. संबंधित प्रभाव निर्धारण अभिकरण की सिफारिशों के कार्यान्वयन और उन शर्तों को, जिनके अधीन पर्यावरण संबंधी अनापत्ति दी गई है, प्रभावी रूप से मानिटर करने के लिए समर्थ बनाने की दृष्टि से सम्बन्धित परियोजना प्राधिकारी संबंधी अभिकरण को छायाही रिपोर्ट प्रस्तुत करेंगे। प्रभाव निर्धारण अभिकरण अनुपालन रिपोर्ट सार्वजनिक रूप से उपलब्ध कराएगा।

यदि प्रभाव निर्धारण अभिकरण से समय सीमा के भीतर कोई टिप्पणी प्राप्त नहीं होती है तो परियोजना उस रूप में अनुमोदित कर ली समझी जाएगी जिस रूप में वह परियोजना प्राधिकारियों द्वारा प्रस्तावित की गई थी।

3. इस अधिसूचना की, कोई बात निम्नलिखित को लागू नहीं होगी :

(क) अधिसूचना का.प्रा.सं. 102 (अ), तारीख 1 फरवरी, 1989 का.प्रा.सं. 114 (अ), तारीख 20 फरवरी, 1991 और का.प्रा.सं. 319 (अ), तारीख 7 मई, 1992 के अंतर्गत आने वाले क्षेत्र में अवस्थित या अवस्थान के लिए प्रस्तावित अनुसूची-1 की प्रविष्टि सं. 318 और 20 के अधीन आने वाली कोई मत्र।

(ख) अनुसूची 1 की प्रविष्टि 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 16, 17, 19, 25, 27 के अधीन आने वाली कोई मत्र यदि विनिर्धान 50 करोड़ रुपए से कम हो।

(ग) लघु औद्योगिक सेक्टर के लिए प्रारंभित कोई मत्र जिसमें विनिर्धान एक करोड़ रुपए से कम का हो।

4. वास्तविक आंकड़ों को छिपाने या मिथ्या, भ्रामक आंकड़ों/रिपोर्ट, विनिश्चय या सिफारिशें प्रस्तुत किए जाने से परियोजना अस्वीकार हो जाएगी, अनुमोदन भी, यदि मिथ्या आंकड़ों के आधार पर पहले दिया गया हो तो प्रतिसंहत हो जाएगा। भ्रामक और गलत जानकारी के अन्तर्गत निम्नलिखित आएंगे :

— मिथ्या जनकारी

—मिथ्या आंकड़े

—बनाई गई रिपोर्ट

—वास्तविक आंकड़ों का छिपाना

—मिथ्या सिफारिशें या विनिश्चय।

[सं. जेड 12013/4/89-1 ए-1]

भार. राजामणि, मन्त्र (पर्यावरण और वन)

अनुसूची-1

(पैरा 1 और 2 देखिए)

केंद्रीय सरकार से पर्यावरणीय अनापत्ति की अपेक्षा करने वाली परियोजनाओं की सूची

1. न्यूक्लीयर पावर और संबंधित परियोजनाएं जैसे भारी जल संयंत्र नार्मलकीय ईंधन परिसर, विरल मुदा (रेक्टर शक्ति)।

2. नदी घाटी परियोजनाएं जिसमें जल विद्युत, मुख्य सिंचाई और उनके समुच्चय बाढ़ नियंत्रण सम्मिलित हैं।

3. पत्तन बंदरगाह और विमान पत्तन (नद्यु पत्तन और बंदरगाह के सिवाय)

4. पेट्रोलियम परिष्करणी जिसमें अपरिष्कृत उत्पाद पाइपलाइन हैं।

5. एकल सुपरफास्टफे के अलावा अन्य रासायनिक उर्वरक (नाइट्रोजिनस और फास्फेटिक)।

6. नाणकजीव मार (तकनीकी)

7. पैट्रो-रासायनिक काम्प्लेक्स (ओपे फिनिक और एरोमेटिक दोनों), और रासायनिक मध्यवर्ती जैसे डी एम टी डीटरोलेक्टम लैब इत्यादि तथा एन एन पी डी ई, एच पी डी ई, पी पी, पी बी सी जैसे प्राथमिक प्लास्टिक का उत्पादन।

8. प्रपंज औषधि और वैषजिक

9. तेल और गैस की खोज तथा उनका उत्पादन, परिवहन और भंडारण।

10. गिगेटिक रबर।

11. एम्बेस्टोस और एस्बस्टोस उत्पाद।

12. हाइड्रोसाइक्लिक ऐसिड और उसकी व्युत्पत्ति।

13. (क) प्राथमिक मौसम विज्ञानी उद्योग (जैसे खीह और इत्यादि एन्यूमीनियम, तांबा, जस्ता, सीसा और फेल्सपार्यस का उत्पादन)

(ख) विद्युत मार्क भट्टी।

14. फ्लोर एल्काली उद्योग।

15. पेंटस के विनिर्माण में काम आने वाली जस्ता कच्ची सामग्री और रेमिन के विनिर्माण सहित सम्बन्धित पेंट काम्प्लेक्स।

16. विगकोस स्टेपल फाइबर और फिलामेंट यार्न।

17. सीसा और सीसा एन्टीमनी एलाय के आक्साइडों के विनिर्माण के साथ सम्बन्धित स्टोरेज बैटरियां।

18. समुद्र की उच्च जल रेखा के 200 मीटर से 500 मीटर के बीच समस्त पर्यटन और परियोजनाएं तथा 5 करोड़ से अधिक निवेश के साथ 1000 मीटर से अधिक उत्पादन के अवस्थान पर।

19. तापीय विद्युत संयंत्र।

20. खनन परियोजनाएं (5 हेक्टर से अधिक के लिए पट्टे सहित)

21. राजमार्ग परियोजनाएं

22. हिमालय शृंखला में कोलतारी सड़कें और वनीय क्षेत्र

23. आसवनियां

24. अपरिष्कृत खाल और चर्म

25. लुगवी, कागज और अखबारी कागज

26. रंजक

27. सीमेंट

28. दलार्थर (व्यष्टिक)

29. विद्युतसेपन

अनुसूची-2

[पैरा 3 का उप-पैरा 1 (क) देखिए]

भाव्यन-प्रकृप

1. (क) प्रस्तावित परियोजना का नाम व पता ;

(ख) परियोजना की अवस्थिति :

स्थान का नाम :

जिला : तहसील :

अक्षांश/रेखांश :

निकटतम विमान पत्तन/रेल स्टेशन :

(ग) जांच किए गए बैकल्पिक स्थल तथा प्रस्तावित स्थल का चयन करने के लिए कारण ;

(घ) क्या यह स्थल स्थानीय भूमि प्रयोग योजना के अनुसार अनुबद्ध भूमि प्रयोग के अनुरूप है।

2. परियोजना के उद्देश्य ;

3. (क) अपेक्षित भूमि :

कृषि भूमि :

वन भूमि तथा वनस्पति का घनत्व

अन्य (विनिर्दिष्ट करें)

(ख) (1) आवाह क्षेत्र/प्रस्तावित स्थल के 10 कि.मी. की परिधि में भूमि प्रयोग ;

(2) क्षेत्र की स्थलाकृति, जिनमें ढाल पहलू और ऊंचाई उपबन्धित की गई हो ;

(3) प्रस्तावित भूमि का क्षरण वर्गीकरण।

(ग) 10 कि.मी. की परिधि में विद्यमान प्रदूषण स्रोत तथा वायु, जल और भूमि की गुणवत्ता पर उनका प्रभाव ;

(घ) निकटतम राष्ट्रीय उद्यान/अभयारण्य/जीवमंडल आरक्षित/स्मारकों ऐतिहासिक स्थलों/आरक्षित वनों की दूरी ;

(ङ) खदानों/उधार क्षेत्रों के लिए पुनरुद्धार योजना ;

(च) हरित पट्टी योजना ;

(छ) प्रतिकारात्मक वनरोपण योजना।

4. जलवायु और वायु गुणवत्ता :

(क) स्थल पर पवनारेख ;

(ख) अधिकतम/न्यूनतम/औसत वार्षिक तापमान ;

(ग) प्रतिशतमान की आर्द्रता ;

(घ) चक्रवातों/तूफानों/बावल फटने की आकृति ;

(ङ) परिवेशी वायु गुणवत्ता मापकें ;

(च) परियोजना से एस पी एस, गैस (सी ओ सी ओ, एस ओ, एन ओ एस, सी एस, एन, प्रावि) के प्रसर्जन की प्रकृति और सान्द्रण।

5. जल सन्तुलन :

(क) स्थल पर जल सन्तुलन ;

(ख) शीत मौसम में जल की उपलब्धता ;
जल की आवश्यकता ;

(ग) प्रतियोगी उपयोगताओं सहित दोहन किए जाने वाले स्रोत (नदी, झील, भूमि, सार्वजनिक आपूर्ति)

- (घ) जल गुणवत्ता ;
(ङ) पिछले 15 वर्षों में भूमि जल की गुणवत्ता और मात्रा में देखे गए परिवर्तन तथा वर्तमान चार्जिंग और निकासी के ब्यौरे ;

(च) (1) शोधन ब्यौरे सहित छोड़े जाने वाले अपशिष्ट जल की मात्रा ;

(2) ठोस अपशिष्टों के ब्ययन से पूर्व और पश्चात प्रमिदाही बाँधी में जल की मात्रा और गुणवत्ता ;

(3) भूमि पर छोड़े जाने वाले अपशिष्ट जल की मात्रा और भूमि की किस्म ;

(छ) (1) आवश्यक आवाह शोधन योजना सहित जलाशय जल गुणवत्ता के ब्यौरे ;

(2) कमांड क्षेत्र विकास योजना

6. ठोस अपशिष्ट :

(क) उत्पन्न ठोस अपशिष्टों की प्रकृति और मात्रा ;

(ख) ठोस अपशिष्ट निपटान का तरीका ।

7. शोर और कंपन :

(क) शोर और कंपन के स्रोत ।

(ख) परिवर्षी शोर स्तर ।

(ग) शोर और कंपन नियंत्रण के प्रस्तावित उपाय ।

(घ) श्रवण क्षमता समस्या, यदि कोई हो, और उसके नियंत्रण के उपाय ।

8. बिजली की आवश्यकता, जिसमें आपूर्ति के स्रोत का उल्लेख हो, यदि कैपिटल बिजली इकाई लगाने का प्रस्ताव हो तो पूरा पर्यावरणीय ब्यौरा प्रलग से भेजें ।

9. लगाया जाने वाला अरम श्रमिक बल, जिसमें निम्न ब्यौरा दिया जाए :

— अपशिष्ट जल/वायु/मृदा जनित रोगों के कारण क्षेत्र में स्थायिक स्वास्थ्य समस्याएं ।

— विद्यमान और प्रस्तावित स्वास्थ्य देखभाल प्रणाली ।

10. (क) विस्थापित होने वाले गाँवों और लोगों की संख्या

(ख) पुनर्वास वृहत् योजना ।

11. जोखिम निर्धारण रिपोर्ट तथा विपदा प्रबन्ध योजना ।

12. (क) पर्यावरणीय प्रभाव मूल्यांकन रिपोर्ट (पर्यावरण और वन मंत्रालय द्वारा) ;

(ख) पर्यावरणीय प्रबन्ध योजना (समय-समय पर जारी मार्ग-दर्शक सिद्धांतों के अनुसार तैयार) ;

(ग) विस्तृत व्यावहारिकता रिपोर्ट ;

(घ) विविधत भरी हुई प्रश्नावली ।

13. पर्यावरणीय प्रबन्ध कक्ष का ब्यौरा ।

इसमें यह बताना है कि ऊपर दिए गए प्रांकड़े और सूचना मेरी सर्वोत्तम जानकारी और विश्वास के अनुसार सही हैं और मुझे इस बात की जानकारी है कि यदि प्रस्तुत किए गए प्रांकड़े/सूचना का कोई भाग किसी भी समय मिथ्या या भ्रामक पाया जाता है तो परियोजना को नामंजूर

कर दिया जायेगा और परियोजना को ही गई घनापत्ति, यदि कोई हो, को हमारी जोखिम और लागत पर वापस लिया जा सकेगा ।

तारीख :

आवेदक के हस्ताक्षर

स्थान :

(नाम और पूरे पते सहित)

आवेदक जिस संगठन की ओर से हस्ताक्षर कर रहा है उस संगठन की मोहर

टिप्पण : ऐसे मकों की बाबत जिसके लिए परियोजना प्रस्तावक की घोषणा के अनुसार प्रांकड़े अपेक्षित नहीं हैं या उपलब्ध नहीं हैं तो परियोजना पर उसी आधार पर विचार किया जाएगा ।

अनुसूची-3

[पैरा-3 का उप-पैरा (iii) (क) देखिए]

पर्यावरणीय प्रभाव निर्धारण के लिए विशेषज्ञ समितियों की संरचना

1. केन्द्र और राज्य स्तर पर विकास परियोजनाओं का मूल्यांकन और निर्धारण निम्न प्रकार से गठित विशेष समितियों द्वारा किया जाएगा, जिनमें प्रत्येक क्षेत्र के विशेषज्ञ होंगे :—

1. पारिस्थितिक तंत्र प्रबंध
2. वायु/जल प्रदूषण नियंत्रण
3. जल संसाधन प्रबंध
4. वनस्पतिजात/प्राणिजात संरक्षण और प्रबंध
5. भूमि प्रयोग योजना
6. सामाजिक विज्ञान/पुनर्वास
7. परियोजना मूल्यांकन
8. पारिस्थितिकी
9. पर्यावरणीय स्वास्थ्य
10. विषय क्षेत्र विशेषज्ञ
11. गैर-सरकारी संगठनों के प्रतिनिधि/पर्यावरणीय मुद्दों से संबंधित व्यक्ति ।

2. अध्यक्ष, उरकूट और अनुभवों पारिस्थिति-विज्ञानी या पर्यावरणीय विद या तकनीकी व्यावसायिक या सुसंगत विकास क्षेत्र में बहुत प्रबंधकोय अनुभव का होगा ।

3. प्रभाव निर्धारण अभिकरण/केन्द्र/राज्य का प्रतिनिधि सदस्य-सचिव के रूप में कार्य करेगा ।

4. अध्यक्ष और सदस्य प्रतिनिधियों के रूप में विनिश्चित रूप में नामनिर्दिष्ट व्यक्तियों को छोड़कर दैनिकीकृत श्रमियत से कार्य करेंगे ।

5. किसी समिति में 15 से अधिक सदस्य नहीं होंगे ।

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 27th January, 1994

S.O. 60(E).—Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as S.O. No. 80(E) dated 28th January, 1993;

And whereas all objections received have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;

2 Requirements and procedure for seeking environment clearance of projects:

I(a) Any person who desires to undertake any project in any part of India or the expansion or modernisation of any existing industry or project listed in the Schedule shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule II to this notification and shall be accompanied by a detailed project report which shall, inter alia, include an Environmental Impact Assessment Report and an Environment Management Plan prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time.

(b) Case rejected due to submission of insufficient or inadequate data and Action Plans may be reviewed as and when submitted with complete data and Action Plans. Submission of incomplete data for the second time would itself be a sufficient reason for the Impact Assessment Agency to reject the case summarily.

II In case of the following site specified projects:

- (a) mining;
- (b) pit-head thermal power stations;
- (c) hydro-power, major irrigation projects and/or their combination including flood control;
- (d) ports and harbours (excluding minor ports).

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment & Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance will be granted for:

- a sanctioned capacity or for any mining lease;
- 500 ha or above area, if so required, for prospecting and exploration of minerals.

and it will be valid for a period of five years for commencing the construction, operation or mining.

III (a) The summary feasibility report submitted with the application shall be evaluated and assessed by the Impact Assessment Agency at the Central Government in consultation with a Committee of experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the Impact Assessment Agency concerned or such other body under Central Government authorised by Impact Assessment Agency in this regard.

(b) The said Committee of experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to during or after the commencement of the operations relating to the project.

(c) The Impact Assessment Agency will prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities supplemented by data collected during visits to sites or factories and interaction with affected population and environmental groups. Summary feasibility reports, along with the detailed Environmental Management Plans, the recommendation and the conditions subject to which environmental clearance is given shall be made available to the concerned parties or environmental groups on request. Comments of the public may be solicited, if so recommended by IAA within 30 days of receipt of proposal, in public hearings arranged for the purpose after giving one month notice of such hearings in at least two newspapers.

Public shall be provided access to the summary of the project reports and Environmental Management Plans at the Headquarters of the Impact Assessment Agency.

The assessment shall be completed within a period of three months on receipt of the requisite documents and data from the project authorities and completion of public hearing were required and decision conveyed within a maximum of 30 days thereafter. No work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental site clearance is obtained.

IV. In order to enable the Impact Assessment Agency concerned to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half-yearly report to the concerned agency. Impact Assessment Agency will make compliance reports publicly available.

V. If no comments from the Impact Assessment Agency received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

3. Nothing contained in this Notification shall apply to:

- (a) any time falling under entry Nos. 3, 18 and 20 of the Schedule-I to be located or proposed to be located in the areas covered by the Notification's SO No. 102(E) dated 1st February, 1989; S.O. 114(E) dated 20th February, 1991 and S.O. No. 319(E) dated 7th May, 1992
- (b) any item falling under entry Nos. 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 16, 17, 19, 25 and 27 of Schedule-I if the investment is less than Rs. 50 crores.
- (c) any item reserved for Small Scale Industrial sector with investments less than Rs. 1 crore.

4 Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected-approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:

- False information.
- False data.
- Engineering reports.
- Concealing of factual data
- False recommendations or decisions.

SCHEDULE—I

(See paras 1 and 2)

LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM THE CENTRAL GOVERNMENT

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, rare earths.
2. River Valley projects including hydel power, major irrigation and their combination including food control.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines.
5. Chemical Fertilizers (Nitrogenous and Phosphatic) other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DMT, Caprolactam LAB etc. and production of basic plastics such as LLPDE, HPDE, PP PVC.
8. Bulk drugs and pharmaceuticals
9. Exploration for oil and gas and their production, transportation and storage.
10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
- 13 (a) Primary metallurgical Industries (such as production of Iron and Steel, Aluminium, Copper Zinc, Lead and Ferror Alloys).
- (b) Electric arc furnaces (Mini Steel Plants).
14. Chlor alkali industry.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.
16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloy.
18. All tourism projects between 200m—500 meters of High Water Line and at locations with an elevation of more than 1000 meters with investment of more than Rs. 5 crores.
19. Thermal Power plants.
20. Mining projects (with leases more than 5 hectares).
21. Highway Projects.
22. Tarred Roads in Himalayas and or Forest areas.
23. Distilleries.
24. Raw Skins and Hides.
25. Pulp, paper and newsprint.
26. Dyes.
27. Cement.
28. Foundries (Individual).
29. Electroplating.

SCHEDULE—II

[See Sub-para I(a) of Para 3]

APPLICATION FORM

1. (a) Name and Address of the project proposed :
- (b) Location of the projects:
Name of the place:
District, Tehsil:
Latitude/Longitude:
Nearest Airport/Railway Station :
- (c) Alternate sites examined and the reasons for selecting the proposed site :
- (d) Does the site conform to stipulated land use as per local land use plan:
2. Objectives of the project:
3. (a) Land Requirement:
Agriculture Land :
Forest land and Density of vegetation.
Other (specify):
- (b) (i) Land use in the Catchment|within 10 Kms. radius of the proposed site
- (ii) Topography of the area indicating gradient, aspects and altitude ;
- (iii) Erodability classification of the proposed land ;
- (c) Pollution sources existing in 10 km. radius and their impact on quality of air, water & land:
- (d) Distance of the nearest National Park/Sanctuary/ Biosphere Reserve/Monuments/heritage site/Reserve Forest:
- (e) Rehabilitation on plan for quarries/borrow areas:
- (f) Green belt plan:
- (g) Compensatory afforestation plan:
4. Climate and Air Quality:
(a) Windrose at site;
- (b) Max./Min./Mean annual temperature
- (c) Frequency of inversion:
- (d) Frequency of cyclones|tornadoes|cloud burst :
- (e) Ambient air quality data:
- (f) Nature & concentration of emission of SPM, Gas (Co, Co₂, NO_x, CH₄ etc.) from the project :
5. Water balance :
- (a) Water balance at site :
- (b) Lean season water availability:
Water Requirement :
- (c) Source to be tapped with competing users (River, lake, Ground, Public supply):
- (d) Water quality :
- (e) Changes observed in quality and quantity of ground water in the last 15 years and present charging & extraction details:
- (f) (i) Quantum of waste water to be released with treatment details :
- (ii) Quantum of quality of water in the receiving body before and after disposal of solid wastes:
- (iii) Quantum of waste water to be released on land and type of land :

- (g) (i) Details of reservoir water quality with necessary Catchment Treatment Plan ;
 (ii) Command Area Development Plan ;
6. Solid wastes :
- (a) Nature and quantity of solid wastes generated.
 (b) Solid waste disposal method:
7. Noise and Vibrations:
- (a) Sources of noise and Vibrations ;
 (b) Ambient noise level:
 (c) Noise and Vibration control measures proposed ;
 (d) Subsidence problem if any with control measures:
8. Power requirement indicating source of supply : Complete environmental details to be furnished separately, if captive power unit proposed:
9. Peak labour force to be deployed giving details of:
- Endemic health problems in the area due to waste water/air/soil borne diseases:
 — Health care system existing and proposal :
10. (a) Number of village and population to be displaced :
 (b) Rehabilitation Master Plan :
11. Risk assessment report and Disaster Management Plan:
12. (a) Environmental Impact Assessment } Report
 (b) Environment Management Plan: } prepared as per
 (c) Detailed Feasibility Report : } guidelines of
 (d) Duly filled in questionnaire } time to time

13. Details of Environmental Management Cell:

I hereby give an undertaking that the data and information given above are true to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the

project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant
with name and full address.

Date .
Place:

Given under the seal of
Organisation on behalf of
whom the applicant is
signing.

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

SCHEDULE III

[See sub-para III(a) of Para 3]

COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT

1. The evaluation and assessment of development projects at the Central or State level will be undertaken by Experts Committees consisting of experts in each discipline constituted as under:

- (i) Eco-System Management
- (ii) Air/Water Pollution Control
- (iii) Water Resource Management
- (iv) Flora/Fauna conservation and management
- (v) Land Use Planning
- (vi) Social Sciences/Rehabilitation
- (vii) Project Appraisal
- (viii) Ecology
- (ix) Environmental Health
- (x) Subject Area Specialists
- (xi) Representatives of NGOs/persons concerned with environmental issues.

2. The Chairman will be outstanding and experienced ecologist or environmentalist or technical professional or wide managerial experience in the relevant development sector.

3. The representative of Impacts Assessment Agency/Central/State will act as a Member-Secretary.

4. Chairman and Members will serve in their individual capacities except those specifically nominated as representatives.

5. The Membership of a Committee shall not exceed 15.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण एवं वन मंत्रालय

अधिसूचना

नई दिल्ली, 7 जुलाई, 2004

का.आ. 801(अ).— और जबकि भारत सरकार के पर्यावरण एवं वन मंत्रालय की संख्या का.आ. 60 (अ) दिनांक 27 जनवरी, 1994 की अधिसूचना के कतिपय संशोधनों का प्रारूप भारत का राजपत्र असाधारण, भाग II खण्ड 3, उप-खण्ड (ii) में संख्या का.आ. 1236 (अ), दिनांक 27 अक्टूबर, 2003 के तहत प्रकाशित किया गया था जिसमें इससे प्रभावित होने वाले सभी व्यक्तियों से सर्व साधारण को उक्त अधिसूचना निहित राजपत्र की प्रति प्राप्त होने के साठ दिन की अवधि के भीतर आपत्तियों और सुझाव मंगवाए गए हैं ;

और जबकि उक्त अधिसूचना की प्रति जनता को 27 अक्टूबर, 2003 को उपलब्ध करवा दी गई थी ;

और जबकि माननीय उच्चतम न्यायालय ने रिट याचिका (सी) 1985 की सं० 4677 में 1994 की रिट याचिका संख्या 725 के साथ आई ए० संख्या 20, 21, 1207, 1183, 1216 और 1251 में 'हिन्दुस्तान टाइम्स' में 'एक समाचार' एंड क्वाइट फ्लोज द मैली यमुना' बनाम केन्द्रीय प्रदूषण नियंत्रण बोर्ड और यमुना नदी के प्रदूषण से संबंधित अन्य मामले के संबंध में आदेश पर विधिवत विचार किया गया

और जबकि सी एस कुप्पुराज और अन्य बनाम तमिलनाडु राज्य और अन्य के बीच माननीय मद्रास उच्च न्यायालय के रिट याचिका (सी) 2003 की सं० 33493 और रिट याचिका 2003 की सं.

35205, 35517, 35691, 35692 और 35825 और रिट याचिका एम.पी. 2003 की सं० 40556, 42562, 43720, 45348 से 45350, 42791, 42792, 43882, 43181, 43366 से 43369, 43544 और 43545 पर के आदेश पर भी विधिवत विचार किया गया,

और जबकि प्राप्त सभी आपत्तियों और सुझावों पर केन्द्रीय सरकार द्वारा विधिवत विचार किया गया ;

और इसलिए पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986(1986 का 29) की धारा 3 की उपधारा (2) के खंड (v) और उपधारा (1) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार अधिसूचना सं० का.आ. 60 (अ), दिनांक 27 जनवरी, 1994 में आगे निम्नलिखित और संशोधन करती है, नामतः

उक्त अधिसूचना में,-

I पैरा 3 में

(i) मद सं. (क) में " सं. 3,18 और 20 वर्ण, शब्द और आंकड़ों के स्थान पर" संख्या 3,18,20,31 और 32" वर्ण, शब्द और आंकड़े प्रतिस्थापित किए जाएंगे ;

(ii) उप पैरा(च) में निम्नलिखित जोड़े जाएंगे, नामतः-

" (छ) 1000(एक हजार) व्यक्तियों या इससे कम के लिए नए टाउनशिप, औद्योगिक टाउनशिप्स, रिहाईशी कालोनियों, व्यावसायिक परिसरों, होटल परिसरों, अस्पताल और कार्यालय परिसरों सहित अनुसूची 1 की प्रविष्टि 31 के अंतर्गत आने वाली अथवा प्रतिदिन 50,000(पचास हजार) लीटर अथवा इससे कम मलजल निकासी करने वाली अथवा 50,00,00,000/- (पचास करोड़ रूपए) या इससे कम के निवेश की कोई निर्माण परियोजना।

(ज) ऐसी औद्योगिक संपदाओं, जिनका क्षेत्र कुछ भी हो लेकिन जिनमें प्रदूषण की संभाव्यता अधिक हो, को छोड़कर 50 हैक्टेयर अथवा इससे कम क्षेत्र में औद्योगिक इकाइयों को स्थान देने वाली औद्योगिक संपदाओं सहित अनुसूची-I की प्रविष्टि 32 के अंतर्गत आने वाली कोई औद्योगिक संपदा ।

स्पष्टीकरण:-

- (i) नई निर्माण परियोजनाएं जिन्हें इस अधिसूचना के अन्तर्गत अपेक्षित मंजूरी के बिना आरंभ किया गया था और जिनका निर्माण कार्य कुर्सी स्तर तक नहीं पहुंचा है, के लिए इस अधिसूचना के अंतर्गत 7 जुलाई 2004 से मंजूरी प्राप्त करना अपेक्षित होगा ।
- (ii) नई औद्योगिक संपदाओं जिन्हें इस अधिसूचना के अन्तर्गत अपेक्षित मंजूरी के बिना आरंभ किया गया था के मामले में और जहां निर्माण कार्य शुरू नहीं हुआ है या व्यय कुल स्वीकृत लागत के 25% से अधिक नहीं है, इस अधिसूचना के अंतर्गत 7 जुलाई 2004 से मंजूरी लेनी अपेक्षित होगी ।
- (iii) किसी परियोजना प्रस्तावक को उप पैरा (छ) और (ज) के अंतर्गत प्रस्तावित परियोजना के चरण बद्ध रूप से अथवा माड्यूल में कार्यान्वयन के लिए इस अधिसूचना के अंतर्गत अनुमोदन के लिए सभी चरणों अथवा मूल्यांकन हेतु माड्यूलों को शामिल करके परियोजना के पूरे विवरण के साथ प्रस्तुत करना अपेक्षित है ।^{*} ;

II . अनुसूची I में मद संख्या 30 और उससे सम्बद्ध प्रविष्टियों के बाद निम्नलिखित को प्रतिस्थापित किया जाएगा, नामतः:

^{*} 31. नई निर्माण परियोजनाएं

32. नई औद्योगिक सम्पदाएं^{*}

III . अनुसूची- II में,

(i) पैरा 5 में, उप पैरा (च) के लिए निम्नलिखित पैरा प्रतिस्थापित किया जाएगा, नामतः-

^{*} (च)(i) प्रस्तावित गतिविधियों के फलस्वरूप प्राप्ति जल निकाय में छोड़े जाने वाले मौजूदा औद्योगिक बहिस्त्रावों और घरेलू मलजल व उसके वर्धित भार की मात्रा तथा उसके शोधन संबंधी विवरण ;

(ii) नगर ठोस अपशिष्ट, औद्योगिक बहिस्त्राव तथा घरेलू मलजल सहित ठोस अपशिष्टों के निपटान से पूर्व व उसके बाद प्राप्ति जल निकाय में जल की मात्रा व गुणवत्ता;

(iii) भूमि पर छोड़े जानेवाले औद्योगिक बहिस्राव एवं घरेलू सीवेज की मात्रा और भूमि की किस्म ; ;

(ii) पैरा 6 में, उप पैरा (क) के लिए निम्नलिखित उप-पैरा प्रतिस्थापित किया जाएगा, नामतः:-

"(क) नगर ठोस अपशिष्ट, जैव चिकित्सा अपशिष्ट, परिसंकटमय अपशिष्ट और औद्योगिक अपशिष्टों सहित उत्सर्जित ठोस अपशिष्टों की किस्म व मात्रा ।"

[सं. जेड-11011/1/2002-आईए-1]
आर.चन्द्रमोहन, संयुक्त सचिव

टिप्पणः- मूल अधिसूचना भारत के राजपत्र में दिनांक 27.1.1994 की सं. का.आ. 60 (अ) के अंतर्गत प्रकाशित की गई थी और तदुपरांत निम्नलिखित के तहत संशोधित किया गया:-

- 1) का.आ. 356 (अ) दिनांक 4 मई, 1994
- 2) का.आ. 318 (अ) दिनांक 10 अप्रैल, 1997
- 3) का.आ. 73 (अ) दिनांक 27 जनवरी, 2000
- 4) का.आ. 1119 (अ) दिनांक 13 दिसम्बर, 2000
- 5) का.आ. 737 (अ) दिनांक 1 अगस्त, 2001
- 6) का.आ. 1148 (अ) दिनांक 21 नवम्बर, 2001
- 7) का.आ. 632 (अ) दिनांक 13 जून, 2002
- 8) का.आ. 248 (अ) दिनांक 28 फरवरी, 2003
- 9) का.आ. 506 (अ) दिनांक 7 मई, 2003
- 10) का.आ. 891 (अ) दिनांक 4 अगस्त, 2003
- 11) का.आ.1087 (अ) दिनांक 22 सितम्बर, 2003

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 7th July, 2004

S.O. 801(E).— Whereas a draft of certain amendments to the notification of the Government of India in the Ministry of Environment and Forests number S.O.60 (E), dated the 27th January 1994 was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O.1236 (E), dated the 27th October, 2003 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 27th October, 2003;

And whereas, the Orders of the Hon'ble Supreme Court in the Writ Petition (C) No.725 of 1994 with I.A. No.20, 21, 1207, 1183, 1216 and 1251 in Writ Petition (C) No.4677 of 1985 in the matter of news item published in Hindustan Times titled "And Quiet Flows the Maily Yamuna" vs. Central Pollution Control Board and Others have been duly considered;

And whereas, the Orders of Hon'ble High Court of Madras in W.P. (C) No.33493 of 2003 and W.P. Nos.35205, 35517, 35691, 35692 and 35825 of 2003 and W.P. M.P. Nos.40556, 42562, 43720, 45348 to 45350, 42791, 42792, 43882, 43181, 43366 to 43369, 43544 and 43545 of 2003 between C.S. Kuppuraj and others Vs. the State of Tamil Nadu and others have also been duly considered;

And whereas, all objections and suggestions received have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the notification number S.O. 60 (E), dated the 27th January 1994, namely:-

In the said notification, -

I. in paragraph 3-

- (i) in item (a), for the letters, word and figures "Nos.3,18 and 20", the letters, word and figures "Nos.3,18,20,31 and 32" shall be substituted;

- (ii) after sub-para (f), the following shall be inserted, namely:-
- “(g) any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (one thousand) persons or below or discharging sewage of 50,000 (fifty thousand) litres per day or below or with an investment of Rs.50,00,00,000/- (Rupees fifty crores) or below.
- (h) any industrial estate falling under entry 32 of Schedule-I including industrial estates accommodating industrial units in an area of 50 hectares or below but excluding the industrial estates irrespective of area if their pollution potential is high.

Explanation.—

- (i) New construction projects which were undertaken without obtaining the clearance required under this notification and, where construction work has not come up to the plinth level, shall require clearance under this notification with effect from the 7th day of July, 2004.
- (ii) In the case of new Industrial Estates which were undertaken without obtaining the clearance required under this notification and where the construction work has not commenced or the expenditure does not exceed 25% of the total sanctioned cost, shall require clearance under this notification with effect from the 7th day of July, 2004.
- (iii) Any project proponent intending to implement the proposed project under sub-paras (g) and (h) in a phased manner or in modules, shall be required to submit the details of the entire project covering all phases or modules for appraisal under this notification”;

II. in Schedule-I, after item 30 and the entry relating thereto, the following shall be inserted, namely:-

- “31. New construction projects.
32. New industrial estates.”;

III. in Schedule-II, -

- (i) in para 5, for sub-para (f), the following shall be substituted, namely:-
- “(f)(i) The quantum of existing industrial effluents and domestic sewage with incremental load to be released in the receiving water body due to the proposed activities along with treatment details;
- (ii) The quantum and quality of water in the receiving water body before and after disposal of solid wastes including municipal solid wastes, industrial effluents and domestic sewage;

(iii) The quantum of industrial effluents and domestic sewage to be released on land and type of land;”;

(ii) in para 6, for sub-para (a), the following shall be substituted, namely:-

“(a) Nature and quantity of solid wastes generated including municipal solid wastes, biomedical wastes, hazardous wastes and industrial wastes.”.

[No. Z-11011/1/2002-IA-I]

R. CHANDRAMOHAN, Jt. Secy.

Note: The principal notification was published in the Gazette of India vide number S.O.60 (E) dated 27-1-1994 and subsequently amended *vide*:

- 1) S.O. 356 (E) dated 4th May, 1994,
- 2) S.O 318 (E), dated 10th April, 1997,
- 3) S.O. 73 (E) dated 27th January, 2000,
- 4) S.O. 1119 (E) dated 13th December, 2000,
- 5) S.O. 737(E) dated 1st August, 2001,
- 6) S.O.1148 (E) dated 21st November, 2001,
- 7) S.O. 632 (E) dated the 13th June, 2002,
- 8) S.O. 248 (E) dated the 28th February, 2003,
- 9) S.O. 506 (E) dated the 7th May, 2003,
- 10) S.O. 891(E) dated the 4th August, 2003,
- 11) S.O. 1087(E) dated the 22nd September, 2003.

By Speed Post

No. 21-584/2007-IA.III
Government of India
Ministry of Environment & Forests
(IA Division)

Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi-110 003
Dated: January 08, 2008

To

✓
M/s. Nikiyog Builwell Pvt. Ltd.
2nd Floor, Tower-D,
Global Business Park,
Mehrauli-Gurgaon Road,
Gurgaon-122002

Subject: Environmental clearance for the construction of proposed Commercial Complex,"Platinum Tower" at Sector-47, Gurgaon-Sohna Road, Village-Tikri, Gurgaon, Haryana.

Sir,

I am directed to refer to your application seeking prior environmental clearance for the above project under the EIA Notification, 2006. The above proposal has been appraised as per prescribed procedure on the basis of the mandatory documents enclosed with the application viz., Form 1, Form-1A, Conceptual Plan and the additional clarifications furnished in response to the observations of the Additional Expert Appraisal Committee (EAC) constituted by the competent authority in its 22nd meeting held on October 12-13, 2007.

2. It is interalia, noted that M/s. Nikiyog Builwell Pvt. Ltd. is proposing construction of a Commercial Complex at Sector-47, Gurgaon-Sohna Road, Village-Tikri, Gurgaon Haryana at a cost of Rs. 40 crores. The project comprises construction of commercial building with ground plus one floor and three multi-storied towers with Ground plus four, Ground plus five and Ground plus nine floors and three basements. Total plot area is 14,022.33 sq. m. The built up area as indicated is 45,971.73 sq.m. Total water requirement is 276 m³/d including recycled water and sewage generation is about 150 m³/d. The sewage will be treated in a STP (capacity 150 kld) which will be installed in the premises. The treated sewage will be used for cooling, flushing and horticulture requirement so as to achieve zero discharge. The total solid waste generated (approx. 500 kg/d) will be segregated and biodegradable waste will be sent to the Municipal Collection Bins and non-biodegradable waste will be disposed off through approved vendors for recycling of recyclable material. The parking space proposed is for parking of 650 cars.

3. The EIA report submitted along with the application predicts that there will be slightly adverse impact on air quality during construction phase

whereas during operation phase the impact of the project on the air quality will be negligible. There will be negligible impact on water quality of the receiving water body during construction as well as operation phase. There will be positive impact on land use pattern due to landscaping and greenbelt development. Plantation of trees and development of recreational area, surrounding area will have positive impact on overall land use.

4. The Expert Committee after due considerations of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations have awarded "Gold" grading and recommended environmental clearance. Accordingly, the Ministry hereby accords necessary environmental clearance under category 8(a) of EIA Notification 2006 for the project subject to the strict compliance with the specific and general conditions mentioned below:

PART A- SPECIFIC CONDITIONS

I. Construction Phase

- i. Necessary approval of competent authority of State Forest Department shall be obtained before starting construction.
- ii. Consent for establishment shall be obtained from the State Pollution Control Board/Pollution Control Committee under Air and Water Act and a copy of the same shall be submitted to the Ministry before start of any construction work at site.
- iii. For disinfection of waste water use ultra violet radiation and not chlorination.
- iv. Vehicles hired for construction activities should be operated only during non-peak hours.
- v. All the top soil excavated during construction activities should be stored for use in horticulture/landscape developments within the project site.
- vi. Ready mixed concrete must be used in building construction.
- vii. Water demand during construction shall be reduced by use of pre mixed concrete, curing agents and other best practices.
- viii. Permission to draw ground water shall be obtained from competent authority prior to construction/operation of the project.
- ix. Separation of gray and black water should be done by the use of dual plumbing line. Treatment of 100% gray water by decentralized treatment should be done.
- x. Fixtures for showers, toilet, flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
- xi. Use of glass may be reduced upto 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating in windows.
- xii. Roof should meet the prescriptive requirement as per energy conservation building code by using appropriate thermal insulation material to fulfill requirement.
- xiii. Opaque wall should meet prescriptive requirement as per energy conservation building code which is proposed to be mandatory for all

- air conditioned spaces while it is aspirational for non air conditioned spaces by use of appropriate thermal insulation to fulfill requirement.
- xiv. Storm water control and its reuse should be as per Central Ground Water Board and BIS standards for various applications.
 - xv. All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.
 - xvi. Soil and ground water samples will be tested to ascertain that there is no threat to groundwater quality by leaching of heavy metals and other toxic contaminants.
 - xvii. A First Aid Room will be provided at the project site both during construction and operation of the project.
 - xviii. Adequate drinking water and sanitary facilities should be provided for construction workers at the site. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
 - xix. Disposal of muck including excavated material during construction phase should not create any adverse effects on the neighboring communities and be disposed off taking the necessary precautions for general safety and health aspects of people.
 - xx. Diesel power generating sets used during construction phase should be of "enclosed type" to prevent noise and should conform to rules made under Environment (Protection) Act 1986, prescribed for air and noise emission standards.
 - xxi. Ambient noise levels should conform to standards both during day and night when measured at boundary wall of the premises. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase.
 - xxii. The construction agencies shall use flyash based material/ products as per the provisions of fly ash notification of 14.9.1999 and as amended on 27.8.2003.
 - xxiii. Vehicles hired for bringing construction material at site should be in good condition and should have valid "pollution under check"(PUC) certificate and to conform to applicable air and noise emission standards and should be operated only during non-peaking hours.
 - xxiv. Construction spoils including bituminous material and other hazardous materials must not be allowed to contaminate water courses and the dump sites for such material must be secured so that they should not leach into the ground water.
 - xxv. Any hazardous waste generated during construction phase should be disposed of as per applicable Rules & norms with necessary approvals of the Haryana Pollution Control Board.
 - xxvi. Regular supervision of the above and other measures for monitoring should be in place all through the construction phase so as to avoid disturbance to the surroundings.
 - xxvii. Under the provisions of Environment (Protection) Act 1986, legal action shall be initiated against the project proponent if it was found that construction of the project had started without obtaining environmental clearance.
 - xxviii. All internal roads width should be minimum 9 m.

II. Operation Phase

The environmental clearance recommended to the project is subject to the specific conditions as follows:

- i. Diesel power generating sets as source of back up power for lifts and common area illumination should be of "enclosed type" and conform to rules made under Environment (Protection) Act 1986, prescribed for air and noise emission standards as per CPCB guidelines. Exhausts should be discharged by stack, raised to 4 meters above the rooftop.
- ii. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
- iii. The sewage treatment plant of adequate capacity should be provided and it should be certified by an independent expert for adequacy as well as efficiency and submit a report in this regard to the Ministry before the project is commissioned for operation. The wastewater should be treated upto tertiary level and after treatment reused for flushing, cooling and gardening etc. so as to achieve zero discharge. However, discharge of treated sewage, if any, shall conform to the norms & standards prescribed by Haryana Pollution Control Board.
- iv. Rain water harvesting and ground water recharging shall be practiced. The ground water levels and its quality should be monitored regularly in consultation with the Central Ground Water Authority. Oil & Grease trap shall be provided to remove oil and grease from the surface run off and suspended matter shall be removed in a settling tank before its utilization for rainwater harvesting.
- v. The solid waste including hazardous waste generated should be properly collected & segregated. Biodegradable waste should be composted and non bio-degradable solid waste should be disposed of to municipal landfill sites after recovering recyclable waste. STP sludge shall be used as manure for gardening.
- vi. Any hazardous waste including biomedical waste should be disposed of as per applicable Rules & norms with necessary approvals of the Haryana Pollution Control Board.
- vii. The green belt design along the periphery of the plot shall achieve attenuation factor conforming to the day and night noise standards prescribed for residential land use. The open spaces inside the plot should be suitably landscaped and covered with vegetation of indigenous variety.
- viii. Incremental pollution loads on the ambient air quality, noise and water quality should be periodically monitored after commissioning of the project.
- ix. Prior permission of the Central Ground Water Authority should be obtained for the utilization of ground water.
- x. The Solar energy shall be used for water heating as well as lighting common areas and verifiable measures shall be adopted for energy conservation and water conservation.
- xi. Report on the energy conservation measures should be prepared incorporating details about building materials & technology, R & U Factors etc and submitted to the Ministry in three months time.

- xii. The values of R & U for the building envelope should meet the requirements of the hot & humid climatic location. Details of the building envelope should be worked out and furnished in three months time.

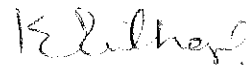
PART – B. GENERAL CONDITIONS

- i. The environmental safeguards contained in the documents should be implemented in letter and spirit.
 - ii. Provision should be made for the supply of kerosene or cooking gas and pressure cooker to the laborers during construction phase.
 - iii. All the laborers to be engaged for construction works should be screened for health and adequately treated before the issue of work permits. Adequate preventive and protective measures shall be taken to protect workers, labours etc during construction and operation phase of the project.
 - iv. 6 monthly monitoring reports should be submitted to the Ministry and its Regional Office.
5. Officials from the Regional Office of MOEF, Chandigarh who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents / data by the project proponents during their inspection. A complete set of all the documents submitted to MoEF should be forwarded to the CCF, Regional office of MOEF, Chandigarh.
6. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.
7. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
8. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Wildlife Act 1972 etc. shall be obtained by project proponents from the competent authorities.
9. A copy of the environmental clearance letter would be marked to the local NGO(s) for their information.
10. The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded environmental clearance and copies of clearance letters are available with the Haryana Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests at <http://www.envfor.nic.in>. The advertisement should be made within 7 days from the day of issue of the

clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Chandigarh.

11. These stipulations would be enforced among others under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986 and the Public Liability (Insurance) Act, 1991.

12. The project authority will enter in to MOU with all buyers of the property to ensure operation and maintenance of the assets by owners of the buildings.



(K.C.Rathore)
Additional Director (IA)
Tele: 24360789
rathore27@yahoo.com

Copy to: -

1. The Secretary, Government of Haryana, Department of Environment, Secretariat, Panchkula, Haryana
2. The Member Secretary, Haryana State Pollution Control Board, Panchkula, Haryana.
3. The CCF, Regional Office. Ministry of Environment & Forests, Chandigarh.
4. IA - Division, Monitoring Cell, MOEF, New Delhi - 110003.
5. Guard file.

(K.C.Rathore)
Additional Director (IA)

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA
Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.

No. SEIAA/HR/2013 / 655

Dated: 04-09-2013

To

M/s Endure Realty Pvt. Ltd.
Mr. Ajay Bhardwaj, 75-C,
Sec-18, Udyog Vihar,
Gurgaon-122001

Subject: Environmental Clearance for proposed Commercial Complex at Malibu Town, Village- Tikri, Adampur, Jharsa & Fatehpur, District- Gurgaon, Haryana.

Dear Sir,

This letter is in reference to your application no. Nil dated 15-03-2011 addressed to M.S. SEIAA received on 18-03-2012 and subsequent letter dated 22-11-2012 seeking prior Environmental Clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 on the basis of the mandatory documents enclosed with the application viz., Form-1, Form1-A & Conceptual Plan and additional clarifications furnished in response to the observations of the State Expert Appraisal Committee (SEAC) constituted by MOEF, GOI vide their Notification 23.3.2012, in its meetings held on 23-08-2012 & 27-12-2012 awarded "Gold" grading to the project.

[2] It is inter-alia, noted that the project involves the construction of commercial Complex at Village-Adampur & Fatehpur, Sector-47 & 50 Road Malibu Town District- Gurgaon, Haryana on a plot area of 11019.43 sqmt. (2.723Acres). The total built up area shall be 33540.54 sqmt. The building shall comprise of 2 Basements GF + 10 Floors. The maximum height of the building shall be 41.30 meters. The total water requirement shall be 259 KLD. The fresh water shall be 120 KLD. The waste water generation shall be 148 KLD, which shall be treated in the STP 180 KLD capacity leading to zero exit discharge. The total power requirement shall be 2268 KW which will be supplied by DHBVN. The Project Proponent has proposed to develop green belt on 30.9% of project area (26% tree plantation + 4.9% landscaping). The Project Proponent proposed to construct 03 rain water harvesting pits. The solid waste generation will be 601 kg/day. The bio-degradable waste will be treated in the project area by adopting appropriate technology. The total parking spaces proposed are 425 ECS.

[3] The State Expert Appraisal Committee, Haryana after due consideration of the relevant documents submitted by the project proponent and additional clarification

furnished in response to its observations have recommended the grant of environmental clearance for the project mentioned above, subject to compliance with the stipulated conditions. Accordingly, the State Environment Impact Assessment Authority in its meeting held on 06-08-2013 decided to agree with the recommendations of SEAC to accord necessary environmental clearance for the project under Category 8(a) of EIA Notification 2006 subject to the strict compliance with the specific and general conditions mentioned below:-

PART A-

SPECIFIC CONDITIONS:-

Construction Phase:-

- [1] "Consent for Establish" shall be obtained from Haryana State Pollution Control Board under Air and Water Act and a copy shall be submitted to the SEIAA, Haryana.
- [2] A first aid room as proposed in the project report shall be provided both during construction and operational phase of the project.
- [3] Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. Open defecation by the labourers is strictly prohibited. The safe disposal of waste water and solid wastes generated during the construction phase should be ensured.
- [4] All the topsoil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.
- [5] The project proponent shall ensure that the building material required during construction phase is properly stored within the project area and disposal of construction waste should not create any adverse effect on the neighboring communities and should be disposed of after taking necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- [6] Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water and any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms with necessary approval of the Haryana State Pollution Control Board.
- [7] The diesel generator sets to be used during construction phase should be of ultra low sulphur diesel type and should conform to Environment (Protection) Rules prescribed for air and noise emission standards.
- [8] The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.

- [9] Ambient noise levels should conform to the residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be taken to reduce ambient air and noise level during construction phase, so as to conform to the stipulated residential standards.
- [10] Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and as amended on 27th August 2003.
- [11] Storm water control and its re-use as per CGWB and BIS standards for various applications should be ensured.
- [12] Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices.
- [13] In view of the severe constrains in water supply augmentation in the region and sustainability of water resources, the developer will submit the NOC from CGWA specifying water extraction quantities and assurance from HUDA/ utility provider indicating source of water supply and quantity of water with details of intended use of water – potable and non-potable. Assurance is required for both construction and operation stages separately. It shall be submitted to the SEIAA and RO, MOEF, Chandigarh before the start of construction.
- [14] Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material.
- [15] Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all air conditioned spaces while it is desirable for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
- [16] The approval of the competent authority shall be obtained for structural safety of the building on account of earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightening etc. If any forest land is involved in the proposed site, clearance under Forest Conservation Act shall be obtained from the competent Authority.
- [17] Overexploited groundwater and impending severe shortage of water supply in the region requires the developer to redraw the water and energy conservation plan. Developer shall reduce the overall footprint of the proposed development. Project proponent shall incorporate water efficiency /savings measures as well as water reuse/recycling within 3 months and before start of construction to the SEIAA, Haryana and RO, MOEF, GOI, Chandigarh.
- [18] The Project Proponent shall construct 03 nos. rain water harvesting pits for recharging the ground water within the project premises. Rain water harvesting pits shall be designed to make provisions for silting chamber and removal of

responsible for maintenance must be provided. Care shall also be taken that contaminated water do not enter any RWH pit.

- [19] The project proponent shall provide for adequate fire safety measures and equipments as required by Haryana Fire Service Act, 2009 and instructions issued by the local Authority/Directorate of fire from time to time. Further the project proponent shall take necessary permission regarding fire safety scheme/NOC from competent Authority as required.
- [20] The Project Proponent shall submit assurance from the DHBVN for supply of 2268 KW of power supply before the start of construction. In no case project will be operational solely on generators without any power supply from any external power utility.
- [21] Detail calculation of power load and ultimate power load of the project shall be submitted to DHBVN under intimation to SEIAA Haryana before the start of construction. Provisions shall be made for electrical infrastructure in the project area.
- [22] The Project Proponent shall not raise any construction in the natural land depression / Nallah/water course and shall ensure that the natural flow from the Nallah/water course is not obstructed.
- [23] The Project Proponent shall keep the plinth level of the building block sufficiently above the level of the approach road to the Project as per prescribed by-laws. Levels of the other areas in the Projects shall also be kept suitably so as to avoid flooding.
- [24] Construction shall be carried out so that density of population does not exceed norms approved by Director General Town and Country Department Haryana.
- [25] The Project Proponent shall submit an affidavit with the declaration that ground water will not be used for construction and only treated water should be used for construction.
- [26] The project proponent shall not cut any existing tree and project landscaping plan should be modified to include those trees in green area.
- [27] The project proponent shall ensure that ECBC norms for composite climate zone are met. In particular building envelope, HVAC service, water heating, pumping, lighting and electrical infrastructure must meet ECBC norms.
- [28] The Project Proponent shall provide 3 meter high barricade around the project area, dust screen for every floor above the ground, proper sprinkling and covering of stored material to restrict dust and air pollution during construction.
- [29] The project proponent shall construct a sedimentation basin in the lower level of the project site to trap pollutant and other wastes during rains.

- [30] The project proponent shall provide proper Rasta of proper width and proper strength for each project before the start of construction.
- [31] Vertical fenestration shall not exceed 40% of total wall area.
- [32] The project proponent shall ensure that the U-value of the glass is less than 3.177 and maximum solar heat gain co-efficient is 0.25 for vertical fenestration.
- [33] The project proponent shall adequately control construction dusts like silica dust, non-silica dust, wood dust. Such dusts shall not spread outside project premises. Project Proponent shall provide respiratory protective equipment to all construction workers.
- [34] The Project Proponent shall provide solar panel at the rooftop of the building.
- [35] The project proponent shall provide E-waste collection centre in the building.
- [36] The project proponent shall provide one refuse area till 24 meter, one till 39 meter and one each after 15 meters as per National Building Code.
- [37] The project proponent shall provide fire control room and fire officer for building above 30 meter as per National Building Code.
- [38] The project proponent shall obtain permission of Mines and Geology Department for excavation of soil before the start of construction.
- [39] The site for solid waste management plant be earmarked on the layout plan and the detailed project for setting up the solid waste management plant shall be submitted to the Authority within one month.

Operational Phase:

- [a] "Consent to Operate" shall be obtained from Haryana State Pollution Control Board under Air and Water Act and a copy shall be submitted to the SEIAA, Haryana.
- [b] The Sewage Treatment Plant (STP) shall be installed for the treatment of the sewage to the prescribed standards including odour and treated effluent will be recycled to achieve zero exit discharge. The installation of STP should be certified by an independent expert and a report in this regard should be submitted to the SEIAA, Haryana before the project is commissioned for operation. Tertiary treatment of waste water is mandatory. Discharge of treated sewage shall conform to the norms and standards of HSPCB, Panchkula. Project Proponent shall implement such STP technology which does not require filter backwash.
- [c] Separation of the grey and black water should be done by the use of dual plumbing line. Treatment of 100% grey water by decentralized treatment should be done ensuring that the re-circulated water should have BOD level less than 10 mg/litre and the recycled water will be used for flushing, gardening and DG set cooling etc.
- [d] For disinfection of the treated wastewater ultra-violet radiation or ozonization process should be used.

- [e] The solid waste generated should be properly collected and segregated. Bio-degradable waste shall be decomposed at site and dry/ inert solid waste should be disposed off to approved sites for land filling after recovering recyclable material.
- [f] Diesel power generating sets proposed as source of back-up power for lifts, common area illumination and for domestic use should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The location of the DG sets should be in the basement as promised by the project proponent with appropriate stack height i.e. above the roof level as per the CPCB norms. The diesel used for DG sets should be ultra low sulphur diesel (0.05% sulphur), instead of low sulphur diesel.
- [g] Ambient Noise level should be controlled to ensure that it does not exceed the prescribed standards both within and at the boundary of the Proposed Commercial Complex.
- [h] The project proponent should maintain at least 30.9% as green cover area for tree plantation especially all around the periphery of the project and on the road sides preferably with local species which can provide protection against noise and suspended particulates matter. The open spaces inside the project should be preferably landscaped and covered with vegetation/grass, herbs & shrubs. Only locally available plant species shall be used.
- [i] The project proponent shall strive to minimize water in irrigation of landscape by minimizing grass area, using native variety, xeriscaping and mulching, utilizing efficient irrigation system, scheduling irrigation only after checking evapo-transpiration data.
- [j] Rain water harvesting for roof run-off and surface run-off, as per plan submitted should be implemented. Before recharging the surface run off, pre- treatment through sedimentation tanks must be done to remove suspended matter, oil and grease. The bore well for rainwater recharging shall be kept at least 5 mts. above the highest ground water table. Care shall be taken that contaminated water do not enter any RWH pit. The project proponent shall avoid Rain Water Harvesting of first 10 minutes of rain fall. Roof top of the building shall be without any toxic material or paint which can contaminate rain water. Wire mesh and filters should be used wherever required.
- [k] The ground water level and its quality should be monitored regularly in consultation with Central Ground Water Authority.
- [l] There should be no traffic congestion near the entry and exit points from the roads adjoining the proposed project site. Parking should be fully internalized and no public space should be utilized.

- [m] A report on the energy conservation measures conforming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R & U Factors etc and submitted to the SEIAA, Haryana in three months time.
- [n] Energy conservation measures like installation of LED for lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use of solar panels must be adapted to the maximum energy conservation.
- [o] The Project Proponent shall use zero ozone depleting potential material in insulation, refrigeration, air-conditioning and adhesive. Project Proponent shall also provide halon free fire suppression system.
- [p] The solid waste generated should be properly collected and segregated as per the requirement of the MSW Rules, 2000 and as amended from time to time. The bio-degradable waste should be treated by appropriate technology at the site ear-marked within the project area and dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
- [q] The provision of the solar water heating system shall be as per norms specified by HAREDA and shall be made operational in each building block.
- [r] The traffic plan and the parking plan proposed by the Project Proponent should be meticulously adhered to with further scope of additional parking for future requirement. There should be no traffic congestion near the entry and exit points from the roads adjoining the proposed project site. Parking should be fully internalized and no public space should be used.
- [s] The Project shall be operationalized only when HUDA/local authority will provide domestic water supply system in the area.
- [t] Operation and maintenance of STP, solid waste management and electrical Infrastructure, pollution control measures shall be ensured even after the completion of sale.
- [u] Different type of wastes should be disposed off as per provisions of municipal solid waste, biomedical waste, hazardous waste, e-waste, batteries & plastic rules made under Environment Protection Act, 1986. Particularly E-waste and Battery waste shall be disposed of as per existing E-waste Management Rules 2011 and Batteries Management Rules 2001. The project proponent should maintain a collection center for E-waste and it should be disposed of to only registered and authorized dismantler / recycler.
- [v] Standards for discharge of environmental pollutants as enshrined in various schedules of rule 3 of Environment Protection Rule 1986 shall be strictly complied with.

- [w] The project proponent shall make provision for guard pond and other provisions for safety against failure in the operation of wastewater treatment facilities. The project proponent shall also identify acceptable outfall for treated effluent.
- [x] The project proponent shall ensure that the stack height of DG sets is as per the CPCB guide lines and also ensure that the emission standards of noise and air are within the CPCB prescribed limits. Noise and Emission level of DG sets greater than 800 KVA shall be as per CPCB latest standards for high capacity DG sets.
- [y] All electric supply exceeding 100 amp, 3 phase shall maintain the power factor between 0.98 lag to 1 at the point of connection.
- [z] The project proponent shall minimize heat island effect through shading and reflective or pervious surface instead of hard surface.
- [aa] The project proponent shall use only treated water instead of fresh water for HVAC and DG cooling. The Project Proponent shall also use evaporative cooling technology and double stage cooling system for HVAC in order to reduce water consumption. Further temperature, relative humidity during summer and winter seasons should be kept at optimal level. Variable speed drive, best Co-efficient of Performance, as well as optimal integrated point load value and minimum outside fresh air supply may be resorted for conservation of power and water. Coil type cooling DG Sets shall be used for saving cooling water consumption for water cooled DG Sets.
- [ab] The project proponent shall ensure that the transformer is constructed with high quality grain oriented, low loss silicon steel and virgin electrolyte grade copper. The project proponent shall obtain manufacturer's certificate also for that.
- [ac] Water supply shall be metered among different users of utilities.
- [ad] The project proponent shall ensure that exit velocity from the stack should be sufficiently high. Stack shall be designed in such a way that there is no stack down-water under any meteorological conditions.
- [ae] The project proponent shall provide water sprinkling system in the project area to suppress the dust in addition to the already suggested mitigation measures in the Air Environment Chapter of EMP.

PART-B. GENERAL CONDITIONS:

- [i] The Project Proponent shall ensure the commitments made in Form-I, Form-1A, EIA/EMP and other documents submitted to the SEIAA for the protection of environment and proposed environmental safeguards are complied with in letter and spirit. In case of contradiction between two or more documents on any point, the most environmentally friendly commitment on the point shall be taken as commitment by project proponent.

- [ii] Six monthly compliance reports should be submitted to the HSPCB and Regional Office, MOEF, GOI, Northern Region, Chandigarh and a copy to the SEIAA, Haryana.
- [iii] Noise, STP outlet and stack emission shall be monitored daily. Other environmental parameters shall be monitored on monthly basis. After every 3 months the project proponent shall conduct environmental audit and shall take corrective measure, if required, without delay.
- [iv] The SEIAA, Haryana reserves the right to add additional safeguard measures subsequently, if found necessary. Environmental Clearance granted will be revoked if it is found that false information has been given for getting approval of this project. SEIAA reserves the right to revoke the clearance if conditions stipulated are not implemented to the 10 satisfaction of SEIAA/MoEF.
- [v] The Project proponent shall not violate any judicial orders/pronouncements issued by any Court/Tribunal.
- [vi] All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972, Forest Act, 1927, PLPA 1900, etc. shall be obtained, as applicable by project proponents from the respective authorities prior to construction of the project.
- [vii] The Project proponent should inform the public that the project has been accorded Environment Clearance by the SEIAA and copies of the clearance letter are available with the Haryana State Pollution Control Board & SEIAA. This should be advertised within 7 days from the date circulated in the region and the copy of the same should be forwarded to SEIAA Haryana. A copy of Environment Clearance conditions shall also be put on project proponent's web site for public awareness.
- [viii] Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the Project Proponent if it was found that construction of the project has been started before obtaining prior Environmental Clearance.
- [ix] Any appeal against the this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
- [x] The project proponent shall put in place Corporate Environment Policy as mentioned in MoEF, GoI OM No. J-11013/41/2006-IA II (I) dated 26.4.2012 within 3 months period. Latest Corporate Environment Policy should be submitted to SEIAA within 3 months of issuance of this letter.
- [xi] The fund ear-marked for environment protection measures should be kept in separate account and should not be diverted for other purposes and year wise

expenditure shall be reported to the SEIAA/RO MoEF GoI under rules prescribed for Environment Audit.

- [xii] The project proponent shall ensure the compliance of Forest Department, Haryana Notification no. S.O.121/PA2/1900/S.4/97 dated 28.11.1997.
- [xiii] The Project Proponent shall ensure that no vehicle during construction/operation phase enter the project premises without valid 'Pollution Under Control' certificate from competent Authority.
- [xiv] The project proponent is responsible for compliance of all conditions in Environmental Clearance letter and project proponent can not absolve himself /herself of the responsibility by shifting it to any contractor engaged by project proponent.
- [xv] The project proponent shall seek fresh Environmental clearance if at any stage there is change in the planning of the proposed project.



Member Secretary,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.



Endst. No. SEIAA/HR/2013

Dated:.....

A copy of the above is forwarded to the following:

1. The Additional Director (IA Division), MOEF, GOI, CGO Complex, Lodhi Road, New Delhi.
2. The Regional office, Ministry of Environment & Forests, Govt. of India, Sector 31, Chandigarh.
3. The Chairman, Haryana State Pollution Control Board, Pkl.



Member Secretary,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula

Minutes of the meeting held under the Chairmanship of Sh. Anurag Rastogi, IAS, Director General, Town & Country Planning, Haryana, on 20.02.2014 in the office of Senior Town Planner, Gurgaon, regarding the progress made in Complaint No. 319/2011 filed ...

stp1.gurgaon.tcp <stp1.gurgaon.tcp@gmail.com>

Thu 3/20/2014 5:50 PM

To: R.K. Kakkar <cehqhuda@gmail.com>; sehuda GGN CIRCLE1 <sehudaggn@gmail.com>; SE-II, HUDA <se2hudaggn@gmail.com>; Rajesh Gupta <setsqgn@gmail.com>; Se Gurgaon <se.gurgaon@gmail.com>; RAMAN SHARMA <cw58ffmalibutown@gmail.com>; kartar singh <xen3.ggn@gmail.com>; Mahesh Shrivastava <mcsvinee@yahoo.com>; Vinod Kohli <vinod@alliedmed.co.in>; OP Dhaka <opdhaka71@gmail.com>; RAKESH SINGH <rakesh.ww23gf@gmail.com>; malibu towne <gmestates.malibutowne@hotmail.com>; maliburwa@gmail.com <maliburwa@gmail.com>; Promod sharma <malibutowne@hotmail.com>; xentsggn@hvpn.gov.in <xentsggn@hvpn.gov.in>; ggnxen.elect@gmail.com <ggnxen.elect@gmail.com>; xensuburbandhbvn@gmail.com <xensuburbandhbvn@gmail.com>

Cc: DTP Hq SK <dtp.hqsk.tcp@gmail.com>

📎 1 attachments (65 KB)

Final Minutes of the meeting held on 20.02.2014 under the Chairmanship of DGTCP at Gurgaon -Complaint No. 319 of 2011 Lokayukta - Sh. Raman Sharma.doc;

Minutes of the meeting held on 20.02.2014 under the Chairmanship of Sh. Anurag Rastogi, IAS, Director General, Town & Country Planning, Haryana is enclosed for further necessary action plz.

Senior Town Planner,
Gurgaon

Minutes of the meeting held under the Chairmanship of Sh. Anurag Rastogi, IAS, Director General, Town & Country Planning, Haryana, on 20.02.2014 in the office of Senior Town Planner, Gurgaon, regarding the progress made in Complaint No. 319/2011 filed by Sh. Raman Sharma before Hon'ble Lokayukta, Haryana.

The following participated in the meeting:-

1. Sh. R. K. Singh, STP, Gurgaon
2. Sh. Anil Makan, SE-II, HUDA, Gurgaon
3. Sh. Joginder Hooda, XEN, S/U DHBVN, Gurgaon
4. Sh. Kartar Singh, XEN-III, HUDA, Gurgaon
5. Sh. M.K. Vats, XEN/TS Division, HVPNL, Gurgaon
6. Sh. Harvinder Kumar, SDE (Elect.), HUDA, Gurgaon
7. Sh. Raman Sharma, Complainant
8. Sh. V.K. Maheshwari, CEO, Malibu Estate Pvt. Ltd.
9. Cdr. S.C. Sharma, Vice President, Malibu Estate Pvt. Ltd.
10. Sh. Subhash Ragav, GM Project, Malibu Estate Pvt. Ltd.

At the outset, Senior Town Planner, Gurgaon welcomed Director General, Town & Country Planning and briefed him about the progress made with respect to the decisions taken during the meeting held on 18.12.2013 under his Chairmanship relating to the issues raised in the subject cited complaint. Thereafter, DGTCP reviewed the further progress made by the colonizer and the following decisions were taken:-

Sr. No	Issues	Proceedings of the meeting dated 18.12.2013		Decisions taken on 20.02.2014
		Decision taken in the meeting on 01.10.2013	Action taken	
1	Construction of 66 KV Sub-station	The representative of the colonizer intimated that they are ready to construct 33 KV sub-station as per approved service plan estimates. However, Sh. Raman Sharma insisted that 66 KV ESS, as per the requirement of the colony, be installed. It was decided that the colonizer construct 33 KV Sub-station as per approved Service Plan Estimates. In case the Residents Welfare Association insist for 66 KV Sub-station, the differential cost is to be borne by the RWA itself subject to the availability of the sufficient land. The colonizer shall obtain the consent from the RWA within 15 days. If, no consent is received, the colonizer shall start the execution of work within one month. The clear	The colonizer informed that a mail was forwarded on 10.10.2013 to all the RWAs for giving their consent by 15.10.2013, but no reply received from any of them. As per the road map given by the colonizer, the construction of 33 KV ESS is to be completed within 9 months after receipt of approval from Competent Authority i.e DHBVN. The representatives of the RWA still insisted for installation of 66 KV ESS, which is realistic requirement of the colony once it is fully populated. The representative of the colonizer contended that as per the service estimate approved by DHBVN, 33 KV ESS is to	STP, Gurgaon apprised that there is still controversy regarding the capacity of the ESS. The colonizer claims that he is required to construct 33KV ESS as per the approved service plan estimates by DHBVN, whereas RWA is insisting for establishment for 66 KV ESS as per requirement of the colony. Regarding adequacy of 33 KV ESS, the officers of DHBVN informed that the present load of the colony is 12 MVA and accordingly a proposal has been sent to Chief Engineer (Operation) DHBVN, Hisar for establishment of 33 KV ESS. This load requirement had been calculated on the basis of the earlier approved layout plan. The proposed ESS can cater to the electric load upto 25 MVA. STP,

		<p>road map regarding operationalization of 33 KV ESS shall be submitted to STP, Gurgaon within next 15 days</p>	<p>be installed and the company is committed accordingly. After detailed discussion, it was decided that the company will submit a copy of the approved service estimate of electrical infrastructure. It was also decided that it will seek an appointment with DHBVN Authority where the approval is pending and shall send its responsible representative for meeting the official for expediting the pending clearance. The representative of RWA will also accompany the representative of the colonizer.</p>	<p>Gurgaon informed that the last revision in the layout plan was carried out in the year 2008 and it has been approved for an area measuring about 205.00 acres.</p> <p>Decision- DHBVN will work out the load requirement of the colony in accordance with the revised layout plan to ascertain the adequacy of 33 KV ESS and the requirement of 66 KV ESS, if any, within 10 days.</p> <p><i>It was also decided that the SE DHBVN will pursue the matter with Chief Engineer (Operation) DHBVN at Hisar for expediting the necessary approvals of 33 KV ESS within the next 15 days positively.</i></p>
2	<p>Construction of Community Centre</p>	<p>It was enquired from the colonizer what action has been taken w.r.t the directions of STP, Gurgaon regarding making the entire club fully functional and offering membership to the residents of the colony since 12.09.2013. The representative of the colonizer intimated that they have not done much except the planning. It was directed that the colonizer shall involve the Residents Welfare Association (RWA) for planning. Further, the colonizer shall submit a road map for making the club functional within next 15 days. It was also made clear that the club should be functional on or before 1st July, 2014.</p>	<p>As per road map given by the colonizer, the entire club building will have to be made fully functional before 01.07.2014. The RWA complained that they have not been involved at all in the planning of the club building as per decision taken in the meeting held under the Chairmanship of DG TCP on 01.10.2013. Besides, the colonizer is not doing anything to improve the condition of the basement, which has been left unfinished and has turned into cave for bats. The representatives of the colonizer informed that they will make the remaining part of club building functional as per the timeline submitted by the company. They also informed that the company has decided to</p>	<p>STP, Gurgaon apprised that the colonizers started work to make the remaining club building functional as per decision taken in the last meeting held on 18.12.2013. The basement which was non-functional has been closed permanently by brick wall. The colonizer has informed vide mail dated 24th January, 2014 at 5:00 PM that a meeting was held on 24.01.2014 at 3:00 PM with the RWA wherein the issue of framing the terms and conditions for the membership was discussed. The relevant documents have been handed over to the RWA.</p> <p>Decision- DGTCP directed the colonizer to complete the construction work of remaining club building and make it fully functional by 30.06.2014. He also desired the club membership be allotted to the residents of the colony on priority at reasonable rates.</p>

			<p>close the basement. Accordingly, the construction works are in progress at site. It was also apprised by them that the terms and conditions for membership of the club are being finalized and it will be opened in last week of January, 2014 exclusively for the residents of the colony.</p> <p>The representatives of the RWAs requested to direct the colonizer to consult them while framing the terms and conditions of the membership.</p> <p>It was decided that the club building will be made fully functional by 30.06.2014 and its basement part shall be closed permanently. It was also decided that the colonizer will involve the representatives of the RWAs in the process of framing of terms and conditions of the membership of club.</p>	
3	<p>Sale of independent floors in violation of Policy dated 27.03.2009</p>	<p>This matter not only relates to Malibu Estate but the entire State of Haryana. The show cause notices were issued by DTP (E), Gurgaon, however, the colonizers have represented/challenged the validity of the show cause notices. The matter is under consideration within Department. After taking final decision on the representations of the colonizers, further, action shall be taken.</p>	<p>Not discussed in the meeting as the matter is under consideration in the Directorate.</p>	<p>Matter was not discussed as it is under consideration in the Directorate.</p>
4	<p>Construction of ladder on 2nd floor to access</p>	<p>The representative of the colonizer intimated that there are 148 ladders, which are to be installed, out of which till date 30</p>	<p>As per timeline, the entire work of installation of ladders for providing access to the terraces of houses was to</p>	<p>It was informed that 131 ladders were installed upto 21.01.2014 and the remaining 17 could not be installed as the owners of</p>

	terrace.	<p>ladders have been installed. They shall complete the remaining work within three months. However, they are facing problem at some places as they are finding difficult to get NOC from the owner of 2nd Floor.</p> <p>It was directed that in the cases where NOC is not given by the owner the ladders shall be handed over to RWA. However, within next two months, the colonizer shall install all the remaining ladders.</p>	<p>be finished by 01.12.2013. The representative of the colonizer informed that 100 ladders have already been installed and the remaining 48 ladders shall be installed within next 15 days. They also complained that the residents of 2nd floor of many houses are not allowing to put up the ladders.</p> <p>The Chairman directed that the remaining 48 ladders must be put in place within 15 days time positively. The help of RWA may be taken wherever the residents of 2nd floor are objecting to their installation. If some residents still resist, then ladder may be handed over to RWA as already decided in the meeting dated 01.10.2013 at Chandigarh.</p>	<p>second floor are not allowing.</p> <p>Decision:- <i>It was decided that the colonizer will hand over the remaining 17 ladders to the RWA within 7 days.</i></p>
5	Illegal construction in the green belt.	<p>It was intimated by the colonizer that land has been given to BSNL for erection of BSNL exchange on the demand of Residents at a nominal rate of Rs. 1 per year. However, they have no proof in writing regarding the request of the residents. It was further intimated by the colonizer that the lease to BSNL is only upto 31.03.2014. It was directed that the colonizer shall give notice to BSNL for vacation of the site within 15 days from today. It was also made clear that no further extension in lease period should be made. The building shall have to be demolished after expiry of lease period. DTP (E),</p>	<p>As per the deadline in the meeting, the illegal of BSNL is to be removed after the expiry of lease period i.e. 31.03.2014. Besides, the other structures like pump rooms and operator residences are also to be removed by 31.03.2014. The representatives of the colonizer informed that a notice has already been sent to BSNL on 15.10.2013 for vacation of the site on or before 31.03.2014. Thereafter, the construction will be demolished. Similarly, the pump rooms and operators residences constructed in the green belt shall also be removed by 31.03.2014. The RWA did not</p>	<p>STP, Gurgaon informed that the deadline for removal of illegal construction in the green belt will expire on 31.03.2014. The colonizer has already served upon a notice on BSNL for vacation of the building. Hence, this issue will be reviewed after 31.03.2014.</p> <p>Regarding the mini sewage treatment plants, STP, Gurgaon informed that these have been constructed in the parks in a very shoddy manner without giving any consideration to the aesthetics of the parks/open space. The RWA is agitating for removal of these plants.</p> <p>Decision:-(i) <i>The illegal</i></p>

		<p>Gurgaon shall also give notice to the colonizer alongwith a copy to BSNL.</p> <p>It was intimated by the complainant that there are four nos. of Sewage Treatment Plants (STPs) constructed in the parks at different places and are not operational. It was informed by the colonizer that these are meant for recycling of the water which is to be used for gardening purposes. These are only very small structures.</p> <p>It was directed that all the four STPs shall be made operational and since these are for the benefit of the community these may be retained. However, proper camouflaging with green creepers of the structure be done by the colonizer.</p> <p>Further, the colonizer requested that the BSNL building may be allowed to remain operational, if there is any provision for compounding for which they have already made a request to the Department which is pending at the level of Directorate. In this regard, it was intimated that no such request is pending with the Department.</p> <p>However, if at all any such request has been made, is hereby rejected. Further, the pump rooms and operators residences constructed by the colonizer shall be removed on or before 31.03.2014.</p>	<p>subscribe to the suggestion of establishment of small STPs in the parks being incompatible activity. The matter was discussed in detail and it was concluded that use of recycled water for the purpose of maintaining parks and greenery is need of the hour considering the depleting water table in Gurgaon. Accordingly, it was decided that the colonizer and the RWA will sit together to find out proper and compatible locations for setting up of mini Sewage Treatment Plants (STPs) and shall get the same approved from the Department in the layout plan</p>	<p><i>construction in the green belt must be demolished by the colonizer by 31.03.2014, failing which strict action will be taken in accordance with the provisions of Act No. 8 of 1975 and the Rules framed thereunder.</i></p> <p>(ii):-<i>The colonizer was directed to re-install the STPs underground without disturbing aesthetics of the parks/open spaces or find out alternative suitable locations in consultation with the RWA/complainant.</i></p>
6	Delay in execution of conveyance deed	The colonizer was instructed that there is no relation between maintenance charges and execution of conveyance	The representative of the colonizer informed that a copy of the specimen of conveyance deed has been handed over to the	It was informed that action has already been taken by the company. No problem from colonizer side has been reported so far by any

independent floor.	<p>deed. The colonizer was directed that the conveyance deed of all the owners shall be got executed within next two months. However, the colonizer submitted that this is beyond their control as the registration charges/stamp duty is to be paid by the owners. It was accordingly agreed that the owners shall after preparing the conveyed deed intimate the colonizer who shall immediately make his representative available and execute the conveyance deed immediately. The colonizer was also directed to upload the specimen copy of the conveyance deed on his website immediately and supply one copy of the same to the RWAs.</p>	<p>association and they have instructed the concerned official for accompanying the owners of independent floors as and when approached by them for registration of the deeds. The Chairman directed the representatives of colonizer to identify the owners, who are yet to execute the conveyance deed and send communications to them for execution and registration of the same at the earliest.</p>	<p>floor owner. The complainant pointed out that there are some flaws in the draft of the conveyance deed, which are required to be rectified.</p> <p>Decision: <i>It was decided that the Company will consult the various drafts of the conveyance deeds of independent floors executed by other colonizers like DLF, APIL, Unitech etc. and will carry out necessary amendments in the format of the conveyance deed prepared by it and thereafter, it will be made available to the RWA.</i></p>
7 Status of other community sites	<p>There are 16 nos. of community sites as per approved Layout Plan. It was directed that the colonizer shall submit a road map for time bound construction of the remaining community sites in the following manner:-</p> <ol style="list-style-type: none"> Within ten days = 5 community sites. Within twenty days = community sites. Within thirty days = all the remaining sites. <p>However, it was made clear that the construction of community sites has to be made within the time frame as per of the Act of 1975. If, the community sites are not completed within stipulated time, the same shall be taken over</p>	<p>The representative of the colonizer informed that out of the total 16 community sites (1 High School, 4 Primary Schools, 7 Nursery Schools, 1 crèche, 1 Dispensary, 1 Club and 1 RB), 6 sites (2 Primary School, 1 Club, 1 Nursery School, 1 RB and 1 Crèche) are still with the colonizer and remaining sites have been sold out to the private persons. One Nursery School and part of club site are already functional. The building plans of 2 Primary Schools, 3 Nursery Schools and a Religious Building have already been submitted. The building plans of the remaining community sites except 2 Nursery Schools sites of which are under dispute shall be</p>	<p>STP, Gurgaon informed that the road map for construction of community site has already been submitted and it is required to be monitored regularly.</p> <p>Decision:- <i>It was decided that STP, Gurgaon will monitor the progress of construction of community sites on quarterly basis to ensure that the construction work of all the community sites its completed by the colonizer before 03.04.2016.</i></p>

		by the Govt.	submitted in the month January/February, 2014. The construction on these sites shall start after 3 months from approval of their plans and it will be completed within 1½ years time from the date of start. The constructions work of the remaining community sites will be completed as per timeline prescribed in the proviso added vide Haryana Act No. 11 of 2003 dated 03.04.2012.	
Other issues				
8	Sh. Raman Sharma raised the issue of non obtaining of no objection certificate (NOC) from Ministry of Environment & Forest in reference to condition levied in the licence no. 15 of 2008	It was appraised to Sh. Raman Sharma that at the time of renewal of licence, the applicant company was directed to submit NOC from MoEF. But the applicant company represented that NOC is not required from MoEF since, the covered area is less than 1,50,000 sq. mtr. The contention of the applicant company was found correct, therefore, the licence no. 15 of 2008 was renewed for a further period upto 30.01.2014.	No action required.	No action required.

The meeting ended with a vote of thanks to the chair and participants.

MALIBU ESTATE PVT. LTD.

ANNEXURE- VII

S.No.	Description	Built Up area (Sqft)	Built Up area (Sqmt)	Plot Area (Acers)	OC Date	Ownership	Handover date
1	Group Housing Tower 1,3,4,5,6 & EWS Blocksby MEPL	7,29,292.00	67,753.51	9.360	03/08/2000	G.Housing RWA	01/02/2021
2	Malibu CuntryClub	30,394.89	2,823.78	2.530	08/06/2007	Malibu Estate Pvt.Ltd.	Nil
3	Floor	5,75,635.00	53,475.54			MCG	16/06/2022
4	Malibu Shopping Arcade	60,530.20	5,623.45	0.715	08/06/2007	Sh.Arcade RWA	01/04/2023
	Constructed by By MEPL	13,95,852.09	1,29,676.27				
5	GH- Tower-2 (Constructed by BNB) - (Plot sold)	13,411.00	1,244.00	2.530	10/03/2017	G.Housing RWA	01/02/2021

1680

ANNEXURE- VIII

Amir



(LABOUR RATE)

M.B. REGISTER

ELECTRICAL - WORK

TOWER - CE

(MB No-1)

Handwritten notes:
23/5/2005
20/5/2005

SIN

ABD
SINCE 1922

1682

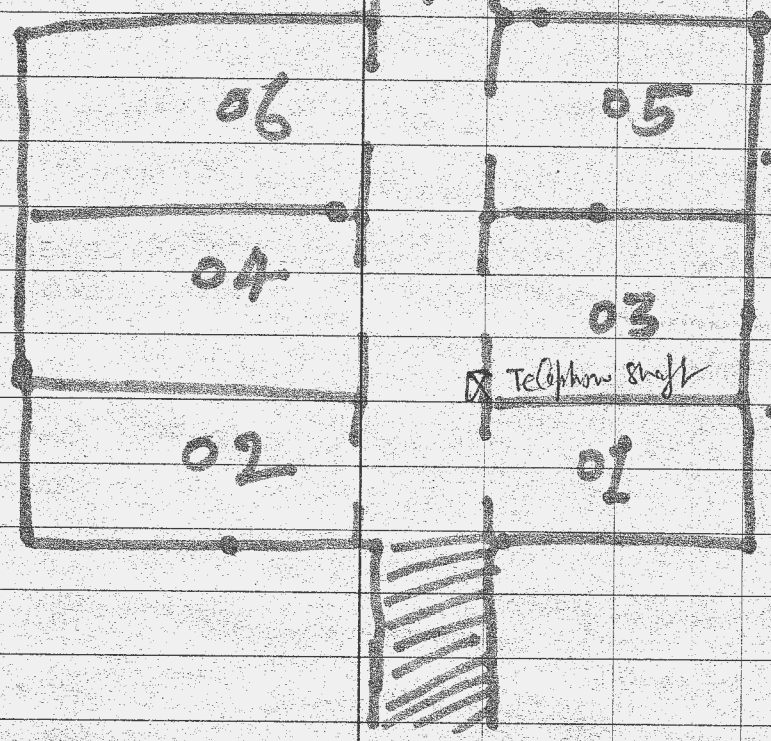
DETAILS OF ACTUAL MEASUREMENT

PARTICULARS

CONTENTS OF AREA

No. L B D

RAMA



11

MEASUREMENTS

Item No 1 - wiring of following light points with 24.029 PVC insulated PVC sheathed copper conductor cable in existing heavy duty PVC conduit (9mm thick) in recessed/concealed system - fixing of switches with cover plates, circuit wiring and 16 SWG copper earth wire etc. - testing & commissioning complete as required.

(i) one point controlled by one No Gamp one way switch

Flat No	Area	Flat No	Area	Total Area
Flat No 204	22 M ²	Flat No = 206	22 M ²	(A+B) 44 M ²
Flat No 101	26 M ²	Flat No = 901	22 M ²	48 M ²
Flat No 102	22 M ²	Flat No = 902	22 M ²	44 M ²
Flat No 201	22 M ²	Flat No = 905	22 M ²	44 M ²
Flat No 202	22 M ²	Flat No = 1001	22 M ²	44 M ²
Flat No 205	22 M ²	Flat No = 1002	22 M ²	44 M ²
Flat No 302	22 M ²	Flat No = 906	22 M ²	44 M ²
Flat No 305	22 M ²	Flat No = 1102	22 M ²	44 M ²
Flat No 401	22 M ²	Flat No = 601	22 M ²	44 M ²
Flat No 402	22 M ²			22 M ²
Flat No 501	22 M ²			22 M ²
Flat No 502	22 M ²			22 M ²
Flat No 506	22 M ²			22 M ²
Flat No 801	22 M ²			22 M ²
Flat No 802	22 M ²			22 M ²
Flat No 805	22 M ²			22 M ²
				<u>554 M²</u>

PARTICULARS

CONTENTS OF AREA

No. L B D

(i) Independent Point

Flat No	Cr	M	Flat No	L	B	D
Flat No 604	15	M	Flat No 801	14	M	29 M
Flat No 101	18	M	Flat No 802	14	M	32 M
Flat No 102	14	M	Flat No 805	14	M	28 M
Flat No 201	14	M	Flat No 806	14	M	28 M
Flat No 202	14	M	Flat No 901	14	M	28 M
Flat No 205	14	M	Flat No 902	14	M	28 M
Flat No 302	14	M	Flat No 905	14	M	28 M
Flat No 305	14	M	Flat No 1001	14	M	28 M
Flat No 401	14	M	Flat No 1002	14	M	28 M
Flat No 402	14	M	Flat No 906	14	M	28 M
Flat No 501	14	M	Flat No 1102	14	M	28 M
Flat No 502	14	M	Flat No 601	14	M	28 M
Flat No 506	14	M				14 M

Cr. Total = 355 = 355 M

(ii) On Junction Board

Flat No	Cr	M	Flat No	L	B	D
Flat No 604	4	M	Flat No 506	5	M	9 M
Flat No 101	4	M	Flat No 801	5	M	9 M
Flat No 102	5	M	Flat No 802	5	M	10 M
Flat No 201	5	M	Flat No 805	5	M	10 M
Flat No 202	5	M	Flat No 806	5	M	10 M
Flat No 205	5	M	Flat No 901	5	M	10 M
Flat No 302	5	M	Flat No 902	5	M	10 M
Flat No 305	5	M	Flat No 905	5	M	10 M
Flat No 401	5	M	Flat No 1001	5	M	10 M
Flat No 402	5	M	Flat No 1002	5	M	10 M
Flat No 501	5	M	Flat No 906	5	M	10 M
Flat No 502	5	M	Flat No 1102	5	M	10 M
			Flat No 601	5	M	5 M

= 123 M

PARTICULARS	DETAILS OF ACTUAL MEASUREMENT				CONTENTS OF AREA
	No.	L	B	D	
<p><u>Item No 3</u> - wiring of ceiling fan with 3/0.029 pvc insulated copper conductor cable in existing heavy duty pvc conduit (2mm thick) in recessed/concealed system - including fixing of switches with cover plate, circuit wiring and 1GSwh copper earth wire etc - commissioning & testing complete as required</p>					
		(A)		(B)	(A+B)
Flat No	G104	10 Mm	Flat No	801	8 Mm 18 Mm
Flat No	101	13 Mm	Flat No	802	8 Mm 21 Mm
Flat No	102	8 Mm	Flat No	805	8 Mm 16 Mm
Flat No	201	8 Mm	Flat No	806	8 Mm 16 Mm
Flat No	202	8 Mm	Flat No	901	8 Mm 16 Mm
Flat No	205	8 Mm	Flat No	902	8 Mm 16 Mm
Flat No	302	8 Mm	Flat No	905	8 Mm 16 Mm
Flat No	305	8 Mm	Flat No	1001	8 Mm 16 Mm
Flat No	401	8 Mm	Flat No	1002	8 Mm 16 Mm
Flat No	402	8 Mm	Flat No	906	8 Mm 16 Mm
Flat No	501	8 Mm	Flat No	1102	8 Mm 16 Mm
Flat No	502	8 Mm	Flat No	801	8 Mm 16 Mm
Flat No	506	8 Mm		-	8 Mm
<p><u>Gr. Total = 207 Mm = 207 Mm</u></p>					

PARTICULARS

DETAILS OF ACTUAL MEASUREMENT

CONTENTS AREA

Item No 4 - wiring of exhaust fan with 3/0.029 PVC insulated copper conduct cable in existing heavy duty PVC conduit in recessed/concealed systems - including fixing of switches with cover plate ceiling rose, circuit wiring, 1.5sqm copper earth wire etc - commissioning & testing complete as required

(A)			(B)			ATB
Flat No	G04	3 M	Flat No	801	3 M	6 M
Flat No	101	3 M	Flat No	802	3 M	6 M
Flat No	102	3 M	Flat No	805	3 M	6 M
Flat No	201	3 M	Flat No	806	3 M	6 M
Flat No	202	3 M	Flat No	901	3 M	6 M
Flat No	205	3 M	Flat No	902	3 M	6 M
Flat No	302	3 M	Flat No	905	3 M	6 M
Flat No	305	3 M	Flat No	1001	3 M	6 M
Flat No	401	3 M	Flat No	1002	3 M	6 M
Flat No	402	3 M	Flat No	906	3 M	6 M
Flat No	501	3 M	Flat No	1102	3 M	6 M
Flat No	502	3 M	Flat No	601	3 M	6 M
Flat No	506	3 M		-	3 M	

Gr-Total = 75 M = 75 M

03

PARTICULARS	DETAILS OF ACTUAL MEASUREMENT				CONTENTS OF AREA
	No.	L	B	D	

Item No 5 = wiring of 6 pin 16 amp power point with 7/0.029 pvc insulated copper conductor cable in existing heavy duty pvc conduit in recessed/concealed system including fixing of switches/socket with cover plate 16 SWG copper earth wire etc commissioning & testing - complete as required


		(A)		(B)	(A+B)
Flat No	604	7 M	Flat No	801	6 M 13 M
Flat No	101	7 M	Flat No	802	6 M 13 M
Flat No	102	6 M	Flat No	805	6 M 12 M
Flat No	201	6 M	Flat No	806	6 M 12 M
Flat No	202	6 M	Flat No	901	6 M 12 M
Flat No	205	6 M	Flat No	902	6 M 12 M
Flat No	302	6 M	Flat No	905	6 M 12 M
Flat No	305	6 M	Flat No	1001	6 M 12 M
Flat No	401	6 M	Flat No	1002	6 M 12 M
Flat No	402	6 M	Flat No	906	6 M 12 M
Flat No	501	6 M	Flat No	1102	6 M 12 M
Flat No	502	6 M	Flat No	601	6 M 12 M
Flat No	506	6 M		-	6 M

GT-Total = 152 = 152 M

Item No 6 = wiring of 6 pin, 16 amp power point with 710-036 MC insulated copper conductor cable in existing heavy duty PVC conduit in recessed/concealed system including fixing of switches/socket with cover plate, 16SWG copper earth wire etc - commissioning & test - complete as required

		(A)	(B)	(A+B)
Flat No	0104	8 Pt	Flat No 801	10 Pt 18 Pt
Flat No	101	10 Pt	Flat No 802	10 Pt 20 Pt
Flat No	102	10 Pt	Flat No 805	10 Pt 20 Pt
Flat No	201	10 Pt	Flat No 806	10 Pt 20 Pt
Flat No	202	10 Pt	Flat No 901	10 Pt 20 Pt
Flat No	205	10 Pt	Flat No 902	10 Pt 20 Pt
Flat No	302	10 Pt	Flat No 905	10 Pt 20 Pt
Flat No	305	10 Pt	Flat No 1001	10 Pt 20 Pt
Flat No	401	10 Pt	Flat No 1002	10 Pt 20 Pt
Flat No	402	10 Pt	Flat No 906	10 Pt 20 Pt
Flat No	501	10 Pt	Flat No 1102	10 Pt 20 Pt
Flat No	502	10 Pt	Flat No 601	10 Pt 20 Pt
Flat No	506	10 Pt		10 Pt

Gr-Total = 248 Pt = 248 Pt

 PARTICULARS			DETAILS OF ACTUAL MEASUREMENT				04 CONTENTS OF AREA
			No.	L	B	D	
Item No 7 = wiring for call bell point with 2/0.029 pvc insulated, pvc sheathed cable in existing heavy duty pvc conduit in recessed/concealed system - including fixing of push switches with cover plate 16 SWG copper earth wire etc - commissioning & testing - complete as required.							
		(A)			(B)	(A+B)	
Flat No	604	1 M ²	Flat No	801	1 M ²	2 M ²	
Flat No	101	1 M ²	Flat No	802	1 M ²	2 M ²	
Flat No	102	1 M ²	Flat No	805	1 M ²	2 M ²	
Flat No	201	1 M ²	Flat No	806	1 M ²	2 M ²	
Flat No	202	1 M ²	Flat No	901	1 M ²	2 M ²	
Flat No	205	1 M ²	Flat No	902	1 M ²	2 M ²	
Flat No	302	1 M ²	Flat No	905	1 M ²	2 M ²	
Flat No	305	1 M ²	Flat No	1001	1 M ²	2 M ²	
Flat No	401	1 M ²	Flat No	1002	1 M ²	2 M ²	
Flat No	402	1 M ²	Flat No	906	1 M ²	2 M ²	
Flat No	501	1 M ²	Flat No	1102	1 M ²	2 M ²	
Flat No	502	1 M ²	Flat No	601	1 M ²	2 M ²	
Flat No	506	1 M ²				1 M ²	
GRAND TOTAL = 25 M ²						25 M ²	

Item No-10 = Laying of following sizes of
0.61 mm dia meter annealed tinned copper
conductor PVC insulated and PVC sheathed
unarmoured telephone cable in existing
recessed/surface conduit, including
termination, complete as required

(ii) 2 Pair

From Telephone shaft to telephone out let
Point - each floor

(A)		(B)		(A+B)	
Flat No 604	80 Rm	Flat No 801	90 Rm	170 Rm	
Flat No 101	100 Rm	Flat No 802	90 Rm	190 Rm	
Flat No 102	95 Rm	Flat No 805	90 Rm	185 Rm	
Flat No 201	90 Rm	Flat No 806	90 Rm	180 Rm	
Flat No 202	95 Rm	Flat No 901	90 Rm	185 Rm	
Flat No 205	90 Rm	Flat No 902	90 Rm	180 Rm	
Flat No 302	90 Rm	Flat No 905	90 Rm	180 Rm	
Flat No 305	90 Rm	Flat No 1001	90 Rm	180 Rm	
Flat No 401	90 Rm	Flat No 1002	90 Rm	180 Rm	
Flat No 402	90 Rm	Flat No 906	90 Rm	180 Rm	
Flat No 501	90 Rm	Flat No 1102	90 Rm	180 Rm	
Flat No 502	90 Rm	Flat No 601	90 Rm	180 Rm	
Flat No 506	90 Rm			90 Rm	


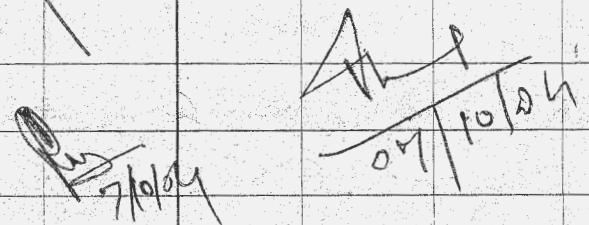
G-Total = 2260 Rm = 2260 Rm

Slam No 12 → Laying of following size of PVC insulated copper conductor single core cable in the existing surface recessed steel/PVC conduit - including cable termination - complete as required -

From - Flats to main fire shaft in corridor

		(A)	(B)	(A+B)
Flat No	604	90 Rm	Flat No 801	65 Rm 155 Rm
Flat No	101	65 Rm	Flat No 802	67 Rm 132 Rm
Flat No	102	67 Rm	Flat No 805	95 Rm 162 Rm
Flat No	201	65 Rm	Flat No 806	95 Rm 160 Rm
Flat No	202	67 Rm	Flat No 901	65 Rm 132 Rm
Flat No	205	95 Rm	Flat No 902	67 Rm 162 Rm
Flat No	302	67 Rm	Flat No 905	95 Rm 162 Rm
Flat No	305	95 Rm	Flat No 1001	65 Rm 160 Rm
Flat No	401	65 Rm	Flat No 1002	67 Rm 132 Rm
Flat No	402	67 Rm	Flat No 906	95 Rm 162 Rm
Flat No	501	65 Rm	Flat No 1102	67 Rm 132 Rm
Flat No	502	67 Rm	Flat No 601	65 Rm 132 Rm
Flat No	506	95 Rm		- 95 Rm

CI-Total = 1878 Rm = 1878 f

 PARTICULARS	DETAILS OF ACTUAL MEASUREMENT				CONTENTS OF AREA
	No.	L	B	D	
Item No - 15 = wiring for sub-main with following sizes of pvc insulated copper conductor single core cable in recessed surface heavy duty pvc conduit including termination, commissioning & testing complete as required.					
(i) <u>4x16mm²</u>					
(a)	From Flat No 201 to Electrical shaft - Corridor				32 R.m
(b)	do	202	do		34 R.m
(c)	do	205	do		29 R.m
(d)	do	301	do		32 R.m
(e)	do	302	do		34 R.m
(f)	do	401	do		32 R.m
(g)	do	402	do		34 R.m
(h)	do	501	do		32 R.m
(i)	do	502	do		34 R.m
(j)	do	506	do		24 R.m
(k)	do	801	do		32 R.m
(l)	do	802	do		34 R.m
C1 Total					= <u>378 R.m</u>
					



PARTICULARS

CONTENTS OF AREA

No. L B D

ABSTRACT OF COST

Amount

M/S L.G. Enterprises - Elect. work Towers e.r

Item No 1 = wiring of following light point with 310.029 or 310.036 pvc insulated copper conductor cable in existing heavy duty pvc conduit

R. 77285
W 0149
2004

(i) one point controlled by one No Gamp one way fitted

B/E M/O 1A - T.M.B 554 Mtr

554 Mtr @ 24-00 p.r
~~55.36~~ F.R
54.63 P.r = 13296-


(ii) one point controlled by 2 No Gamp two way fitted

B/E M/O 1 - T.M.B 251 Mtr

251 Mtr @ 28-00 p.r
~~67.25~~ F.R
66.34 P.r = 7028-

Item No 2 = wiring of 5 pin Gamp plug point with 310.029 pvc insulated copper conductor cable in existing heavy duty pvc conduit

(i) Independent point Total = 20324-

 PARTICULARS	DETAILS OF ACTUAL MEASUREMENT				CONTENTS OF AREA
	No.	L	B	D	
BIF M02 A - T.M.B	_____		355	Ph	
355 @ 27-00		P.R			= 9585-0
63-27		F.R			
62.44 Ph					
(ii) <u>on Switch Board</u>					
BIF M02 A - T.M.B	_____		123	Ph	
123 Ph @ 8-00		P.R			= 984-00
19-77		F.R			
19.51 Ph					
<p><u>Item No 3</u> = wiring of ceiling fan with 3/0.029 pure insulated copper conductor cable in heavy duty pure conduct (gum truck) in recessed - _____</p>					
BIF M02 - T.M.B	_____		207	Ph	
207 Ph @ 31-00		P.R			= 6417-00
79-09		F.R			
78.05 Ph					



PARTICULARS

DETAILS OF ACTUAL MEASUREMENT

CONTENT AREA

Item No 4 - wiring of exhaust fan with 3/0.029 msc insulated copper conductor cable in existing heavy duty msc conduit

B/F M 03A - T.M.B - 75 M

75 M @ $\frac{24-00}{59-32}$ P.U. = 1800-
 $\frac{58-53}{P.U.}$

Item No 5 - wiring of 6 pin 16amp power point with 7/0.029 msc insulated copper conductor cable in existing heavy duty msc conduit

B/F M 03 T.M.B - 152 M

152 M @ $\frac{36-00}{85-85}$ P.U. = 5472
 $\frac{27-55}{P.U.}$

Item No 6 - wiring of 6 pin 16amp power point with 7/0.036 msc insulated copper conductor cable in existing heavy duty msc conduit

B/F M 04A - T.M.B - 248 M

248 M @ $\frac{39-00}{93-66}$ P.U. = 9672
 $\frac{44-01}{P.U.}$

TOTAL = 54254-

PARTICULARS	DETAILS OF ACTUAL MEASUREMENT				CONTENTS OF AREA
	No.	L	B	D	
<p><u>Item No 7</u> = wiring for call bell point with 270.24 pure insulated, pure sheathed cable in existing ———</p>					
BIF M04 - T.M.B	————		25 M		
25 M @	30-0	P.I.L			
	24.18	F.I.L			750-00
	70.24 M				
<p><u>Item No 10</u> = Laying of following sizes of 0.61mm dia metal encased twisted copper conductor pure insulated and pure sheathed unarmoured telephone cable ———</p>					
(i) <u>2 Pair</u>					
BIF M05A - T.M.B	————		2260 M		
2260 M @	3-00	P.I.L			
	3.95	F.I.L			6780-00
	3.90 M				
(ii) <u>3 Pair</u>					
BIF M05 T.M.B	————		316-50 M		
316-50 M @	3-00	P.I.L			
	4.35	F.I.L			949-50
	4.29 M				

1700

PARTICULARS	DETAILS OF ACTUAL MEASUREMENT				CONTENTS OF AREA		
	No.	L	B	D			
<p><u>Item No 12</u> = Laying of following sizes of pvc insulated copper conductor single core cable in the existing surface / recessed steel / pvc conduit</p>							
<p>(i) <u>2 x 1.5 mm²</u></p>							
<p>BIF M/OGA - T.M.B. ————— 1878 Rm</p>							
<p>1878 Rm @</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black;"> $\begin{array}{r} 9.00 \text{ P.I.C.} \\ 3.10 \text{ P.I.C.} \\ 3.12 \text{ P.I.C.} \end{array}$ </td> <td style="width: 50%; vertical-align: middle;"> $= 3756.00$ </td> </tr> </table>						$\begin{array}{r} 9.00 \text{ P.I.C.} \\ 3.10 \text{ P.I.C.} \\ 3.12 \text{ P.I.C.} \end{array}$	$= 3756.00$
$\begin{array}{r} 9.00 \text{ P.I.C.} \\ 3.10 \text{ P.I.C.} \\ 3.12 \text{ P.I.C.} \end{array}$	$= 3756.00$						
<p><u>Item No 15</u> = Wiring for sub-main with following sizes of pvc insulated copper conductor single core cable in recessed / surface</p>							
<p>(i) <u>4 x 16 mm²</u></p>							
<p>BIF M/OG T.M.B. ————— 376 Rm</p>							
<p>376 Rm @</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black;"> $\begin{array}{r} 12.00 \text{ P.I.C.} \\ 18.78 \text{ P.I.C.} \\ 18.73 \text{ P.I.C.} \end{array}$ </td> <td style="width: 50%; vertical-align: middle;"> $= 4512.00$ </td> </tr> </table> <p style="text-align: right; margin-right: 20px;"><u>Cn-Total = 71,001.50</u></p>						$\begin{array}{r} 12.00 \text{ P.I.C.} \\ 18.78 \text{ P.I.C.} \\ 18.73 \text{ P.I.C.} \end{array}$	$= 4512.00$
$\begin{array}{r} 12.00 \text{ P.I.C.} \\ 18.78 \text{ P.I.C.} \\ 18.73 \text{ P.I.C.} \end{array}$	$= 4512.00$						
<p>H/O (= Recoring to be made at H/O level)</p> <p style="text-align: right;">7/10/04</p> <p style="text-align: right;">07/10/04</p>					<p>1485.00</p> <p>35</p> <p>69516.50</p> <hr/> <p>3950</p> <p>65966.50</p>		



PARTICULARS

DETAILS OF ACTUAL MEASUREMENT

CONTENTS OF AREA

No. L B D

Abstract

Electrification of Tower C-2 (GH) -

Malibon Town Cargason (RAI) -

Labour Rates

Gross work done

71001.50

Recoveries

TOS/5c

1485.00

1485.00

Labour Rates

69516.50

Pay order: Electrification Tower C-2

(GH) Malibon Cargason of

M/s L.G. Enterprise passed

for (Rs 69516.50) (Rupees six

nine thousand five hundred

sixteen & paise fifty only)

15/10/04

V. M. M. M.

Work order (149) under submission for approval

3552 1683- 5035



PARTICULARS

DETAILS OF ACTUAL MEASUREMENT

CONTENTS OF AREA

No. L B D

Abstract

Electrification of Tower e-2 (G.H)
Madiba Towne Georgetown (RA-1)

Gross work done

7001.50

WFO 149/2004

Amnt =	772256.49
w/done =	71001.50
	701854.99

Receipts

TDS 1485 -

1485 -

S deposit 3550 -

3550 -

5035 -

65966.50

Pay order Electrification of Tower
e-2 (G.H) Madiba Towne Georgetown
(RA-1) of M/s L.G. Enterprises

processed for Rs. 65966.50

(Rupees Sixty five thousand nine hundred sixty six & paise fifty)

K. Maheshwari

~~Done~~
 25/6/04
 15/10/04
 [Signature]

WORK/SITE.....

PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L.	B	D	
<p>M. B. No - A - II / 1</p> <p>TOWER - A - II</p> <p><u>MEASUREMENT</u></p>					
<p><u>CONTENTS</u></p>					
1.	I st	R.A. BILL	Page 1	1	
2.	II nd	R.A. BILL	Page 2 A to 5A		
3.	III rd	R.A. BILL	Page 5 to 13		
4.	6 th	R.A. BILL	Page 14A to 15		

6-11-98

XITH R.A. BILLTOWER - A2
50

WORK/SITE

PARTICULARS	DETAILS			CONTENTS OF AREA
	No.	L	B	
M/s - Ahluwalia Contracts (I) Ltd. Date of Measurement : 30.7.97				
(56/2) Filling brought earth (excluding rock) on sides of foundations and outside retaining wall etc in layers not exceeding 20 cm in depth, consolidating each deposited layer by ramming and watering for all leads & lifts.				
Qty Brought forward vide page 53/A MB A3/10 of Tower A1				= 2330.71 M ³
less: already paid				

XIITH R.A.B.U

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA		
	No.	L	B	D			
(6/8) M/S - Ahluwalia Contracts (P) Ltd Date of Measurement - 10-3-98							
(6/8) Steel bar reinforcement for R.C.C. work including straightening, cutting, bending, placing in position and bending in position with and including cost of 10 gauge annealed steel wires and welding in position where specifically required. Complete.							
Reinforcement of Cols from G.F. level to 10 th level (height - 6 ⁷ / ₈ level)							
Details	DIA	Nos	length	8φ	16φ	20φ	25φ
C1 - 4 Nos.	20φ	4x8	6 ⁷ / ₈ "			210.66	
	16φ	4x20	6 ⁷ / ₈ "		526.64		
Rings (a) - 1 No	8φ	4x1x2	14 ¹ / ₂ "	116.00			
b - 4 Nos.	8φ	4x4x2	3 ¹ / ₂ "	117.34			
c - 1 No	8φ	4x1x2	3 ¹ / ₂ "	28.00			
d - 4 Nos	8φ	4x4x2	2 ¹ / ₂ "	88.00			
C-2 - 2 Nos.	20φ	2x7	6 ⁷ / ₈ "			92.16	
	20φ	2x5	6 ¹ / ₂ "			61.67	
	16φ	2x16	6 ⁷ / ₈ "		210.66		
C-2 - 1 No	20φ	1x4	5 ¹ / ₂ "			22.67	
	20φ	1x3	6 ¹ / ₂ "			18.00	
	20φ	1x5	6 ⁷ / ₈ "			32.92	
	16φ	1x16	6 ⁷ / ₈ "		105.33		
C-2 - 1 No	20φ	1x1	5 ¹ / ₂ "			5.17	
	20φ	1x1	5 ⁷ / ₈ "			5.58	
			%	349.34	842.63	448.83	

WORK/SITE.

PARTICULARS	DETAILS				CONTENTS OF AREA		
	No.	L	B	D			
	DIA	Nos	length	8φ	16φ	20φ	25φ
	20φ		B/L	349.34	842.63	448.83	
	20φ	1x10	6'-7"			65.83	
	16φ	1x2	4'-4"		8.67		
	16φ	1x14	6'-7"		92.16		
Rings a = 1 No.	8φ	4x1x2	14'-6"	116.00			
b = 4 Nos	8φ	4x4x2	3'-8"	117.34			
c = 1 No	8φ	4x1x2	3'-6"	28.00			
d = 4 Nos	8φ	4x4x2	2'-9"	88.00			
C-3 - 2 Nos	20φ	2x1	6'-2"			12.33	
	20φ	2x1	5'-11"			11.83	
	20φ	2x1	6'-1"			12.17	
	20φ	2x1	6'-5"			12.83	
	20φ	2x4	6'-7"			52.66	
	16φ	2x20	6'-7"		263.32		
C-3 - 1 No.	20φ	1x1	6'-2"			6.17	
	20φ	1x4	5'-10"			23.83	
	20φ	1x3	6'-7"			19.75	
	16φ	1x20	6'-7"		131.66		
C-3 - 1 No.	20φ	1x8	6'-7"			52.66	
	16φ	1x5	5'-10"		29.17		
	16φ	1x1	6'-11"		4.92		
	16φ	1x14	6'-7"		92.16		
Rings a = 1 No	8φ	4x1x2	14'-6"	116.00			
b = 4 Nos	8φ	4x4x2	3'-8"	117.34			
c = 1 No	8φ	4x1x2	3'-6"	28.00			
d = 4 Nos	8φ	4x4x2	2'-9"	88.00			
			40	1048.02	1464.69	718.39	

WORK/SITE.....

PARTICULARS	DETAILS				CONTENTS OF AREA		
	No.	L	B	P			
C-4 Nos	25φ	4x1	4'-2"	104.81	16φ	20φ	25φ
	25φ	4x1	3'-3"		14.64	718.39	16.67
	25φ	4x22	6'-7"				13.00
	20φ	4x7	6'-7"			184.32	579.30
	20φ	4x1	3'-3"			3.25	15.00
Rings a (1No)	8φ	4x1x2	14'-4"	114.66			
b (2Nos)	8φ	4x2x2	3'-8"	58.67			
c (1No)	8φ	4x1x2	2'-5"	19.34			
d (5Nos)	8φ	4x5x2	2'-9"	110.00			
C-5 - 1No	16φ	1x1	3'-1"			8.00	
	16φ	1x15	6'-7"			98.75	
C-5 - 1No	16φ	1x1	5'-8"			5.67	
	16φ	1x2	6'-3"			12.50	
	16φ	1x1	5'-7"			5.58	
	16φ	1x1	5'-1"			5.00	
	16φ	1x1	3'-3"			3.25	
	16φ	1x10	6'-7"			65.83	
	16φ	1x1	6'-2"			6.17	
CS - 1No	16φ	1x15	6'-7"			98.75	
	16φ	1x5	7'-5"			7.00	
CS - 1No	16φ	1x11	6'-7"			72.41	
	8φ	4x1x2	6'-5"	51.34			
b = 2Nos	8φ	4x2x2	2'-3 1/2"	36.67			
c = 3Nos	8φ	4x3x2	2'-9"	68.00			
C-6 - 1No	20φ	1x4 1x4	3'-5"			13.67	
	20φ	1x8	6'-7"			27.34	
C-6 - 1No	20φ	1x4	3'-4"			52.66	
	20φ	1x4 1x4	3'-9"			13.33	
				1504.70	1848.84	989.37	608.97

999.12

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA		
	No.	L	B	D	999.11		
	Ø 1A	Nos.	length	Ø	16 Ø	20 Ø	25 Ø
			8/1	1504.70	1848.84	909.37	608.97
	20 Ø	1x7	6'7"			46.08	
C-6 - 2 Nos	20 Ø	2x1	6'3"			12.50	
	20 Ø	2x4	4'3"			34.00	
	20 Ø	2x1	4'6"			9.00	
	20 Ø	2x6	6'7"			79.00	
C-7 - 2 Nos	20 Ø	2x2	3'3"			13.00	
	20 Ø	2x1	4'6"			9.00	
	20 Ø	2x2	3'8"			14.67	
	20 Ø	2x3	2'9"			16.50	
	20 Ø	2x1	5'7"			11.17	
	20 Ø	2x23	6'7"			302.82	
C7 - 1 No.	20 Ø	1x8	6'2"			49.34	
	20 Ø	1x24	6'7"			157.99	
C7 - 1 No.	20 Ø	1x3	3'4"			10.00	
	20 Ø	1x1	3'1"			3.00	
	20 Ø	1x1	2'8"			2.67	
	20 Ø	1x3	3'3"			9.75	
	20 Ø	1x2	3'5"			6.83	
	20 Ø	1x2	3'1"			6.17	
	20 Ø	1x5	6'2"			30.84	
	20 Ø	1x5	6'7"			98.75	
long. a = 1 No.	Ø Ø	4x1x2	14'3"			114.00	
b = 2 Nos	Ø Ø	4x2x2	3'8"			58.67	
c = 4 Nos	Ø Ø	4x4x2	2'6 1/2"			81.34	
e = 4 Nos	Ø Ø	4x4x2	2'9"			88.00	
C-6 long a = 1 No.	Ø Ø	4x1x2	7'11"			63.34	
b = 1 No	Ø Ø	4x1x2	3'10"			30.66	
c = 4 Nos	Ø Ø	4x4x2	2'40"			90.66	
			%	2031.37	1840.84	2217.45	608.97

WORK/SITE 17.11.28

PARTICULARS	DETAILS				CONTENTS OF AREA		
	No.	L	B	D			
	DIA	Nos	length b/f	A 2031.37	16 1848.84	20 2217.45	25 6081.9
C-8 - 1 No	25φ	1x8	6'7"				52.66
	20φ	1x30	6'7"				197.49
C8 - 1 No	20φ	1x6	3'3"				19.50
	20φ	1x7	4'1"				4.08
	20φ	1x1	5'6"				5.50
	20φ	1x22	6'7"				144.83
	25φ	1x2	4'11"				9.83
	25φ	1x6	6'7"				39.50
C8 - 1 No	25φ	1x8	6'7"				52.66
	20φ	1x9	3'1"				27.75
	20φ	1x4	2'10"				11.33
	20φ	1x1	3'8"				3.67
	20φ	1x1	5'7"				5.58
	20φ	1x1	6'1"				6.08
	20φ	1x14	6'7"				92.16
C8 - 1 No	20φ	1x1	4'9"				4.75
	20φ	1x1	6'0"				6.00
	20φ	1x28	6'7"				184.32
	25φ	1x8	6'7"				52.66
Ties - a = 1 No	8φ	4x1x2	11'0"	88.00			
b = 2 No	8φ	4x2x2	5'6"	88.00			
c = 6 No	8φ	4x6x2	3'0"	144.00			
d = 3 No	8φ	4x3x2	3'0"	88.00			
C9 - 2 No	20φ	2x36	6'7"				473.90
C9 - 1 No	20φ	1x4	4'3"				17.00
	20φ	1x32	6'7"				210.66
C9 - 1 No	20φ	1x2	3'0"				6.00
	20φ	1x2	6'3"				12.50
				2439.38	1848.84	3650.63	816.2

3365.71

WORK/SITE

35.5.46

PARTICULARS	DETAILS				CONTENTS OF AREA (3345.21)		
	No.	L	B	D			
	DIA	Nos	length	B	D		
	20φ	1x3	5'-10"	29.3438	1048.84	20φ 3650.63	
	20φ	1x3	6'-0"			25φ 816.28	
	20φ	1x1	6'-3"			17.50 ✓	
	20φ	1x2	4'-5"			18.00 ✓	
	20φ	1x1	6'-2"			6.25 ✓	
	20φ	1x22	6'-7"			8.83 ✓	
	20φ	1x22	6'-7"			6.17 ✓	
	20φ	1x22	6'-7"			144.83 ✓	
Rings	a = 1 no	8φ	4x1x2	9'-6"	76.00	✓	
	b = 1 no	8φ	4x1x2	7'-11/2"	63.66	✓	
	c = 6 nos	8φ	4x6x2	2'-9"	132.00	✓	
	d = 3 nos	8φ	4x3x2	3'-4"	79.99	✓	
C10 - 2 nos	20φ	2x2	4'-5"			17.67 ✓	
	20φ	2x1	6'-2"			12.33 ✓	
	20φ	2x15	6'-7"			197.49 ✓	
Ties	a = 1 no	8φ	2x1x2	9'-6"	38.00	✓	
	b = 1 no	8φ	2x1x2	7'-11"	31.67	✓	
	c = 6 nos	8φ	2x6x2	2'-9"	66.00	✓	
	d = 3 nos	8φ	2x3x2	3'-4"	40.00	✓	
C11 - 4 nos	20φ	4x3	6'-2"			74.00 ✓	
	20φ	4x15	6'-7"			394.98 ✓	
	25φ	4x24	6'-7"			631.97 ✓	
Rings a = 1 no	8φ	4x1x2	17'-2"	137.34	✓		
	b = 8 nos	8φ	4x8x2	2'-9"	176.00	✓	
	c = 4 nos	8φ	4x4x2	3'-10"	122.66	✓	
C12 - 2 nos	20φ	2x5	6'-2"			61.67 ✓	
	20φ	2x2	5'-6"			22.00 ✓	
	20φ	2x1	5'-2"			10.33 ✓	
	20φ	2x1	4'-8"			9.33 ✓	
	20φ	2x1	4'-0"			8.00 ✓	
			%	3402.70	1048.84	4660.01	
						1430.25	

1711

20-704
456
455

1180
764
716

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA (6355.09) 1448.25		
	No.	L	B	H			
	20φ	2x1	3L9"	370.70	1848.04	20φ 466.00 7.50	25φ 113.0125
	20φ	2x27	6L7"			355.40	
C-12 - 2Nos	25φ	2x4	6L7"				52.66
Ties a = 1no	8φ	2x1x2	17.2"	68.67			
b = 8nos	8φ	2x8x2	2L9"	88.00			
c = 4Nos	8φ	2x4x2	3L10"	61.33			
C-13 - 2Nos	25φ	2x8	6L7"				105.33
	20φ	2x8	6L7"			105.33	
C13 - 1No.	25φ	1x1	4L2"				41.17
	25φ	1x7	6L7"				46.08
	20φ	1x8	6L7"			52.66	
C13 - 1No	25φ	1x8	6L7"				52.66
	20φ	1x4	6L2"			24.67	
	20φ	1x4	6L7"			26.33	
Ties a = 1no	8φ	4x1x2	6L7"	52.66			
b = 2nos	8φ	4x2x2	25L1"	39.33			
c = 3nos	8φ	4x3x2	2L9"	66.00			
C14 - 8Nos	20φ	8x3	6L4"			151.99	
	20φ	8x9	6L7"			473.90	
	16φ	8x16	6L7"		842.62		
C15 & C15A - 16 nos.							
	25φ	16x12	6L7"				1263.94
Ties a = 1no	8φ	16x1x2	7L11"	253.34			
b = 1no	8φ	16x1x2	3L10"	122.66			
c = 4nos	8φ	16x4x2	2L10"	362.62			
C-16 - 2Nos	20φ	2x1	2L6"			5.00	
	20φ	2x3	6L7"			39.50	
	16φ	2x8	6L7"		105.33		
			40	4517.31	2796.79	5902.45	2955.09

(205.40)

507.24 (5597.53) 12973.09



WORK/SITE

PARTICULARS	DETAILS				567-28 CONTENTS OF AREA		
	No.	L	B	D	5592.53	2973.88	
C16 - 2 nos	20φ	2x4	5'-7"	4517.31	2796.79	5702.45	2955.09
	16φ	2x2	5'-7"			44.66	
	16φ	2x6	6'-7"		105.33		
C16 - 2 nos	20φ	2x1	6'-1"			12.17	
	20φ	2x3	6'-7"			39.50	
	16φ	2x8	6'-7"		105.33		
C16 - 2 nos	20φ	2x4	6'-7"			52.66	
	16φ	2x8	6'-7"		105.33		
T/O a = 1 no	8φ	8x1x2	7'-11"		126.67		
b = 1 no	8φ	8x1x2	3'-10"		61.33		
c = 4 nos	8φ	8x4x2	2'-10"		181.31		
Total						5746.52	
		in ft		4006.62	3108.78	6051.44	2955.09
		in metr		1489.44	947.56	1844.18	900.71
		wt in kg metr		0.395	1.58	2.467	3.05
		wt in kgs		588.33	1497.14	4550.33	3467.73
						4321.05	3485.87
					9874.25	4518.28	
					9902.72		
					10.103 MT	9.903 MT	9.903 MT
<p>Reinforcement cut from the A2 Tower in order to protect the bars from rusting above height 2.00 M as directed by the consultant</p>							
Truck No	DMG-0423						
SIF NO?	Empty weight	- 6970 kg					
	Crss	- 4065 kg					
	Net	= 7895 kg					
		7.895 MT					

NOTE: - This quantity details are for the 1st floor only.

WORK/SITE

PARTICULARS	DETAILS			CONTENTS OF AREA
	No.	L	B	
(60/5) Centring and shuttering including strutting, propping etc. and removal of form for				
(d) <u>Column + Capitals</u> :-				
for covering exposed steel above ground floor				
C1, C2, C3 - 12 nos	12x2	6'-8"	6'-11"	1106.78 sft
	15x2	0'-9"	6'-11"	124.51 "
C4 - 4 nos	4x2	0'-9"	6'-11"	41.50 "
	4x1	(2'-7 1/2" + 4'-2")	6'-11"	187.92 "
	4x1	(3'-5" + 1'-8 1/2")	6'-11"	146.42 "
C5 - 4 nos	4x2	2'-7 1/2"	6'-11"	145.26 "
	4x2	0'-9"	6'-11"	41.50 "
C6 - 4 nos	4x2	3'-4 1/2"	6'-11"	186.76 "
	4x2	0'-9"	6'-11"	41.50 "
C7 - 4 nos	4x1	(3'-4 1/2" + 3'-4 1/2")	6'-11"	186.76 "
	4x1	(2'-7 1/2" + 2'-7 1/2")	6'-11"	145.26 "
	4x2	0'-9"	6'-11"	41.50 "
C8 - 4 nos.	4x2	(1'-8" + 1'-4 1/2")	6'-11"	168.33 "
	4x1	(4'-2" + 3'-6 1/2")	6'-11"	213.26
	4x2	0'-9"	6'-11"	213.26
	4x2	0'-9"	6'-11"	41.50 "
C9 - 4 nos	4x1	4'-2"	6'-11"	115.29 "
	4x3	0'-9"	6'-11"	62.25 "
	4x2	2'-7 1/2"	6'-11"	145.26 "
	4x2	1'-8 1/2"	6'-11"	94.51 "
C10 - 2 nos	2x1	4'-2"	6'-11"	57.65 "
	2x3	0'-9"	6'-11"	31.13 "
	2x2	2'-7 1/2"	6'-11"	72.63 "
	2x2	1'-8 1/2"	6'-11"	47.26 "
C11 - 4 nos	4x2	8'-0"	6'-11"	442.69 "
	4x2	0'-9"	6'-11"	41.50 "
				40
				3783.70 sft

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
				B/F	3928.93
					3928.965 ft
C12 - 2 nos	2x2	8 1/2"	6 1/2"		3783.705 ft
	2x2	8 1/2"	6 1/2"		221.34 "
C13 - 4 nos	4x2	21 7/8"	6 1/2"		20.75 "
	4x2	8 1/2"	6 1/2"		145.26 "
C14 - 8 nos	8x2	6 1/2"	6 1/2"		41.50 "
	8x2	8 1/2"	6 1/2"		737.85 "
C15 - 6 nos	6x2	3 1/2"	6 1/2"		83.00 "
	6x2	8 1/2"	6 1/2"		280.74 "
C15A - 10 nos	10x2	3 1/2"	6 1/2"		62.25 "
	10x2	8 1/2"	6 1/2"		466.90 "
C16 - 8 nos	8x2	3 1/2"	6 1/2"		103.76 "
	8x2	8 1/2"	6 1/2"		373.52 "
					83.00 "

6548.20
6402.975 ft
6540.238 ft
600.33 m²

% abstract MBAD/2
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WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
(59/2) Reinforced Cement Concrete work in Cement Concrete grade M-20 with graded stone aggregate 20 mm nominal size as per specifications and drawings excluding cost of casting, shuttering and reinforcement but including cost of making shore bay & provisions of construction / contraction joints, as per design & smooth finishing, wherever required all exposed surfaces with 6mm thick Cement plaster mix 1:3 (1 Cement: 3 fine sand) on all levels and floors including all lifts and leads involved complete in					
(e) Columns & Capitals.					
(B) Provide mortar (ie 1:3:6) to protect the steel bars projected outside above as per the consultant advice					
C1, C2 C3 - 12 nos	12x1	6'8"	0'9"	6'11"	415.04 cu
C4 - 4 nos	4x1	4'2"	0'9"	6'11"	86.47 "
	4x1	4'6 1/2"	0'9"	6'11"	38.91 "
C5 - 4 nos	4x1	2'7 1/2"	0'9"	6'11"	54.47 "
C6 - 4 nos	4x1	3'4 1/2"	0'9"	6'11"	70.03 "
C7 - 4 nos	4x1	3'4 1/2"	0'9"	6'11"	70.03 "
	4x1	2'7 1/2"	0'9"	6'11"	54.47 "
C8 - 4 nos	4x2	1'8" + 1'4 1/2"	0'9"	6'11"	63.12 "
	4x1	4'2" + 3'8 1/2"	0'9"	6'11"	79.98 "
C9 - 4 nos	4x1	4'2"	0'9"	6'11"	86.47 "
	4x1	2'7 1/2"	0'9"	6'11"	54.47 "
C10 - 2 nos	2x1	4'2"	0'9"	6'11"	43.23 "
C11 - 4 nos	4x1	8'0"	0'9"	6'11"	166.01 "
					1282.69
				%	1282.70 cu

1717

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA 1282.69
	No.	L	B	D	
				B/F	1282.70CH
C12 - 2 nos	2x1	8L0"	0L9"	6L11"	83.00 ✓
C13 - 4 nos	4x1	2L7 1/2"	0L9"	6L11"	59.47 ✓
C14 - 8 nos	8x1	6L8"	0L9"	6L11"	276.69 ✓
C15 - 6 nos	6x1	3L4 1/2"	0L9"	6L11"	105.05 ✓
C15A - 10 nos	10x1	3L4 1/2"	0L9"	6L11"	175.09 ✓
C16 - 8 nos	8x1	3L4 1/2"	0L9"	6L11"	140.10 ✓ 104.07
					2117.06 2117.10CH
					or # 59.91M3
					1/100 abstract
					MBAD 1/2 page 30 29
					<i>[Handwritten signatures and dates]</i>

Mr. R...
12/5/98
3/4/98

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2/4/98
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2/4/98



WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA	
	No.	L	B	D		
M/S - Ahluwalia Contracts (I) Ltd.						
Date of Measurement - 17-04-98						
(59/2) Reinforced Cement Concrete work in Cement Concrete grade M-20 with graded stone aggregate 20mm nominal size as per specifications and drawings excluding cost of formwork, shuttering and reinforcement but including cost of making shear keys and provision of construction / contraction control joints as per design and smooth finishing wherever required, all exposed surfaces with 6mm thick plaster mix 1:3 (1 Cement : 3 fine sand) on all levels and floors including all lifts & leads involved complete in						
(b) Retaining wall walls other than retaining wall.						
(B) Paid in (1:1:3:6) to protect the steel bars projected above G.Floor level as per Consultant's advice						
Left wall	L1	1x1	18'0"	0'9"	6'11"	93.30 cft
	L2	1x1	5'7"	0'9"	6'11"	28.96 "
	S1	1x2	7'0"	0'9"	6'11"	72.63 "
	S2	1x2	11'6"	0'9"	6'11"	119.32 "
Shear wall	SH1 - 2no	1x2	7'4 1/2"	0'9"	6'11"	76.52 " 76.51
	SH1	1x2	5'6"	0'9"	6'11"	57.07 " 57.06
		1x2	3'0"	0'9"	6'11"	31.13 "
	SH2 - 1no	1x1	9'9"	0'9"	6'11"	50.58 "
		1x1	5'6"	0'9"	6'11"	28.53 "
		1x1	3'0"	0'9"	6'11"	15.56 "
SH3 - 1no	1x1	3'4 1/2"	0'9"	6'11"	17.51 "	
	1x1	4'4 1/2"	0'9"	6'11"	21.40 "	
					c/o	612.59 cft

WORK/SITE

PARTICULARS	DETAILS			CONTENTS OF AREA
	No.	L	B	
			B/F	612.54 CH 612.57
				17.34 M ³
				% to abstract MB AB/2 Page 33
(60/5) Centring + shuttering including strutting, propping etc and removal of form for.				
(a) walls other than retaining walls				
left wall	1x1	(10'0" + 7'1")	6'4 1/2"	173.50 CH
	1x2	8'3"	6'4 1/2"	114.13 "
	1x1	5'7"	6'4 1/2"	38.62 "
short wall	1x1	7'9"	6'4 1/2"	53.61 "
	1x4	7'6"	6'4 1/2"	193.68 "
	1x1	3'9"	6'4 1/2"	25.94 "
	1x2	10'9"	6'4 1/2"	148.72 "
	1x1	11'6"	6'4 1/2"	79.55 "
	1x4	0'9"	6'4 1/2"	20.75 "
SH1 - 2 nos	1x2	(8'4 1/2" + 5'6" + 3'6" + 10'9")	6'4 1/2"	250.74 "
	1x2	(7'4 1/2" + 4'6" + 3'6" + 10'9")	6'4 1/2"	209.24 "
SH2 - 1 no	1x1	(10'6" + 5'6" + 3'6" + 10'9")	6'4 1/2"	141.80 (140.07) (A)
	1x1	(9'9" + 4'9" + 3'6" + 10'9")	6'4 1/2"	121.05 "
SH3 - 1 no	1x2	(3'6" + 10'9")	6'4 1/2"	57.07 "
	1x2	(4'4 1/2" + 10'9")	6'4 1/2"	67.44 "
				1695.84 (1694.11) CH
				157.54 M ²
				157.38 M ²
				% to abstract MB AB/2 Page 33

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA	
	No.	L	B	D		
(61/8) Steel bar reinforcement for R.C.C. work including straightening, cutting, bending, placing in position and bending in position with and including cost of 10 gauge annealed steel wires and welding in position where specifically required. Complete.						
Reinforcement of shear left wall from G.F. to 10'4 1/2" level						
	DIA	Nos	length	8φ	16φ	20φ
Left wall	20φ	4x1	2'3"			9.00 ✓
	20φ	1x1	2'10"			2.03 ✓
	20φ	2x1	2'9"			5.50 ✓
	20φ	1x1	1'9"			1.75 ✓
	20φ	2x1	2'5"			4.03 ✓
	20φ	1x1	2'3"			2.25 ✓
	20φ	1x1	3'0"			3.00 ✓
	20φ	1x1	2'4"			2.33 ✓
	20φ	6x1	2'9"			16.50 ✓
	20φ	2x1	2'7"			5.17 ✓
	20φ	2x1	2'7"			5.17 ✓
	20φ	2x1	2'11"			5.03 ✓
	20φ	2x1	2'7"			5.17 ✓
	20φ	1x1	3'0"			3.00 ✓
	20φ	1x1	3'4"			3.33 ✓
	20φ	1x1	2'7"			2.50 ✓
	20φ	1x1	2'9"			2.75 ✓
	20φ	1x1	3'3 1/2"			3.29 ✓
	20φ	1x1	3'0"			3.00 ✓
	20φ	3x1	3'3"			9.75 ✓
	20φ	1x1	3'3"			3.25 ✓
			%			100.20 RPH

WORK/SITE

PARTICULARS		DETAILS				CONTENTS OF AREA
		No.	L	B	D	
	1		B/A	—	+	100.28
	DIA	Nos	Length	Ø		20 Ø
	20Ø	1x1	2'2"			2.17 ✓
	20Ø	1x1	2'6"			2.50 ✓
	20Ø	1x1	3'2"			3.17 ✓
	20Ø	1x1	2'5"			2.42 ✓
	20Ø	35x1	6'7"			230.41 ✓
	20Ø	12x1	6'7"			79.00 ✓
	16Ø	1x4	3'9"		15.00	
	16Ø	1x2	2'0"		4.00	✓
	16Ø	1x1	2'11"		2.92	✓
	16Ø	1x2	3'1"		6.17	✓
	16Ø	1x1	2'4"		2.08	✓
	16Ø	1x1	3'3"		3.25	✓
	16Ø	1x2	3'2"		6.33	✓
	16Ø	1x1	5'10"		5.83	✓
	16Ø	1x1	4'3"		4.25	✓
	16Ø	1x1	4'7"		4.58	✓
	16Ø	1x1	3'7"		3.58	✓
	16Ø	1x1	3'1"		3.08	✓
	16Ø	1x1	2'2"		2.17	✓
	16Ø	1x3	4'6"		13.50	✓
	16Ø	1x1	5'5"		5.42	✓
	16Ø	1x1	4'7"		4.58	
	16Ø	1x1	3'0"		3.00	✓
	16Ø	1x1	4'6"		4.50	✓
	16Ø	1x1	1'10"		1.83	✓
	16Ø	1x6	4'9"		28.50	✓
			∅	—	124.57	419.95

WORK/SITE

PARTICULARS	DIA	Nos	DETAILS			CONTENTS OF AREA	
			No.	L	B		D
				B/F		24.57	419.95
			Length	Ø		16.4	204
	16φ	1x6	4'10"			29.00	✓
	16φ	1x4	2'3"			9.00	✓
	16φ	1x7	4'3"			29.75	✓
	16φ	1x2	1'11"			3.83	✓
	16φ	1x2	2'5"			4.83	✓
	16φ	1x3	3'5"			10.25	✓
	16φ	1x3	4'3"			12.75	✓
	16φ	1x2	3'9"			7.50	✓
	16φ	1x2	1'11"			3.83	✓
	16φ	1x2	2'7"			5.17	✓
	16φ	1x1	4'2"			4.17	✓
	16φ	1x1	5'7"			5.50	✓
	16φ	1x4	3'7"			14.33	✓
	16φ	1x84	6'7"			552.97	✓
SH1 - nos.	20φ	1x1	3'4"				3.33 ✓
	20φ	1x1	3'3"				3.25 ✓
	20φ	1x1	5'3"				5.25 ✓
	20φ	1x1	3'2"				3.17 ✓
	20φ	1x1	3'4"				3.33 ✓
	20φ	1x1	3'7"				3.58 ✓
	20φ	1x1	3'1"				3.00 ✓
	20φ	1x2	3'2"				6.33 ✓
	16φ	1x0	3'5"			27.34	
	20φ	1x11	6'7"				72.41 ✓
	16φ	1x40	6'7"			263.32	
	20φ	1x1	6'0"				6.00 ✓
	20φ	1x1	3'0"				3.83 ✓
			%			(1107.19)	533.51 ✓

WORK/SITE

PARTICULARS	DETAILS			1108.19	CONTENTS OF AREA
	No.	L	B		
		B/F	—	(1107.19)	533.51
	DIA	Nbs	Length	8φ	16φ
	20φ	1x1	4'4"		200
	20φ	1x17	6'7"		4.00
	16φ	1x8	3'9"		111.91
	16φ	1x40	6'7"	30.00	
SH2 - 1no.	20φ	1x1	5'8"	263.32	
	20φ	1x1	4'4"		5.67
	20φ	1x2	4'8"		4.33
	20φ	1x1	2'4"		9.33
	20φ	1x1	4'6"		2.33
	20φ	1x1	2'3"		4.50
	20φ	1x1	4'8"		2.25
	20φ	1x1	2'9"		4.67
	20φ	1x2	5'3"		2.75
	20φ	1x3	2'40"		10.50
	20φ	1x22	6'7"		8.50
	16φ	1x8	3'0"	24.00	144.83
	16φ	1x5	2'11"	14.59	
	16φ	1x1	5'10"	5.83	
	16φ	1x28	6'7"	184.32	
SH3.	20φ	1x2	2'40 1/2"		5.75
	20φ	1x2	2'27 1/2"		4.42
	20φ	1x2	2'4"		4.67
	20φ	1x1	3'2"		3.17
	20φ	1x1	6'1"		6.08
	20φ	1x1	2'8"		2.67
	16φ	1x1	2'7"	2.58	
	20φ	1x19	6'7"		125.00
		%	—	(1631.83)	1001.00

WORK/SITE

PARTICULARS	DETAILS				1632-83 CONTENTS OF AREA	
	No.	L	B	D		
		B/F			(163/83)	1001.00
	D/A	NOS	length	Ø	164	204
Left wall Ties -	164	1x1	6'-7"		6.58	
t1	Ø	2x2x1	3'4 1/2"	93.00		
t2	Ø	2x8x1	3'4 1/2"	62.00		
t4	Ø	1x7x1	3'4 1/2"	27.13		
t5	Ø	2x8x1	3'4 1/2"	62.00		
SH1 ties						
t1	Ø	2x8x1	3'4 1/2"	62.00		
t3	Ø	2x2x1	3'4 1/2"	15.50		
t4	Ø	2x2x1	3'4 1/2"	15.50		
t5	Ø	2x2x1	3'4 1/2"	15.50		
Tie SH2						
t1	Ø	1x10x1	3'4 1/2"	38.75		
t2	Ø	1x4x1	3'4 1/2"	15.50		
t3	Ø	1x2x1	3'4 1/2"	7.75		
t4	Ø	1x2x1	3'4 1/2"	7.75		
t5	Ø	1x2x1	3'4 1/2"	7.75		
SH3 - 1 No tie						
t1	Ø	1x4x1	3'4 1/2"	15.50		
t2	Ø	1x5x1	3'4 1/2"	19.38		

Total in ft	465.01	(1638.41)	1001.00
in meter	141.74	(499.39)	305.10
in kg/m	0.395	1.50	2467
in kg	55.76	(789.04)	752.68
	55.89	789.51	

Total = 1597.48 kgs 1598.18

1.597 M.T.

1598 MT

130 PTD A.2
Mr. Patil

29/04/98
27/10/00
21/06/98

TOWER - A-2

XIVTH R.A BILL

WORK/SITE

PARTICULARS	DETAILS			CONTENTS OF AREA
	No.	L	B	
M/s - Ahluwalia Contract (I) Ltd. Date of Measurement - 05-05-98 (work done up to 03/5)				
(56/4) Filling with Jamuna river sand under floor, over raft including watering, ramming, consolidating and dressing complete.				
Qty same as A-1 tower vide MB A1/14 Page 18/19				92.77 M ³
				% to abstract MBA/1/2 Page 35
(57/2) Providing & laying Cement Concrete mix 1:4:8 (1 Cement : 4 coarse sand : 8 graded stone aggregate 40 mm nominal size) under floor over sand filling complete.				
Qty same as A1 tower vide page 18 MBA/14				57.35 M ³
				% to abstract MB A1/2 Page 35
2/1 Brickwork with first class burnt bricks of class designation 100 in foundation plinth of super-structure on all levels in cement mortar 1:6 (1 cement : 6 sand)				
Qty same as A1 tower vide page 24/A MBA/14				49.75 M ³
less.	2x2	10 1/2"	0 1/4"	9 1/8" = 1.0925 m
				50.43 M ³
				or 1.18.28 M ³
				% to abstract MBA/2 Page 37
				42.15 M ³
				41.47 M ³

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
(57/3) Providing & laying Cement Concrete 1:2:4 (1 Cement : 2 Coarse sand : 4 graded stone aggregate 20 mm nominal size) on all floor loads, in string or facing Course, parapets, Copings, bed blocks, anchor blocks, plain window sills & like excluding the cost of Centering shuttering and finishing.					
As same as A-tawa					<p>note page 20 MB A1/14 marked (A)</p> <p>5146.92 5147.55 5150.21 44</p> <p>or</p> <p>145.75 MB 145.68 145.66</p> <p>% to abs book MB A1/2 Page 35</p>
(61/8) steel bar reinforcement for R.C.C. work including straightening, cutting, bending, placing in position and binding in position with and including cost of 18 gauge annealed steel wires and welding in position where specifically required. Conflat.					
1. Cold twisted high strength deformed bars grade.					
for Coatings					
	Øφ	78x4	140"	571.894	
	Øφ	78x6	1'-2"	546.1674	
				1118.054	
				or 340.78 RM	
	wt of steel	=	340.78 x 395		
		=	%		134.61 Kgs

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
				6/8	134.61 bgs
Central flange or Dia					
	12	12	640"	62.00 bgs	
Col of box	12	5 x 10	6'-2"	308.35"	
Col of A side	12	2 x 8	3'-8"	58.67"	
				449.02 bgs	
				or 136.86 M.	
wt of steel =		136.86 x 0.888	=		121.537 bgs
					258.16 Kgs
					0.258 M.T
					1/2 of abstract P&B A 1/2 page 37/A

(59/2) Reinforced Cement Concrete work in cement concrete grade M-20 with graded stone aggregate 20 mm nominal size as per specifications and drawing excluding cost of centering, shuttering + reinforcement but including cost of making shear keys + provision of construction / contraction joints as per design and smooth finishing wherever requirements required, all exposed surfaces with 6mm thick cement plaster mix 1:3 (Cement: 3 fine sand), and on all levels + floors including all lifts + leads involved complete in

(A) Columns + Capitals

(B) Paint in (e 1:3:6) to protect the steel bars projected outside as per consultant's advice.

WORK/SITE

PARTICULARS.	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
Central staircase -	2x1	34"	7'2"	0'9"	16.57 sqft
NTA side of 2m	2x1	12'6"	1'6"	4'6"	18.00 "
Perch Cols 5m	5x1	1'9"	1'9"	6'-7"	100 100.80 sqft
					135.37 sqft
					3.83 M ³
					% to abstract M&A 1/2 page 36/A
(695) Centring + shuttering including strutting propping etc & removal of form for					
d) Column Capitals.					
Perch Column	5x4	1'9"	4'6'7"		230.40 sqft
NTA side - 2m	2x4	1'6"	4'6"		48.00 "
Central Stairs	2x1	34"	0'9"		4.62 "
	2x1	7'2"	0'9"		10.75 "
					293.78 sqft
					27.29 M ²
					% to abstract page 36/2 page 36
extra item no 66					
P/L chaplain Brand hardner over cement concrete					
in in basement floor as directed by Architect					
Area note page 20 M&A 1/4 page					
Perch Staircase					
	2x1	18'-7 1/2"	9'0"		15458.10
					15,466.10 sqft
					335.25 "
					15,122.85
					15,130.85 sqft
					1405.66 M ²

~~Handwritten signature/initials~~

WORK/SITE

PARTICULARS	DETAILS			CONTENTS OF AREA
	No.	L	B	
				B/F 15,122.85 sft
less for rooms on left area.				
	1x1	11'4 1/2"	9'6"	(-) 102.38 "
do -	1x1	11'7 1/2"	17'3"	(-) 200.53 "
do -	2x1	9'6"	10'3"	(-) 184.50 "
				14,635.44 sft
				1359.63 M ²
				1/10 abstract MB A R/2 page 28/1
				23/5/98
				26/5/98
				26/5/98
				14/5 RAB B-2
				rec. Railway
				27/5/98

Tower-A-2

WORK/SITE

XVTH R.A. BILL

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PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
M/S - Atliwalia Contract (P) Ltd					
Date of Measurement -		01-12-98			
(58/4) Filling with Jamuna river sand under floors, area raft including watering, ramming, consolidating and dressing Complete.					
<u>Sunkens at G.F. level in</u>					
G.S. 2 - 2 nos.	2x1	21 1/2"	11-3"	2 1/2"	20.36 sq
less	2x 1/2	2 5 3/4"	2 5 3/4"	2 1/2"	(-) 0.26 "
with G.S. 2 - 4 nos	4x1	6-7"	2 1/2"	2 1/2"	34.97 "
G.S. 3 - 2 nos	2x1	7-6"	13 1/2"	2 1/2"	8.69 "
less	2x 1/2	5-6"	5-6"	2 1/2"	(-) 1.27 "
Add.	2x 1/2	4-6"	4-6"	2 1/2"	0.86 "
G.S. 5 + G.S. 6 - 2 nos	2x1	7-6"	13 1/2"	2 1/2"	127.73 "
Back side of lift.	2x1	21 1/2"	11-3"	1/2"	20.36 "
less	2x 1/2	2 5 3/4"	2 5 3/4"	1/2"	(-) 0.26 "
Add	1x1	3 1/2"	2-9"	1/2"	0.46 "
	1x1	10-9"	3-8"	1/2"	1.66 "
	1x1	20 6 1/2"	13 1/2"	1/2"	11.68 11.65
	1x1	2 1/2"	3-9"	1/2"	0.44 "
	1x1	24 1/2"	13 1/2"	1/2"	13.82 "
Add Beam	1x1	19-0"	10"	1/2"	0.67 0.66
Beam	2x1	21-9"	10"	1/2"	1.52 "
G.S. 8 - 2 nos	2x1	6 1/2"	4-6"	5 1/2"	22.44 "
G.S. 9 - 3 nos	3x1	8 1/2"	8-3"	5 1/2"	92.10 "
less	3x 1/2	2-8"	2-6"	5 1/2"	(-) 14.29 "
Add 4 Poles	3x 1/2	14 0 1/2"	14 0 1/2"	5 1/2"	2.42 "
G.S. 10 - 3 nos	3x1	7 1/2"	9 1/2"	5 1/2"	89.67 "
	2x1	8 1/2"	9 1/2"	5 1/2"	67.30 "
				1/2"	57.07 sq

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
				B/F	571.07 cft 511.03
Add Apron	2x1/2	140 1/2"	140 1/2"	5 1/2"	861 "
with G.S. 4 nos	4x1	46 1/2"	64 1/2"	14 1/2"	144.28 "
					656.96 cft 656.92
				or	18.59 m ³
					c/o abstract MB A/2 Page 39/A
<p>(57/3) Providing and laying Cement Concrete 1:2:4 (1 Cement : 2 Coarse Sand : 4 graded stone aggregate 20mm nominal size) on all floor levels, in string or Dressing Courses, parapets, Copings, bed blocks, anchor blocks, plain window sills and like excluding the cost of centring, shuttering and finishing.</p> <p>In Sunken:-</p>					
G.S. - 2 nos	2x1	21 1/2"	11'-3"	0.2 1/2"	100.82 cft
with G.S. - 4 nos	2x1/2	25 3/4"	25 3/4"	0.2 1/2"	11.28 "
G.S. 3	4x1	6'-7"	24 1/2"	0.2 1/2"	11.64 "
Less	2x1	7'-6"	13 1/2"	0.2 1/2"	43.03 "
Add	2x1/2	5'-6"	5'-6"	0.2 1/2"	11.629 "
G.S. + G.S. - 2 nos	2x1/2	4'-6"	4'-6"	0.2 1/2"	4.21 "
Back Side of lift	2x1	7'-6"	13 1/2"	0.2 1/2"	42.51 "
Less	2x1	21 1/2"	11'-3"	0.2 1/2"	100.82 "
	2x1/2	25 3/4"	25 3/4"	0.2 1/2"	11.28 "
	1x1	34 1/2"	24 1/2"	0.2 1/2"	2.26 "
	1x1	10 1/2"	3'-8"	0.2 1/2"	8.20 "
				90	304.64 cft

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
				6/6	304.64 cft
	1x1	20 1/2"	13 1/2"	0 1/2"	57.86 "
	1x1	24 1/2"	3 1/2"	0 1/2"	2.18 "
	1x1	24 1/2"	13 1/2"	0 1/2"	60.42 "
Add Beam	1x1	19 6"	10"	0 1/2"	3.29 "
Beam	2x1	21 1/4"	10"	0 1/2"	7.54 "
GS-8 - 2 nos	2x1	6 1/2"	4 6"	0 1/2"	10.19 "
GS-9 - 3 nos	3x1	8 1/2"	8 1/3"	0 1/2"	41.83 "
Cross	3x 1/2	2 1/8"	2 1/8"	0 1/2"	1.95 "
GS-10 - 3 nos	3x1	7 1/2"	4 1/2"	0 1/2"	40.73 "
Add Apportion	3x 1/2	1 40 1/2"	1 40 1/2"	0 1/2"	1.10 "
GS-10 - 2 nos	2x1	8 1/2"	4 1/2"	0 1/2"	30.58 "
Add Apportion	2x 1/2	1 40 1/2"	1 40 1/2"	0 1/2"	0.73 "
with GS-2 - 4 nos	4x1	4 1/4"	8 1/4"	0 1/2"	26.68 "
					593.80 CH
					or 16.80 M ³
					% to abstract MBAD/2 Page 39A
(70/1) Material & labour for Cender filling in sunken slabs.					
Area same as for (57/3) above					593.80
					= $\frac{593.80}{1200} \times 0.18 = 713.70 \text{ cft}$
					or 20.20 M ³
					% to abstract MBAD/2 Page 41

WORK/SITE.....

PARTICULARS	DETAILS			CONTENTS OF AREA	
	No.	L	B		D
				B/C 106.59 sq	
	1x1	86 1/2"	06 1/2"	15"	9.30 "
	1x1	$\frac{141 + 140}{2}$ "	06 1/2"	15"	1.99 "
	1x1	58"	06 1/2"	12 7/8"	6.73 "
GS 11 Grad 417	1x1	64 1/2"	06 1/2"	12 3/4"	6.52 "
	1x1	$\frac{26 + 141}{2}$ "	06 1/2"	12 3/4"	1.04 "
	1x1	58"	06 1/2"	14"	5.67 "
GS 10 Grad 414	1x1	44 1/2"	06 1/2"	16"	5.48 "
	1x1	52 3/4"	06 1/2"	16"	5.91 "
	1x1	05"	06 1/2"	16"	0.47 "
Cut Out near GS 10	2x1	64"	06 1/2"	27"	24.54 "
	2x1	140"	01-9"	27"	7.10 "
					182.14 sq
				or	5.15 m ³
					% abstract MBAR 1/2 Page 41
<p>*1/2 Half brickwork masonry with first class burnt bricks of class designation 100 as super-structure at all levels in Cement mortar max 1:4 (Cement : 4 Coarse sand)</p>					
G.F level					
	4x1	66"	06 1/2"		12.00 sq
	4x1	56"	04 1/2"		16.66 "
	4x1	64"	04 1/2"		21.10 "
	4x1	56"	04 1/2"		16.66 "
	4x1	66"	06 1/2"		12.00 "
	4x1	44"	06 1/2"		9.67 "
				90	88.09 sq

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
				B/F	88.09 SF
Cuff face	4x1	14"	8 1/8"		2.17 ✓
	1x1	5 1/2"	2 1/8"		13.96 ✓
	2x1	8 1/2"	2 1/8"		41.25 ✓
					145.47 SF
					13.57 M ²
					1/10 abstract MB A 1/2 page 4/1

(57/2) Reinforced Cement Concrete work in Cement Concrete grade M-20 with graded stone 20mm nominal size as per specifications and drawing excluding cost of casting, shuttering and reinforcement but including cost of making shear keys & provision of construction/contraction joint as per design and smooth finishing wherever required. All exposed surfaces with 6mm thick cement plaster mix 1:3 (1 cement : 3 fine sand), on all levels of floors including all lifts & leads involved complete in

(8) Suspended floors, projections and balconies

WORK/SITE

PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
(60/6) Extra for Curbing and shuttering in Curved surfaces.					
Balcony - 6 nos. side 14②	6	22' x 11' x 1 1/2"	4	0.4"	7.85 sqft 7.85 sqft
					0.73 M ²
					1/10 abstract MB A/D/2 Page 11/A
<u>Extra Item NO 43</u>					
Bandung & fixing <u>1 1/2"</u> thick in position, premoulded joint filler in expansion joint					
<u>At Upper Basement level.</u>					
Qty same as A-1 Tower note					32.36 M ²
					1/10 abstract MB A/D/12 Page 09
					1/10 abstract MB A/D/2 Page 42/A
56/2 - Filling brought earth (excluding rock) on sides of foundations and outside retaining walls etc. in layers not exceeding 200mm in depth, Consolidating each deposited layer by ramming and wetting for all levels and lifts.					

WORK/SITE.....

PARTICULARS	DETAILS				CONTENTS OF AREA
	No.	L	B	D	
Total quantity filled in for Tonne A ₂ vide M.B. A ₁ /14 Page. 62 (marked G.)					3307.65 m ³
Less quantity already laid against Tonne A ₂ vide Abstract M.B. A _{II} /2 Page 35					(-) 909.37 m ³
				Total =	2398.28 m ³
Less 20% for malha factor				(-)	479.66 m ³
				Now to be laid in this Bill =	1918.62 m ³
					cl to Abstract M.B. A _{II} /2 Page 39/A

Mr. Anwar
ISRAAS
A-2

11/1/98
31/12/98

31/11/98

31/11/98

2nd and 4th RAAs
A-1
31/11/98

BEFORE THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY

PANCHKULA, HARYANA

IN THE MATTER OF:

Malibu Estate Pvt. Ltd.

Subject: Submission of Additional Documents on behalf of M/s Malibu Estate Pvt. Ltd. as per the direction of Ld. SEIAA in its Order dated 02.08.2023 in the matter of M/s Malibu Estate Pvt. Ltd.

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-/Paper Book/-

MALIBU ESTATE PRIVATE LIMITED

Regd. Office : 38, DDA Commercial Complex, Kailash Colony Extn. (Zamrudpur), New Delhi-110048.

CIN: U74899DL1992PTC048517

Date: 15.09.2023

The Chairman

State Environment Impact Assessment Authority, Haryana

First Floor, Bay's No. 55-58, Sector-2,

Panchkula, Haryana

Subject: Submission of Additional Documents on behalf of M/s Malibu

Estate Pvt. Ltd. as per the direction of Ld. SEIAA in its Order dated

02.08.2023 in the matter of M/s Malibu Estate Pvt. Ltd.

Sir,

1. The Undersigned had received the Notice dated 14.06.2023 from your good office on 20.06.2023 wherein the undersigned was asked to appear before the Ld. SEIAA on 22.06.2023 to explain the position why the undersigned's project is not a case of violation of EIA Notification, 2006 read with Environment Protection Act, 1986.
2. That on the request of the undersigned via email dated 21.06.2023, the hearing was adjourned to 06.07.2023, wherein the undersigned was directed to appear and to explain the position as to why the undersigned's project is not a case for violation of EIA Notification, 2006 read with Environment Protection Act, 1986. Thereafter, the undersigned, appeared in person on 06.07.2023, and verbally sought some more time to submit their detailed reply along-with the relevant documents. That thereafter,

the Authority decided to accede to the request of the undersigned and matter was adjourned to 02.08.2023 for final hearing and decision thereof. That thereafter the matter came up for hearing before the Hon'ble NGT Principal Bench on 25.07.2023 in the case titled "Raman Sharma vs. State of Haryana & Ors. (OA No. 68/2022/PB)", wherein the Hon'ble NGT on the submissions made on behalf of Respondent No.8 (Undersigned) has directed the Ld. SEIAA to dispose of the matter as per law after providing the opportunity of hearing to the persons concerned.

3. That, thereafter the undersigned had appeared before the Ld. SEIAA on 02.08.2023 along-with its Counsel and has placed before the Ld. SEIAA, written as well as oral submissions in its defence. The Counsel for the undersigned submitted before the Ld. SEIAA that the undersigned has not done anything in violation of EIA, Notification 1994 or 2006 read with Environment Protection Act, 1986. Further the Ld. SEIAA has also directed the Project Proponent to prepare details of procurement of materials and mobilization of financial resources, along with status of statutory compliances obtained for the project. The case was then adjourned to 29.08.2023.
4. That thereafter the Ld. SEIAA on the request of the counsel of the undersigned has adjourned the hearing for the matter to 15.09.2023.
5. That in view of the directions as mentioned in the order dated 02.08.2023 of the Ld. SEIAA, the undersigned is hereby submitting the details as

asked, for perusal of the Ld. SEIAA. The contents of the Representation dated 02.08.2023 and the arguments advanced during the last effective hearing are not repeated herein for the sake of brevity and may be read as a part and parcel of these submissions. A separate written submissions may kindly be allowed after the final hearing.

6. That at the outset, the undersigned submits that the break-up of built-up area of the township /area development project is already Annexed as ANNEXURE-VII in the representation submitted on 02.08.2023 by the undersigned but is again being Appended for convenience as ANNEXURE 1. That it is reiterated that the undersigned does not require prior Environment Clearance (EC) for the project in question as the total built-up area being built by the Project Proponent including Group Housing, Plot Development and their floors, Shopping Arcade, Club and other developments is only 1,29,676.27 sq mt. which is much less than 1,50,000 sq. mt. which is the threshold of Area Development/Township Development under the EIA Notification, 2006 even as of today.
7. It is pertinent to mention that the development and construction of this area commenced in the year 1992 and much of it was completed and developed before the year 2003. It is also important to mention that the concept of building and construction, area development, township development was brought within the fold of EIA Notification only on 07.07.2004 as an amendment to the EIA Notification 1994. It is reiterated

that the project was conceived and the licenses of the land were received and the development and/ or construction work commenced even before the EIA Notification was conceived in the year 1994. The amendment dated 07.07.2004 clearly states and is quoted below, especially the explanation as hereunder:

.....

“New construction projects which are undertaken without obtaining the clearance required under this notification and where construction work has not come up to the plinth level, shall require clearance under this notification with effect from 7th day of July, 2004”

.....

It is clear from the above that if there is evidence to show that the plinth level development has taken place before such amendment, then even if the threshold as envisaged in the amendment notification of 2004 has been crossed, the EIA Notification shall not apply. This is not to say that the threshold was ever crossed in the present project even as of today. The following submissions and data are only to corroborate the above facts that not only the developments but even the constructions was by and large completed before 2004 except for one license which got approved in 2008. The evidence herein below shall prove beyond doubt that not only the built up area was much beyond the plinth level but infact

almost entirely constructed and even ready for occupation and handed over.

8. It is in view of the above and for abundant clarity as requested by this Ld. Authority, the undersigned hereby submits the following documents which completely ascertain the fact that the construction of each of the components were much beyond plinth level and therefore even if considered individually, arguendo, does not require EC. Further, the undersigned would like to submit the financial details in a sealed cover as this may be misused by the Applicant given his past conduct.

I. DETAILS OF CONSTRUCTIONS DONE BY THE UNDERSIGNED

9. That as per the Annexure 1, the undersigned had constructed Group Housing Tower or (Building 1,3,4,5,6), Malibu Country Club, Floors and Malibu Shopping Arcade, before the year 2004. The sites where these structures are located within the project are hereby shown through different colours in the layout map which is appended and annexed as **ANNEXURE 2.**

10. That for more clarity it is hereby submitted that the Group housing buildings are also as numbered as A-1, A-2 etc. as follows:

S. No.	Building No.	Also referred as
1.	Building -1	A-(I)
2.	Building -2 (FAR sold to 3 rd party)	A-(II)
3.	Building -3	B-(I)
4.	Building -4	B-(II)
5.	Building -5	C-(I)
6.	Building -6	C-(II)

II. DETAILS OF SALE DEEDS IN FAVOUR OF VARIOUS VENDEES AND GRANT OF OCCUPATION CERTIFICATES

11. That various Sale Deeds were executed between the undersigned (vendor) and various vendees details of some of the sale deeds are given in the chart below:

GROUP HOUSING				
S. No.	DATE	VENDEE	AREA	BUILDING NO.
1.	01.05.2001	F.S Advertising Ltd.	Apartment No. 5/502, 5 th floor, 150.14 sq.	No. 5 [C-(I)]

			mtrs.	
2.	28.05.2001	Mr. Harpreet Singh Pannu/Vinita Pannu	Apartment No. 1/1104, 11 th floor, 273.10 sq. mtrs.	No. 1 [A-(I)]
3.	20.06.2001	Mr. Narendra Prakash/ Madhu Prakash	Apartment No. 1/1303, 13 th floor, 273.10 sq. mtrs.	No. 1 [A-(I)]
4.		Rajesh Wadhwa/ Namita Wadhwa	Apartment No. 1/803, 8 th floor, 273.10 sq. mtrs.	No. 1 [A-(I)]
5.	25.06.2001	A.K.G Nair / Grihashree Gopal	Apartment No. 5/603, 6 th floor, 147.410 sq. mtrs.	No. 5 [C-(I)]
6.	05.12.2001	Swami Rameshwar/ Anand Giripurnaji Maharaj	Apartment No. 5/501, 5 th floor, 150.14 sq. mtrs.	No. 5 [C-(I)]

7.	05.12.2001	Mr. Surendra Mishra/ Rohit Mishra	Apartment No. 3/401, 4 th floor, 225.75 sq. mtrs.	No. 3 [B-(I)]
8.	01.08.2002	Mr. Moti Chandiram/ Tara Mona Moti Melwani	Apartment No. 4/201, 2 nd floor, 225.75 sq. mtrs.	No. 4 [B-(II)]
9.		Mr. Moti Chandiram/ Tara Mona Moti Melwani	Apartment No. 4/202, 2 nd floor, 225.75 sq. mtrs.	No. 4 [B-(II)]
10.		Mrs. Shobha Moti Melwani/ Tara Mona Moti Melwani	Apartment No. 4/203, 2 nd floor, 225.75 sq. mtrs.	No. 4 [B-(II)]
11.	02.04.2003	Mrs. Santi Medhi	Apartment No. 3/302, 3 rd floor, 225.75 sq. mtrs.	No. 3 [B-(I)]

12.	26.06.2003	Mrs. Rajeshwari	Apartment No. 3/704, 7 th floor, 225.75 sq. mtrs.	No. 3 [B-(I)]
-----	------------	-----------------	---	---------------

12. The above-mentioned Chart clearly shows that the undersigned had made these sale deeds for various Flats on different Floors of the various towers in the group housing project which proves beyond doubt that the construction of group housing project was completed beyond plinth level even before the EIA amendment Notification dated 07.07.2004. The details of sale deeds related to the said flats are not submitted herein for the sake of brevity, however, the same maybe produced for the perusal of Ld. SEIAA, if required.

13. That other than the Group Housing Towers, the undersigned had also undertaken the construction of Floors within the project area which are about 444 in numbers. To prove the fact that their construction had also been done before the Notification dated 07.07.2004, the undersigned submits before this Ld. SEIAA, the details of some of the Occupation Certificates which had been granted by Sr. Town Planner, Gurugram to the undersigned under Rule 47(I) of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 of

Act No. 41 of 1963 for the said floors which are given in the chart below:

OCCUPATION CERTIFICATE (OC)		
S. No.	DATE OF GRANT OF OC	AREA
1.	15.07.2003	Plot No. WW-82
2.	11.09.2003	Plot No. WW-81
3.	28.11.2003	Plot No. WW-83
4.		Plot No. WW-84
5.	05.02.2004	Plot No. WW-85
6.		Plot No. WW-86
7.		Plot No. CW-59
8.		Plot No. CW-58
9	06.04.2004	Plot No. WW-88
10.	12.04.2004	Plot No. WW-92
11.	25.05.2004	Plot No. CW-57

That the above OCs are available for perusal for this Ld. Authority and have not been appended for the sake of brevity.

14. Similarly Malibu Country Club and Shopping Arcade, had also been built, before the Notification dated 07.07.2004. The said fact can be

proved from various work orders regarding installation of Air Conditioner etc in Country Club. The same may be produced for the perusal of this Ld. Authority, if required.

III. FINANCIAL AND CONSTRUCTION DETAILS

15. That as per the CA Certificate dated 14.05.2010 the gross capital investment made by the undersigned for its project as on 31.03.2004, is Rs. 149.69 crores which includes total cost of land, building and development. CA Certificate dated 14.05.2010 is appended and annexed as **ANNEXURE 3 (in sealed Cover)**.

16. Further as per the latest CA Certificate dated 20.04.2023 the gross capital investment made by the undersigned for its project for an area of about (204.796 acres) as on 31.03.2023 is Rs. 322.99 crores [break up of investment is Old License Area (180.115 Acres)-Rs. 285 Crores & New License Area (24.681 Acres)- Rs. 37.91 crores] which includes the total cost of land, building and development. CA Certificate dated 20.04.2023 is appended and annexed as **ANNEXURE 4 (in sealed Cover)**.

17. That the undersigned had taken an initial loan amount of Rs. 7,60,00,000 from CITI Bank N.A. for financing of the construction related activity with respect to its project. Relevant pages of Loan Agreement between the undersigned and CITI Bank N.A. dated 23.10.1996 is appended and annexed as **ANNEXURE 5 (in sealed Cover)**. Further, the undersigned

availed an Over Draft facility of around Rs. 32 Crores from various banks and an Associate Company. A chart showing index of charges is annexed as **ANNEXURE 6 (in sealed Cover)**.

18. That as we are aware that in a project like this, the work for the construction is allotted to different contractors and as a security of performance of the contract, these contractors are required to submit bank guarantees which can be forfeited in case of breach of contract. There are a number of such bank guarantees given by banks on behalf of the contractor (Ahluwalia Contracts (India) Ltd.) for the performance of the contract i.e., for the construction of Block A-1, A-2, C-1, & C-2 as described in the chart below:

S. No.	Date of issue of Bank Guarantee	Amount	Tower/ Building	Date of release of Bank Guarantee
1.	24.04.1997	Rs. 10,00,000	Tower A-1 with double basement	19.09.2002
2.		Rs. 10,00,000	Tower C-1 with double basement	
3.		Rs. 10,00,000	Tower C-2 with double	

			basement	
4.	30.10.1998	Rs. 28,451	Tower A-2 with double basement	
5.	05.01.2002	Rs. 3,62,674	Tower A-2 with double basement	

The copy of the said Bank Guarantees are also submitted as **ANNEXURE 7 (in sealed Cover)**.

19. That it becomes abundantly clear from the table mentioned above along with the Annexure that a number of bank guarantees were submitted to the undersigned by the contractors for the performance of contract which were subsequently released on the performance of contract. Thus the issue and release date are clear evidences to show, that, all the construction that had been undertaken by the undersigned was before 2004 and therefore not in violation of EIA, Notification 2006.

20. Further to prove the fact that even Tower B-1 and B-2 had been constructed well before Notification dated 07.07.2004, there are several letters written by B.L Gupta constructions Ltd. informing the undersigned

that flats in Tower B-1 and B-2 are complete in all respects. Some of the Letters are appended and annexed as **ANNEXURE 8**.

IV. OTHER RELEVANT DETAILS

21. All of the abovementioned facts and details about the project are enough to prove the fact that all of the constructions that had been undertaken by the undersigned in the project were not only above the plinth level but much beyond the same, even before the Notification dated 07.07.2004.
22. Further there are other documents related to the arbitration proceedings between the contractor and the undersigned, work order regarding installation of lift, work order regarding installation of AC, civil injunctions suit by the Malibu Federation against the undersigned regarding unreasonable maintenance charges among others which also prove that the above stated fact that, all the construction in the area of 180.11. acres, that had been done by the undersigned was completed before the Notification dated 07.07.2004. The extract of the award is appended **ANNEXURE 9** which clearly establishes that the construction was completed much before 07.07.2004.
23. That it is humbly submitted that the Project Proponent (PP) is carrying all the documents which are not appended herein as the same are bulky but can be produced for the perusal of this Ld. Authority, if permitted by the Ld. Authority. The PP also submits that all of the above information is true and clearly establishes the bonafide of the undersigned.

24. In view of the above-mentioned documentary evidences it is humbly submitted that the undersigned project does not come within the purview of EIA, Notification 1994 read with amendment Notification 07.07.2004 or even EIA, Notification 2006.

PRAYER

In the facts and circumstances as above mentioned, this Application/Complaint may be recommended by this Ld. Authority to be dismissed with huge costs to the Hon'ble National Green Tribunal in the OA No. 68/2022.

Thanks & Regards

A handwritten signature in blue ink, consisting of a large, sweeping initial 'G' followed by a few smaller strokes.

1755

MALIBU ESTATE PVT. LTD.

ANNEXURE- 1

S.No.	Description	Built Up area (Sqft)	Built Up area (Sqmt)	Plot Area (Acers)	OC Date	Ownership	Handover date
1	Group Housing Tower 1,3,4,5,6 & EWS Blocksby MEPL	7,29,292.00	67,753.51	9.360	03/08/2000	G.Housing RWA	01/02/2021
2	Malibu CuntryClub	30,394.89	2,823.78	2.530	08/06/2007	Malibu Estate Pvt.Ltd.	NiL
3	Floor	5,75,635.00	53,475.54			MCG	16/06/2022
4	Malibu Shopping Arcade	60,530.20	5,623.45	0.715	08/06/2007	Sh.Arcade RWA	01/04/2023
	Constructed by By MEPL	13,95,852.09	1,29,676.27				
5	GH- Tower-2 (Constructed by BNB) - (Plot sold)	13,411.00	1,244.00	2.530	10/03/2017	G.Housing RWA	01/02/2021

↓
 Copy deed
 attached.
 Dt- 22/09/2010.

-TRUE COPY-

MALIBU ESTATE PVT. LTD.

S.No.	Description	Built Up area (Sqft)	Built Up area (Sqmt)	Plot Area (Acers)	OC Date	Ownership	Handover date
1	Group Housing Tower 1,3,4,5,6 & EWS Blocksby MEPL	7,29,292.00	67,753.51	9.360	03/08/2000	G.Housing RWA	01/02/2021
2	Malibu CuntryClub	30,394.89	2,823.78	2.530	08/06/2007	Malibu Estate Pvt.Ltd.	NiL
3	Floor	5,75,635.00	53,475.54			MCG	16/06/2022
4	Malibu Shopping Arcade	60,530.20	5,623.45	0.715	08/06/2007	Sh.Arcade RWA	01/04/2023
	Constructed by By MEPL	13,95,852.09	1,29,676.27				
5	GH- Tower-2 (Constructed by BNB)	13,411.00	1,244.00	2.530	10/03/2017	G.Housing RWA	01/02/2021

MAP

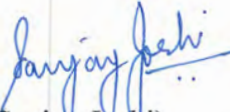
AMIT JOSHI & ASSOCIATES
CHARTERED ACCOUNTANTS

253A/2, 4th Floor, Shahpur Jat,
Opp. Panchsheel Commercial
Complex, New Delhi 110 049
Tel.: 26495673, 26490273
E-mail : aja_cas@yahoo.co.in

TO WHOM SO EVER IT MAY CONCERN

We have checked the books of account, records, documents of Malibu Estate (P) Ltd. having its registered office at 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi-110048 and certify that gross capital investment of Malibu Towne, Gurgaon as on 31.03.2004 is Rs. 149.69 crores. Cost includes total cost of land, building and development.

For Amit Joshi & Associates
Chartered Accountants


(Sanjay Joshi)
Partner



Place: New Dclhi
Date: 14/05/2010



CERTIFICATE

This is to certify that we have checked the books of Accounts, records and documents of “**Malibu Estate Private Limited**” having its registered office at 38, DDA Commercial Complex, Kailash Colony Extn., Zamrudpur, New Delhi-110048.

The Gross Capital Investment of Malibu Towne (204.796 acres), Sector 47 & 50, Sohna Road, Gurugram, Haryana as on **31.03.2023** is Rs.322.99 Crores (Rupees Three Hundred Twenty Two Crores and Ninety Nine Lakhs only).

This cost includes total Cost of Land, Building, Construction and Development Expenses as below:

Old License Area (180.115 Acres)- Rs 285.08 Crores

New License Area (24.681 Acres) – Rs 37.91 Crores

The above certificate is issued on the basis of documents and records provided to us by the management.

For D G & Associates

Chartered Accountants

FRN: 023017N

Himanshu Gupta

MRN: 525572

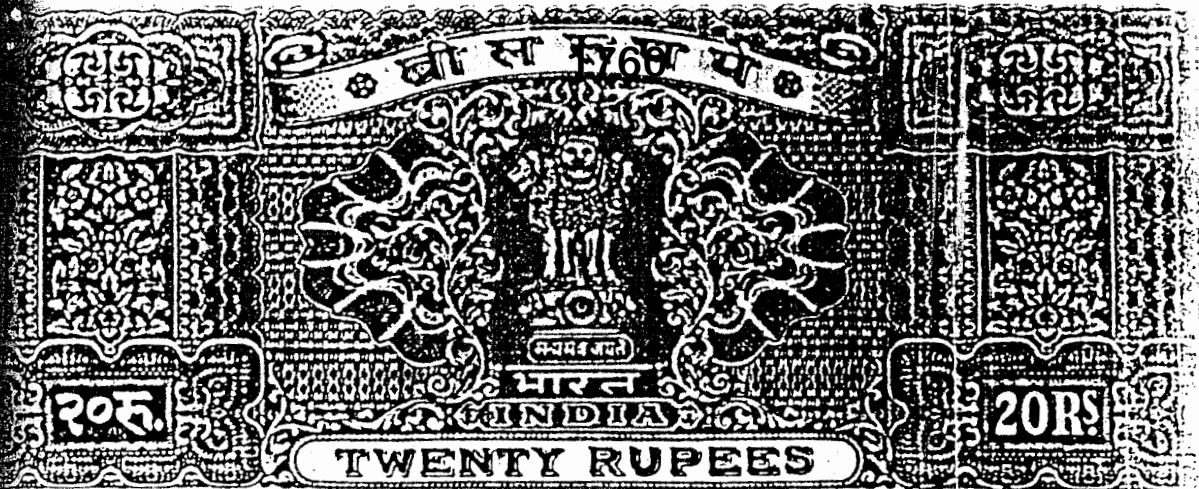


Place: New Delhi

Date: 20/04/2023

UDIN: 23525572BGWXVE8391

-TRUE COPY-



ANNEUXRE-5

LOAN AGREEMENT



THIS AGREEMENT of Loan-cum-Hypothecation-cum-Indemnity-cum-Guarantee made at Delhi this 23 day of October, 1996.

BETWEEN

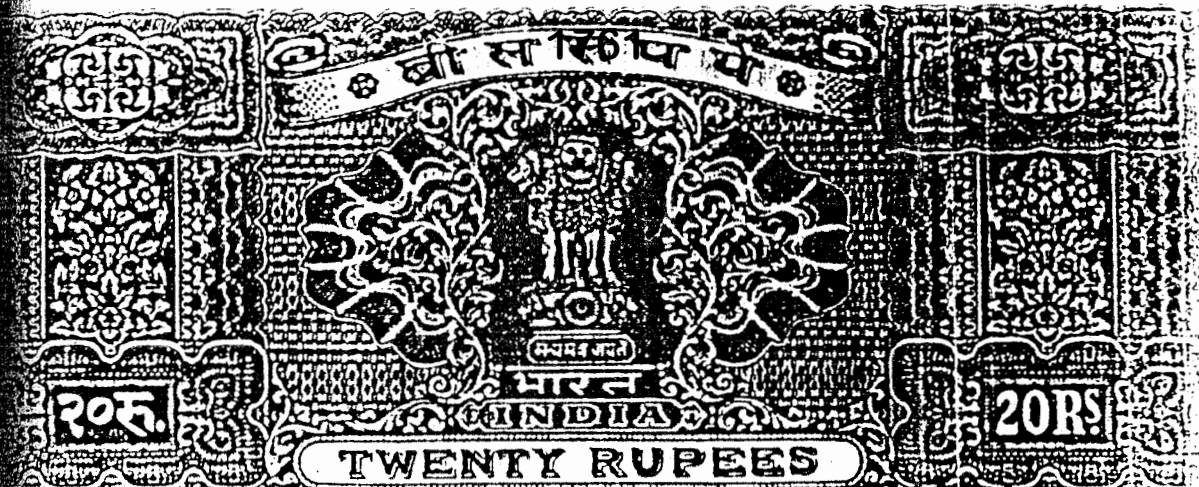
M/s MALIBU ESTATES PVT. LTD., a Company incorporated under the provisions of Companies Act, 1956 and having its registered office at Malibu House, 38, DDA Commercial Complex, Kailash Colony Extn., New Delhi-110 048, through its Director R.N. CHAKRAVARTY authorised vide Board Resolution dated 22/10/96, hereinafter called the "BORROWER" of the FIRST PART;

AND

CITIBANK N.A., a body corporate, incorporated under the laws of U.S.A., and having its principal office at 399, Park Avenue, New York 10043, the United States of America, and a Branch Office inter alia, in India at Jeevan Bharati Building, 124, Connaught Circus, New Delhi-110 001, hereinafter referred to as "BANK" of the SECOND PART.

The expression "borrower" and the "bank" shall mean and include legal representatives, permitted assigns, liquidators and trustees, unless repugnant to the context.

[Faint, illegible text, likely the beginning of the agreement's terms and conditions.]



LOAN AGREEMENT



THIS AGREEMENT of Loan-cum-Hypothecation-cum-Indemnity-cum-Guarantee made at Delhi this 23 day of October, 1996.

BETWEEN

M/s MALIBU ESTATES PVT. LTD., a Company incorporated under the provisions of Companies Act, '56 and having its registered office at Malibu House, 38, DDA Commercial Complex, Kailash Colony Extn., New Delhi-110 008, through its Director R. N. CHAKRAVARTY authorised vide Board Resolution dated 22/10/96, hereinafter called the "BORROWER" of the FIRST PART;

AND

CITIBANK N.A., a body corporate, incorporated under the laws of U.S.A., and having its principal office at 399, Park Avenue, New York 10043, the United States of America, and a Branch Office inter alia, in India at Jeevan Bharati Building, 124, Connaught Circus, New Delhi-110 001, hereinafter referred to as "BANK" of the SECOND PART.

The expression "Borrower" and the "Bank" shall mean and include their respective representatives, permitted assigns, liquidators and trustees, unless the context to the contrary.

Signature



WHEREAS, the Borrower is inter alia, in the business of development of real estate which is one of the main objectives as provided in the Memorandum and Articles of Association of the Borrower Company.

AND

WHEREAS, the Borrower has requested the Bank for a term loan facility of Rs. 7,00,000/- for financing of construction related activity in respect of the project nomenclatured as "MALIBU TOWNE", a 165 acre site on the Sohna Road, Gurgaon, being promoted and developed by the Borrower.

AND

WHEREAS, the Borrower has represented that it is presently engaged in the development of a project nomenclatured as "MALIBU TOWNE", a 165 acre site on the Sohna Road, Gurgaon, and in this respect has executed various Agreements to Sell to individual purchasers who would get clear title to the said spaces.

AND

WHEREAS, the Bank has agreed to grant the term loan upon terms and conditions set out hereinafter, which are fully acceptable to the Borrower.

REPAYMENT SCHEDULE

Loan amount 76000000
 Tenor 18
 Rate 21
 EMI 4958614

REPAYMENT SCHEDULE MALIBU ESTATE PVT LTD.

MONTHS	BALANCE	INTEREST	EMI	PRINCIPAL
Oct-96 0	76000000			
Nov-96 1	72371386	1330000	4958614	3628614
Dec-96 2	68679271	1266499	4958614	3692115
Jan-97 3	64922545	1201887	4958614	3756727
Feb-97 4	61100075	1136145	4958614	3822469
Mar-97 5	57210712	1069251	4958614	3889363
Apr-97 6	53253286	1001187	4958614	3957427
May-97 7	49226604	931933	4958614	4026681
Jun-97 8	45129456	861466	4958614	4097148
Jul-97 9	40960607	789765	4958614	4168849
Aug-97 10	36718804	716811	4958614	4241803
Sep-97 11	32402769	642579	4958614	4316035
Oct-97 12	28011204	567048	4958614	4391566
Nov-97 13	23542786	490196	4958614	4468418
Dec-97 14	18996170	411999	4958614	4546615
Jan-98 15	14369989	332433	4958614	4626181
Feb-98 16	9662850	251475	4958614	4707139
Mar-98 17	4873336	169100	4958614	4789514
Apr-98 18	0	85283	4958619	4873336

For Malibu Estate Pvt. Ltd.

[Signature]
 Authorized Signatory

Certified to be a true copy
 For CITIBANK N. A.

[Signature]
 Authorized Signatory.

Certified to be a true copy
 for CITIBANK N. A.

Authorized Signatory.

-TRUE COPY-

4/4/2011

MCA21 : View Index Of Charges ¹⁷⁶⁴

ANNEXURE- 6

Company CIN/FCRN : U74899DL1992PTC048517

Company Name : MALIBU ESTATE PRIVATE LIMITED

Charge ID	Date of Charge Creation/Modification	Charge amount secured	Charge Holder	Address	Service Request Number (SRN)
10053922	15/05/2007	305,000,000.00	PUNJAB AND SIND BANK	KAILASH COLONY, NEW DELHI, Delhi - 110048, INDIA	A16287179
90046681	26/03/1997 *	76,000,000.00	CITI BANK	JEEVAN BHARTI BUILDING, 124; CONNAUGHT CIRCUS, NEW DELHI, Delhi - 110001, INDIA	-
90046544	07/03/1996	700,000.00	SBI	WAZIRPUR INDL. ESTATE, NEW DELHI, Delhi - 110052, INDIA	-
90046051	29/09/1993	15,000,000.00	U.K. PAINT INDUSTRIES LTD.	19; COMM. COMPLEX, KAILASH COLONY; EXTN.; ZAMRUDPUR, NEW DELHI, Delhi, INDIA	-

Total - 39,62,00,000/-

1765



BANK GUARANTEE IN LIEU OF SECURITY DEPOSIT

To,

M/s Malibu Estates Pvt. Ltd.,
38, Zamrudpur, DDA Commercial Complex,
Greater Kailash-I,
New Delhi-110048.

Bank Guarantee No... 100/97
Date of Issue..... 24/4/87

In consideration of your agreeing to refund the initial cash deposit and 5% (five perescent) cash recovery made in the running account bills, towards Security Deposit, against production of a Bank Guarantee for Rs.10,00,000/- (Rupees Ten lacs only) M/s. Ahluwalia Contracts (I) Ltd. having its/Head office at B-4/205, Safdarjung Enclave, New Delhi- 110 029 (hereinafter called the Contractor) towards Security Deposit for the due performance of the Contract entered into by them for the Construction of Group Housing Complex (Tower A-1, with Double Basement) at Malibu Towne at Gurgaon in accordance with the terms and conditions agreed to b the Contractor and for the due fulfilment of the said Contract or of the terms and conditions contained therein, we hereby undertake and agree to indemnify and keep you indemnified to the extent of Rs.10,00,000/- (Rupees Ten lacs only).

2. In the event of any loss or damages, costs, charges or expenses caused to or suffered by you by reason of any breach or non-observance on the part of the Contractor of any of the terms and conditions contained in the said contract, we shall on demand and without reference to the Contractor irrevocably and unconditionally pay you in full satisfaction of your demand the amount claimed by you. Provided that our liability under the guarantee shall not at any time exceed Rs.10,00,000/- (Rupees Ten lacs only).

3. This guarantee herein contained shall remain in force and effect till you certify that the terms and conditions of the said Contract have been fully and properly carried out by the Contractor and that the Contractor has furnished necessary deposit or fresh guarantee towards his obligations during the Defect Liability period of the works or till this guarantee is duly discharged by you in writing, or till 30.5.98, whichever is earlier.

For CANARA BANK

[Handwritten signatures and stamps]
Contd. (p/2)

1766 Guarantee No. 100/97
Date of Issue 24/4/97

- 4. We also agree that, your decision as to whether the Contractor has committed any breach or non-observance of the terms and conditions of the said Contract shall be final and binding on us.
- 5. We undertake to pay to the Company any money so demanded notwithstanding any dispute or disputes raised by Contractor in any suit or proceedings pending before any Court or Tribunal relating thereto, our liability under the present being absolute and unequivocal.
- 6. The payment so made under this guarantee shall be valid discharge of our liability for payment thereunder and the Contractor shall have no claim against us for making such payment.
- 7. This guarantee shall continue to be in force and effect upto and inclusive of 31.3.98. Notwithstanding the above limitation, we shall honour and discharge the claims preferred by you within sixty days of the expiry of this guarantee.
- 8. We shall not revoke this guarantee during its currency except with your previous consent in writing.
- 9. This guarantee shall not be affected by any change in the constitution of our Bank or of the Contractor.
- 10. Your neglect or forbearance in the enforcement of the payment of any money the payment whereof is intended to be hereby secured or the giving of the time for the payment hereto shall in no way relieve us of our liability under this guarantee.
- 11. This guarantee is issued in lieu of Bank Guarantee No. 58/97 dated 3-4-97. We are relieved/discharged from our all liability under Bank Guarantee No. 58/97 dated 3-4-97 consequence issuance of this guarantee.

12. Notwithstanding anything herein Contained our liability under this guarantee shall:

- a) be limited to a sum of Rs.10,00,000/- (Rupees Ten lacs only)
- b) stand Completely discharged and your right under this guarantee shall extinguish if no claims or demand is made upon us in writing on or before 30-05-98.

Dated this 24th day of April, 1997.

[Handwritten Signature]
 for CANARA BANK
 SAFDARJUNG DEV. AREA,
 NEW DELHI - 110 016

[Handwritten Signature]

RECORDED
 24/4/97
 11009

SP 16160

Discharged and Released,

For Malibu Estate Pvt. Ltd
[Handwritten Signature]
 18/11/2002
 Authorised Signatory

1767



BANK GUARANTEE IN LIEU OF SECURITY DEPOSIT

To:

M/s Malibu Estates Pvt. Ltd.,
38, Zamrudpur, DDA Commercial Complex,
Greater Kailash-I,
New Delhi-110048.

101/97
26-4-97
Bank Guarantee
Date of Issue

In consideration of your agreeing to refund the initial cash deposit and 5% (five peresent) cash recovery made in the running account bills, towards Security Deposit, against production of a Bank Guarantee for Rs.10,00,000/- (Rupees Ten lacs only) M/s. Ahluwalia Contracts (I) Ltd. having its/Head office at B-4/205, Safdarjung Enclave, New Delhi- 110 029 (hereinafter called the Contractor) towards Security Deposit for the due performance of the Contract entered into by them for the Construction of Group Housing Complex (Tower C-1, with Double Basement) at Malibu Towne at Gurgaon in accordance with the terms and conditions agreed to by the Contractor and for the due fulfilment of the said Contract or of the terms and conditions contained therein, we hereby undertake and agree to indemnify and keep you indemnified to the extent of Rs.10,00,000/- (Rupees Ten lacs only).

2. In the event of any loss or damages, costs, charges or expenses caused to or suffered by you by reason of any breach or non-observance on the part of the Contractor of any of the terms and conditions contained in the said contract, we shall on demand and without reference to the Contractor irrevocably and unconditionally pay you in full satisfaction of your demand the amount claimed by you. Provided that our liability under the guarantee shall not at any time exceed Rs.10,00,000/- (Rupees Ten lacs only).

3. This guarantee herein contained shall remain in force and effect till you certify that the terms and conditions of the said Contract have been fully and properly carried out by the Contractor and that the Contractor has furnished necessary deposit or fresh guarantee towards his obligations during the Defect Liability period of the works or till this guarantee is duly discharged by you in writing, or till 30.5.98, whichever is earlier.

बैंक के द्वारा जारी
FOR CANARA BANK

Handwritten signatures and stamps, including a circular stamp and a signature that appears to be 'R. D. S.'.

Contd. p/2

Uttara T.R.

4. We also agree that, your decision as to whether the Contractor has committed any breach or non-observance of the terms and conditions of the said Contract shall be final and binding on us.

5. We undertake to pay to the Company any money so demanded notwithstanding any dispute or disputes raised by Contractor in any suit or proceedings pending before any Court or Tribunal relating thereto, our liability under the present being absolute and unequivocal.

6. The payment so made under this guarantee shall be valid discharge of our liability for payment thereunder and the Contractor shall have no claim against us for making such payment.

7. This guarantee shall continue to be in force and effect upto and inclusive of 31.3.98. Notwithstanding the above limitation, we shall honour and discharge the claims preferred by you within sixty days of the expiry of this guarantee.

8. We shall not revoke this guarantee during its currency except with your previous consent in writing.

9. This guarantee shall not be affected by any change in the constitution of our Bank or of the Contractor.


10. Your neglect or forbearance in the enforcement of the payment of any money the payment whereof is intended to be hereby secured or the giving of the time for the payment hereto shall in no way relieve us of our liability under this guarantee.

11. This guarantee is issued in lieu of Bank Guarantee No. 59/97 dated 3-4-97. We are relieved/discharged from our all liability under Bank Guarantee No. 59/97 dated 3-4-97 consequence issuance of this guarantee.

12. Notwithstanding anything herein contained our liability under this guarantee shall:

- a) be limited to a sum of Rs.10,00,000/- (Rupees Ten lacs only)
- b) stand Completely discharged and your right under this guarantee shall extinguish if no claims or demand is made upon us in writing on or before 30-05-98.

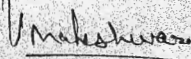
Dated this 24th day of April, 1997.

कृते केनरा बैंक
For CANARA BANK

 Manager
 Safdarjung Dev. Area, New Delhi
 P. No. 15589

for CANARA BANK
SAFDARJUNG DEV. AREA,
NEW DELHI - 110 016

Discharged and Released.

For Malibij Estate Pvt. Ltd.


Authorized Signatory 19.8.2002



BANK GUARANTEE IN LIEU OF SECURITY DEPOSIT

To,

M/s Malibu Estates Pvt. Ltd.,
 38, Zamrudpur, DDA Commercial Complex,
 Greater Kailash-I,
 New Delhi-110048.

No. 102/57
 Date 24.5.97

In consideration of your agreeing to refund the initial cash deposit and 5% (five per cent) cash recovery made in the running account bills, towards Security Deposit, against production of a Bank Guarantee for Rs.10,00,000/- (Rupees Ten lacs only) M/s. Ahluwalia Contracts (I) Ltd. having its/Head office at B-4/205, Safdarjung Enclave, New Delhi- 110 029 (hereinafter called the Contractor) towards Security Deposit for the due performance of the Contract entered into by them for the Construction of Group Housing Complex (Tower C-2, with Double Basement) at Malibu Towne at Gurgaon in accordance with the terms and conditions agreed to by the Contractor and for the due fulfilment of the said Contract or of the terms and conditions contained therein, we hereby undertake and agree to indemnify and keep you indemnified to the extent of Rs.10,00,000/- (Rupees Ten lacs only).

2. In the event of any loss or damages, costs, charges or expenses caused to or suffered by you by reason of any breach or non-observance on the part of the Contractor of any of the terms and conditions contained in the said contract, we shall on demand and without reference to the Contractor irrevocably and unconditionally pay you in full satisfaction of your demand the amount claimed by you. Provided that our liability under the guarantee shall not at any time exceed Rs.10,00,000/- (Rupees Ten lacs only).

3. This guarantee herein contained shall remain in force and effect till you certify that the terms and conditions of the said Contract have been fully and properly carried out by the Contractor and that the Contractor has furnished necessary deposit or fresh guarantee towards his obligations during the Defect Liability period of the works or till this guarantee is duly discharged by you in writing, or till 30.5.98, whichever is earlier.

कृते केवला बँक
 For CANARA BANK

[Signature]

[Signature]

[Signature]

Contd..p/2

कावे कर्मात T.K.
 अधिकारी Officer SP 19180

भारत कृषि विकास बैंक
 भारतीय स्टेट बैंक
 S.P.No. 10539

1770

Bank Guarantee No. 102/97
Date of Issue: 24/4/97

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4. We also agree that, your decision as to whether the Contractor has committed any breach or non-observance of the terms and conditions of the said Contract shall be final and binding on us.

5. We undertake to pay to the Company any money so demanded notwithstanding any dispute or disputes raised by Contractor in any suit or proceedings pending before any Court or Tribunal relating thereto, our liability under the present being absolute and unequivocal.

6. The payment so made under this guarantee shall be valid discharge of our liability for payment thereunder and the Contractor shall have no claim against us for making such payment.

7. This guarantee shall continue to be in force and effect upto and inclusive of 31.3.98. Notwithstanding the above limitation, we shall honour and discharge the claims preferred by you within sixty days of the expiry of this guarantee.

8. We shall not revoke this guarantee during its currency except with your previous consent in writing.

9. This guarantee shall not be affected by any change in the constitution of our Bank or of the Contractor.



10. Your neglect or forbearance in the enforcement of the payment of any money the payment whereof is intended to be hereby secured or the giving of the time for the payment hereto shall in no way relieve us of our liability under this guarantee.

11. This guarantee is issued in lieu of Bank Guarantee No. 57/97 dated 3-4-97. We are relieved/discharged from our all liability under Bank Guarantee No. 57/97 dated 3-4-97 consequence issuance of this guarantee.

12. Notwithstanding anything herein contained our liability under this guarantee shall:

- a) be limited to a sum of Rs.10,00,000/- (Rupees Ten lacs only).
- b) stand Completely discharged and your right under this guarantee shall extinguish if no claims or demand is made upon us in writing on or before 30-05-98.

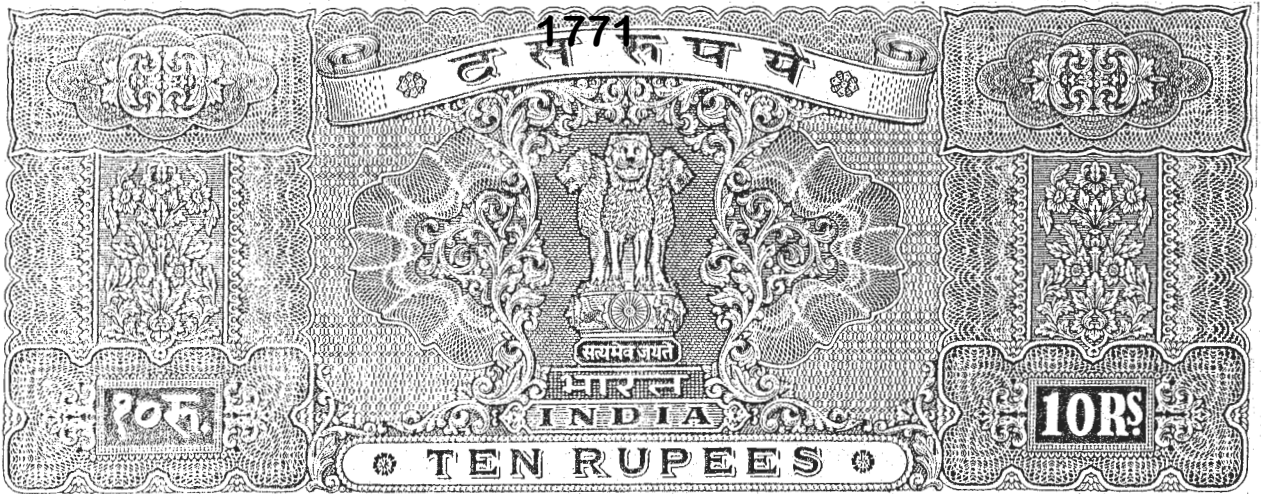
Dated this 24th day of April, 1997.


 CANARA BANK

 for CANARA BANK
 SAFDARJUNG DEV. AREA,
 NEW DELHI - 110 016

Discharged and Released.

For Malhi Estate Pvt. Ltd.

Maheshwar - 19/8/2002
Authorized Signatory



BANK GUARANTEE IN LIEU OF SECURITY DEPOSIT

To,

M/s Malibu Estates Pvt. Ltd.,
38, Zamrudpur, DDA Commercial Complex,
Greater Kailash-I,
New Delhi-110048.

BANK GUARANTEE No. 190/98
DATE OF ISSUE 20.10.98

In consideration of your agreeing to refund the initial cash deposit and 5% (five peresent) cash recovery made in the running account bills, towards Security Deposit, against production of a Bank Guarantee for Rs.28,451/- (Rupees twenty eight thousand four hundred fifty one only) M/s. Ahluwalia Contracts (I) Ltd. having its/Head office at B-4/205, Safdarjung Enclave, New Delhi- 110 029 (hereinafter called the Contractor) towards Security Deposit for the due performance of the Contract entered into by them for the Construction of Group Housing Complex (Tower A-2, with Double Basement) at Malibu Towne at Gurgaon in accordance with the terms and conditions agreed to by the Contractor and for the due fulfilment of the said Contract or of the terms and conditions contained therein, we hereby undertake and agree to indemnify and keep you indemnified to the extent of Rs.28,451/- (Rupees twenty eight thousand four hundred fifty one only).

2. In the event of any loss or damages, costs, charges or expenses caused to or suffered by you by reason of any breach or non-observance on the part of the Contractor of any of the terms and conditions contained in the said contract, we shall on demand and without reference to the Contractor irrevocably and unconditionally pay you in full satisfaction of your demand the amount claimed by you. Provided that our liability under the guarantee shall not at any time exceed Rs.28,451/- (Rupees twenty eight thousand four hundred fifty one only).

कृते कॅनरा बँक

For CANARA BANK

CONTID..P/2

अधिकारी
Officer

[Handwritten Signature]

प्रबन्धक
Manager

एच. बी. देविका, अफिस नं. 16

Safdarjung Enclave, New Delhi

श्री जयमोहन
C. Jayamohan
अधिकारी/Officer
र. पी. डी. 5/8/3

रामकृष्ण/ RAM KUMAR

प्रबन्धक (सं-III)

Manager (Scale-III)

S.P. No. 20946

1772

BANK GUARANTEE NO. 190/98
DATE OF ISSUE 30.03.98

-: 2 :-

3. This guarantee herein contained shall remain in force and effect till you certify that the terms and conditions of the said Contract have been fully and properly carried out by the Contractor and that the Contractor has furnished necessary deposit or fresh guarantee towards his obligations during the Defect Liability period of the works or till this guarantee is duly discharged by you in writing, or till 31.03.99, whichever is earlier.

4. We also agree that, your decision as to whether the Contractor has committed any breach or non-observance of the terms and conditions of the said Contract shall be final and binding on us.

5. We undertake to pay to the Company any money so demanded notwithstanding any dispute or disputes raised by Contractor in any suit or proceedings pending before any Court or Tribunal relating thereto, our liability under the present being absolute and unequivocal.

6. The payment so made under this guarantee shall be valid discharge of our liability for payment thereunder and the Contractor shall have no claim against us for making such payment.

7. We shall not revoke this guarantee during its currency except with your previous consent in writing.

8. This guarantee shall not be affected by any change in the constitution of our Bank or of the Contractor.

9. Your neglect or forbearance in the enforcement of the payment of any money the payment whereof is intended to be hereby secured or the giving of the time for the payment hereto shall in no way relieve us of our liability under this guarantee.

10. Notwithstanding anything herein contained

(i) Our liability under this Bank Guarantee shall not exceed Rs. 28,451/- (Rupees twenty eight thousand four hundred fifty one only) and

(ii) This Bank Guarantee shall be valid upto 31-03-99.

(iii) We are liable to pay the guaranteed amount or any part thereof under this Bank Guarantee only if you serve upon us a written claim or demand on or before 31-03-99.

Dated this 30th day of Oct. 1998.

श्री. जयमोहन
C. Jayamohan
अधीन/Officer
B. P. No. 20946

कृते केनरा बँक
for CANARA BANK
SAFDARJUNG DEV. AREA,
NEW DELHI - 110 016
Manager (Scale-III)
S.P. No. 20946
रामकुमार/RAM KUMAR
अधीन/Officer
B. P. No. 20946

Discharged and Released.

For Malibh Estate Pvt. Ltd.

Makeshwar
19.8.2002
Authorised Signatory

1773



Bank Guarantee No. 02 136 003
Date of Issue... 5/1/02

BANK GUARANTEE IN LIEU OF SECURITY DEPOSIT

To,

M/S Malibu Estates Pvt. Ltd.
38, Zamrudpur, DDA Commercial Complex,
Greater Kailash-I,
New Delhi-110048.

- 1- In consideration of your agreeing to refund the initial cash deposit and 5% (five percent) cash recovery made in the running account bills towards Security Deposit against production of a Bank Guarantee for Rs.3,62,674/- (Rupees three lacs sixty two thousand six hundred seventy four only) M/S Ahluwalia Contracts (India) Limited having its/Head Office at B-4/205, Safdarjung Enclave, New Delhi-110 029 (hereinafter called the Contractor) towards Security Deposit for the due performance of the Contract entered into by tem for the Construction of Group Housing Complex (Tower A-2, with Double Basement) at Malibu Town at Gurgaon in accordance with the terms and conditions agreed to by the Contractor and for the due fulfilment of the said Contract or of the terms and conditions contained therein, we hereby undertake and agree to indemnify and keep you indemnified to the extent of Rs.3,62,674/- (Rupees three lacs sixty two thousand six hundred seventy four only).

कृते केनरा बँक

For CANARA BANK Contd. P/2

अधिकारी
Officer
S. P. No.

प्रबन्धक
Mr. ager
S. P. No. 200301

एस. डी. एरिया नई दिल्ली-16
Safdarjung Lev. Area N. Delhi

:: 2 ::

- 2- In the event of any loss or damages, costs, charges or expenses caused to or suffered by you by reason of any breach or non-observance on the part of the Contractor of any of the terms and conditions contained in the said contract, we shall on demand and without reference to the Contractor irrevocably and unconditionally pay you in full satisfaction of your demand the amount claimed by you. Provided that our liability under the guarantee shall not at any time exceed Rs.3,62,674/- (Rupees three lacs sixty two thousand six hundred seventy four only).
- 3- This guarantee herein contained shall remain in force and effect till you certify that the terms and conditions of the said Contract have been fully and properly carried out by the Contractor and that the Contractor has furnished necessary deposit or fresh guarantee towards his obligations during the Defect Liability period of the works or till this guarantee is duly discharged by you in writing or till 29/06/2002, whichever is earlier.
- 4- We also agree that your decision as to whether the Contractor has committed any breach or non-observance of the terms and conditions of the said Contract shall be final and binding on us.
- 5- We undertake to pay to the Company any money so demanded notwithstanding any dispute or disputes raised by Contractor in any suit or proceedings pending before any Court or Tribunal relating thereto. Our liability under the present being absolute and unequivocal.
- 6- The payment so made under this guarantee shall be valid discharge of our liability for payment thereunder and the Contractor shall have no claim against us for making such payment.
- 7- We shall not revoke this guarantee during its currency except with your previous consent in writing.
- 8- This guarantee shall not be affected by any change in the constitution of our Bank or of the Contractor.
- 9- Your neglect or forbearance in the enforcement of the payment of any money the payment whereof is intended to be hereby secured of the giving of the time for the payment hereto shall in no way relieve us of our liability under this guarantee.

कृते कानरा बँक
For CANARA BANK

Contd... P/3

अधिकारी
Officer
S. P. No.

प्रबन्धक
Manager
S. P. No.

एस. डी. एरिया नई दिल्ली-16
Sudajong Dev. S. u N. Leibi

:: 3 ::

Bank Guarantee No. 02 IBG 003
Date of Issue 5/1/02

- 10- This guarantee is deemed to have come into force and effective from 30/12/2001 and is issued in lieu of Bank Guarantee No.151/98 dated 31/07/98 which expired on 29/12/2001. We are relieved/discharged from our all liability under Bank Guarantee No.151/98 dated 31/07/98 consequence issuance of this guarantee.
- 11- Notwithstanding anything herein contained :
- Our liability under this Bank Guarantee shall not exceed Rs.3,62,674/- (Rupees three lacs sixty two thousand six hundred seventy four only).
 - This Bank Guarantee shall be valid upto 29/06/2002.
 - We are liable to pay the guaranteed amount or any part thereof under this Bank Guarantee only and only if you serve upon us a written claim or demand on or before 29/06/2002.

Dated this 5th day of January 2002.

कृते कनरा बँक
For CANARA BANK For CANARA BANK
S.D. Area Branch,
प्रबन्तक New Delhi-110016.
Manager
S. P. N. 3/2

एस. डी. एरिया नई दिल्ली-16
S.D. Area New Delhi

F:\BVAR\BVAR1-5\Malibn-5.doc

Discharged & Released.

For Malibu Estate Pvt. Ltd.
V. Maheshwari
19/1/2002
Authorized Signatory

1776

MALIBU ESTATE PRIVATE LIMITED

38, DDA Commercial Complex
Kailash Colony Extn., (Zamrud)
New Delhi - 110048
Phone : 6211036, 6419969
Fax : 6447864

Ref. No.

Date

ME/ACIL/BG/2002

19.9.2002

To
M/s. Ahluwalia Contracts (I) Ltd.,
B-4/205, Safdarjung Enclave
New Delhi-110029

SUB: RELEASE OF BANK GUARANTEES


Dear Sir,

The following Original Bank Guarantees from Canara Bank, Safdarjung Development Area, New Delhi, submitted by you in lieu of deduction of Security deposit from the works of "Construction of Towers A&C" duly discharged are released for further action at your end.

<u>S.No.</u>	<u>B.G. No. & Date</u>	<u>Amount</u> (Rs.)
1.	✓ 100/97 24.4.97	10,00,000/-
2.	✓ 101/97 24.4.97	10,00,000/-
3.	✓ 102/97 24.4.97	10,00,000/-
4.	✓ 190/98 30.10.98	28,451/-
5.	✓ 021BG/003 5.1.02	3,62,674/-

Thanking you,

Yours faithfully,
For Malibu Estate Pvt.Ltd


Authorised Signatory

CC TO:

The Manager, Canara Bank, Safdarjung Development Area, New Delhi for information & necessary action

-TRUE COPY-

ANNEXURE- 8



B. L. GUPTA CONSTRUCTION LIMITED

Regd. Office : II-A-21, Feroze Gandhi Road, Lajpat Nagar, New Delhi - 110 024 (INDIA)
Tel. : 6932052, 6932053, 6932054, 6932161, 6932181, 6824841, 6932450, 6932451
Fax : 91-11-6838989, 6932053
E.mail : blgcltd@nda.vsnl.net.in

Our Ref. : BLGC / P23 / Malibu Towne / S 306

Date : September 21, 2001

Recd
1/27/09/01

To

The General Manager (Projects)
Malibu Estate Pvt Ltd.
Site Office Gurgaon .

Sub : Construction of group housing complex , Tower B1& B2

Dear Sir ,

We have offered you flat no. 703, Tower B1 complete in all respect. So kindly take over the flat.
The detail of inventory is enclosed herewith.

Thanking You

Your 's faithfully

for B. L. GUPTA CONSTRUCTION LTD.

MR. Tarlochan Singh

An. n. s.

27/9

3/10

Handed over by M/S B.L.G.C.LTD.

Taken over by M/S M.E.P.L.



B. L. GUPTA CONSTRUCTION LIMITED

Regd. Office : II-A-21, Feroze Gandhi Road, Lajpat Nagar, New Delhi - 110 024 (INDIA)
Tel. : 6932052, 6932053, 6932054, 6932161, 6932181, 6824841, 6932450, 6932451
Fax : 91-11-6838989, 6932053
E.mail : blgcltd@nda.vsnl.net.in

Our Ref. : BLGC / P23 / Malibu Towne / S 308
Date : September 24 , 2001

Recd
1/29/09/01

To
The General Manager (Projects)
Malibu Estate Pvt Ltd .
Site Office Gurgaon .

Sub : Construction of group housing complex , Tower B1& B2

Dear Sir ,

We have offered you flat no. 304, Tower B1 complete in all respect. So kindly take over the flat.
The detail of inventory is enclosed herewith.

Thanking You

Your 's faithfully

for B. L. GUPTA CONSTRUCTION LTD.

Mr. Tanlochan Singh

An. n. 9.

28/9.

Sub
2/10

Handed over by M/S B.L.G.C.LTD.

Taken over by M/S M.E.P.L.

1779



B.L. GUPTA CONSTRUCTION (P) LTD.

Regd. Office : II-A-21, Feroze Gandhi Road, Lajpat Nagar, New Delhi - 110 024 (INDIA)
 Tel. : 6322052, 6322053, 6322054, 6322161, 6322181, 6324841, 6322450, 6322451
 Fax : 91-11-683 8989, 632 8731
 E-mail : blgcltd@blgc.i-p.com

Recd

06/09/02

Our Ref.: BLGC / P23 / Malibu Towne / S 320
 Date : September 05 , 2002

Rahul
Pl. check

14/9
06/09/02

To
 The General Manager (Projects)
 Malibu Estate Pvt Ltd.
 Site Office Gurgaon .

Sub : Construction of group housing complex , Tower B1& B2

Dear Sir ,

As desired ,We have offered you flat no. 903, Tower B2 complete in all respect.
 So kindly take over the flat .The detail of inventory is enclosed herewith.

Thanking You

Your 's faithfully

for B. L. GUPTA CONSTRUCTION LTD .

Whether Coat yet to be
 done in Bed corner.
 16/9/02

Rahul
16/9/02

Handed over by M/S B.L.G.C.LTD.

Rahul
16/9

Taken over by M/S M.E.P.L.

Rahul

Rahul



1780
Recd 7/2/02
7/2/02
B.L. GUPTA CONSTRUCTION (P) LTD.

Regd. Office : II-A-21, Feroze Gandhi Road, Lajpat Nagar, New Delhi - 110 024 (INDIA)
Tel. : 6322052, 6322053, 6322054, 6322161, 6322181, 6324841, 6322450, 6322451
Fax : 91-11-683 8989, 632 8731
E-mail : blgcltd@blgc.i-p.com

Our Ref.: BLGC / P23 / Malibu Towne / S 318

Date : February 07, 2002

To
The General Manager (Projects)
Malibu Estate Pvt Ltd.
Site Office Gurgaon.

Sub : Construction of group housing complex , Tower B1& B2

Dear Sir,

As desired ,We have offered you flat no. 702, Tower B2 complete in all respect.
So kindly take over the flat .The detail of inventory is enclosed herewith.

Thanking You

Your 's faithfully

for B. L. GUPTA CONSTRUCTION LTD.

M.R. Tarlochan Sr 74

For. n.s.

7/02/02

16/2/02

Handed over by M/S B.L.G.C.LTD.

Flat no 702 taken over
except the following points
a) whether cost yet to be
done.
b) Paper Holders yet to be
provided.

16/02/02
Taken over by M/S M.E.P.L.

1781



Tower A, C
Block -

AWARD

BEFORE SHRI S.K.CHAWLA, SOLE ARBITRATOR

SKC/ARB/IV

549, Mount Kailash Apartment
Tower -3, East of Kailash
New Delhi - 110 065

10th May 2008

IN THE MATTER OF Arbitration

Between

Ahluwalia Contracts (India) Ltd

...

Claimants

AND

Malibu Estate Pvt. Ltd.

...

Respondents

AND IN THE MATTER OF DISPUTES arising out of the Contract for Construction of

(i) A Block Tower with Basement; (ii) C Block two Towers with basement at

Malibu Towne, Gurgaon



1.0 Preamble:

WHEREAS certain disputes have arisen between Ahluwalia Contracts (India) Ltd. and Malibu Estate Pvt. Ltd. in respect of the contract relating to the Construction of (i) A Block Tower with Basement; (ii) C Block two Towers with basement at Malibu Towne, Gurgaon and the undersigned S.K.Chawla was the sole Arbitrator named in the Deed of Settlement dated 19.9.2002 executed between the parties for adjudication of the disputes in final bill and recoveries thereof.

AND WHEREAS with reference to the said Deed of Settlement, the Claimants by letter dated 25.7.2003 referred to arbitration their following claims for adjudication thereof:

- (1) CLAIM NO. 1: Whether the Contractor Ahluwalia Contracts (India) is entitled to a sum of Rs.3, 10,61,253.57 (Rupees Three crores ten lacs one thousand two hundred fifty three and Paisa fifty-seven only
- (2) CLAIM NO.2: Whether the Contractor Ahluwalia Contracts (India) Ltd. is entitled to interest on the said amount of Rs. 3,10,61,253.57 of Claims No. 1 at the rate of 18% per annum from the respective due dates till payment thereof?
- (3) CLAIM NO.3: Costs of arbitration of Rs. 10,00,000/- as estimated.

It is well settled and itself the law laid down by the Supreme Court that a person deprived of the use of money which he is legitimately entitled to, has a right to be compensated for the deprivation. It may be called interest, compensation. Act, 1996 the Arbitrator has the power to award interest from the date of accrual of the cause of action to the date of the Award and from the date of the Award to the date of payment. In various of the letters demanding payment of the said amount the Claimants had also claimed and given notice that interest will be claimed @ 18% per annum from the respective due date(s) to the date of payment.

This case has been very tedious and long drawn out over a period of time. There were submission of Claimants of the claim and the Respondents for their counter claims running into more than 1600 pages each. The overall evidence given by both the parties was required to be co-related with submission by them. It took lot of time. There were also adjournments at the request of Respondents and in some cases by Claimants also. All this resulted in prolonged period of debates, arguments and counter arguments. I do not want to apportion blame on a single party. But this has resulted in delay disposal of the case.

I therefore hold that the Claimants shall be entitled to interest on the said amount of Rs.1,02,18,004.07 as awarded above said award such interest @10% per annum from 1.7.2006 to the date of the Award and thereafter to the date of payment including for the pendent elite period.

7.0 CLAIM NO.3 : COSTS OF ARBITRATION OF RS.10,00,000/-
AS ESTIMATED
AND
COUNTER-CLAIM NO.10 : COSTS OF THESE PROCEEDINGS

As regard the Claimants' claim for costs of arbitration I am of the considered view that the Claimants have been unnecessarily and unreasonably dragged or drawn into litigation and become subject to the costs of it and therefore I assess and award a sum of Rs. Nil as the fixed costs of arbitration in favour of the Claimants and against Respondents.

AWARD

The Malibu Estate Pvt. Ltd. do pay to Ahluwalia Contracts (India) Ltd. a sum of Rs.1,02,18,004.07 along with simple interest at 10% p.a. from 1.7.2006 to the date of the Award and thereafter to the date of payment (including for the pendent elite period)

This Award is made and signed at New Delhi this 10th day of May 2008.

S. K. Chawla
(S. K. Chawla)
Sole Arbitrator

Signed copy of Award handed over to:

1. Ahluwalia Contracts (India) Ltd.
2. Malibu Estate Pvt. Ltd.

29.09.2023

**REPLY ON BEHALF OF M/S MALIBU ESTATE PVT. LTD. TO THE WRITTEN
STATEMENT DATED 07.08.2023 SUBMITTED BY THE APPLICANT.**

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Date: 29.09.2023

The Chairman

State Environment Impact Assessment Authority, Haryana
First Floor, Bay's No. 55-58, Sector-2,
Panchkula, Haryana

Subject: Reply on behalf of M/s Malibu Estate Pvt. Ltd. to the Written Statement dated 07.08.2023 by Raman Sharma (Complainant/Applicant in Original Application No. 68 of 2022)

Sir,

1. The Undersigned had received the Notice dated 14.06.2023 from your good office on 20.06.2023 wherein the undersigned was asked to appear before the Ld. SEIAA on 22.06.2023 to explain the position why the undersigned's project is not a case of violation of EIA Notification, 2006 read with Environment Protection Act, 1986.
2. That on the request of the undersigned via email dated 21.06.2023, the hearing was adjourned to 06.07.2023, wherein the undersigned was directed to appear and to explain the position as to why the undersigned's project is not a case for violation of EIA Notification, 2006 read with Environment Protection Act, 1986. Thereafter, the undersigned, appeared in person on 06.07.2023, and verbally sought some more time to submit their detailed reply along-with the relevant documents. That thereafter, the Authority decided to accede to the

request of the undersigned and matter was adjourned to 02.08.2023 for final hearing and decision thereof. That thereafter the matter came up for hearing before the Hon'ble NGT Principal Bench on 25.07.2023 in the case titled "Raman Sharma vs. State of Haryana & Ors. (OA No. 68/2022/PB)", wherein the Hon'ble NGT on the submissions made on behalf of Respondent No.8 (Undersigned) has directed the Ld. SEIAA to dispose of the matter as per law after providing the opportunity of hearing to the persons concerned.

3. That, thereafter the undersigned had appeared before the Ld. SEIAA on 02.08.2023 along-with its Counsel and has placed before the Ld. SEIAA, written as well as oral submissions in its defence. The Counsel for the undersigned submitted before the Ld. SEIAA that the undersigned has not violated either the EIA, Notification 1994 or the EIA 2006 notification read with Environment Protection Act, 1986. Further the Ld. SEIAA has also directed the Project Proponent to prepare details of procurement of materials and mobilization of financial resources, along with status of statutory compliances obtained for the project. The case was then adjourned to 29.08.2023.
4. That thereafter the Ld. SEIAA on the request of the counsel of the undersigned has adjourned the hearing for the matter to 15.09.2023. On 15.09.2023, the undersigned submitted a detailed Affidavit for additional documents before the Ld. SEIAA submitting details of materials and mobilization of financial resources, along with status of statutory compliances

obtained for the project in compliance of Order dated 02.08.2023 of the Ld. SEIAA. Thereafter, the matter was part heard on 15.09.2023 and was further heard again on 19.09.2023 wherein the Applicant submitted his oral submissions and has asked permission of the Ld. SEIAA to serve his written submissions by 4 p.m. on that day.

5. That at the outset, it is submitted that the undersigned has already submitted its status of compliances regarding the project in question as well as the financial details and documents supporting the same on 15.09.2023. The Written Statement dated 07.08.2023 by Raman Sharma (Complainant) was received by the undersigned only on 19.09.2023. The said Written Statement fails to substantiate the allegations made by him and he has instead made arbitrary and frivolous statements against the undersigned, with which this Ld. Authority may not be concerned at all. In fact it seems that the motive of the Complainant is only to mislead this Ld. Authority with the information that may not be relevant for the adjudication of the central question of applicability of the EIA Notification on the said project. The undersigned has already submitted its written representation dated 02.08.2023 and 15.09.2023 to apprise the Ld. Authority that the project of the undersigned does not come within the purview of EIA Notification, 1994 read with EIA amendment Notification 07.07.2004 or even within the purview of EIA Notification, 2006 for the land that was purchased in 2008. That the undersigned hereby denies all the allegations as mentioned in the Written Statement dated 07.08.2023

submitted by the Complainant/Applicant and it is submitted that the contents of written representation dated 02.08.2023 and dated 15.09.2023 may be read as an additional response to the written statement dated 07.08.2023.

6. That it is pertinent to mention here that the written statement submitted by the Complainant is against the general rules of framing the Pleadings or even in violation of Order VI Rule 2 of Code of Civil Procedure, 1908 wherein it is stated that every pleading should state material facts on which the party was relying but not the evidence by which they are to be proved. Although this Ld. Authority is not bound by the Code of Civil Procedure, 1908 *stricto sensu*, but even as a reasonable person the undersigned can expect that the allegation or facts stated in the written statement dated 07.08.2023 should be clear and it could not be in a way of putting all material that may or may not be relevant for the adjudication of the issue at hand thereby clearly misleading the adjudicating Authority. In fact it appears to be a fishing and roving inquiry by the complainant by mere filing of the documents, with no clear allegations mentioned therein and/ or any legal violation or anything connected with the main issue, before this Ld. Authority with regard to the applicability of the EIA Notification for the land and development that occurred prior to the 2004 EIA amendment notification as stated above.
7. The undersigned craves the liberty of this Ld. Authority to reply only to the contentions which are related to the violations of EIA Notification, 2006 or which are relevant to the issue with which this Ld. Authority ought to be

concerned with i.e., (whether the project of the undersigned required to obtain the EC as per EIA Notifications or not). The issues or allegations raised by the Applicant are hereby denied as wrong, false and devoid of any merit save what are categorically accepted.

8. **PRELIMINARY OBJECTION ON THE PLEADINGS:**

It is humbly submitted that the written statement is neither indexed nor page numbered and hence it is almost impossible to decipher the argument and the supporting documents that are being relied upon by the Applicant. It is therefore prayed that the said written statement be resubmitted and page numbered so that a coherent para-wise rejoinder be submitted by the project proponent. Be that as it may, the undersigned is making an attempt to respond to the document page wise so that it is clear whether the said pages/photos/documents are even relevant for the present lis, which is listed to see the applicability of the EIA Notification as the law stood when the land was purchased and developed. A brief table is also appended to suggest the documents that have been strewn all over the document and their relevance or more importantly irrelevance for the purpose of the present lis. The table is appended and annexed as **ANNEXURE -1**

9. At Page No. 1 there is old picture of details of license, the reason for putting that picture is not stated. Further Para No. 1 merits no response as it has only stated the general conditions which are normally appended to the TOR issued for 8(b)

Township and Area Development Projects. It is however submitted that the details of the licenses and dates of their partial completion clearly show that all the land parcels and the development works were clearly before February 2003 except for one plot which is of 24.61 acres bought in January 2008 and which is already an admitted fact. It is further submitted that the validity of the licenses is up till the year 2025 and such records are available for perusal, if required.

10. Para No. 2 is denied as wrong and false. It is reiterated that the undersigned does not require prior Environment Clearance (EC) for the project in question as the licenses of lands were bought in the year 1992 onwards and the development was completed before 2004 when the EIA Notification for the first time brought within its purview the concept of Town and Area development projects. Further the total built-up area that is being built by the undersigned including Group Housing, Plot Development and their floors, Shopping Arcade, Club and other developments is only 1,29,676.27 sq. mts. within an area of about 15 acres which is much less than 1,50,000 sq. mt. as well as much less than 50 ha, which is the threshold of Area Development/Township Development under the EIA Notification, 2006 even as of today. Further all the constructions have been done by the undersigned even before the EIA amendment Notification dated 07.07.2004. The breakup of built-up area of the Township Project is already appended as **ANNEXURE VII** in the representation submitted on 02.08.2023 by the undersigned as well as **ANNEXURE 1** in the Affidavit for Additional Documents submitted on

15.09.2023 by the undersigned. The contents of para 2 (I) is denied as false and in no way related to the issue whether the project requires EC or not. Further several evidences have been submitted by way of additional documents submitted on 15.09.2023 which proves beyond doubt that the construction of the projects by the undersigned was much above the plinth level and thereby not attracting the EIA notification as applicable in 2004. Further there is a mention of Annexure 1 being annexed to the Written Statement. However, on perusal of the entire Written Statement, no such annexure is appended to the said written statement nor any related detail is authenticated in any manner whatsoever and hence must be disregarded.

11. That the other contents of para 2 relating to service plan estimate, sewage disposal, Commercial development etc are not related to the present dispute before the Ld. Authority and also relates to the third parties to which the undersigned does not want to comment upon. Further the plots have been sold to individual beneficiaries such as one M/s Endure Realty Pvt. Ltd. and one M/s Nikiyog Builwell Pvt. Ltd. who have obtained prior Environmental Clearance dated 04.09.2013 and 08.01.2008, respectively under the EIA Notification, 2006 for its proposed commercial complex at sector 47 & 50 Road, Malibu Towne- Gurgaon which was going to be constructed in an area of about 2.723 acres with a built-up area of 33540.54 sq. mts. as regards to M/s Endure Realty Pvt. Ltd. and in an area of 14022.33 sq mts. with a built-up area of 45971.73 sq. mts. as regards to M/s Nikiyog Builwell Pvt. Ltd. Since

such construction falls under the category 8(a) of the schedule of the EIA Notification, 2006, such prior Environment Clearance was obtained as per law by the individual beneficiaries. Copies of the prior EC are already appended as ANNEXURE V in the representation submitted on 02.08.2023 by the undersigned. In the same paragraph what is Annexure 1 and Annexure 2 is not clear and undersigned reserves its right to respond to it as and when it is alluded to and/or is clear from the said pleadings.

12. The Annexure No. 2 i.e., copy of License No15 of 2008 at page 10 which is already an admitted position. Similarly Annexure No. 3 which is the Reply of HSPCB is at Pg 21 to 27 which is a matter of record before the Hon'ble NGT in OA 68 of 2022. The Annexure No. 4 appears to be at Pg. 30 to 49 which again talks about being developed by Nikiyog Private limited and has no relevance to the present dispute.

13. The Picture on Pg. 3, require no response as it is unclear as what the complainant is alleging through this picture. Similarly there is a reference to Annexure 5, 6, 7 and 8, without any clear page no. or location. These are projects perhaps developed by private parties which have permissions as per law and Environment Clearance, wherever applicable. It is again reiterated that such a response be discarded as it does not meet the basic requirements of the pleading formats.

14. The Table on Pg. 4, require no response as it is undated and further it is not clear as what the complainant is alleging through the table Some facts below

that table, are also not attributable to any authenticated document and hence may not be admissible.

15. That the letter on Pg. 5 is a communication between government officials and it is up to the Complainant to prove the authenticity of this letter, hence, the undersigned does not want to submit any response on it. Further it is unclear as what the complainant is alleging through the letter. It in fact appears to be in response to some complaint by the Applicant which again is neither copied to the Applicant nor directed to the undersigned. The undersigned therefore reserves its right to respond to the same if and when confronted by the Concerned Authority. It may be discarded by this Ld. Authority for the time being.
16. That the letter on Pg. 6, requires no response as it is unclear as what the complainant is trying to allege through this letter.
17. That the contents of Para V on Pg. 6 and 7 are up to the extent which are matter of record and merits no response, other than, that it is up to the complainant to prove the facts that are alleged. Further this Ld. Authority is presently seized of the issue whether the project required the EC or not, so the contents of this para consist of facts which in the humble submission of the undersigned is outside the jurisdiction of this Ld. Authority.
18. That the Picture on Pg. 7, requires no response as it is unclear as to what the complainant is trying to allege through the picture. The said page 7 also describes some filing of FIRs which has no relevance to the present dispute.

19. That the Picture on Pg. 8, required no response as it is unclear as to what the complainant is trying to allege through the picture.
20. That the contents of Para VI on Pg. 8, are the mere allegations which have no relation with the issue at hand whether the EC was applicable for the project or not. So, the undersigned seeks the liberty to not answer to the contents of this para at this stage.
21. That the contents of Para 3 on Pg. 8 are the wrong submissions on behalf of the Complainant as the State Environmental Impact Assessment Authority (SEIAA), Haryana is the authority to decide the applicability Environment Clearance in Haryana. This shows the understanding of the Applicant. And by his logic he should not be filing any response as he is of the belief that this Ld. Authority does not have any jurisdiction to see the applicability of the EC. This is a ground alone to discard the entire submission of the Applicant.
22. That the contents of Para 4 on Pg. 8 are denied as false and without any merit. As the undersigned as already submitted his representation wherein it is clearly stated that previous licenses for about 180.14 acres do not come within the purview of EIA Notification 1994 or 2006. Further in the separate license i.e., License no. 15 of 2008 no construction has been done by the undersigned and the land in this license was only used for giving plots to the third parties. The contents of representation dated 02.08.2023 and 15.09.2023 may also be read as an additional response to the contents of this para.

23. That the Letter on Pg. 9, required no response as these are general conditions which are imposed at the time of granting of license. Further as per the minutes of DTCP dated 20.02.2014 in which the issues raised by the Complainant (Raman Sharma) were discussed, wherein after the submission of the project proponent “that they are not required to obtain the NOC as the covered area is less than 1,50,000 sq. mts”, was accepted by the DTCP and held that no action is required on this issue. So, in the humble submission of the undersigned the complainant is doing a kind of forum shopping raising similar issues at various forums without even looking at the jurisdiction of that Forum. The Copy of minutes dated 20.02.2014 is appended and annexed as **ANNEXURE-2**.

24. That 1st Para (in bold) on Pg. 10 is denied as wrong and false. The conditions mentioned in License No. 6 are general conditions and need to be complied with as and when applicable. The letter dated 07.03.2019 in which the layout plan was in principally approved for Malibu Estate Pvt. Ltd. is appended and annexed as **ANNEXURE-3**. The Service Road has been handed over to the Senior Town Planner, Haryana on 23.03.2023 and the letter is also appended and annexed as **ANNEXURE-4**. A letter by the undersigned to the Commissioner, Municipal Corporation, Gurgaon dated 24.02.2018 stating that Sector servicing road as per License No. 71 dated 28.10.1992 have been constructed and are ready for handing over to Municipal Corporation, Gurgaon is also appended as **ANNEXURE-5**.

25. That in para 5 complainant is contradicting his own submissions by stating that the layout plans along with other permission has raised the requirement of EC which is in fact wrong and devoid of any merit whereas in the above para he has alleged that there is no layout plan approved for the project.
26. That the letter on Pg. 11, requires no response as it seems to be an internal communication between Government Officials which require no response from the undersigned. Further it is unclear as what the complainant is alleging through the letter. The undersigned deserves his right to reply to the same as and when the allegation is clearly stated in the pleadings.
27. The contents of Para No. 5 on Pg. 11 are hereby denied as false and without any merit. Further the undersigned humbly submits that the allegation that are made in this para are neither relevant to adjudicate the issue at hand i.e., about the applicability of EIA Notifications on the project nor within the jurisdiction of this Ld. Authority.
28. That the letter on Pg. 12 shows a legal request made for the diversion of forest land under section 2 of Forest Conservation Act, 1980. Further the issue regarding forest diversion is not within the jurisdiction of this Ld. Authority in the humble submission of the undersigned. The Applicant has no basis for the allegations made in this para. Therefore, the undersigned reserves its response for the appropriate authority/forum.
29. That letter on Pg. 13, required no response as the letter seems to be an internal communication between the Forest Department Officials and it is

unclear as what the complainant is trying to allege through this letter and its relevance before this Ld. Authority.

30. That the letter on Pg. 14 seems to be an internal communication between officers of DTCP regarding some complaint against project proponent. The undersigned does not want to respond on the departmental communication, further what the Complainant is trying to say by this letter is not clear as regards to the EC process.
31. That the letter at Pg. 15 is regarding handing of various sites such as BSNL, electric substation, Post Office etc. in the township. It is pertinent to note that this letter is dated 29.08.2008 wherein the handing over year for BSNL is mentioned as 2001 and other structures also probably around the same period. The undersigned once again wants to reiterate that all the construction that had been done by the undersigned was before the Notification dated 07.07.2004. In any case there is no case made out with regard to the applicability of EC with such communication.
32. That the letter at Pg. 16, is addressed to the Complainant so the undersigned is not aware of any such letter and does not want to comment on it. Further even in arguendo, the contents of this letter mentioned that no contamination was found in the tube well water and there was no discharge of sewage in rain water harvesting system. So, it is again proved that the complainant was/is in a habit of making such frivolous complaint without any proof. Further what the complainant is alleging through this letter is unclear and vague.

33. That the contents of Pg. 17-20 were a brief summary of the project, but the undersigned doubt the authenticity of this and it is unclear what the complainant wants to allege through this summary.
34. That the Pg. 21- 27 contained the Reply on behalf of the Haryana State Pollution Control Board in O.A No. 68 of 2022 which is sub judice before the Hon'ble Principal Bench of the National Green Tribunal. The undersigned does not want to reply to the same and reserves his right to file the rejoinder to this reply before the appropriate forum i.e., Hon'ble NGT.
35. That on Pg 28-29, the Closure Order dated 23.12.2022 issued by the Haryana State Pollution Control Board (HSPCB) to the undersigned is annexed. It is pertinent to note that the undersigned has filed an appeal u/s 33 A of the Water Act, 1974 (Appeal No. 20 of 2023) before the Appellate Authority, HSPCB, Panchkula, against the above-mentioned closure order and said order has been revoked by the Appellate Authority on 21.09.2023.
36. That on Pg. 30- 49, there are some letters that are in reference to the urban complex being developed by Nikiyog Buildwell Pvt. Ltd. and are not concerned with the undersigned so it does not require any reply from the undersigned.
37. That the Letter on Pg. 50-61, is not addressed to the undersigned, so undersigned is not aware of this communication and it is also not clear what the complainant is alleging through these documents. Further it is not clear as to how such internal documents have been procured and for what purpose.

This clearly smacks of something more than meets the eye and the purpose of such communication has not been explicitly stated by the Applicant. Further undersigned wants to submit that previously service plan estimates were required to be made license wise and which was done in accordance with the procedures then prevalent and is available for perusal if the Ld. Authority so desires.

38. That the letters on Pg. 62-64, were the communication that was sent by the undersigned regarding some clarification that has been sought by the Superintending Engineer (HUDA) with regard to application dated 28.04.2015 for estimate approval for providing Water Supply, Sewerage, Storm Water Drainage, Roads, Street Light & Horticulture. Further it is also not clear what the complainant is alleging through this document.

39. That the FIR Report on Pg. 65-75 is outside of the scope of the jurisdiction of Ld. SEIAA's. Therefore, the undersigned reserves its right to respond at the appropriate Authority/forum.

40. Photographs on Pg. 76-90, needs no response as it is unclear as what the complainant is alleging through these Pictures. Further the undersigned is highly doubtful about the authenticity of these pictures as pictures at page 82 and 83 are similar but the description of the picture is different.

41. Another email sent by the Complainant/Applicant with certain tables and details without alluding to the legal challenges of the present dispute and

hence may be discarded. The undersigned reserves his right to respond to the same as and when coherently presented with the pleadings.

42. It is reiterated that the said written statement is incoherent, does not follow the basic principle and format of pleadings, with no clear allegations with substantiated evidences. As a result the request of the undersigned is that such a document be discarded and if needed fresh document may be directed to be filed so that there is no prejudice caused to the undersigned. In the end therefore, the undersigned reserves his right to respond to any document which is not clear or which is not comprehensible or those whose relevance is not established through the present pleadings but reiterated in subsequent submissions or pleadings. And for the reasons aforementioned the said written statement by the Applicant may be discarded in toto and the application be decided accordingly.

43. In view of the above submissions, it is humbly prayed that the written statement may not only be discarded but huge penalty may be imposed on the Complainant/Applicant for misleading this Ld. Authority.



ANNEXURE-1

Sr. No.	Document	Source	Relevance
1.	Screenshot of table details of Licenses of Malibu Estate	Pg. No. 1 of WS of Applicant	Relevant
2.	Photograph	Pg. 3 of WS of Applicant	Relevance unclear
3.	Photograph/ extract of an undated & unnamed document	Pg. 4 of WS of Applicant	Relevance unclear
4.	Letter dated 27.01.2012 by Director & CPIO of MoEF&CC to Financial Commissioner & P.S to Govt. of Haryana to take action against M/s Malibu Township Project for violation of provisions of the EIA Notification.	Pg. 5 of WS of Applicant	Not Relevant
5.	Letter dated 30.09.2010 by Malibu Town to Raman Sharma requesting for financial support to set up 4 STPs at the township.	Pg. 6 of WS of Applicant	Not Relevant
6.	Photograph	Pg. 7 of WS of Applicant	Relevance unclear
7.	Photograph	Pg. 8 of WS of Applicant	Relevance unclear
8.	Letter dated 11.04.2008 by Town & Country planning Dept., Haryana to M/s Malibu Estate Pvt. Ltd. granting license no. 86 of 2008 to Malibu Estate Pvt. Ltd	Pg. 9 of WS of Applicant	Relevance unclear
9.	Letter dated 31.01.2008 by Town & Country planning Dept., Haryana to M/s Malibu Estate Pvt. Ltd. granting license no. 15 of 2008 to Malibu Estate Pvt. Ltd	Pg. 10 of WS of Applicant	Relevance unclear
10.	Letter dated 02.08.2023 by Haryana Shehri Vikas Pradhikaran to Senior Town Planner & DTP, Gurugram requesting to provide copies of all approves service plan estimates, approves OCs, approved part completion certificates etc.	Pg. 11 of WS of Applicant	Not Relevant
11.	Letter dated 29.03.2022 by Forest Dept., Haryana to DTP, Gurugram making a legal request for diversion of forest land u/s 2 of the Forest Conservation Act, 1980	Pg. 12 of WS of Applicant	Not Relevant
12.	Letter dated 23.02.2023 by Forest Dept., Haryana to DCF, Gurugram regarding intimation of complaint regarding disregard of Govt. Orders.	Pg. 13 of WS of Applicant	Not Relevant
13.	Letter dated 13.07.2021 by DTCP, Haryana to Senior Town Planner,	Pg. 14 of WS of Applicant	Not Relevant

	Gurugram regarding intimation and complaint regarding criminal act Commission, Wrong and Erroneous issuance of Pat Completion certificate and indictable OC to M/s Malibu Estate Pvt. Ltd.		
14.	Letter dated 29.08.2008 by Malibu Towne to Senior Town Planner, Gurugram regarding handing over of various sites in the Township.	Pg. 15 of WS of Applicant	Relevant
15.	Letter by HSPCB to Raman Sharma regarding complaint u/s 15 of the Environment Protection Act, 1986 and registering an FIR against Malibu Towne for crime of pumping sewage in the water harvesting system to kill residents	Pg. 16 of WS of Applicant	Not Relevant
16.	Brief Summary of the Project (undated)	Pg. 17-20 of WS of Applicant	Relevance unclear
17.	Reply on behalf of the Haryana State Pollution Control Board in O.A No. 68 of 2022	Pg. 21-27 of WS of Applicant	Matter sub judice in NGT
18.	Closure Order dated 23.12.2022 issued by HSPCB to M/s Malibu Estate Pvt. Ltd.	Pg. 28-29 of WS of Applicant	Revoked, but not relevant to decide applicability of EIA Notification.
19.	Letter dated 25.04.2014 by Office of the Superintending Engineer, HUDA to Chief Engineer regarding approval of service plan estimate for the development of commercial colony measuring land.	Pg. 30-40 of WS of Applicant	Not Relevant
20.	Letter dated 24.04.2014 by Office of the Executive Engineer, HUDA, Gurgaon to the Superintending Engineer, HUDA regarding Approval of service plan estimate for License No. 71-75 of 1992.	Pg. 41- 47 of WS of Applicant	Not Relevant
21.	Letter dated 24.01.2014 by DTCP, Haryana to Nikiyog Buildwell Pvt. Ltd. regarding approval of revised building plans of Commercial Colony.	Pg 48-49 of WS of Applicant	Not Relevant
22.	Letter dated 22.06.2015 by Office of the Superintending Engineer, HUDA to Chief Engineer-I, HUDA, Panchkula regarding estimate for providing water supply, sewage, storm water drainage etc w.r.t revised Group Housing scheme	Pg 50-51 of WS of Applicant	Not Relevant
23.	Letter dated 12.01.2016 by Office of the Superintending Engineer, HUDA,	Pg 52-57 of WS of Applicant	Not Relevant

	Gurugram to Chief Engineer-I, HUDA, Panchkula regarding estimate for providing water supply, sewage, storm water drainage etc w.r.t revised Group Housing scheme.		
24.	Letter dated 11.06.2016 by Office of the Executive Engineer, HUDA, Gurgaon to the Superintending Engineer, HUDA regarding estimate for providing water supply, sewage, storm water drainage etc w.r.t revised Group Housing scheme.	Pg. 58-61 of WS of Applicant	Not Relevant
25.	Letter dated 12.01.2016 by Malibu Towne to the Superintending Engineer, HUDA, Gurugram regarding estimate for providing water supply, sewage, storm water drainage etc w.r.t revised Group Housing scheme.	Pg. 62 of WS of Applicant	Not Relevant
26.	Letter dated 16.12.2015 by Malibu Towne to the Superintending Engineer, HUDA, Gurugram regarding estimate for providing water supply, sewage, storm water drainage etc w.r.t revised Group Housing scheme.	Pg. 63-64 of WS of Applicant	Not Relevant
27.	FIR dated 16.10.2020 by R.S Batth against (unknown)	Pg.65-72 of WS of Applicant	Not Relevant
28.	FIR dated 22.02.2021 by Isham Singh Kashyap against (unknown)	Pg.73-75 of WS of Applicant	Not Relevant
29.	Photographs	Pg. 76- 90 of WS of Applicant	Relevance unclear

Minutes of the meeting held under the Chairmanship of Sh. Anurag Rastogi, IAS, Director General, Town & Country Planning, Haryana, on 20.02.2014 in the office of Senior Town Planner, Gurgaon, regarding the progress made in Complaint No. 319/2011 filed by Sh. Raman Sharma before Hon'ble Lokayukta, Haryana.

The following participated in the meeting:-

1. Sh. R. K. Singh, STP, Gurgaon
2. Sh. Anil Makan, SE-II, HUDA, Gurgaon
3. Sh. Joginder Hooda, XEN, S/U DHBVN, Gurgaon
4. Sh. Kartar Singh, XEN-III, HUDA, Gurgaon
5. Sh. M.K. Vats, XEN/TS Division, HVPNL, Gurgaon
6. Sh. Harvinder Kumar, SDE (Elect.), HUDA, Gurgaon
7. Sh. Raman Sharma, Complainant
8. Sh. V.K. Maheshwari, CEO, Malibu Estate Pvt. Ltd.
9. Cdr. S.C. Sharma, Vice President, Malibu Estate Pvt. Ltd.
10. Sh. Subhash Ragav, GM Project, Malibu Estate Pvt. Ltd.

At the outset, Senior Town Planner, Gurgaon welcomed Director General, Town & Country Planning and briefed him about the progress made with respect to the decisions taken during the meeting held on 18.12.2013 under his Chairmanship relating to the issues raised in the subject cited complaint. Thereafter, DGTCP reviewed the further progress made by the colonizer and the following decisions were taken:-

Sr. No	Issues	Proceedings of the meeting dated 18.12.2013		Decisions taken on 20.02.2014
		Decision taken in the meeting on 01.10.2013	Action taken	
1	Construction of 66 KV Sub-station	The representative of the colonizer intimated that they are ready to construct 33 KV sub-station as per approved service plan estimates. However, Sh. Raman Sharma insisted that 66 KV ESS, as per the requirement of the colony, be installed. It was decided that the colonizer construct 33 KV Sub-station as per approved Service Plan Estimates. In case the Residents Welfare Association insist for 66 KV Sub-station, the differential cost is to be borne by the RWA itself subject to the availability of the sufficient land. The colonizer shall obtain the consent from the RWA within 15 days. If, no consent is received, the colonizer shall start the execution of work within one month. The clear	The colonizer informed that a mail was forwarded on 10.10.2013 to all the RWAs for giving their consent by 15.10.2013, but no reply received from any of them. As per the road map given by the colonizer, the construction of 33 KV ESS is to be completed within 9 months after receipt of approval from Competent Authority i.e DHBVN. The representatives of the RWA still insisted for installation of 66 KV ESS, which is realistic requirement of the colony once it is fully populated. The representative of the colonizer contended that as per the service estimate approved by DHBVN, 33 KV ESS is to	STP, Gurgaon apprised that there is still controversy regarding the capacity of the ESS. The colonizer claims that he is required to construct 33KV ESS as per the approved service plan estimates by DHBVN, whereas RWA is insisting for establishment for 66 KV ESS as per requirement of the colony. Regarding adequacy of 33 KV ESS, the officers of DHBVN informed that the present load of the colony is 12 MVA and accordingly a proposal has been sent to Chief Engineer (Operation) DHBVN, Hisar for establishment of 33 KV ESS. This load requirement had been calculated on the basis of the earlier approved layout plan. The proposed ESS can cater to the electric load upto 25 MVA. STP,

		<p>road map regarding operationalization of 33 KV ESS shall be submitted to STP, Gurgaon within next 15 days</p>	<p>be installed and the company is committed accordingly. After detailed discussion, it was decided that the company will submit a copy of the approved service estimate of electrical infrastructure. It was also decided that it will seek an appointment with DHBVN Authority where the approval is pending and shall send its responsible representative for meeting the official for expediting the pending clearance. The representative of RWA will also accompany the representative of the colonizer.</p>	<p>Gurgaon informed that the last revision in the layout plan was carried out in the year 2008 and it has been approved for an area measuring about 205.00 acres.</p> <p>Decision- <i>DHBVN will work out the load requirement of the colony in accordance with the revised layout plan to ascertain the adequacy of 33 KV ESS and the requirement of 66 KV ESS, if any, within 10 days.</i></p> <p><i>It was also decided that the SE DHBVN will pursue the matter with Chief Engineer (Operation) DHBVN at Hisar for expediting the necessary approvals of 33 KV ESS within the next 15 days positively.</i></p>
2	Construction of Community Centre	<p>It was enquired from the colonizer what action has been taken w.r.t the directions of STP, Gurgaon regarding making the entire club fully functional and offering membership to the residents of the colony since 12.09.2013. The representative of the colonizer intimated that they have not done much except the planning. It was directed that the colonizer shall involve the Residents Welfare Association (RWA) for planning. Further, the colonizer shall submit a road map for making the club functional within next 15 days. It was also made clear that the club should be functional on or before 1st July, 2014.</p>	<p>As per road map given by the colonizer, the entire club building will have to be made fully functional before 01.07.2014. The RWA complained that they have not been involved at all in the planning of the club building as per decision taken in the meeting held under the Chairmanship of DG TCP on 01.10.2013. Besides, the colonizer is not doing anything to improve the condition of the basement, which has been left unfinished and has turned into cave for bats. The representatives of the colonizer informed that they will make the remaining part of club building functional as per the timeline submitted by the company. They also informed that the company has decided to</p>	<p>STP, Gurgaon apprised that the colonizers started work to make the remaining club building functional as per decision taken in the last meeting held on 18.12.2013. The basement which was non-functional has been closed permanently by brick wall. The colonizer has informed vide mail dated 24th January, 2014 at 5:00 PM that a meeting was held on 24.01.2014 at 3.00 PM with the RWA wherein the issue of framing the terms and conditions for the membership was discussed. The relevant documents have been handed over to the RWA.</p> <p>Decision- <i>DGTCP directed the colonizer to complete the construction work of remaining club building and make it fully functional by 30.06.2014. He also desired the club membership be allotted to the residents of the colony on priority at reasonable rates.</i></p>

			<p>close the basement. Accordingly, the construction works are in progress at site. It was also apprised by them that the terms and conditions for membership of the club are being finalized and it will be opened in last week of January, 2014 exclusively for the residents of the colony.</p> <p>The representatives of the RWAs requested to direct the colonizer to consult them while framing the terms and conditions of the membership.</p> <p>It was decided that the club building will be made fully functional by 30.06.2014 and its basement part shall be closed permanently. It was also decided that the colonizer will involve the representatives of the RWAs in the process of framing of terms and conditions of the membership of club.</p>	
3	Sale of independent floors in violation Policy dated 27.03.2009 .	This matter not only relates to Malibu Estate but the entire State of Haryana. The show cause notices were issued by DTP (E), Gurgaon, however, the colonizers have represented/challenged the validity of the show cause notices. The matter is under consideration within Department. After taking final decision on the representations of the colonizers, further, action shall be taken.	Not discussed in the meeting as the matter is under consideration in the Directorate.	Matter was not discussed as it is under consideration in the Directorate.
4	Construction of ladder on 2 nd floor to access	The representative of the colonizer intimated that there are 148 ladders, which are to be installed, out of which till date 30	As per timeline, the entire work of installation of ladders for providing access to the terraces of houses was to	It was informed that 131 ladders were installed upto 21.01.2014 and the remaining 17 could not be installed as the owners of

	terrace.	<p>ladders have been installed. They shall complete the remaining work within three months. However, they are facing problem at some places as they are finding difficult to get NOC from the owner of 2nd Floor.</p> <p>It was directed that in the cases where NOC is not given by the owner the ladders shall be handed over to RWA. However, within next two months, the colonizer shall install all the remaining ladders.</p>	<p>be finished by 01.12.2013. The representative of the colonizer informed that 100 ladders have already been installed and the remaining 48 ladders shall be installed within next 15 days. They also complained that the residents of 2nd floor of many houses are not allowing to put up the ladders.</p> <p>The Chairman directed that the remaining 48 ladders must be put in place within 15 days time positively. The help of RWA may be taken wherever the residents of 2nd floor are objecting to their installation. If some residents still resist, then ladder may be handed over to RWA as already decided in the meeting dated 01.10.2013 at Chandigarh.</p>	<p>second floor are not allowing.</p> <p>Decision:- <i>It was decided that the colonizer will hand over the remaining 17 ladders to the RWA within 7 days.</i></p>
5	Illegal construction in the green belt.	<p>It was intimated by the colonizer that land has been given to BSNL for erection of BSNL exchange on the demand of Residents at a nominal rate of Rs. 1 per year. However, they have no proof in writing regarding the request of the residents. It was further intimated by the colonizer that the lease to BSNL is only upto 31.03.2014. It was directed that the colonizer shall give notice to BSNL for vacation of the site within 15 days from today. It was also made clear that no further extension in lease period should be made. The building shall have to be demolished after expiry of lease period. DTP (E),</p>	<p>As per the deadline in the meeting, the illegal of BSNL is to be removed after the expiry of lease period i.e. 31.03.2014. Besides, the other structures like pump rooms and operator residences are also to be removed by 31.03.2014. The representatives of the colonizer informed that a notice has already been sent to BSNL on 15.10.2013 for vacation of the site on or before 31.03.2014. Thereafter, the construction will be demolished. Similarly, the pump rooms and operators residences constructed in the green belt shall also be removed by 31.03.2014. The RWA did not</p>	<p>STP, Gurgaon informed that the deadline for removal of illegal construction in the green belt will expire on 31.03.2014. The colonizer has already served upon a notice on BSNL for vacation of the building. Hence, this issue will be reviewed after 31.03.2014.</p> <p>Regarding the mini sewage treatment plants, STP, Gurgaon informed that these have been constructed in the parks in a very shoddy manner without giving any consideration to the aesthetics of the parks/open space. The RWA is agitating for removal of these plants.</p> <p>Decision:-(i) <i>The illegal</i></p>

		<p>Gurgaon shall also give notice to the colonizer alongwith a copy to BSNL.</p> <p>It was intimated by the complainant that there are four nos. of Sewage Treatment Plants (STPs) constructed in the parks at different places and are not operational. It was informed by the colonizer that these are meant for recycling of the water which is to be used for gardening purposes. These are only very small structures.</p> <p>It was directed that all the four STPs shall be made operational and since these are for the benefit of the community these may be retained. However, proper camouflaging with green creepers of the structure be done by the colonizer.</p> <p>Further, the colonizer requested that the BSNL building may be allowed to remain operational, if there is any provision for compounding for which they have already made a request to the Department which is pending at the level of Directorate. In this regard, it was intimated that no such request is pending with the Department.</p> <p>However, if at all any such request has been made, is hereby rejected. Further, the pump rooms and operators residences constructed by the colonizer shall be removed on or before 31.03.2014.</p>	<p>subscribe to the suggestion of establishment of small STPs in the parks being incompatible activity. The matter was discussed in detail and it was concluded that use of recycled water for the purpose of maintaining parks and greenery is need of the hour considering the depleting water table in Gurgaon. Accordingly, it was decided that the colonizer and the RWA will sit together to find out proper and compatible locations for setting up of mini Sewage Treatment Plants (STPs) and shall get the same approved from the Department in the layout plan</p>	<p><i>construction in the green belt must be demolished by the colonizer by 31.03.2014, failing which strict action will be taken in accordance with the provisions of Act No. 8 of 1975 and the Rules framed thereunder.</i></p> <p>(ii):-<i>The colonizer was directed to re-install the STPs underground without disturbing aesthetics of the parks/open spaces or find out alternative suitable locations in consultation with the RWA/complainant.</i></p>
6	Delay in execution of conveyance deed	The colonizer was instructed that there is no relation between maintenance charges and execution of conveyance	The representative of the colonizer informed that a copy of the specimen of conveyance deed has been handed over to the	It was informed that action has already been taken by the company. No problem from colonizer side has been reported so far by any

	independent floor.	<p>deed. The colonizer was directed that the conveyance deed of all the owners shall be got executed within next two months. However, the colonizer submitted that this is beyond their control as the registration charges/stamp duty is to be paid by the owners. It was accordingly agreed that the owners shall after preparing the conveyed deed intimate the colonizer who shall immediately make his representative available and execute the conveyance deed immediately. The colonizer was also directed to upload the specimen copy of the conveyance deed on his website immediately and supply one copy of the same to the RWAs.</p>	<p>association and they have instructed the concerned official for accompanying the owners of independent floors as and when approached by them for registration of the deeds. The Chairman directed the representatives of colonizer to identify the owners, who are yet to execute the conveyance deed and send communications to them for execution and registration of the same at the earliest.</p>	<p>floor owner. The complainant pointed out that there are some flaws in the draft of the conveyance deed, which are required to be rectified.</p> <p>Decision: <i>It was decided that the Company will consult the various drafts of the conveyance deeds of independent floors executed by other colonizers like DLF, APIL, Unitech etc. and will carry out necessary amendments in the format of the conveyance deed prepared by it and thereafter, it will be made available to the RWA.</i></p>
7	Status of other community sites	<p>There are 16 nos. of community sites as per approved Layout Plan. It was directed that the colonizer shall submit a road map for time bound construction of the remaining community sites in the following manner:-</p> <ol style="list-style-type: none"> Within ten days = 5 community sites. Within twenty days = community sites. Within thirty days = all the remaining sites. <p>However, it was made clear that the construction of community sites has to be made within the time frame as per of the Act of 1975. If, the community sites are not completed within stipulated time, the same shall be taken over</p>	<p>The representative of the colonizer informed that out of the total 16 community sites (1 High School, 4 Primary Schools, 7 Nursery Schools, 1 crèche, 1 Dispensary, 1 Club and 1 RB), 6 sites (2 Primary School, 1 Club, 1 Nursery School, 1 RB and 1 Crèche) are still with the colonizer and remaining sites have been sold out to the private persons. One Nursery School and part of club site are already functional. The building plans of 2 Primary Schools, 3 Nursery Schools and a Religious Building have already been submitted. The building plans of the remaining community sites except 2 Nursery Schools sites of which are under dispute shall be</p>	<p>STP, Gurgaon informed that the road map for construction of community site has already been submitted and it is required to be monitored regularly.</p> <p><i>Decision:- It was decided that STP, Gurgaon will monitor the progress of construction of community sites on quarterly basis to ensure that the construction work of all the community sites its completed by the colonizer before 03.04.2016.</i></p>

		by the Govt.	submitted in the month January/February, 2014. The construction on these sites shall start after 3 months from approval of their plans and it will be completed within 1½ years time from the date of start. The constructions work of the remaining community sites will be completed as per timeline prescribed in the proviso added vide Haryana Act No. 11 of 2003 dated 03.04.2012.	
	Other issues			
8	Sh. Raman Sharma raised the issue of non obtaining of no objection certificate (NOC) from Ministry of Environment & Forest in reference to condition levied in the licence no. 15 of 2008	It was appraised to Sh. Raman Sharma that at the time of renewal of licence, the applicant company was directed to submit NOC from MoEF. But the applicant company represented that NOC is not required from MoEF since, the covered area is less than 1,50,000 sq. mtr. The contention of the applicant company was found correct, therefore, the licence no. 15 of 2008 was renewed for a further period upto 30.01.2014.	No action required.	No action required.

The meeting ended with a vote of thanks to the chair and participants.

ANNEXURE-3

DIRECTORATE OF TOWN & COUNTRY PLANNING, HARYANA
 SCO-71-75, SECTOR-17-C, CHANDIGARH.
 Tele-Fax: 0172-2548475; Tel.: 0172-2549851, E-mail: tcpharyana7@gmail.com
 Website www.tcpharyana.gov.in

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.
- c) 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.
- d) 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.
- e) To display the revised layout plan showing changes from the approved layout plan at your site office.
- f) 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 as in the office of District Town Planner, Gurugram for reference of the general public.
- g) 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 (HQ)
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, Date of earlier approval and date of in-principle approval on the website of the Department. After expiry of the thirty days period the name of that licensee will be removed from this list and additional case if any should be added.

DA/As above.



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

ANNEXURE-4

Recd. on

O/c

MALIBU ESTATE PRIVATE LIMITED
 Regd. Office - 38, DDA Commercial Complex, Kalash Colony Extn. (Zamrudpur), New Delhi 110018
 CIN - U74899DL1992PTC048517

To
 The Senior Town Planner (Planning)
 HUDA Office Complex,
 Sector- 14, Gurugram
 Haryana

Date 23.03.2023

Reference No. : Your memo No. STP (G)/2023/1747, dated 13.03.2023.

Sub: - Handing over of Land falling under 30 Mtr. Wide sector road passing through
 Malibu Towne Licensed area in sector-47 & 50, Gurugram.

Dear Sir

As mentioned in the above Memo, please find attached the Gift deed of 30mtr. Wide road in
 Malibu Towne, with all annexures, as below:

- 1) Your Memo dated 13.03.2023
- 2) Land Schedule fall under 30mtr sector road & 12mtr. Service road
- 3) Approved Lay out Plan
- 4) List of Licenses
- 5) Board Resolution

Thanking you,

Sincerely,
 For Malibu Estate Pvt. Ltd.

[Signature]
 24/03/23

Authorised Signatory

Project Office : Malibu Estate Pvt. Ltd., Shopping Arcade, 2nd Floor, Malibu Towne, Sohna Road
 Gurugram - 122 018 Phone : 0124 - 4322500, 4001273
 e-mail - malibu@airtelmail.in | malibutowne@hotmail.com

ANNEXURE-5



o/c

To.

Date:24.02.2016

The Commissioner
Municipal Corporation, Gurgaon
Haryana

Sub:- Handing over of Sector Servicing Road

Dear Sir,

Please find attachment layout Plan for Malibu Towne & marked sector service road on this. As per our License No: 71 dated 28.10.1992 these roads have been constructed and are ready to be hand over.

Kindly do the needful.

Thanking You.

Your Truly,

For Malibu Estate Pvt. Ltd.

Authorised Signatory

Copy Enclosed: 1. Layout Plan
2. License

MCG/FC/SEC-34
RECEIPT: 105
DATE: 25/2/2016

MALIBU ESTATE PVT. LTD.

11th FLOOR SHOPPING ARCADE, MALIBU TOWNE, SOHNA ROAD, GURGAON-122 018 (HARYANA)
TELE/FAX : 0124-4322500, 2219001 E-mail : malibutowne@hotmail.com

1815

INDIA NON JUDICIAL



सत्यमेव जयते

Government of National Capital Territory of Delhi

e-Stamp

Certificate No. : IN-DL82537751663987V
Certificate Issued Date : 17-Oct-2023 01:59 PM
Account Reference : IMPACC (SH)/ dshimp17/ SUPREME COURT/ DL-DLH
Unique Doc. Reference : SUBIN-DLDSLHIMP1730937366475730V
Purchased by : SUBHASH RAGHAV
Description of Document : Article 4 Affidavit
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : SUBHASH RAGHAV
Second Party : Not Applicable
Stamp Duty Paid By : SUBHASH RAGHAV
Stamp Duty Amount(Rs.) : 10
(Ten only)



Please write or type below this line

IN-DL82537751663987V



17 OCT 2023

EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVILL-227
EVIDENCE BY AFFIDAVIT BEFORE NOTAR
SUPREME COURT RULES, 2013
ORDER-X-7

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shoilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and ac available on the website / Mobile App renders it invalid
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

AFFIDAVIT

I, Subhash Raghav, S/o Ompal Singh Raghav aged about 45 years, am the Authorized Signatory for M/s Malibu Estate Pvt. Ltd., presently at New Delhi, do hereby solemnly affirm and declares as under:

1. That the deponent is the Authorised Representative of “M/s Malibu Estate Pvt. Ltd.” in the present case and is fully conversant with the facts and circumstances of the case, as is competent to swear this affidavit.
2. The contents of Representation dated 02.08.2023 have been drafted by the counsel under my instructions and the contents of the same are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom. Further the annexures that are annexed with the said representation dated 02.08.2023 are true copy of their originals. The details of annexures are as follows:
 - a. **ANNEXURE I-** The details of the License Nos, the date of obtaining such license and the area in tabular format.
 - b. **ANNEXURE II-** A tabular detail of the part completion certificates with the date and the area and the license to which such areas belong.
 - c. **ANNEXURE III-** A copy of the 1994 EIA Notification.
 - d. **ANNEXURE IV-** A copy of the Amendment Notification dated 07.07.2004.



- e. **ANNEXURE V-** Copies of the prior EC of M/s Endure Realty Pvt. Ltd. and M/s Nikiyog Builwell Pvt. Ltd.
 - f. **ANNEXURE VI-** A copy of the DTCP minutes dated 20.02.2014.
 - g. **ANNEXURE VII-** A detailed chart showing the area of construction and the built-up area within those areas which includes remaining part of the Group Housing, Club house, floors, shopping arcade.
 - h. **ANNEXURE VIII-** A copy of Measurement Book.
3. The contents of Additional Documents dated 15.09.2023 have been drafted by the Counsel under my instructions and the contents of the same are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom. Further the annexures that are annexed with the Additional Documents dated 15.09.2023 are true copy of their originals. The details of annexures are as follows along with all the Annexures therein:
- a. **ANNEXURE-1-** Break up of built-up area of the township developed by the project proponent.
 - b. **ANNEXURE-2-** Colour coded layout map to show various structures.
 - c. **ANNEXURE-3-** CA certificate dated 14.05.2010.

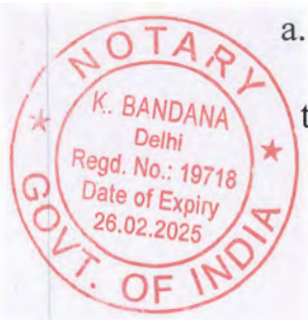


- d. **ANNEXURE-4-** CA certificate dated 20.04.2023.
- e. **ANNEXURE-5-** Loan Agreement dated 23.10.1996.
- f. **ANNEXURE-6-** Chart showing the index of charges.
- g. **ANNEXURE-7-** Bank Guarantees.
- h. **ANNEXURE-8-** Letters from BL Gupta Constructions regarding delivery of the flats in tower B-1, B-2.
- i. **ANNEXURE-9-** Extract of the Arbitration Award for the Arbitration started on 24.07.2003

4. That the details of the sale deeds of several flats as given on Page No. 6-9 of the Additional documents dated 15.09.2023 and the details of Occupation Certificate of various floors as constructed by the Project Proponent are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

5. That the contents of the reply dated 29.09.2023 to the Written Submissions of the Complainant have been drafted by the Counsel under my instructions and the contents of the same are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom. Further the annexures that are annexed with the reply dated 29.09.2023 are true copy of their originals. The details of annexures are as follows:

- a. **ANNEXURE-1-** Table to suggest the relevancy of the documents that are submitted within the written statement.



- b. **ANNEXURE-2-** Minutes of the meeting of the DTCP dated 20.02.2014.
- c. **ANNEXURE-3-** Letter dated 07.03.2019 for in principle approval of layout plan.
- d. **ANNEXURE-4-** Letter dated 23.03.2023 to handover the road to the Senior town planner.
- e. **ANNEXURE-5-** Letter dated 24.02.2016 regarding handling over of sector servicing road to the MCG.
6. That the contents of the reply dated 17.10.2023 to the Oral queries of the Ld. Authority have been drafted by the Counsel under my instructions and the contents of the same are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom. Further the annexures that are annexed with the reply dated 17.10.2023 are true copy of their originals. The details of annexures are as follows:
- a. **ANNEXURE-1-** Copy of the latest renewal license document dated 27.01.2022.
- b. **ANNEXURE-2-** Copy of the DTCP minutes dated 20.02.2014.
- c. **ANNEXURE-3-** Written Statement dated 24.07.2023 by the DTCP filed in OA 68/2022/PB before the Hon'ble NGT.



DEPONENT

VERIFICATION:

I, the above-named Deponent do hereby verify that the contents of the foregoing Affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this the ____ Day of ____ 2023

17 OCT 2023

Shubham
D/4525/2018
IDENTIFIED


DEPONENT

NOTARY
K. BANDANA
Delhi
Regd. No.: 19718
Date of Expiry
26.02.2025
GOVT. OF INDIA

17 OCT 2023

ATTESTED
NOTARY PUBLIC DELHI
GOVT. OF INDIA
Mob.: 9654768498

EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVILL-227
EVIDENCE BY AFFIDAVIT BEFORE NOTAR
SUPREME COURT RULES, 2013
ORDER-X-7

BEFORE THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PANCHKULA, HARYANA

IN THE MATTER OF:

Malibu Estate Pvt. Ltd.

Subject: Original Application No 68/2022 titled Raman Sharma Vs State of Haryana- Additional submissions on behalf of M/s Malibu Estate Pvt. Ltd. in compliance of the oral directions passed by this Ld. Authority on 29.09.2023.

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MALIBU ESTATE PRIVATE LIMITED ¹⁸²³ 2

Regd. Office : 38, DDA Commercial Complex, Kailash Colony Extn. (Zamrudpur), New Delhi-110048.

CIN: U74899DL1992PTC048517

Date: 31.10.2023

The Chairman

State Environment Impact Assessment Authority, Haryana

First Floor, Bay's No. 55-58, Sector-2

Panchkula, Haryana

Subject: Original Application No 68/2022 titled Raman Sharma Vs State of Haryana- Additional submissions on behalf of M/s Malibu Estate Pvt. Ltd. in compliance of the oral directions passed by this Ld. Authority on 29.09.2023.

Sir,

1. That this Ld. Authority is presently seized of the matter bearing Original Application No 68/2022 titled Raman Sharma Vs State of Haryana referred to it by the Hon'ble National Green Tribunal (NGT) vide order dated 25.07.2023.
2. That the undersigned i.e. M/s Malibu Estate Pvt. Ltd. has already submitted its Representations dated 02.08.2023 and 15.09.2023, explaining their position as to why the undersigned was not required to take prior Environmental Clearance (EC) for Malibu Towne Township project and that it is not a case of violation of EIA Notification 2006 read with Environment Protection Act, 1986.
3. That further, in compliance of this Ld. Authority's Order dated 02.08.2023, the undersigned has also submitted additional documents

dated 15.09.2023 alongwith its submissions. That the undersigned has also submitted its signed Reply dated 22.09.2023 to the Complainant Raman Sharma's Written Submission dated 07.08.2023. The documents submitted by Mr. Raman Sharma were without any chronology or correct Annexures and with no reference to the pleadings. The undersigned thereby, reserve their right to respond to the same if and when such pleadings of the Complainant are corrected.

4. That the undersigned had appeared before this Ld. Authority on 29.09.2023 wherein the Applicant not only failed to attend the hearing but had also informed that he had nothing further to add. Further, the undersigned was orally directed by this Ld. Authority to answer the two specific queries as mentioned below:

I. Whether the Department of Town and Country Planning, Haryana (DTCP) has mentioned in any license regarding obtainment of prior Environmental Clearance by the undersigned.

II. Reasons for applying for Environment Clearance by the undersigned on 16.04.2015 before MoEF&CC.

That response to the above two queries is as follows:

**I. Whether DTCP has mentioned in any license regarding
obtainment of prior Environmental Clearance by the undersigned**

5. That at the very outset it is pertinent to mention that DTCP did not impose any conditions as to the NOC/Environmental Clearance in any of the first 31 licenses issued to undersigned (The said licenses are available for perusal). The details of the first thirty one licenses with their dates and the fact that no such conditions were put is tabulated below in Table 1. It is important to reiterate that such a table describing the licenses was already annexed in the reply dated 02.08.2023 by the undersigned wherein the details were described (See page 13-15 of the said document) and it was also pleaded that since all such licenses were prior to 07.07.2004, when the Building and Construction and Townships etc were first brought within the purview of the EIA Notification and since the construction carried out under those licenses was above the plinth level, thereby, no Environmental Clearance was required. (See para 3 to 5 on Pg 2-3 of the said document)
6. It was only in the last license dated 31.01.2008 that the condition at S. No. 7 mentions that the Project Proponent shall obtain approval/NOC from the competent authority to fulfil the requirements of Notification dated 14.09.2006 issued by the MoEF&CC before starting the development works on the land . It is clear from the above that the

approval to be taken is to fulfil the requirement of the EIA Notification; however, in the present case the area under said license was only 24.68 Acres which amounts to (9.9 hectares) which was much below the prescribed 50 Ha threshold and no construction was either planned or carried out in the said area, the same being a Plotted development only. In fact, the undersigned has also not constructed any Built- Up area let alone cross the threshold of built-up area of 1,50,000 sq. mtr. Further, there was never a practice of obtaining NOC from the Ministry in such cases. It is clear from the above that fulfilment of the requirement of the EIA Notification could only mean if the EIA Notification was applicable in the present case, which it was not. It must also be mentioned here that such standard conditions on licenses are given with generic conditions wherein even other statutory requirements are mentioned (if applicable).

7. The said licenses have been renewed in accordance with the rules and regulations by Director, Town & Country Planning (DTCP) time and again and that also part completions were issued prior to 2004 to the undersigned by the DTCP. It is pertinent to mention that in none of the 31 licenses any such condition for EC was put even during renewals.
8. As regards to the 32nd License dated 31.01.2008 which was subsequently renewed, no such condition was put either. (Copy of the latest license dated 27.01.2022 does not have any such condition either).

A copy of the latest renewal license document dated 27.01.2022 is appended as **ANNEXURE-1**.

TABLE 1:

S. No.	Date	License No.	Whether any condition of obtaining EC imposed by DTCP
1.	28.10.1992	71 of 1992 72 of 1992 73 of 1992 74 of 1992 75 of 1992	No condition imposed for obtaining EC under the conditions stipulated in these licenses.
2.	18.03.1993	04 of 1993 05 of 1993 06 of 1993 07 of 1993 08 of 1993	No condition imposed for obtaining EC under the conditions stipulated in these licenses.
3.	08.12.1994	15 of 1994 16 of 1994 17 of 1994 18 of 1994 19 of 1994	No condition imposed for obtaining EC under the conditions stipulated in these licenses.

4.	15.11.1995	04 of 1995 05 of 1995 06 of 1995 07 of 1995 08 of 1995	No condition imposed for obtaining EC under the conditions stipulated in these licenses.
5.	21.07.1997	36 of 1997 37 of 1997 38 of 1997 39 of 1997 40 of 1997 41 of 1997 42 of 1997 43 of 1997 44 of 1997 45 of 1997 46 of 1997	No condition imposed for obtaining EC under the conditions stipulated in these licenses.
6.	31.01.2008	15 of 2008	Condition No. 7 in the license states that the undersigned is required to obtain approval/NOC from the competent authority to fulfil

			requirements of the EIA Notifications dated 14.09.2006.
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9. The fact that even for the 31.01.2008 license, no prior EC was required is further buttressed by the case of the Applicant, Mr. Raman Sharma himself before Hon'ble Lokayukta, Haryana in the year of 2011 itself. In respect of the said condition, as regards taking of Environmental Clearance, levied in License No. 15 of 2008, the Applicant- Mr. Raman Sharma, made a Complaint no. 319/2011 before the Hon'ble Lokayukta, Haryana and amongst other issues, one of the issues raised by him was regarding the non-obtainment of the (NOC) from the MoEF by the Project Proponent. In order to answer the issues raised in the said Complaint, a Committee was constituted under the chairmanship of Director General, Town & Country Planning, Haryana, wherein, it was concluded that the Built Up area is less than 1,50,000 sq. mtr. The DTCP, while applying its mind to the facts of the present case, thereby, clarified, that there was no requirement to obtain NOC/ Environmental Clearance in respect of the said area of 24.68 acres under the license dated 31.01.2008. That post this decision, the undersigned's License No. 15 of 2008 was renewed for a further period upto 30.01.2014. The submissions and details are already a part of the pleadings dated 02.08.2003. The copy of minutes dated 20.02.2014 is already annexed

as ANNEXURE VI in the undersigned's Representation dated 02.08.2023 and is appended again as ANNEXURE-2.

10. In addition to the aforesaid Clarification, the DTCP, in OA No 68 of 2022 before the Hon'ble NGT, in its written statement dated 24.07.2023 in Para No.3 has also stated with respect to applicability of the Environment Impact Assessment (EIA) Notification, 2006, that it is applicable for the projects having more than 50 hectares, whereas the area under License No. 15 of 2008 is 24.68 acres (9.9 hectares), therefore, the said notification may not be applicable on the aforesaid license. A copy of the written statement dated 24.07.2023 by DTCP is annexed as ANNEXURE-3.

II. Reason for applying for Environment Clearance by the undersigned on 16.04.2015 before MoEF&CC

11. That the undersigned submits that as Project Proponent especially, when the said Project proponent was venturing into a planned development as early as 1993, when there was no legal framework for prior Environmental Clearance, as the project progressed and an additional land of 24.68 acres was added as late as 2008, the Project Proponent had become aware that a new EIA Notification was in place especially because a specific condition as mentioned above was put for fulfilling the requirements of the EIA Notification, 2006. It must be appreciated

that this was the beginning of a new framework and the expertise especially from consultants dealing with EIA etc was minimally available. The Project Proponent bonafidely approached an EIA consultant and the said EIA consultant assuming the new additional license to be a brand new project in the year 2015 advised that a prior Environmental Clearance may be required. Therefore, relying upon the advice of the said Consultant, the Project Proponent through that consultant applied for an Environment Clearance for the entire area that they had bought and developed much before the 2006 Notification on such wrong advice by the consultant.

12. That an application for grant of prior Environmental Clearance (EC) was forwarded on 16.04.2015 to MOEF & CC under category 8(b) of schedule of the EIA Notification, 2006 for a total area 204.796 Acres which also included the area of 180.116 acres for which all part completions were already granted even before the EIA amendment Notification dated 07.07.2004 and much before the EIA Notification, 2006 came into force. The Terms of Reference dated 19.06.2015 for the above-mentioned Application dated 16.04.2015 had also been issued by the Ministry of Environment, Forest & Climate Change to M/s Malibu Estate. That it is important to state that this was done more in the nature of abundant precaution and due to the fact the SEIAA of Haryana was not in existence, then.

13. That once the Haryana SEIAA was constituted on 21.08.2015, the undersigned accordingly requested the Haryana SEIAA by a letter dated 08.12.2015 to communicate to the MOEF & CC to transfer the file to SEIAA, so that it can be taken up in the next SEAC meeting.
14. That in another development the MOEF & CC had issued a Notification dated 14.03.2017 prescribing a detailed new procedure for appraisal of violation cases. As per this Notification all violation cases were required to be appraised by Central Government and not by respective SEAC/SEIAA. This Notification provided a time period of about 6 months for making an application of EC from the date of issuance of this Notification.
15. That the undersigned erroneously considering itself as violation case, again on the same advice of the Consultant, had applied under the 14.03.2017 Notification for grant of EC by an Application dated 07.09.2017 i.e., within the six-month window as provided by the Notification giving details about the previous TOR granted by the Expert Appraisal Committee (EAC) among others. As per the Parivesh portal the said project was accepted by the SEAC on 03.05.2018 and the TOR letter was supposedly uploaded on 18.12.2020 but neither visible on the Parivesh Portal nor ever received by the undersigned. That it is reiterated that the said Application was again forwarded on wrong legal

advice but more for abundant precaution with the intent of complying with the law, only if applicable.

16. That, thereafter, realizing that the then legal and expert advice given by said Consultant was actually not in accordance with law, the undersigned vide a letter dated 16.08.2018, requested the SEIAA, Haryana to withdraw the said Application dated 16.04.2015 and implicitly its subsequential developments. Thus, for reasons mentioned above as to why no prior EC was required either for the earlier 31 licenses nor the one after the EIA Notification, it was clear that no such prior EC was required and the position of the Project Proponent has since then been the same. To be noted, that even the Applicant himself has been silent on the same for more than 4 years. It is only at a much belated stage in the year 2022, the Applicant, to antagonize the project proponent, has again raised the same issue of prior EC once again before the Hon'ble National Green Tribunal. The said issue ought to be dismissed on the ground of delay as well.

17. It is humbly submitted that the above queries are answered, accordingly and in view of the same the Application may be recommended to be dismissed with huge costs.

18. Last but not the least it must be brought before this Ld. Authority that the Complainant in the above-mentioned case i.e., Raman Sharma has served a Legal Notice vide email dated 21.10.2023 under Section 80 of

the Code of Civil Procedure, 1908 raising general allegations against the various Government Authorities which includes “The Chairman State Environment Impact Assessment Authority, Haryana” as Respondent No.7 as well as the present Respondent . The Complainant has alleged that the non-action on the part of the State Government and its subordinate Officers including this Ld. Authority has resulted in the loss of Environment among others. So, it is humbly submitted that the Complainant neither has the patience nor faith in this Ld. Authority and its adjudicating powers and such a Notice is nothing but his tactics to coerce or influence the fair adjudication of the present case. This alone is a ground to dismiss the allegations of the complainant who can then work out his remedy in accordance with law. A copy of the notice in the form of email is appended as **ANNEXURE-4**.

19. That another serious discovery is the fact that, the documents that are being submitted by the undersigned, in good faith before this Ld. Authority, are being submitted by the said Applicant/ Complainant Mr. Raman Sharma, in other legal proceedings and it is unfortunate that even the name of the counsel is being dragged into the said proceedings by Mr. Raman Sharma. This is not only illegal and unethical but also vilifies the dignity of Quasi-Judicial proceedings pending before this Ld. Authority and the Applicant/Complainant must be proceeded

against with in accordance with law. A copy of the Relevant pleading filed in the said Judicial Proceedings in appended as **ANNEXURE-5**.

Thanks & Regards



Subhash Raghav

For Malibu Estate Private Ltd

Directorate of Town & Country Planning, Haryana

Plot no. 3, Nagar Yojana Bhawan, Sector-18A, Madhya Marg, Chandigarh

Phone: 0172-2549349; http://tpharyana.gov.in

To

Malibu Estate Pvt. Ltd and Others,
38, DDA Commercial Complex,
Kailash Colony Extension (Zamrudpur),
New Delhi.

Memo No. RL-3/JE(S)/2021/2156

Dated: 27-01-2022

Subject: Request for renewal of licence nos. 71-75 of 1992, 4-8 of 1993, 15-19 of 1994, 4-8 of 1995, 36-46 of 1997 & 15 of 2008 granted for setting up of Residential Plotted Colony falls in Sector-47 & 50, Gurugram being developed by Malibu Estate Pvt. Ltd.

Please refer to your application dated 05.08.2020 & 01.04.2021 on the matter cited as subject above.

Your request for renewal of licence nos. 71-75 of 1992, 4-8 of 1993, 15-19 of 1994, 4-8 of 1995, 36-46 of 1997 & 15 of 2008 granted for setting up of Residential Plotted Colony falls in Sector-47 & 50, Gurugram has been examined and the licenses are hereby renewed upto the date mentioned in the table as per Notification dated 03.11.2020 on the terms and conditions therein:-

License No. & date	License valid upto	Renewed upto
71-75 of 1992	27.10.2019	27.10.2024
04-08 of 1993	17.03.2020	17.03.2025
15-19 of 1994	07.12.2019	07.12.2024
04-08 of 1995	14.11.2019	14.11.2024
36-46 of 1997	20.07.2019	20.07.2024
15 of 2008	30.01.2020	30.01.2025

1. This renewal will not tantamount to certification of satisfactory performance of the applicant entitling him for further renewal of license.
2. The delay in allotment of EWS plots/flats, if any, will be got compounded in accordance with the provisions of Departmental policy dated 16.08.2013.
3. The community sites shall be constructed as per the provisions of Section 3(3)(a)(iv) of Act 8 of 1975.
4. The you shall revalidate the Bank Guarantee well before its expiry.
5. That you shall wholly responsible for litigation/court case/complaint pending in any Department/court and abide by the decision/orders being passed in respect to the same.

(K. Makrand Pandurang, IAS)
Director,
Town & Country Planning
Haryana, Chandigarh

Minutes of the meeting held under the Chairmanship of Sh. Anurag Rastogi, IAS, Director General, Town & Country Planning, Haryana, on 20.02.2014 in the office of Senior Town Planner, Gurgaon, regarding the progress made in Complaint No. 319/2011 filed by Sh. Raman Sharma before Hon'ble Lokayukta, Haryana.

The following participated in the meeting:-

1. Sh. R. K. Singh, STP, Gurgaon
2. Sh. Anil Makan, SE-II, HUDA, Gurgaon
3. Sh. Joginder Hooda, XEN, S/U DHBVN, Gurgaon
4. Sh. Kartar Singh, XEN-III, HUDA, Gurgaon
5. Sh. M.K. Vats, XEN/TS Division, HVPNL, Gurgaon
6. Sh. Harvinder Kumar, SDE (Elect.), HUDA, Gurgaon
7. Sh. Raman Sharma, Complainant
8. Sh. V.K. Maheshwari, CEO, Malibu Estate Pvt. Ltd.
9. Cdr. S.C. Sharma, Vice President, Malibu Estate Pvt. Ltd.
10. Sh. Subhash Ragav, GM Project, Malibu Estate Pvt. Ltd.

At the outset, Senior Town Planner, Gurgaon welcomed Director General, Town & Country Planning and briefed him about the progress made with respect to the decisions taken during the meeting held on 18.12.2013 under his Chairmanship relating to the issues raised in the subject cited complaint. Thereafter, DGTCP reviewed the further progress made by the colonizer and the following decisions were taken:-

Sr. No	Issues	Proceedings of the meeting dated 18.12.2013		Decisions taken on 20.02.2014
		Decision taken in the meeting on 01.10.2013	Action taken	
1	Construction of 66 KV Sub-station	The representative of the colonizer intimated that they are ready to construct 33 KV sub-station as per approved service plan estimates. However, Sh. Raman Sharma insisted that 66 KV ESS, as per the requirement of the colony, be installed. It was decided that the colonizer construct 33 KV Sub-station as per approved Service Plan Estimates. In case the Residents Welfare Association insist for 66 KV Sub-station, the differential cost is to be borne by the RWA itself subject to the availability of the sufficient land. The colonizer shall obtain the consent from the RWA within 15 days. If, no consent is received, the colonizer shall start the execution of work within one month. The clear	The colonizer informed that a mail was forwarded on 10.10.2013 to all the RWAs for giving their consent by 15.10.2013, but no reply received from any of them. As per the road map given by the colonizer, the construction of 33 KV ESS is to be completed within 9 months after receipt of approval from Competent Authority i.e DHBVN. The representatives of the RWA still insisted for installation of 66 KV ESS, which is realistic requirement of the colony once it is fully populated. The representative of the colonizer contended that as per the service estimate approved by DHBVN, 33 KV ESS is to	STP, Gurgaon apprised that there is still controversy regarding the capacity of the ESS. The colonizer claims that he is required to construct 33KV ESS as per the approved service plan estimates by DHBVN, whereas RWA is insisting for establishment for 66 KV ESS as per requirement of the colony. Regarding adequacy of 33 KV ESS, the officers of DHBVN informed that the present load of the colony is 12 MVA and accordingly a proposal has been sent to Chief Engineer (Operation) DHBVN, Hisar for establishment of 33 KV ESS. This load requirement had been calculated on the basis of the earlier approved layout plan. The proposed ESS can cater to the electric load upto 25 MVA. STP,

		road map regarding operationalization of 33 KV ESS shall be submitted to STP, Gurgaon within next 15 days	be installed and the company is committed accordingly. After detailed discussion, it was decided that the company will submit a copy of the approved service estimate of electrical infrastructure. It was also decided that it will seek an appointment with DHBVN Authority where the approval is pending and shall send its responsible representative for meeting the official for expediting the pending clearance. The representative of RWA will also accompany the representative of the colonizer.	Gurgaon informed that the last revision in the layout plan was carried out in the year 2008 and it has been approved for an area measuring about 205.00 acres. Decision- <i>DHBVN will work out the load requirement of the colony in accordance with the revised layout plan to ascertain the adequacy of 33 KV ESS and the requirement of 66 KV ESS, if any, within 10 days.</i> <i>It was also decided that the SE DHBVN will pursue the matter with Chief Engineer (Operation) DHBVN at Hisar for expediting the necessary approvals of 33 KV ESS within the next 15 days positively.</i>
2	Construction of Community Centre	It was enquired from the colonizer what action has been taken w.r.t the directions of STP, Gurgaon regarding making the entire club fully functional and offering membership to the residents of the colony since 12.09.2013. The representative of the colonizer intimated that they have not done much except the planning. It was directed that the colonizer shall involve the Residents Welfare Association (RWA) for planning. Further, the colonizer shall submit a road map for making the club functional within next 15 days. It was also made clear that the club should be functional on or before 1 st July, 2014.	As per road map given by the colonizer, the entire club building will have to be made fully functional before 01.07.2014. The RWA complained that they have not been involved at all in the planning of the club building as per decision taken in the meeting held under the Chairmanship of DG TCP on 01.10.2013. Besides, the colonizer is not doing anything to improve the condition of the basement, which has been left unfinished and has turned into cave for bats. The representatives of the colonizer informed that they will make the remaining part of club building functional as per the timeline submitted by the company. They also informed that the company has decided to	STP, Gurgaon apprised that the colonizers started work to make the remaining club building functional as per decision taken in the last meeting held on 18.12.2013. The basement which was non-functional has been closed permanently by brick wall. The colonizer has informed vide mail dated 24 th January, 2014 at 5:00 PM that a meeting was held on 24.01.2014 at 3.00 PM with the RWA wherein the issue of framing the terms and conditions for the membership was discussed. The relevant documents have been handed over to the RWA. Decision- <i>DGTCP directed the colonizer to complete the construction work of remaining club building and make it fully functional by 30.06.2014. He also desired the club membership be allotted to the residents of the colony on priority at reasonable rates.</i>

			<p>close the basement. Accordingly, the construction works are in progress at site. It was also apprised by them that the terms and conditions for membership of the club are being finalized and it will be opened in last week of January, 2014 exclusively for the residents of the colony.</p> <p>The representatives of the RWAs requested to direct the colonizer to consult them while framing the terms and conditions of the membership.</p> <p>It was decided that the club building will be made fully functional by 30.06.2014 and its basement part shall be closed permanently. It was also decided that the colonizer will involve the representatives of the RWAs in the process of framing of terms and conditions of the membership of club.</p>	
3	Sale of independent floors in violation Policy dated 27.03.2009 .	This matter not only relates to Malibu Estate but the entire State of Haryana. The show cause notices were issued by DTP (E), Gurgaon, however, the colonizers have represented/challenged the validity of the show cause notices. The matter is under consideration within Department. After taking final decision on the representations of the colonizers, further, action shall be taken.	Not discussed in the meeting as the matter is under consideration in the Directorate.	Matter was not discussed as it is under consideration in the Directorate.
4	Construction of ladder on 2 nd floor to access	The representative of the colonizer intimated that there are 148 ladders, which are to be installed, out of which till date 30	As per timeline, the entire work of installation of ladders for providing access to the terraces of houses was to	It was informed that 131 ladders were installed upto 21.01.2014 and the remaining 17 could not be installed as the owners of

	terrace.	<p>ladders have been installed. They shall complete the remaining work within three months. However, they are facing problem at some places as they are finding difficult to get NOC from the owner of 2nd Floor.</p> <p>It was directed that in the cases where NOC is not given by the owner the ladders shall be handed over to RWA. However, within next two months, the colonizer shall install all the remaining ladders.</p>	<p>be finished by 01.12.2013. The representative of the colonizer informed that 100 ladders have already been installed and the remaining 48 ladders shall be installed within next 15 days. They also complained that the residents of 2nd floor of many houses are not allowing to put up the ladders.</p> <p>The Chairman directed that the remaining 48 ladders must be put in place within 15 days time positively. The help of RWA may be taken wherever the residents of 2nd floor are objecting to their installation. If some residents still resist, then ladder may be handed over to RWA as already decided in the meeting dated 01.10.2013 at Chandigarh.</p>	<p>second floor are not allowing.</p> <p>Decision:- <i>It was decided that the colonizer will hand over the remaining 17 ladders to the RWA within 7 days.</i></p>
5	Illegal construction in the green belt.	<p>It was intimated by the colonizer that land has been given to BSNL for erection of BSNL exchange on the demand of Residents at a nominal rate of Rs. 1 per year. However, they have no proof in writing regarding the request of the residents. It was further intimated by the colonizer that the lease to BSNL is only upto 31.03.2014. It was directed that the colonizer shall give notice to BSNL for vacation of the site within 15 days from today. It was also made clear that no further extension in lease period should be made. The building shall have to be demolished after expiry of lease period. DTP (E),</p>	<p>As per the deadline in the meeting, the illegal of BSNL is to be removed after the expiry of lease period i.e. 31.03.2014. Besides, the other structures like pump rooms and operator residences are also to be removed by 31.03.2014. The representatives of the colonizer informed that a notice has already been sent to BSNL on 15.10.2013 for vacation of the site on or before 31.03.2014. Thereafter, the construction will be demolished. Similarly, the pump rooms and operators residences constructed in the green belt shall also be removed by 31.03.2014. The RWA did not</p>	<p>STP, Gurgaon informed that the deadline for removal of illegal construction in the green belt will expire on 31.03.2014. The colonizer has already served upon a notice on BSNL for vacation of the building. Hence, this issue will be reviewed after 31.03.2014.</p> <p>Regarding the mini sewage treatment plants, STP, Gurgaon informed that these have been constructed in the parks in a very shoddy manner without giving any consideration to the aesthetics of the parks/open space. The RWA is agitating for removal of these plants.</p> <p>Decision:-(i) <i>The illegal</i></p>

		<p>Gurgaon shall also give notice to the colonizer alongwith a copy to BSNL.</p> <p>It was intimated by the complainant that there are four nos. of Sewage Treatment Plants (STPs) constructed in the parks at different places and are not operational. It was informed by the colonizer that these are meant for recycling of the water which is to be used for gardening purposes. These are only very small structures.</p> <p>It was directed that all the four STPs shall be made operational and since these are for the benefit of the community these may be retained. However, proper camouflaging with green creepers of the structure be done by the colonizer.</p> <p>Further, the colonizer requested that the BSNL building may be allowed to remain operational, if there is any provision for compounding for which they have already made a request to the Department which is pending at the level of Directorate. In this regard, it was intimated that no such request is pending with the Department.</p> <p>However, if at all any such request has been made, is hereby rejected. Further, the pump rooms and operators residences constructed by the colonizer shall be removed on or before 31.03.2014.</p>	<p>subscribe to the suggestion of establishment of small STPs in the parks being incompatible activity. The matter was discussed in detail and it was concluded that use of recycled water for the purpose of maintaining parks and greenery is need of the hour considering the depleting water table in Gurgaon. Accordingly, it was decided that the colonizer and the RWA will sit together to find out proper and compatible locations for setting up of mini Sewage Treatment Plants (STPs) and shall get the same approved from the Department in the layout plan</p>	<p><i>construction in the green belt must be demolished by the colonizer by 31.03.2014, failing which strict action will be taken in accordance with the provisions of Act No. 8 of 1975 and the Rules framed thereunder.</i></p> <p>(ii):-<i>The colonizer was directed to re-install the STPs underground without disturbing aesthetics of the parks/open spaces or find out alternative suitable locations in consultation with the RWA/complainant.</i></p>
6	Delay in execution of conveyance deed	The colonizer was instructed that there is no relation between maintenance charges and execution of conveyance	The representative of the colonizer informed that a copy of the specimen of conveyance deed has been handed over to the	It was informed that action has already been taken by the company. No problem from colonizer side has been reported so far by any

	independent floor.	<p>deed. The colonizer was directed that the conveyance deed of all the owners shall be got executed within next two months. However, the colonizer submitted that this is beyond their control as the registration charges/stamp duty is to be paid by the owners. It was accordingly agreed that the owners shall after preparing the conveyed deed intimate the colonizer who shall immediately make his representative available and execute the conveyance deed immediately. The colonizer was also directed to upload the specimen copy of the conveyance deed on his website immediately and supply one copy of the same to the RWAs.</p>	<p>association and they have instructed the concerned official for accompanying the owners of independent floors as and when approached by them for registration of the deeds. The Chairman directed the representatives of colonizer to identify the owners, who are yet to execute the conveyance deed and send communications to them for execution and registration of the same at the earliest.</p>	<p>floor owner. The complainant pointed out that there are some flaws in the draft of the conveyance deed, which are required to be rectified.</p> <p>Decision: <i>It was decided that the Company will consult the various drafts of the conveyance deeds of independent floors executed by other colonizers like DLF, APIL, Unitech etc. and will carry out necessary amendments in the format of the conveyance deed prepared by it and thereafter, it will be made available to the RWA.</i></p>
7	Status of other community sites	<p>There are 16 nos. of community sites as per approved Layout Plan. It was directed that the colonizer shall submit a road map for time bound construction of the remaining community sites in the following manner:-</p> <ol style="list-style-type: none"> Within ten days = 5 community sites. Within twenty days = community sites. Within thirty days = all the remaining sites. <p>However, it was made clear that the construction of community sites has to be made within the time frame as per of the Act of 1975. If, the community sites are not completed within stipulated time, the same shall be taken over</p>	<p>The representative of the colonizer informed that out of the total 16 community sites (1 High School, 4 Primary Schools, 7 Nursery Schools, 1 crèche, 1 Dispensary, 1 Club and 1 RB), 6 sites (2 Primary School, 1 Club, 1 Nursery School, 1 RB and 1 Crèche) are still with the colonizer and remaining sites have been sold out to the private persons. One Nursery School and part of club site are already functional. The building plans of 2 Primary Schools, 3 Nursery Schools and a Religious Building have already been submitted. The building plans of the remaining community sites except 2 Nursery Schools sites of which are under dispute shall be</p>	<p>STP, Gurgaon informed that the road map for construction of community site has already been submitted and it is required to be monitored regularly.</p> <p><i>Decision:- It was decided that STP, Gurgaon will monitor the progress of construction of community sites on quarterly basis to ensure that the construction work of all the community sites its completed by the colonizer before 03.04.2016.</i></p>

		by the Govt.	submitted in the month January/February, 2014. The construction on these sites shall start after 3 months from approval of their plans and it will be completed within 1½ years time from the date of start. The constructions work of the remaining community sites will be completed as per timeline prescribed in the proviso added vide Haryana Act No. 11 of 2003 dated 03.04.2012.	
	Other issues			
8	Sh. Raman Sharma raised the issue of non obtaining of no objection certificate (NOC) from Ministry of Environment & Forest in reference to condition levied in the licence no. 15 of 2008	It was appraised to Sh. Raman Sharma that at the time of renewal of licence, the applicant company was directed to submit NOC from MoEF. But the applicant company represented that NOC is not required from MoEF since, the covered area is less than 1,50,000 sq. mtr. The contention of the applicant company was found correct, therefore, the licence no. 15 of 2008 was renewed for a further period upto 30.01.2014.	No action required.	No action required.

The meeting ended with a vote of thanks to the chair and participants.

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 68 OF 2022

IN THE MATTER OF:

RAMAN SHARMA

.....Applicant

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

**Written statement of T.L. Satyaprakash,
Director General, Department of Town &
Country Planning, Haryana on behalf of
respondent no. 4.**

1. That this reply is being filed in compliance to the orders of this Hon'ble Court dated 28.03.2023. It is further submitted that a reply has already been filed on behalf of respondent no.4 on 09.01.2023 & 25.03.2023 and was duly taken on record by this Hon'ble Court and also recorded the submissions in the aforesaid reply in its order dated 28.03.2023.
2. That this Hon'ble Court in para No. 16 of the order dated 28.03.2023 has directed as under:-

"16. So far as the green area in question is concerned, Respondent No.4 is directed to look into as to (a) whether the DG Sets can be relocated to dedicated captive transformer location area if any and if it can be so done, then relocate the same and restore the green area and (b) if the same is not possible, then whether any equivalent contiguous open land area can be restored/added to the green area and if so available, convert the same as green area."

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In reference to above, the DTP, Gurugram vide email dated 18.07.2023 had called a meeting with the Residents Welfare Association and the developer to work out the option as recommended by this Hon'ble Court in para No. 16 of the aforesaid order. In response, the colonizer i.e. respondent no. 8 vide email dated 20.07.2023 has informed that the DG sets are installed by Residents Welfare Association and their company has no relation to setting up of these DG Sets. Further, it has been informed that the colony of Malibu Town has been developed since 1995 and is fully developed/inhabited and also stands transferred to Municipal Corporation Gurugram i.e. respondent no. 3 vide Government orders dated 09.05.2022 w.r.t. maintenance and upkeep of roads, open spaces, public parks and public health services as provided under Section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter referred to as Act of 1975).

Further, the Resident Welfare Association of Malibu Town vide email dated 20.07.2023 (Annexure R-4/1) has informed that they are discussing the matter of relocating the DG sets with residents and the members of the association, as such relocation would create hurdle to the society. They have further informed that already existing green belts has been developed in the society including thick plantation and multiple trees in the society.

In view of above, the Hon'ble Court may consider granting some time on the aspect so same can be decided amicably with the residents of the society.

3. That in reference to the observation made in para no. 20, 22 and 23 of the order dated 28.03.2023 w.r.t the applicability of

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environment clearance as per MOEF notification dated 14.09.2006, it is submitted that the total area of the colony is 204.796 acres. The details of the part completion certificates granted as per provisions of Rule 16 of Rules of 1976 in the above colony are provided as under:

Sr. No	License No.	Date of licenses	Area (in acres)	Validity of license	Date of grant of part completion certificate	Area for which part completion certificate was issued	Balance area for which, CC is to be issued
1	71-75 of 1992	28.10.1992	107.682	27.10.2019	23.02.1996	97.282	10.4 (GH)
2	4-8 of 1993	18.03.1993	16.18	17.03.2020	03.05.1996	16.08	0.10 (GH)
3	15-19 of 1994	08.12.1994	14.962	07.12.2019	03.05.1996 & 06.06.2003	10.332 & 2.94	1.69 (GH)
4	4-8 of 1995	15.11.1995	26.83	14.11.2019	05.02.2003	26.83	Nil
5	36-46 of 1997	21.07.1997	14.461	20.07.2019	05.02.2003	14.461	Nil
6	15 of 2008	31.01.2008	24.681	30.01.2020	27.09.2016	24.681	Nil
Total			204.796	-	-	192.60	12.19
Percentage						94.04	

The above status indicates that part completion certificate for majority of the residential plotted component of the colony i.e. 167.92 acres (82%) was granted upto 05.02.2003 i.e. prior to commencement of MoEF Notification dated 14.09.2006. Subsequently, the part completion certificate for additional area measuring 24.681 acres was also granted on 27.09.2016, making the total completion granted area of the colony as 192.60 acres (94.04%). As regards the applicability vis-à-vis requirement of obtaining the NOC with respect to MOEF notification dated 14.09.2006 qua the licence colony vis-a-vis area of additional licence No. 15 of 2008 dated 31.01.2008 (24.681 acres), the said

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notification is applicable for the projects having area more than 50 Hectare or constructed/built-up area more than 20,000 Sqm, whereas, the area of additional licence no. 15 of 2008 is 24.68 acre i.e. 9.99 Hectare. Therefore, the aforesaid notification may not be applicable on the aforesaid licence area. However, this Hon'ble Court in para No. 23 of the orders dated 28.03.2023 has already directed SEIAA, Haryana i.e. respondent no. 9 to clarify the aspect, therefore, no comments from answering respondent are required at this stage.

4. That the observations have been made in para no. 9 & 15 relating to requirement for enactment of a legislation for protection of green areas/parks/green belts/trees by the Hon'ble NGT, it is submitted that Hon'ble Court as partly recorded the provision made under Rule 4 of Haryana Development and Regulation of Urban Areas Rules, 1976 (hereinafter referred to as Rules of 1976) regarding provision of area under green in residential plotted colonies. However, it is pertinent to mention that the notified Final Development Plan of Gurugram Manesar Urban Complex-2025 AD as well as 2031 AD notified under the section of 5(7) of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 clearly mandates to provide the green area as 2.5 square meters per person, which is reproduced as under: -

"The minimum area for parks/open spaces in a residential colony/sector shall be planned in such a manner that it shall meet the minimum norm of 2.5 square metres per person."

As per sanctioned layout plan of the colony in 2008 & 2016, the projected population of residential plotted component

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(excluding group housing and commercial) was considered as 17,586 persons, for which the green area of 7.716 acres with the norm of 4 percent of net planned area of the colony, was provided. Thereafter, adopting the above norm of 2.5 square meter per person as provided under the statute and zoning regulations of notified master plan, the green area requirement works out to 10.86 acres (5.62%), whereas, the green area of 12.064 acres (6.25%) stands provided in revised layout plan approved in-principally in the year, 2019. This indicates that the green area in the colony is provided beyond the requirement norms.

In light of the said facts, it is humbly submitted that the existing legal provisions/norms provides to ensure green areas in the licensed colony.

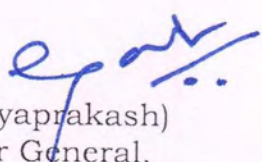
- 5 It is also humbly submitted that the respondent no. 4 being the regulatory authority to implement the conditions of licenses granted under the provisions of Act of 1975 shall ensure that the final completion certificate will only be granted after satisfying the green area as sanctioned in the layout plan as well as the building plan in respect of the group housing component of the colony.

Prayer

The above written statement may kindly be taken on record.

Place: Chandigarh

Dated: 24.07.2023

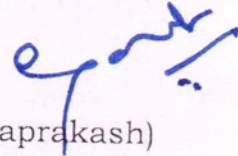

(T.L. Satyaprakash)
Director General,
Department of Town & Country Planning,
Haryana on behalf of respondent no. 4.

VERIFICATION:

Verified that the contents of para 1 to 5 of this reply are true and correct to my knowledge and based on information derived from the official record which are believed by me to be correct. Legal submissions are based on advice. No part of it is false and nothing material has been concealed therein.

Place: Chandigarh

Dated:24.07.2023



(T.L. Satyaprakash)
Director General,
Department of Town & Country Planning,
Haryana on behalf of respondent no. 4.

OA No. 68 of 2022 titled as Raman Sharma V/s State of Haryana.

Malibu Federation <malibufederation2020@gmail.com>

20 July 2023 at 10:54

To: dtp6.gurugram.tcp@gmail.com

Cc: Narender Kumar <dtp3.hqnk.tcp@gmail.com>, STP GURUGRAM <stp4.gurugram.tcp@gmail.com>, STP Gurugram <stp5.gurugram.tcp@gmail.com>, malibutowne@hotmail.com, sanjay satyabrat <sanjaysatyabrat@gmail.com>, vijay.s.nath@gmail.com

Dear Sir,

Thankyou for giving your time for the meeting on 18/07/2023 at your office.

Concerning the compliance of Para no.16 for relocation of the gensets; we are still discussing with our various RWA EC members and our various residents for the same.

Unfortunately as this township has been developed in 1995 and is fully developed now; there are no alternate spaces left for relocating them which is creating hurdles for us.

We have taken great efforts for our existing green belts by developing them with multiple trees and thick plantations inside the township.

Best regard,

Vijay Shiv Nath

President, Malibu Towne RWA Floors

Secretary, Malibu RWA's Federation

[Quoted text hidden]

**Order OA 68 Raman Sharma 28.03.2023.pdf**

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Legal Notice under Section 80 of Civil Procedure Code, 1908; by Raman Sharma S/o Sh. Narendra Nath Sharma, R/o CW-58, First Floor, Malibu Town, Gurugram, we hereby serve upon you with the following Legal Notice: Under Section 80 of Civil Procedure Code...

Raman Sharma <shramansharmaji@gmail.com>

Sat 2023-10-21 16:23

To:DC Gurugram <dcgrg@nic.in>;dcgrg@gov.in <dcgrg@gov.in>;dcgrg <dcgrg@hry.nic.in>;Chief Secretary Haryana <cs@hry.nic.in>;Director T&CP <tcpharyana7@gmail.com>;director urban local bodies <dulbhry@hry.nic.in>;urban local bodies haryana <dulbhry@gmail.com>;Sudhir Rajpal <ceo.gmda@gov.in>;Member Secretary <hspcbms@gmail.com>; HSPCB HO <hspcbho@gmail.com>;ec.malibutowne.rwa2021@gmail.com <ec.malibutowne.rwa2021@gmail.com>; mcsvinee@gmail.com <mcsvinee@gmail.com>;mcsvinee@yahoo.com <mcsvinee@yahoo.com>;info@mtprwa.com <info@mtprwa.com>;DS Dhesi <cpscm-office@hry.gov.in>;Commissioner Gurgaon Division <commgrg@hry.nic.in>; acstcp@gmail.com <acstcp@gmail.com>;Principal Secretary TCP Haryana <pstcpharyana4@gmail.com>; pstcpharyana2@gmail.com <pstcpharyana2@gmail.com>;PSCM HARYANA <pscmofficeharyana@gmail.com> Cc:Rajesh Saini <supservices2.cso@hry.gov.in>;cs.coordination@hry.nic.in <cs.coordination@hry.nic.in>;service4.cs-hry@nic.in <service4.cs-hry@nic.in>;branchtrg@gmail.com <branchtrg@gmail.com>;admnreformsry@gmail.com <admnreformsry@gmail.com>;admn.reforms.hry@gmail.com <admn.reforms.hry@gmail.com>;JC-IV <jc4@mcg.gov.in>; AS PM MHA NEW DELHI <jspm@nic.in>;Rakesh Kumar Singh <js.police1@mha.gov.in>;Sudhesh Kumar Shahi <jsp2@mha.gov.in>;Asheesh Sharma <jsv-dopt@nic.in>;Deepak Khandekar <secy_mop@nic.in>;Nirvair Singh <Nirvair.singh1@gmail.com>;rakesh.ww23gf@gmail.com <rakesh.ww23gf@gmail.com>;rti.rakesh@gmail.com <rti.rakesh@gmail.com>;Ssbnservices@gmail.com <Ssbnservices@gmail.com>;vatsal sharma <vatsalvssharma@gmail.com>;Estate Manager <estatemanager@mcrwa.com>;deepakaggarwal70@gmail.com <deepakaggarwal70@gmail.com>;Sanjay Satyabrat President MCRWA BOARD <sanjaysatyabrat@gmail.com>

Legal Notice under Section 80 of Civil Procedure Code, 1908; by Raman Sharma S/o Sh. Narendra Nath Sharma, R/o CW-58, First Floor, Malibu Town, Gurugram, we hereby serve upon you with the following Legal Notice:

Under Section 80 of Civil Procedure Code, 1908. It is provided that notice has to be given in a suit against the Government or public officer in respect of any act purporting to be done by such public officer in his official Capacity.

Name of person issuing notice; RAMAN SHARMA

Place of residence of person issuing notice; CW-58, F.F, Malibu Town, Sector-47, Gurugram -122018 +91 9818303690

To the Responding Government Authorities, Private Companies, Residents Welfare Associations & Private Persons

1. The State of Haryana, through Collector, Gurugram.
2. The Concerned Minister, Town and Country Planning, Haryana (Chief Minister Haryana) through the Chief Secretary, Government of Haryana, 4th Floor, Civil Secretariat, Sector-1, Chandigarh. (Responsible for the offence, violations, all violations of environmental laws, Land losses under green area & open space, policy losses to the Complainant, Property Buyers & the State in the Integrated Residential Plotted Colony namely Malibu Towne in Sector- 47 & 50, Gurugram).
3. The Director General, Town and Country Planning, Haryana, SCO-71-75, Sector 17-C, Chandigarh. (Government of Haryana entity, Licensing authority responsible for controlling the project and responsible to check offence, violations, all violations of environmental laws, Land losses under green area & open space, policy losses to the Complainants, Property Buyers & the State in the Integrated Residential Plotted Colony namely Malibu Towne in Sector- 47 & 50, Gurugram).
4. The Director General, Urban Local Bodies Department, Haryana, Sector-4, Panchkula.

5. The CEO, GMDA, Plot No. 3, Sector 44, Gurugram.
6. The Chairman, Haryana State Pollution Control Board, C11, Sector 6, Panchkula, Haryana.
7. The Chairman State Environment Impact Assessment Authority, Haryana, Bays no. 55-58, First Floor, PRAYATAN BHAVAN, Sector-2, Panchkula, Haryana.
8. The Director General of Police Haryana, Panchkula.
9. The Commissioner of Police Gurugram.
10. The Commissioner, Municipal Corporation Gurugram, Gurugram.
11. The Chief Administrator, Haryana Shehri Vikas Pradikaran, Panchkula (The then Haryana Urban Development Authority).
12. The Executive Engineer, Division No. 6, Haryana Shehri Vikas Pradikaran, Gurugram.
13. The Managing Director, Dakshin Haryana Bijli Vitran Nigam Limited, Panchkula.
14. The Deputy Commissioner, Gurugram.
15. The District Revenue Officer, Gurugram.
16. The Senior Town Planner, Gurugram (was directed to coordinate with Municipal Corporation, Gurugram and colonizers).
17. The District Town Planner (P), Gurugram.
18. The District Town Planner (Enf), Gurugram.
19. The Chief Accounts Officer O/O DTCP, Haryana.
20. The Chief Engineer, Municipal Corporation, Gurugram.
21. The Superintending Engineer-II, Municipal Corporation, Gurugram.
22. The Executive Engineer-III, Municipal Corporation, Gurugram.
23. The Sr. Town Planner, Municipal Corporation, Gurugram.
24. The Secretary, Ministry of home affairs, Government of India, New Delhi
25. The Director, Central Bureau of Investigation, New Delhi
26. The Director, Enforcement Directorate, New Delhi (*The law enforcing agency of the Government of India*).
27. The Secretary, Ministry of Communication, Department of Posts, Sanchar Bhavan New Delhi. (*The respondent no. 7 is custodian of one post office site as community building*).
28. The Chairman & Managing Director, Bharat Sanchar Nigam Limited, New Delhi. (The illegal occupant of building in green belt).
29. *The SHO PS Sadar Gurugram.*
30. Mr. Sameer Kohli, Director, Malibu Estate Private Limited, 38 DDA commercial complex, Kailash Colony Extension, Zamrudpur, New Delhi -110048
31. M/s Malibu Estate Private Limited, 38 DDA commercial complex, Kailash Colony Extension, Zamrudpur, New Delhi -110048 through its Director Sh. Naveen Choudhary and all current & Past Directors.
32. M/s Bloom Field Properties and Holdings Pvt. Ltd., 38 DDA commercial complex, Kailash Colony Extension, Zamrudpur, New Delhi -110048 through its Director Mrs. Kumkum Kholi and all current & Past Directors.
33. Mr. Sameer Kohli, Director, M/s Bloom Field Properties and Holdings Pvt. Ltd., 38 DDA commercial complex, Kailash Colony Extension, Zamrudpur, New Delhi.
34. M/s MEPL Maintenance Private Limited, E-14-A, 30 Ft. Road, Ganga Vihar, East Delhi-110094 through its Director Mr. Farhan Jafri.

35. Mr. Subhash Raghav, Director, M/s MEPL Maintenance Private Limited, E-14A, 30 ft Road, Ganga Vihar, Delhi East, Delhi 110094.
36. Malibu Towne Plot Residents Welfare Association, having correspondence office at **CD 54 A, Malibu Towne**, Sector 47, Gurugram 122018 through its Office Bearer Mr. Suresh Dhundiya, President and all office Bearers by name from 01-01-2020 to 21-10-2023.
37. Malibu Condominiums Residents Welfare Association, Tower-3, Malibu Towne, Sector 47, Gurugram 122018 through its Office Bearers Mr. Sanjay Satyabrat, President and all office Bearers by name from 01-01-2020 to 21-10-2023.
38. Malibu Towne Residents Welfare Association, having a correspondence office at **WW, Malibu Towne**, Sector 47, Gurugram 122018 through its Office Bearer Mr. Vijay Shivnath and all office Bearers by name from 01-01-2021 to 21-10-2023 for raising bills without any agreement, without any consent and without giving any details of product & services with quality, quantity & cost and all unlawful activities.
39. Malibu Federation a Welfare Society having a correspondence office at 12 PKD, Federation Office, Malibu Towne, Sector 47, Gurugram through Mr. Niranjana Yadav its Office Bearers from 01-01-2020 to 25-12-2020.

Statement of the cause of action;

The relief claimed by the person issuing notice;

That this Notice served as the inaction of the officers responsible for the protection of the Act & Rules applicable, performing their responsibility and duties, Land and interests of the State despite the information. The Complainants have paid complete payment towards infrastructure, Common area, Green area, open space & community buildings while buying their respective properties. The Integrated Residential Plotted Colony namely Malibu Towne, Sector 47 & 50, Gurugram in the area 204.796 Acres was Handed over to Municipal Corporation on the ORDER vide Endst. No. CC-99-JE(SJ/2022/12543-550 Dated-09-05-2022 issued through Rajesh Kaushik District Town Planner (HQ) For Director, Town & Country Planning Haryana Chandigarh for taking over of colonies (including Malibu Town) have been completed by Municipal Corporation, Gurugram, despite knowing serious violations without the revised Demarcation Plan and Layout Plan as per the Directions of the Director, Town and Country Planning, Haryana has caused huge financial, land, infrastructural losses to Noticee.

We, the Noticee, hereby issue the notice under Section 80 of the Code of Civil Procedure and state that, We the Noticee intends to sue the responsible Minister, Government of Haryana, Government officials, Companies and their Directors, RWAs & their Office bearers & Collection agents after the expiry of two months after the service of this notice unless reliefs claimed herein below are granted to my said client within the said period of two months.

The following particulars of the nature of the claim, cause of action and reliefs claimed are given below:

1. That no investigation was conducted and action taken by the Competent and Responsible officials of Government of India and State of Haryana despite the evidence of the Crime during Fraudulent Handover-Takeover of the Licensed Colony namely Malibu Towne in Sector-47 & 50, Gurugram between Licensee Company M/s Malibu Estate Pvt Ltd and Municipal Corporation Gurugram.
 - a. That erroneous recommendation of Service Plan Estimate and Site Plans of Group Housing Component of Integrated Residential Plotted Colony namely Malibu Town, Sector-47 & 50 Gurugram by the Officials of Haryana Urban Development Authority, Panchkula (now HSVP) vide CE HUDA Memo No. 5043 Dated – 03- 07-2000 and Director, Town & Country Planning Haryana, Chandigarh.
 - b. That erroneous approval of Building Plans of Group Housing Component of Integrated Residential Plotted Colony namely Malibu Town, Sector-47 & 50 Gurugram by the Officials

of Haryana Urban Development Authority, Panchkula (now HSVP) vide CE HUDA Memo No. 5043 Dated – 03-07-2000. **1853**

- c. That erroneous approval of Service Plan Estimates of Group Housing Component of Integrated Residential Plotted Colony namely Malibu Town, Sector-47 & 50 Gurugram by the Officials of Haryana Urban Development Authority, Panchkula (now HSVP) in 2016.
- d. That erroneous approval of Occupation Certificate Dated – 30-08-2000 and 30-03-2017 of Group Housing Component of Integrated Residential Plotted Colony namely Malibu Town, Sector-47 & 50 Gurugram by the Officials of Haryana Urban Development Authority, Panchkula (now HSVP) vide CE HUDA Memo No. 5043 Dated – 03-07-2000. The EPA Act was enacted under Article 253 of the Indian Constitution which provides for the enactment of legislation for giving effect to international agreements.
- e. That misleading Inquiry Report submitted by Sh. Sanjiv Chopra, the then Executive Engineer (Vigilance) HUDA, Panchkula. (Through the office of Secretary, HSVP, Panchkula) before Hon'ble Lokayukta Haryana in 2017 in the matter of Complaint No. 320 of 2011 Raman Sharma Vs Chief Administrator, HUDA, Panchkula vide Proceeding of hearing Dated-24-03-2015 and 24.07.2015 on page No.6, 7, 8, 9, 10.
- f. That 82 illegal/unapproved structures constructed on the land set for Green area & open space without any approval were taken over by Commissioner Municipal Corporation Gurugram with liability from M/s MEPL Maintenance Private Limited.
- g. That all Community Buildings were planned in 15.28 Acres on the land of open space (non-salable area) and SOLD to private companies causing huge financial & land losses to Complainants.
- h. That 19 unapproved structures were constructed without any prior approval on Green area. The erroneous approvals to building plans and issuance of occupation certificates are serious cause of action in this matter.

2. The responsible officials overlooked violations of Licensed Conditions and ignored non-implementation of Rules, Conditions and various Laws that have caused immense financial, land under Green area & Open Space and Environmental losses.

- a. The non-action extended Favours to Directors of Licensee Company, Property Dealers, Collection Agents, RWAs by Abuse of Powers, Negligence in Official Duty, Fraud, Forgery, Breach of Trust, Connivance, Conspiracy, inaction against illegal acts and violation & unlawful use of License Conditions and disrespect & misuse of powers and extending unlawful protection to known and unknown companies through their respective Directors and RWAs through their office bearers.
- b. That all part completion certificates were erroneously issued without any legal sewage & storm water connection from master lines and without any sewage & storm water disposal mechanism, which is a serious offence under the provisions of the Environment Act, 1986. According to Section 2(a) of the Environmental Protection Act, 1986, 'Environment' includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property.
 - i. That the Complaints in the matter are already submitted before the respective branches of the Town & Country Planning Department Haryana, Haryana State Pollution Control Board, Panchkula and Police and Municipal Corporation Gurugram by Raman Sharma to the Noticee.
 - ii. That Non-implementation of the conditions imposed through Layout Plans, Zoning Plans and Demarcation Plans.
 - iii. That land for SERVICE ROAD/SERVICE ROAD (along 30 mtr carriage way on sector dividing road on sector 47 side and sector 49 side (length 2.8 km x 10 mtr width) was not takeover during Handover-Takeover of Integrated Residential Plotted Colony namely Malibu Towne.

3. That unlawful Construction of Five Star Hotel in the commercial component of Integrated Residential Plotted Colony namely Malibu Town, Sector-50, Gurugram without any provision in the service Plan Estimates and Environment Clearance. That Letter Memo no. ZP-VOL-IV/AD(RA)/2021/16699-701 Dated-13-07-2021 on Demarcation Plan of Malibu Town issued by DTCP, Haryana to STP, Gurugram is still not honored but all approvals and permissions and Transfers are given in absence of correct and violation free DEMARCATION.

- i. That violation of Public Parks, Green Belts and Open Space and unlawful sale of the land and unlawful sale of unapproved category of Plots.
- ii. That Disrespect of Government approvals, orders & policies and other violations informed earlier.
- iii. That despite complaints no investigation & action was initiated. All offences reported to Police and responsible Government Departments, but no action is taken against them.

4. That Variation in plot size against the approved category.

- i. Less provision of EWS Plots against 20% of total plots.
- ii. No provision and sale of Plots under the category of No Profit No Loss despite several requests.
- iii. Use of Green Belts and Public Parks for commercial activities and other services without approval.
 - a. Illegal sale and use of land under Community Buildings as commercial venture and profit-making centers.
 - i. No provision of Community Centers despite the provision in the Act.
 - ii. Illegal Sale of Community Land and Building under Community Building without any prior permission from the Director.
 - iii. Commercial use of Community Buildings
 - b. Unlawful possession of money taken under various heads on the name of Infrastructure
 - i. Defective Sewage treatment & Disposal
 - ii. No lawful provision for Electric Plots, additional Public Health Site.
 - iii. No lawful provision for Storm Water Disposal
 - iv. Insufficient and Defective Infrastructure
 - v. Unapproved infrastructure.
 - vi. Forceful collection of money in the name of Maintenance on the work which is not placed.
 - vii. Illegally Transfer of Infrastructure, Land, and Services to third parties without any prior permission.

5. That Illegal use of Land and all criminal activities are permitted

- i. No land designated for Electric Plots, additional Public Health Site.
- ii. No land designated for Sewage Disposal
- iii. No land designated for Storm Water Disposal
- iv. No land designated for Garbage Collection, Segregation and Disposal
- v. No land designated for the placement of DG Sets.
- vi. No land designated for NPPL Plots
- vii. Illegal possession of land set for green area by BSNL.

6. That the plots under the community buildings have been sold and under commercial activities.

- i. **Corrupt approvals for Education Business.**
- ii. **Unlawful planning to make Education a Profit-making tool.**
- iii. **Violation of Acts and Rules while approval of Building, School and Classes.**
- iv. **Abuse of powers while granting approval to raise classes.**
- v. **Unlawful gains out of Education Business**
- vi. **Theft of Tax**
- vii. **Unlawful use of land inside the school**
- viii. **The Illegal Charges on Education.**
- ix. **Grant of Land on subsidized Rates to private Schools for profit making.**
- x. **Money laundering through unlawful commercial activity in the name of Education. (Tuition and its Fees, Sale of Books, School Dresses and other articles.**

7. That the Fire inspection of Malibu Club Area and Tower No.1 was conducted Sh. Isham Singh Kashyap *Asst. Divisional Fire Officer*, Municipal Corporation **Sector- 29, Gurugram** and found *the complaint correct but did not take any action against the Office Bearers of Malibu Condominium Residents Welfare Association and Lincee M/s Malibu Estate Pvt Ltd and its associated companies through their respective Directors.*

- i. *The Fire NOC issued to Club Building by the Fire Officer, Municipal Corporation found incorrect, wrong and misleading but no action has been taken against the officials of Fire*

Department.

ii. *The Club Building was found dangerous for Human beings in the presence of* Sh. Isham Singh Kashyap *Asst. Divisional Fire Officer*, Municipal Corporation but no report is sent to the Director General Town & Country Planning Department Haryana *in the larger safety interest of the Residents and visitors.*

iii. *That no Fire audit has been conducted by* Sh. Isham Singh Kashyap *Asst. Divisional Fire Officer*, Municipal Corporation Gurugram despite the serious lapses found to him and action of sealing by **Sh. R.S Batth**, District Town Planner (E), Town & Country Planning Department Haryana, Gurugram in the commercial area of integrated residential plotted colony namely Malibu Town, Sector-47 & 50 Gurugram in 204.796 Acres.

iv. That no Fire safety mechanism is informed by Sh. Isham Singh Kashyap *Asst. Divisional Fire Officer*, Municipal Corporation Gurugram to the residents of integrated residential plotted colony namely Malibu Town, Sector-47 & 50 Gurugram in 204.796 Acres under the Fire safety Rules.

v. That the inaction and non-performance of duty in the larger public interest and putting life in danger of the residents of integrated residential plotted colony namely Malibu Town, Sector-47 & 50 Gurugram in 204.796 Acres it is duty of the Resident to take legal action as the Commissioner Municipal Corporation Gurugram did not perform his duties for the safety of the Citizens and their property.

vi. The copy of Fire safety system report submitted to the Commissioner Municipal Corporation Gurugram by Sh. Isham Singh Kashyap *Asst. Divisional Fire Officer*, Municipal Corporation Gurugram is not available as per the directions of the Government.

8. That **Sh. R.S Batth**, District Town Planner, Municipal Corporation Gurugram did not confirm the contents and decisions of the meeting held on 22-04-2021 regarding the Takeover of the integrated residential plotted colony namely Malibu Town, Sector-47 & 50 Gurugram in 204.796 Acres.

i. That the transfer of Land, Infrastructure, Services and maintenance of Mandatory Services without any prior permission by the Licensee Company when Licenses are expired.

ii. The Commissioner Municipal Corporation Gurugram and Director Town & Country Planning Department Haryana, Chandigarh did not perform lawful action/duty despite the Intimation and Complaint neither by his subordinate office/offices.

iii. That none of the responsible offices of the State Government of Haryana, including the Sanitation wing of the Municipal Corporation Gurugram initiated any action to prevent the subject from under its control.

iv. The non-action of the State Government and its subordinate offices allowed the loss of land, infrastructure, services, Environment, water and Air for reasons best known to them.

v. The mandatory implementation of the Solid Waste Management Rules 2016 was not followed by the various RWAs of the integrated residential plotted colony namely Malibu Town, Sector-47 & 50 Gurugram in 204.796 Acres.

vi. The non-action by the responsible office of Municipal Corporation Gurugram for non-placement and non-functional Composting plant under the provisions of the Solid Waste Management Rules 2016 has caused huge environmental losses to Land, Air, and system as well the integrated residential plotted colony namely Malibu Town, Sector-47 & 50 Gurugram in 204.796 Acres.

vii. The non-action by the responsible office of Municipal Corporation Gurugram for illegally and unapproved placement and commercially functional Composting plant for unlawful gains under the violations of the provisions of Solid Waste Management Rules 2016 has caused huge environmental losses and threat to Land, Air, and system as well the integrated residential plotted colony namely Malibu Town, Sector-47 & 50 Gurugram in 204.796 Acres.

viii. That no investigation report has been provided by the responsible wing of Municipal Corporation Gurugram despite the various complaints stating environment loss,

violation of the act, tax theft and revenue losses to the state exchequer and illegally issuance of financial grant to unknown/ unregistered individuals in connivance and conspiracy against the State.

9. That the DPR is not obtained and non-action while the land, Infrastructure and Services, Part of License No. 71-75 of 1992 and all additional Licenses thereafter awarded to Malibu Estate Pvt Ltd and others were transferred to Malibu Condominium Residents Welfare Association and other unknown companies by the Directors of Malibu Estate Pvt Ltd, for Integrated Residential Plotted Colony namely Malibu Town, without taking permission and not giving Intimation to the Director Town & Country Planning Department Haryana, Chandigarh for action. Three FIR No. 628 of 2020 and 229 of 2023 registered at PS Sadar Gurugram by DTP (E), Gurugram and FIR No. 114 of 2021 registered at PS Sadar Gurugram by Fire Department of Municipal Corporation Gurugram against Malibu Estate Private Limited & Directors on the complaint of Complainant but Police has failed to file Charge Sheet.
10. That the Directors of Malibu Estate Private Limited as Non-govt company and is registered at Registrar of Companies knowingly found violating the License Conditions and Conditions imposed by the Government for unlawful gains. The illegal, unapproved and unlawful placement of infrastructure and services on Public Parks and Green Belts causing land loss to the Government.
11. That Malibu Estate Private Limited has given written undertaking to the Director Town & Country Planning Department Haryana, Chandigarh and the Commissioner Municipal Corporation Gurugram to transfer all the infrastructure, Land and Services falls under the Licenses granted for 204.796 Acres by the Director Town & Country Planning Department Haryana, Chandigarh.
12. The non-placement of Garbage Collection Point causing the Violation of Solid Waste Management Rules, 2016 and non-action against offenders despite repeated violations.
13. That the Bills attached are documents "Tax Invoice - Utility Bill (1st April-30th April 2021) issued by the Malibu Condominium Residents Welfare Association (Copy attached) confirms that all Mandatory services including illegally placed DG Sets in Green Area without permission and approval from competent authority is under unlawful possession and same is transferred illegally by the Directors of the Licensee Company Malibu Estate Pvt Ltd for unlawful gains and to hide its violations and offences.
14. The transportation of non-treated Solid waste from the Integrated Residential Plotted Colony namely Malibu Town, Sector 47 & 50, Gurugram to unknown places by unregistered vendors on without Number Plate Vehicles.
15. That the Orders of the Director Town & Country Planning Department Haryana, Chandigarh refused the Completion Certificate to Directors of Malibu Estate Private Limited for the Integrated Residential Plotted Colony namely Malibu Town on non-completion of infrastructure and community buildings and facilities and illegal sale.
16. That transfer of Mandatory services is not legal but against the various applicable laws, without the permission of the ROC and DGTCP. The transfer of rights of Infrastructure Community Building, land and services is not allowed in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 and the Haryana Development and Regulation of Urban Areas Act, 1975 and Rules 1976 to any RWA.
17. That in the absence of audit of services is an act of fraud, cheating and theft of Government revenue by Malibu Condominium Residents Welfare Association and Directors of Malibu Estate Pvt Ltd while handover-Takeover of Group house component (11.89 Acres) without approved Layout and Demarcation and Clouser Orders of HSPCB on Malibu Town.

18. That the partial transfer of Land, Infrastructure, services from various categories is an act of sub-division and revenue, land and infrastructural loss to the State Exchequer by all involved parties.

19. That the amount of Interest Free Maintenance Security is still with Licensee Company.

20. That unapproved project without obtaining approval from the competent authority under the violation of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 and the Haryana Development and Regulation of Urban Areas Act, 1975 and Rules 1976 is breach of trust and criminal offence. The three complaints made in this regard are still unanswered to favour offenders by all responsible Government offices.

21. That if the Land set for the Green Area & Open Space and Infrastructure and Services related to Mandatory Services is not taken aback from Malibu Condominium Residents Welfare Association within 7 days along with a letter of commitment to pay the damages if any, the legal action would be initiated under the Civil and Criminal Laws. We, therefore, call upon you through this Notice to resolve the allegations, grievances and losses within 7 days, after which if not resolved, all appropriate legal actions will be taken against you. Further, it is asked you to pay a total sum of Rs. 15,00,000/- as a compensation for causing harassment and damages by not taking action against illegal transfer of services, snatching the services in COVID-19 Health Emergency, mental pain & agony and cost of legal action against Licensee Company and its Directors. You are also called upon to reimburse the cost incurred in getting the present legal notice issued which is quantified at Rs. 7,000/- within 3 days from the date of receipt of this notice, failing which our aforesaid clients have given clear instructions to us to file criminal as well as civil suit and suit for recovery in the competent court of law and in that event, you will be fully responsible for all costs, risks, responsibilities, expenses and consequences thereof. A copy of this Notice is kept intact in our office for record and further necessary action.

ISSUED BY OWN SIGNATURE OF RAMAN SHARMA ON 21-10-2023.

With Regards



1. Raman Sharma S/o Sh. Narendra Nath Sharma
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Aadhar No. 431950993642

-TRUE COPY-

IN THE COURT OF CIVIL JUDGE, JUNIOR DIVISION,
GURUGRAM

In The Matter of :-

C.S NO. 934 of 2020

Raman Sharma and Others

....Plaintiffs

Versus

State of Haryana & Others

....Defendants

Most Respectfully Showeth:

1. That application under Order 1 Rule 10 read with Section 151 of the Civil Procedure Code, 1908 is moved by learned Advocate Madhu Tewatia & Sh. Adhirath Singh with Vakalatnamas for Respondent No. 16, 17, 18, 21, 27 & 31 without Application of the mind pleading for Respondent No. 14, 15, 19, 20, 22 & 32 also without Vakalatnamas. The Application is legally not maintainable and the contents of the application are vague, misleading and far from the reality. **Respondent No. 22, 31, 32 and 33 are Ex parte pronounced by this Hon'ble Court.**

With Vakalatnamas

- I. Sh. G.S.Dhingra, Director, MEPL, Respondent No. 16.
- II. Ms. Kumkum Kohli, Director, MEPL, Respondent No. 17.
- III. Mr. Sameer Kohli, Director, MEPL, Respondent No. 18.
- IV. Mr. Subhash Raghav, Director, MMPL, Respondent No. 21.
- V. M/s Citland Properties Pvt. Ltd, Respondent No. 27.
- VI. M/s Bloom Field Properties and Holdings Pvt. Ltd, Respondent No.31.

Without Vakalatnamas

- I. Sh. K.S.Dhingra, Director, MEPL, Respondent No. 14.

MALIBU ESTATE PVT. LTD.

ANNEXURE- VII

S.No.	Description	Built Up area (Sqft)	Built Up area (Sqmt)	Plot Area (Acres)	OC Date	Ownership	Handover date
1	Group Housing Tower 1,3,4,5,6 & EWS Blocks by MEPL	7,29,292.00	67,753.51	9.360	03/08/2000	G.Housing RWA	01/02/2021
2	Malibu CuntryClub	30,394.89	2,823.78	2.530	08/06/2007	Malibu Estate Pvt.Ltd.	NIL
3	Floor	5,75,635.00	53,475.54			MCG	16/06/2022
4	Malibu Shopping Arcade	60,530.20	5,623.45	0.715	08/06/2007	Sh.Arcade RWA	01/04/2023
	Constructed by By MEPL	13,95,852.09	1,29,676.27				
5	GH- Tower-2 (Constructed by BNB) - (Plot Sold)	13,411.00	1,244.00	2.530	10/03/2017	G.Housing RWA	01/02/2021

Handing over/Taking over Performa

As per order of DTCP, Haryana, Chandigarh dated:09.05.2022 the below mentioned colony/builder area handed over/taking over process is carried out today i.e. 15.06.2022. The detail is as below:-

Name of Builder: Malibu Estate Private Limited

Area :- 204.79 Acres

Details of Services Handed over:-

- | | | |
|-----------------------|---|----------------|
| 1. Roads | - | 13643 meter |
| 2. Water Supply | - | 14022.41 meter |
| 3. Sewerage system | - | 12877.04 meter |
| 4. Storm Water Drains | - | 13772.04 meter |
- The detail of above infrastructure Services inventory is mentioned in attached annexures
 - The Builder/Licence/Colonies shall provide all assistance for overall functioning of all services during the overlapping period of 15 days i.e upto 30/6/2022
 - Any dues pending till 15/6/2022 will be borne by builder

Handed over by:

1. Owner/Builder
MEPL
15/06/2022

Authorised Signatory

Mr. Gopal Kapoor

Taken over on behalf of

Municipal Corporation Gurugram
Executive Engineer
Municipal Corporation
15/06/2022
Executive Engineer-III (Tushar Yadav)

Assistant Engineer
Municipal Corporation, Gurgaon
Assistant Engineer (Waseem Akram)
Municipal Corporation
Assistant Engineer
Junior Engineer (Dimple Khatun)
Gurugram

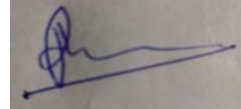
8. That the learned Advocate has claimed under point no. 5 of application under Order 1 Rule 10 R/w Section 151 of the Civil Procedure Code, 1908, is correct that Respondent No. 14, 15 are no longer Directors of the Respondent Company No. 22 anymore, but they were Directors at the time of offence was conspired. Respondent No. 14, 15 are still Licensee, hence the arguments of Learned Advocate Smt. Madhu Tewatia are not sustainable as The director who has resigned shall be liable even after his resignation for the offences which occurred during his tenure. He can be held liable for the offences made by the company at the time of his office as a director. Following points are more relevant in this matter-;
- I. It is true both were Directors when offence were reported to various offices of the Government, Hon'ble Punjab & Haryana High Court and Hon'ble Lokayukta Haryana. They are necessary Parties and who so ever has bought shares holding of the Respondent Company No. 22 would also be responsible for the losses.
 - II. The serious Land fraud of more than 50 Acres of Land is established by the written statement of Respondent Company No. 22 Malibu Estate Pvt Ltd in writing before the State Environment Impact Assessment Authority (SEIAA), Haryana through Advocate Sanjay Upadhyay, the facts and documents are received through email id **ELDF** <eldflegal@gmail.com> Date: Thu, 17 Aug 2023 at 14:13 under the name of Sh. **Sameer Manher**, Clerk *Enviro Legal Defence Firm, 29, Presidential Estate LGF, Nizamuddin East New Delhi – 110013* to email address of Raman Sharma To: <cw58ffmalibutown@gmail.com>.
 - III. The Handover-Takeover Documents were erroneously processed, signed and exchanged between Respondent No. 11 and 22 & 32. The whole process was done fraudulently, cheating with the State Exchequer & property buyers of Malibu Town and without Demarcation and measurements of Land, stock of infrastructure & list of Services, which is loss to property buyers & State.
 - IV. That ORDER of Respondent No.3, vide Endst. No. CC-99-JE(SJ/2022/12543-550 Dated-09-05-2022 issued through Rajesh Kaushik, District Town Planner (HQ) For Director, Town & Country Planning Haryana Chandigarh, was disregarded by Respondent No. 11 and 22, hence all stake holders are necessary party.

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It is therefore prayed that the application under reply may kindly be dismissed in the interest of justice.

Date - 27-10-2023

Plaintiffs



Raman Sharma

Through Counsel: Vatsal Sharma Advocate, Gurugram

-TRUE COPY-

WRITTEN SUBMISSIONS ON BEHALF OF M/S MALIBU ESTATE PVT. LTD IN THE MATTER OF RAMAN SHARMA V. STATE OF HARYANA (O.A NO. 68/2022)

An Application (O.A No. 68/2022) was registered in the Hon'ble National Green Tribunal (NGT) based on a complaint received by e-mail sent by one Raman Sharma (Applicant). The grievance in the Application was with regard to running of 10 DG sets in the green belt in the residential colony of Malibu Town, Gurgaon, Haryana by M/s Malibu Estate Pvt. Ltd (Malibu/ Project Proponent) without the approval of HSPCB and violation of C&D Waste Management Rules, 2016, Air Act 1981 and Water Act, 1974. Thereafter, M/s Malibu Estate Pvt. Ltd. was impleaded as Respondent No. 8 vide Order dated 11.01.2023. The Hon'ble NGT vide Order dated 25.07.2023 directed the SEIAA and HSPCB to dispose of the matter and take a decision after giving an opportunity of hearing to the Parties. Accordingly, in compliance of the abovementioned Order, M/s Malibu Estate Pvt. Ltd. was asked to appear before SEIAA on 22.06.2023. Thereafter there have been several hearings on 02.08.2023, 15.09.2023, 19.09.2023, 17.10.2023 & 09.11.2023.

BELOW ARE THE SUBMISSIONS MADE BY M/S MALIBU ESTATE PVT. LTD. BEFORE THE LD. STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, HARYANA THROUGH REPRESENTATION DATED 02.08.2023, ADDITIONAL DOCUMENTS DATED 15.09.2023 AND ADDITIONAL RESPONSE DATED 31.10.2023:

REPRESENTATION DATED 02.08.2023

1. Project Proponent and its Associate Companies obtained 31 licenses for an area of about 180.116 acres (72.77 Ha) in Sector 47, 50 Gurgaon (for Plotted development) starting from 1992 till the year 1997 (Para 1, Pg 2 r/w Ann-1 (details of licenses @ Pg. 13-14 representation dated 02.08.2023)

2. Thereafter one license for an area of about 24.681 acres (9.97 Hectare) was obtained by over thirty Farmers/ Landowners on 31.01.2008 i.e., after EIA Notification 2006. **(Ann- I Details of licenses, Pg 13-14 of representation dated 02.08.2023)**
3. Partial Completion Certificate for the development works including services like sewerage, water supply etc. was obtained for all the 31 licenses for an area of 167.925 acres (67.957 Ha.) till 2003 (last 05.02.2003, except one license obtained in 2008). **(Para 2, Pg 2 r/w Ann- II, Pg 15 of representation dated 02.08.2023)**
4. Remaining 11.89 acres was allotted to the Group Housing Scheme Wherein Part Completion certificate for 10.40 acres (allotted in License No.71-75 of 1992) was granted on 23.02.1996, for 0.10 acres (allotted in License No. 04-08 of 1993) on 03.05.1996 and for 1.39 acres (allotted in License No.15-19 of 1994) on 06.06.2003.
5. Building and construction projects were exempted from the requirement of prior EC in EIA, 1994. **(Para 3, Pg 2-3 r/w Ann- III Pg 16-23 Relevant Pg 21 of representation dated 02.08.2023)**
6. Building and constructions for the first time was included in the EIA, 1994 by an Amendment Notification dated 07.07.2004, where, in the explanation part it was clarified that it will be applicable to the projects where construction has not come upto the plinth level till the date of the said Amendment. **(Para 4, Pg 3 r/w Ann- IV Pg 24-30 Relevant Pg. 29 of representation dated 02.08.2023)**
7. The Scheme for Amalgamation of Malibu Estate Pvt. Ltd. and subsidiary companies was approved by Delhi HC on 15.07.2004 under the Companies Act, 1956. **(Para 7, Pg 4 of representation dated 02.08.2023)**
8. License No. 15/2008 dated 31.01.2008 for an area of about 24.681 acres (9.97 Ha) issued to thirty farmers as well as a small portion of 0.625 acres to M/s Bloom Field Properties and Holding Ltd. for plotted development which is itself a new project. **(Para 9, Pg 5 of representation dated 02.08.2023)**

9. That a separate Zoning Plan for License No. 15/2008 for an area measuring 24.681 Acres was obtained by the project proponent on 14.07.2008. **(para 11, Pg 5-6 representation dated 02.08.2023)**
10. Raman Sharma (Applicant) had made a complaint (No. 319/2011) before the Hon'ble Lokayukta, Haryana wherein one of the issues raised was regarding non-obtainment of NOC from MoEF by Project Proponent with respect to License No. 15 of 2008.
11. Individual Beneficiaries who have done constructions on the allotted plot and where the said construction increased the threshold of built-up area (20,000 Sq. mtrs.) have obtained prior EC for their projects. Two such examples include M/s Nikiyog Builwell Pvt. Ltd. (EC-08.01.2008); M/s Endure Realty Pvt. Ltd. (EC- 04.09.2013). **(Para 12, Pg 6 r/w Annexure V @ Pg. 31-46 representation dated 02.08.2023)**. It is submitted that first, these ECs were never challenged. Second, the SEIAA while granting the said ECs never held that the developed land where such ECs were given itself requires prior EC. In other words, an EC granted on a land which is developed, cannot be on a land which itself requires EC.
12. In the above complaint, by Raman Sharma, a meeting was held on 20.02.2014 wherein the DG, TCP concluded that the PP's project did not require NOC from MoEF. **(Para 14, Pg 7 r/w Ann-VI, Pg 47-54, Relevant Pg. 54 representation dated 02.08.2023)**.
Further DTCP in its written statement dated 24.07.2023 filed before the Hon'ble National Green Tribunal had also corroborated the submissions of the Project Proponent that the EIA Notification, 2006 may not be applicable on the new licence No. 15 of 2008 as the Area is only 24.681 acres or 9.99 Hectares which is less than 50 Hectare threshold and in the humble submission of the Project Proponent there is no construction done by the Project proponent on the said licence.
13. PP on a wrong legal advice forwarded an application dated 16.04.2015 under item 8(b) of EIA, 2006 for total area 204.796 acres. TOR issued on 19.06.2015 by MoEF & CC. **(Para 16, Pg 7-8 of representation)**.
14. Part Completion for License 15/2008 was given on 27.09.2016. (No mention of EC clearance) **(Annexure II, Pg 15 representation dated 02.08.2023)**
15. Another EC Application dated 07.09.2017 as per the violation Notification 14.03.2017, for which TOR uploaded on 18.12.2020 but neither visible on Parivesh nor received by undersigned. **(Para 19, Pg 8 of representation dated 02.08.2023)**

16. On a correct legal advice, the Application for EC was withdrawn on 16.08.2018. (**Para 20, Pg 8 of representation dated 02.08.2023**) (Annexure R/9 of Reply of Malibu before NGT @ Pg. 788) Thereafter, no communication from SEIAA regarding the same.
17. Complaint to NGT by Raman Sharma- 03.12.2021 (OA 68/2022/PB). (**i.e., After 10 years.**)
18. Thereafter, the case was referred to the SEIAA for adjudicating the applicability of EIA Notification.
19. Apart from the details of the license mentioned above, the break- up of Built-Up area of the construction done by PP to substantiate the fact the construction was less than 1,50,000 sq. mtrs. had been filed. Later, the Chairman had orally questioned Malibu with regard to the details of break- up of construction done by Malibu (**Ann-VII, Pg 55 representation dated 02.08.2023**)
20. On the issue of plinth area construction, the excerpts from the Measurement Book was submitted to show that construction was done beyond plinth level before 2004. (**Para 24, Pg10 r/w Ann- VIII, Pg 56-114 of representation dated 02.08.2023**)
21. Malibu Town was transferred to MCG by DTCP vide order dated 09.05.2022. (**Para 26, Pg 10 of representation dated 02.08.2023**)
22. Complaint No. 01/2023 dated 22.02.2023 was filed for violation of EIA, 2006 in the Environment Court Faridabad. (**Para 27, Pg 11 of representation**). Although the issue of EC is still pending before the NGT/SEIAA.

OUR SUBMISSIONS OF ADDITIONAL DOCUMENTS DATED
15.09.2023 IN COMPLIANCE OF ORDER DATED 02.08.2023

A. PRELIMINARY SUBMISSIONS:

- (i) Total built-up area being built by the PP including Group Housing, Plot Development and their floors, Shopping Arcade, Club and other developments is **1,29,676.27 sq mt.** i.e., below/ < 1,50,000 sq. mt., which was built -up in the 180.116 acres, constructed before 2004, thus the threshold under the EIA Notification, 2006, is not applicable in the present case. **(Annexure 1 @ Pg 16 of submissions dated 15.09.2023, also annexed as ANNEXURE-VII in the representation dated 02.08.2023).** In other words, not worthy of an environment assessment.
- (ii) Development and construction of the area in question commenced in the year 1992 and much of it was completed and developed before the year 2003. **(Para 7, Pg. 3-4 of submissions dated 15.09.2023)** (Evidences are the Partial Completion Certificates for Thirty-one licenses which were granted till 2003 -Annexure-II @ Pg. 15 of Representation dated 02.08.2023) Also the Measurement Book, photos etc. which have been filed.
- (iii) The conception of the project and the licenses of the land received and the development and/ or construction work had commenced before the EIA Notification itself was even conceived in the year 1994. Moreover, it was much before the law introduced Building and Construction within the ambit of EIA vide the EIA amendment Notification dated 07.07.2004. **(Para 7, Pg. 4 of submissions dated 15.09.2023)** (Annexure- IV @ Pg. 24, Rel Pg.29 of Representation dated 02.08.2023)
- (iv) The Explanation to the said amendment EIA Notification clearly stated that the EIA amendment shall not apply if plinth level development has taken place before the said Notification of 2004. **(Para 7, Pg. 4 of submissions dated 15.09.2023)** (Annexure- IV @ Pg. 24, Rel Pg.29 of Representation dated 02.08.2023)
- (v) Both developments and constructions in the area of 180.116 acres were much beyond plinth level and by and large completed before 2004 and were ready for occupation and in fact handed over, except for one license which got approved in 2008 where only plot development works have been undertaken and no construction has taken place by Malibu. **(Para 7, Pg. 4 of submissions dated 15.09.2023) (Also See Photographs)**

B. Details of Constructions done MEPL/ Project proponent:

- (i) We have constructed Group Housing Tower or (Building 1,3,4,5,6), Malibu Country Club, Floors and Malibu Shopping Arcade, before the year 2004. Location of these structures within the project area- **layout map (Annexure 2 @ Pg. 17 of submissions dated 15.09.2023) (The said response was submitted in response to the query of the SEIAA Chairperson dated 02.08.2023)**
- (ii) Group housing buildings are also as referred to as A-1, A-2 etc. **See Table of Reference- (Para 10, Pg. 5-6 of submissions dated 15.09.2023)**

C. Details of Sale Deeds in favor of various Vendees and grant of OCs:

- (i) Chart showing details of sale deeds executed between us and various vendees for various flats on different floors in various towers in Group Housing Project depicting the dates of such sale deeds which was much before 07.07.2004) **(Para 11 & 12 Pg 6-9 of submissions dated 15.09.2023) – proof that the construction of GH project was completed beyond plinth level before EIA amendment Notification 07.07.2004 came into existence!**
- (ii) Apart from Group Housing Towers, we had undertaken construction of 444 floors. Details of OCs granted by Sr. Town Planner, Gurugram for the said floors in **chart again showing the dates i.e., before 07.07.2004. (Para 13, Pg 9-10 of submissions dated 15.09.2023)**
- (iii) Malibu Country Club and Shopping Arcade had also been built before the Notification dated 07.07.2004. Ample proofs including Work orders reg. installation of AC etc. in Country club are available if required. **(Para 14, Pg. 10-11 of submissions dated 15.09.2023)**

D. Financial and Construction details:

(Again pursuant to the query of the Ld. Chairperson in order to ascertain whether substantial financial assessment was made before the EIA amendment Notification dated 07.07.2004 or not)

- (i) Gross capital investment made for the project as on 31.03.2004, is **Rs. 149.69 crores** which includes total cost of land, building and development. CA Certificate dated 14.05.2010-. **(See Annexure 3 @ Pg. 19 of submissions dated 15.09.2023)**
- (ii) Gross capital investment made for the project for an area of about (204.796 acres) as on 31.03.2023 is **Rs. 322.99 crores** [break up of investment is Old License Area (180.115 Acres)-Rs. **285 Crores** & New License Area (24.681 Acres)- **Rs. 37.91 crores**] which includes the total cost of land, building and development. CA Certificate dated 20.04.2023- **(Annexure 4 @ Pg. 20 of submissions dated 15.09.2023)**
- (iii) An Initial loan amount of Rs. 7,60,00,000 was taken from CITI Bank N.A. for financing of the construction related activity with respect to the project. Loan agreement dated 23.10.1996 between us and CITI bank N.A- **(Annexure 5 @ Pg 21-24 of submissions dated 15.09.2023)**
- (iv) An over-draft facility of around Rs. 32 Crores from various banks and an associate company was also availed. Chart showing index of charges – **(Annexure 6 @ Pg. 25 of submissions dated 15.09.2023)**
- (v) Construction works for such projects are allotted to contractors and as a security of performance of the contract, these contractors are required to submit bank guarantees which can be forfeited in case of breach of contract. **(Para 18, Pg. 12 of submissions dated 15.09.2023)**
- (vi) A chart showing a no. of Bank Guarantees issued by banks on behalf of the contractor (Ahluwalia Contacts (India) Ltd.) for the construction of Block A-1, A-2, C-1 & C-2- **(Para 18, Pg. 12-13) Copy of Bank Guarantees (Annexure 7 @ Pg. 26-37 of submissions dated 15.09.2023)**
- (vii) The issue and release date of Bank Guarantees are clear evidences that show that all the construction work undertaken were prior to 2004 and therefore not in violation of EIA Notification 2006. **(Para 19, Pg. 13 of submissions dated 15.09.2023)**
- (viii) Tower B-1 & B-2 were also constructed before 07.07.2004 as there are several letters by B.L Gupta Constructions Ltd. informing us that the flats in Tower B-1 & B-2 are complete in all respects. Some letters-**(Annexure 8 @ Pg. 38-41 of submissions dated 15.09.2023)**

E. Other relevant details:

- (i) Documents related to the arbitration proceedings between the contractor and the Project Proponent herein, work order regarding **installation of lift**, work order regarding **installation of AC**, **civil injunctions suit** by the Malibu Federation regarding unreasonable maintenance charges among others **-also prove that all the constructions in the area of 180.11. acres, were completed before the Notification dated 07.07.2004. Extracts of the same-(Annexure 9 @ Pg. 42-44 of submissions dated 15.09.2023)**

LICENSE NO. 15/2008 IN THE NAME OF OVER THIRTY FARMERS / LANDOWNERS FOR AN AREA MEASURING 24.65 ACRES AND IS A SEPARATE LICENSE HAVING NO CONNECTION WITH THE PREVIOUS LICENSES FOR AN AREA OF 180.116 ACRES.

- A. Application for the license was made by some of the farmers/ landowners on 26.04.2004 for an area of about 26.85 acres which was much before the EIA Amendment Notification dated 14.09.2006 and even before the amendment Notification dated 07.07.2004.
- B. Out of 26.85 acres about 2.169 acres of land was acquired by the Government. There was a collaboration agreement between the landowners/farmers and the Project Proponent to develop this area of land, on behalf of the farmers/landowners after the issuance of license for the said parcel of land.
- C. That the Licenses were issued in the name of such farmers/villagers and others, who were the owners of that land. This proves that the said land parcels were neither a part of existing project nor under the ownership of project proponent at the time of grant of license. Further it is pertinent to note that individual land purchaser on the said parcel of land where land development works were carried out by Malibu, had obtained Environmental Clearance where applicable and no question had been raised by the Ld. SEIAA about the EC requirement, on the said land.

- D. It is also pertinent to mention that the Group Housing Project has been handed over to the Resident's Welfare Association w.e.f. 01.02.2021, vide registered 'Handing over Deed' dated 23.05.2022 and the remaining entire common area to the Municipal Corporation Gurugram on 16.06.2022 (including roads, water supply, sewerage system, storm water drains, streetlights, electricity services, parks and STPs). **(Para 9 @ Pg. 6, Para 17 @ Pg. 10 & Para 8 @ Pg 5 of the Appellate Authority Order dated 21.09.2023)**
- E. Therefore, in view of the abovementioned submissions this Application/Complaint may be recommended by this Ld. Authority to be dismissed with huge costs to the Hon'ble National Green Tribunal in the OA No. 68/2022. **Prayer (@Pg 15 of Additional Documents dated 15.09.2023).**

SOME OTHER SUBMISSIONS FOR CONSIDERATION: ON BONAFIDE OF THE COMPLAINANT

- 1) Serial Litigator: Two others Original Application No. 134 of 2023 (disposed of on 28.04.2023) and Original Application No. 395 of 2023 (disposed of on 04.07.2023) was filed by the Complainant/Applicant when the present Original Application i.e., OA No. 68 of 2022 was pending and he has not informed SEIAA & NGT about these cases.
- 2) Notice under Section 80 of Code of Civil Procedure, 1908 was also given to this Ld. Authority alongwith several other Government Authorities and Project Proponent vide email dated 21.10.2023 where the Complainant had alleged inaction on the part of the authorities including the Ld. Authority. **(Para 18. Pg 12-13 r/w Ann-4, Pg 30-38 of Additional Response dated 31.10.2023)**

**RESPONSE TO SPECIFIC ALLEGATIONS MADE BY
(APPLICANT/COMPLAINANT) IN REJOINDER DATED 04.07.2024**

1. That at the outset it is pertinent to mention here that the Rejoinder dated 04.07.2024 including other pleadings submitted by the Applicant before this Ld. Authority is against the general rules of framing Pleadings and also in violation of Order VI Rule 2 of Code of Civil Procedure, 1908 wherein it is stated that every pleading must be of material facts, it must be in concise form and it must not be law or evidence. Although this Ld. Authority is not bound by the Code of Civil Procedure, 1908 stricto sensu, but even as a prudent person one can expect that the allegations or facts stated in the Rejoinder dated 04.07.2024 should be clear and it should not be in a way of putting all material that may or may not be relevant for the adjudication of the issue at hand, thereby, clearly misleading the Adjudicating Authority as well as the Parties. In fact it appears to be a fishing and roving inquiry by the Applicant by merely filing documents, with no clear allegations mentioned therein and/ or any legal violation or anything connected with the main issue i.e., applicability of EIA Notification, 2006 on the said Project, as stated above before this Ld. Authority. Additionally, all the submissions herein above may be read along with the following responses.
2. That it is reiterated that the License No. 15 of 2008 was issued for an area of 24.681 acres (9.97 Ha) i.e., less than the threshold limit of 50 hectare or 1,50,000 sq. mtrs and even as of today, there is no construction except plotted development which has been subsequently sold to third parties who have thereafter constructed and also obtained prior Environmental Clearance wherever required.
3. That it has been wrongly alleged by the Applicant that there is a third License No. 86 of 2008. It is vehemently denied that License No. 86 of 2008 is in the name of M/s Malibu Pvt Ltd. Infact, it is in the name of Unitech as per the website of Town and Country Planning, Haryana. **(See Annexure-1)**

4. That it is submitted that the Applicant/Complainant has been continuously arguing about the applicability to the existing development that has been carried out prior to the 07.07.2004 Amendment to the EIA Notification. As stated earlier, even the later development on the License No. 15 of 2008 issued for an area of 24.681 acres (9.97 Ha) i.e., less than the threshold limit of 50 hectare or 1,50,000 sq. mtrs and even as of today and there is no construction except plotted development. However, it must be emphasized that the Project Proponent was conforming to all the environmental norms and now the MCG is mandated to conform to the environmental norms as applicable. In any case the Applicant is not remediless. The Project Proponent- M/s Malibu Estate Pvt. Ltd and its successors are under a consent regime under the Air and Water Act which is taking care of the pollution load, waste water, sewage, air pollution generated, if at all. Further, there is already a legal framework in place that is looking into the remediation of existing pollution, if any. M/s Malibu Estate Pvt. Ltd. And now the Municipal Corporation of Gurgoan, who has been handed over the project, is governed by the Town & Country Planning Act, 1932, Construction & Demolition Rules, 2016, the Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974, the Environment Protection Act, 1986 and Municipal laws.

It is submitted that the Environment Impact Assessment under the EIA Notification, 2006 is to be carried out prior to a project to assess its impact and therefore a project which is already completed when the law was not in existence, cannot possibly undergo a prior impact assessment.

It is pertinent to highlight that M/s Malibu Estate Pvt. Ltd. does not have any adverse environmental impact due to the new license granted in 2008, as the law as it stood then, stated and continues to state that the threshold for prior environmental clearance is 50 ha and 1,50,000 sq. mtrs. and therefore, there was and is no requirement of prior Environmental Clearance under the new license.

5. That as of today, 204.796 acres can not to be assessed as a whole from the perspective of prior Environment Clearance as the Project can be clearly divided into two phases as discussed above. One phase of development prior to 07.07.2004, where about 180.116 acres (72.77 ha) was already developed and in light of the Explanation clause of the 07.07.2004 Amendment of the EIA Notification there is no violation of EC requirement. The second development phase has been first acquired by the Farmers and Land holders who have obtained the licenses to develop the area and, in such cases, too there has been no violation of the EIA Notification as the threshold has not been exceeded. However, it must be added that the total area of 204 is within the ambit of pollution laws as well as the Environment Protection Rules, 1986 under the Environment Protection Act, 1986, as well as the the Air Act, 1981 and the Water Act, 1974. It is not the case that the Applicant or the regulatory authorities are powerless to regulate M/s Malibu Estate Pvt. Ltd. Or the MCG to whom the Project has been handed over, from the pollution and environmental standpoint.
6. That in view of the above submissions it is humbly prayed that the project did not or does not require prior Environmental Clearance and the project is regularly monitored from the Environment or Pollution angle by the Government Authorities.
7. It is therefore humbly prayed that this Ld. Authority holds that no prior Environmental Clearance was required either for the pre 2004 development or the development post he Licence No. 15 of 2008 and recommend the same to the Hon'ble Green Tribunal accordingly.

Sr. No.	File ID	Year	Lic No	Date	Developer Name	Purpose	Area (acre)	Dev Plan	SECTOR	Colony Name	Valid Upto/ Renewed Upto
73	<u>LC-1704A</u>	2008	73	28/03/2008	DLF New Gurgaon Homes Developers	GH	14.35	Gurugram	91	DLFNEW GUR-91 RGH	27/03/2018
74	<u>LC-903A</u>	2008	74	26/03/2008	PS Realtors	GH	10.84	Sonipat	64	PS REALTOR SON-64 RGH	25/03/2016
75	<u>LC-1775A</u>	2008	75	19/03/2008	Mark Buildtech	COMM (CZ)	2.2	Gurugram	84	MARK GUR-84 CIC	18/03/2014
76	<u>LC-1599A</u>	2008	76	19/03/2008	EDEN Projects	GH	5.88	Nilokheri Taraori	1	EDEN NIL-1 RGH	Migrated from RGH to DDJAY-APHP vide order dt. 08/09/2017
77	<u>LC-1707A</u>	2008	77	31/03/2008	DLF New Gurgaon Homes Developers	GH	29.66	Gurugram	86	DLFNEW GUR-86 RGH	30/03/2018
78	<u>LC-1442A</u>	2008	78	28/03/2008	Crown Technobuild	IT Park	8.31	Faridabad	5	CROWN FAR-14 ITP	RENEWAL REJECTED WIDE ORDERS DT. 09.03.2013
79	<u>LC-1402A</u>	2008	79	1/4/2008	Navjyoti Overseas	GH	10.91	Sonipat	61	NAVJYOTI SON-61 RGH	31/03/2018
80	<u>LC-1248A</u>	2008	80	1/4/2008	AJS Builders	GH	11.01	Gurugram	62	AJS GUR-62 RGH	RENEWAL REJECTED WIDE ORDERS DT. 28.05.2012
81	<u>LC-1600A</u>	2008	81	5/4/2008	EDEN Projects	COMM (RZ)	2.94	Nilokheri Taraori	1	EDEN NIL-1 CIR	Migrated from Comm. to DDJAY-APHP vide order dt. 08/09/2017
82	<u>LC-1324A</u>	2008	82	5/4/2008	Puri Construction	COMM (RZ)	3.16	Gurugram	110A	PURI GUR-110A CIR	04/04/2016
83	<u>LC-1277A</u>	2008	83	5/4/2008	Countrywide Promoters	GH	23.18	Gurugram	37D	COUNTRYWIDE GUR-37D RGH	04/04/2018
84	<u>LC-1658A</u>	2008	84	11/4/2008	Vatika Land Base	GH	11.8	Gurugram	83	VATIKA GUR-83 RGH	10/04/2016
85	<u>LC-1657A</u>	2008	85	11/4/2008	Vatika Land Base	GH	19.36	Gurugram	82	VATIKA GUR-82 RGH	10/04/2018
86	<u>LC-1224A</u>	2008	86	11/4/2008	Unitech	GH	1.24	Gurugram	47	UNITECH GUR-47 RGH	10/04/2016
87	<u>LC-1151A</u>	2008	87	18/04/2008	Dadri Land and Finance	Plotted	11.41	Dadri	9	DADRI DAD-9 RPL	17/04/2010
88	<u>LC-1201A</u>	2008	88	7/5/2008	Conway Developers	GH	13.74	Gurugram	80	CONWAY GUR-80 RGH	06/05/2018

Date: 19.09.2024

REPLY ON BEHALF OF M/S MALIBU ESTATE PVT. LTD. TO THE FINAL
WRITTEN ARGUMENTS SUBMITTED BY THE COMPLAINANT

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-/By E-mail/Speed Post/-

1877

MALIBU ESTATE PRIVATE LIMITED

Regd. Office : 38, DDA Commercial Complex, Kailash Colony Extn. (Zamrudpur), New Delhi-110048.

CIN: U74899DL1992PTC048517

Date: 19.09.2024

The Chairman

State Environment Impact Assessment Authority, Haryana

First Floor, Bay's No. 55-58, Sector-2,

Panchkula, Haryana

Subject: Reply on behalf of M/s Malibu Estate Pvt. Ltd. to the Final Arguments submitted by the Complainant dated nil.

Sir,

1. The Undersigned had received the Notice dated 14.06.2023 from your good office on 20.06.2023 wherein the undersigned was asked to appear before the Ld. SEIAA on 22.06.2023 to explain the position, why the undersigned's project is not a case of violation of EIA Notification, 2006 read with Environment Protection Act, 1986.
2. That on the request of the undersigned via email dated 21.06.2023, the hearing was adjourned to 06.07.2023, wherein the undersigned was directed to appear and to explain the position as to why the undersigned's project is not a case for violation of EIA Notification, 2006 read with Environment Protection Act, 1986. Thereafter, the undersigned, appeared in person on 06.07.2023, and verbally sought some more time to submit their detailed reply along-with the relevant documents. That thereafter, the Authority decided to accede to the request of the undersigned and matter was adjourned to 02.08.2023 for final hearing and decision thereof. That thereafter the matter came up for hearing before the Hon'ble NGT Principal Bench on 25.07.2023 in the case titled "Raman Sharma vs. State of Haryana & Ors. (OA No. 68/2022/PB)", wherein the Hon'ble NGT on the submissions made on behalf of Respondent No.8 (Undersigned)

has directed the Ld. SEIAA to dispose of the matter as per law after providing the opportunity of hearing to the persons concerned.

3. That thereafter a total of seven hearings had taken place during which the undersigned had submitted Representations on 02.08.2023, Additional documents on 15.09.2023, Reply to the Written Statement of the Complainant on 29.09.2023, Affidavit on behalf of undersigned on 17.10.2023, Additional Submissions in compliance of the Oral directions of the Ld. SEIAA on 31.10.2023 and Written Submissions via email on 10.07.2024 and later on 27.08.2024. The undersigned had also sent all these documents in hard via Speed Post on 28.08.2024. All these documents may also be read as a part and parcel of the present Response to substantiate the position of the Undersigned, that the project in question is not a case of violation. In fact the project was completed even before the building and construction projects were made the part of EIA Notification in July 2004.
4. That the Complainant had also submitted his reply dated 07.08.2023, Submissions dated 24.10.2023, submissions dated 15.11.2023, Written Arguments for final hearing dated 28.06.2024 (hereinafter referred as "Written Arguments") and Some Maps (hereinafter referred as "Maps") were also mailed on 13.09.2024 (while the hearing was going on before the Hon'ble National Green Tribunal).
5. That the Ld. SEIAA vide email dated 12.09.2024 had provided the undersigned an opportunity to reply the written arguments of the Complainant submitted for the final hearing dated 28.06.2024.
6. That the contents of all the documents submitted by the Complainant including the Written Arguments are hereby denied as false and without any merit except to the extent which is hereby accepted in this reply.

PRELIMINARY OBJECTIONS

7. That at the very outset it is humbly submitted that the written arguments and the maps that were submitted by the Complainant have no relevance with the issue of the requirement of prior Environmental Clearance by the Undersigned's Project. The Complainant in order to confuse the Ld. Authority has submitted all irrelevant documents with which this Ld. Authority may not be concerned in adjudicating the issue of requirement of prior Environmental Clearance. Further the Written Arguments under reply is a verbatim copy of the Written submissions dated 15.11.2023 submitted by the Complainant earlier with a few new allegations.
8. That at it is submitted that the said Written arguments fail to substantiate the allegations made by the Complainant and he has instead made incorrect, arbitrary and frivolous statements against the undersigned. Thus for example, reference to 1994 EIA notification even prior to the July 2004 amendment wherein Building and Construction was brought in for the first time. In fact there is no reference to the timelines of the construction. Similarly, there are new allegations of earth mining and the role of Mining Department which again is not relevant for the purposes of environmental clearance. Then there are references to maps which are unauthenticated, unclear and illegible without any specific pleadings in the complaint. There are also allegations on the functioning of all regulatory authorities without any substantive proof against them. The complainant has also been filing frivolous and several letter petitions and complaints in the National Green Tribunal and hiding the same from this authority especially with regard to the requirement of prior environmental clearance.

In fact, it seems that the motive of the Complainant is only to mislead this Ld. Authority with the information that may not be relevant for the adjudication of the central question of applicability of the EIA Notification on the said project. The undersigned

has already submitted various documents dated 02.08.2023, 15.09.2023, 29.09.2023, 17.10.2023, 31.10.2023 and 10.07.2024 to apprise the Ld. Authority that the project of the undersigned does not come within the purview of EIA Notification, 1994 read with EIA amendment Notification 07.07.2004 or even within the purview of EIA Notification, 2006 for the land that was purchased in 2008. That the undersigned hereby denies all the allegations as mentioned in the Written Arguments submitted by the Complainant and it is submitted that the contents of all the above-mentioned documents may be read as an additional response to the written arguments.

9. That it is pertinent to mention here that the written arguments submitted by the Complainant is against the general rules of framing the Pleadings and in violation of Order VI Rule 2 of Code of Civil Procedure, 1908 wherein it is stated that every pleading should state material facts on which the party is relying but not the evidence by which they are to be proved. Although this Ld. Authority is not bound by the Code of Civil Procedure, 1908 *stricto sensu*, but even as a reasonable person the undersigned can expect that the allegation or facts stated in the written arguments dated nil should be clear and it could not be in a way of putting all material that may or may not be relevant for the adjudication of the issue at hand thereby clearly misleading the adjudicating Authority. In fact, it appears to be a fishing and roving inquiry by the complainant by merely filing the documents, with no clear allegations mentioned therein and/ or any legal violation or anything connected with the main issue, before this Ld. Authority with regard to the applicability of the EIA Notification for the land and development that occurred prior to the 2004 EIA amendment notification as stated above.

PARA WISE REPLY

1. That the contents of para 1 deems no response.

2. That the contents of para 2 are denied as false and without any merit. It is in fact submitted that the EIA Notification 1994 did not include the building and constructions project within the list of items which were required to obtain prior Environmental Clearances. It was only vide Notification dated 07.07.2004, that the new construction projects or the projects that had not come up to the plinth level were required to take Environment Clearance under the EIA Notification, 1994. Further not only the project of the undersigned had come up to the plinth level but in fact most of the project was completed even before the amendment Notification 07.07.2004. Further the Undersigned is not privy to the three complaints lodged before the Secretary from 2008-2011 and hence not in a position to comment on the same. In any case this itself shows that case is hopelessly barred by time as NGT was functional and any Order or lack thereof had a remedy in the NGT itself. Further the said directions allegedly issued to Financial Commissioner or Principal Secretary is again not available to the Undersigned and hence cannot be commented upon. The Undersigned reserves its right to respond to the same if and when made available. The only prior proceedings on the question of EC, by the Complainant, is with regard to a license obtained in 2008 which was adjudicated in the Lokayukta wherein the DTCP clearly submitted and which was agreed that the license dated 31.01.2008 does not require EC.
3. That the contents of para 3 are denied as false and without any merit. Further it is hereby reiterated that project was completed well before the Notification dated 07.07.2004 and the complainant is making these frivolous allegations without submitting/annexing any supporting documents to substantiate these allegations. In fact, some irrelevant documents requirement has been listed out from Department of Mines and Geology which has no relevance to the lis in question. Further, the issue

of NOC from Mining Department is not relevant to the present dispute and may be ignored.

4. That the contents of para 4 are denied as false and without any merit. The Complainant in this para is making submissions in ignorance of law only to mislead this Ld. Authority. It is pertinent to clarify here that as per the notification of 1994 there was no mention of existing projects. It was only vide notification dated 07.07.2004 that the new building and construction projects or the projects that had not come up to the plinth level were required to obtain prior Environment Clearance. In the humble submissions of the Undersigned, the Complainant's submission that the additional license area was added in the year 1993, did not come under the definition of violation of a law which was not there in the year 1993.
5. That the contents of para 5 has no relevance to the present lis. Further the contents of above-mentioned para 2-4 of para wise reply may be read as an additional response to the contents of this para. The issue of clay, etc. has no relevance to the requirement of prior EC and the Complainant is merely trying to mislead this Ld. Authority for reasons best known to him.
6. That the contents of para 6 are denied as false and without any merit. Further it is important to point here that obtaining the prior Environment Clearance for new building and construction projects and for the projects that had not come upto plinth level was made mandatory only vide Notification dated 07.07.2004, so the Notification dated 04.05.1994 and its relevance to the project is not established.
7. That the contents of para 7 are denied as false and without any merit. Primarily when the project was not required to take Environment Clearance as per amended notification dated 07.07.2004, as the project was already completed, then it cannot be a case of violation. Secondly the non-filing of objections or suggestions by the

Undersigned to any of the draft EIA Notifications could be a personal choice and further the undersigned's project was completed well before the amendment Notification dated 07.07.2004, thus, there is no question of any violation. Moreover the language of the paragraph is completely confusing and misleading and may be discarded as such.

8. That the contents of para 8 are denied as false and without any merits. The content is confusing and not clear about any specific allegation qua the requirement of prior EC and hence may be discarded as such. The undersigned had already submitted several documents dated 02.08.2023, 15.09.2023, 29.09.2023, 17.10.2023, 31.10.2023 and 10.07.2024 to substantiate the fact that the project of undersigned was neither a violation of EIA notification nor it comes under the category of modernization. Further the allegations like there was a change in plan, scope of work or increase in pollution load are not relevant to adjudicate the issue at hand i.e., the applicability of the EIA Notifications. Neither there is any basis nor any evidence to the wild allegations made and therefore it may be disregarded as such.
9. That the contents of para 9 deems no response and it is for the Complainant to prove the contents of this para and its relevance to the present lis.
10. That the contents of para 10 are denied as false and without any merit, as the undersigned's project was completed well before the EIA amendment Notification dated 07.07.2004. Moreover the language is completely unclear as to what the Complainant is trying to allude to and therefore may be discarded.
11. That the contents of para 11 are denied as false and without any merit and deems no response to the extent it makes frivolous allegations against the Government Offices. Moreover it is reiterated that the Item relating to building and construction project was included in the EIA Notification only on 07.07.2004. The allegations on

connivance is unfortunate and it is the Complainant who seems to have vested interest in pursuing litigation on a serial basis against the undersigned for reasons best known to him. Further, while proceedings before this Ld. Authority were pending, the Complainant had emailed Notice under Section 80 of Civil Procedure Code to the Ld. SEIAA along with several Government Department, so in the humble opinion of the undersigned such loose allegations against the Government Department without any substantive evidences needs to be avoided and at the same time dealt with strongly by this Ld. Authority.

12. That the contents of para 12 are false and without any merit. The contents of abovementioned paras may be read as an additional response to the contents of this para.
13. That the contents of para 13 are false and without any merit. The contents of abovementioned paras may be read as an additional response to the contents of this para. It is reiterated that the submissions dated 12.10.2023 is not available with the undersigned and hence cannot be commented upon.
14. That the contents of para 14 are false and without any merit. That in the humble opinion of the undersigned, the allegations mentioned in this para may not be relevant to adjudicate the issue about the Applicability of EIA Notifications to the Undersigned's Project. The contents of abovementioned paras may be read as an additional response to the contents of this para. Any issue with regard to plans needs to be raised with the appropriate authority and not before this Ld. Authority.
15. That the contents of para 15 are false and without any merit. That in the humble opinion of the undersigned, the allegations mentioned in this para may not be relevant to adjudicate the issue about the Applicability of EIA Notifications to the

Undersigned's Project. Any issue with regard to Occupancy Certificate needs to be raised with the appropriate authority and not before this Ld. Authority

16. That the contents of para 16 are false and without any merit. That in the humble opinion of the undersigned, the allegations mentioned in this para may not be relevant to adjudicate the issue about the Applicability of EIA Notifications to the Undersigned's Project. Further many documents are illegible including maps and may not be relevant to the question of applicability of EC, however, the undersigned reserves the right to comment once the legible documents are made available by the Complainant. That the undersigned also denies the annexures and their contents as false and without any merit as the complainant had not made any submissions as to why he is annexing these documents and further what he wants to submit by placing on record these documents
17. . The contents of para 17 is denied and it appears to be a fishing and roving inquiry by the Complainant which it seeks from this Ld. Authority in calling the details from various authorities to improve his case which is not permissible in law. The same may be ignored accordingly. In any case, the allegations are not relevant to the mandate of this Ld. Authority and hence may be ignored.
18. The contents of para 18 is vehemently opposed as there is no ground made out to forming any committee, which amounts to fishing and roving inquiry by the Complainant and should be disregarded as such. In view of the above, the said complaint may be dismissed with heavy cost.

Thanks & Regards



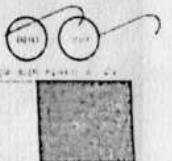
Subhash Raghav

Proceedings of the meeting held on 04.06.2022 at 12.00 PM under the Chairmanship of Sh. Mukesh Kumar Ahuja, IAS, Commissioner, Municipal Corporation, Gurugram regarding taking over of 09 nos. Colonies by MCG.

1. The Department of Town & Country Planning head granted several license for development of residential plotted colonies known as Malibu Towne, Ardee City, Rosewood City, Uppal Southend, Mayfield Garden, Vipul World, Sushant Lok-II, Sushant Lok-III and Greenwood City under the provision of Haryana Development & Regulation of Urban Area Act 1975.
2. These colonies stand in habited and now Government of Haryana has decided vide order dated 09.05.2022 to take over above mentioned colonies. It has been clarified that the transfer shall not be construed as grant of completion certificate except 02 nos. colonies namely Rosewood City and Greenwood City under the provision of Act no.8 of 1975. The colonizers except two colonies namely Rosewood City and Greenwood City shall thus continue to be responsible for the compliance of various terms & conditions of the license.
3. Consequent upon the above circumstances a meeting was fixed on dated 04.06.2022 at 12:00 PM with the developer/colony owner to discuss the process of taking /handing over these colonies.

The following were present:

S.No.	Name	Designation
1.	Shri T.L. Sharma	Chief Engineer
2.	Shri Sanjeev Maan	Senior Town Planner
3.	Shri Vivek Gill	Superintending Engineer
4.	Shri Satish Yadav	Joint Commissioner-III & IV
5.	Shri Manish Yadav	District Town Planner
6.	J.K. Gupta	Uppal Southend
7.	Manoj Shukla	Uppal Southend (SS Group)
8.	Ajay Shokeen	Mayfield Garden
9.	Subhash	V.P. (P) Mayfield Garden Malibu Town
10.	Ravinder Singh	Liasioning Officer Vipul World
11.	O.P. Wahi	V.P. (Services) Sushant Lok-II
12.	Ajay.K. Pandita	Addl. V.P.(C) Sushant Lok-III
13.	Deepak Gupta	G.M. Commercial, Eros Group



4. Shri T.L. Sharma, Chief Engineer informed that vide order dated 09.05.2022 issued by the Director Town & Country Planning, Haryana, Chandigarh, in which the licensees colony are directed that Government under provision of section 23 A of Haryana Development and Regulation of Urban Area Act 1975 has decided to transfer the said licensed colonies to Municipal Corporation Gurugram with immediate effect.
5. In the orders dated 09.05.2022, it is directed to transfer the possession of all such roads, open spaces, public parks and public health services in these colonies to MCG and the Commissioner, Municipal Corporation Gurugram is directed to immediately take over the aforementioned colonies in compliance of above orders of the Government within 15 days from issue of the letter.
6. (a) During discussion it is directed to all the colonizer to handover the aforesaid colonies to MCG as per order of government and all the representative of builder/ colonizer show acceptance regarding handing over proposals.
- (b) All representative of builders agrees to handover and take time up to 07.06.2022 for the preparation of inventory and necessary handing over documents.
7. At the end it is decided that for handing over/ taking over various inventories and service plans a committee of comprising of the following officer/official is hereby constituted for the colony falling in ward no.-26 & 29:-
1. Tushar Yadav, Executive Engineer.
 2. Wasim Akram, Assistant Engineer.
 3. Rampaal Maan, Junior Engineer.
- 2nd committee of comprising of the following officer/official is hereby constituted for the colony falling in ward no.-30, 31 & 32:-
1. Vishal Garg, Executive Engineer.
 2. Raj Kishan Moongia, Assistant Engineer.
 3. Sachin Sharma & Sandeep Hooda, Junior Engineer.
- 3rd committee of comprising of the following officer/official is hereby constituted for the Horticulture works:-
1. Amarjeet Bisla, Executive Engineer.
 2. Krishan Kumar, Assistant Engineer.
 3. Sunil Kumar, Junior Engineer.

4th committee comprising of the following officer/official is hereby constituted for the Electrical works:-

1. Sh. Vicky Kumar, Executive Engineer (Electrical)
2. Sh. Ashish Hooda, Assistant Engineer (Electrical)
3. Sh. Pankaj Saluja, Junior Engineer (Electrical)
8. Addl. CMC-IV will ensure the deployment of sufficient sanitation manpower in aforementioned colonies.
9. At the last chair directed to all to complete the whole process of handing over/ taking over colonies up to 15.06.2022 as per true spirit of the orders of government dated 09.05.2022.

The meeting ended with vote of thanks to the chair.

Dated : 06.06.2022 .

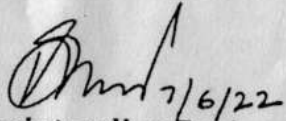
Mukesh Kumar Ahuja, IAS
Commissioner
Municipal Corporation
Gurugram

Endstt. No.:- MCG/SE-II/2022/22951

Dated:- 07/06/2022

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

1. Additional Commissioner-IV, Municipal Corporation, Gurugram
2. Chief Engineer, Municipal Corporation, Gurugram
3. S.E.-II, Municipal Corporation, Gurugram
4. S.T.P., Municipal Corporation, Gurugram
5. D.T.P., Municipal Corporation, Gurugram
6. E.E. concerned, Municipal Corporation, Gurugram
7. P.A. to CMC, Municipal Corporation, Gurugram
8. All colonizers.


Superintending Engineer-II
For Commissioner
Municipal Corporation
Gurugram

Handing over/Taking over Performa

As per order of DTCP, Haryana, Chandigarh dated:09.05.2022 the below mentioned colony/builder area handed over/taking over process is carried out today i.e. 15.06.2022. The detail is as below:-

Name of Builder: Malibu Estate Private Limited

Area :- 204.79 Acres

Details of Services Handed over:-

- | | | |
|-----------------------|---|----------------|
| 1. Roads | - | 13643 meter |
| 2. Water Supply | - | 14022.41 meter |
| 3. Sewerage system | - | 12877.04 meter |
| 4. Storm Water Drains | - | 13772.04 meter |
- 1) The detail of above infrastructure Services inventory is mentioned in attached annexures
 - 2) The Builder/Licence/Colonies shall provide all assistance for overall functioning of all services during the overlapping period of 15 days i.e upto 30/6/2022
 - 3) Any dues pending till 15/6/2022 will be borne by builder

Handed over by:

1. Owner/Builder

MEPL
15/06/2022

Authorised Signatory

Taken over on behalf of

Municipal Corporation Gurugram
Executive Engineer

Municipal Corporation
Gurugram
15/6/2022
Executive Engineer-III (Tushar Yadav)

Municipal Corporation, Gurugram
Assistant Engineer (Waseem Akram)

Municipal Corporation
Gurugram
Junior Engineer (Rampal Mahn)



HANDING OVER/TAKING OVER PERFORMA

As per order of DTCP, Haryana, Chandigarh dated: 09.05.2022 the below mentioned colony/builder area handed over/ taking over process is carried out today i.e. 15.06.2022. The detail is as below:-

Name of Developer: Malibu Estate (P) Ltd.,

Name of Colony: - Malibu Towne

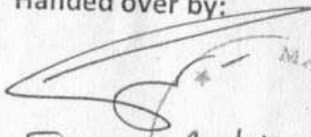
Area :- 204 Acres

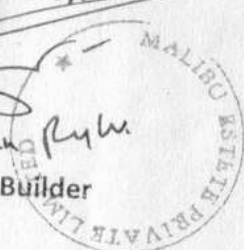
Details of Services Handed over:-

1. Street Lights :- 759 Nos.
2. Control Panel for Street Light:- 6 Nos
3. Electricity Meter for Street Light:- 07 Nos.
4. Park Light :-
5. High Mast :-
6. Mini High Mast :-

- ❖ The detail of above infrastructure Services inventory is mentioned in attached annexures.
- ❖ The Builder/License/Colonies shall provide all assistance for overall functioning of all services during the overlapping period of 15 days i.e. upto 30.06.2022.
- ❖ If further assistance if required by MCG beyond 30th June, MCG will do so at its own expenses/costs.

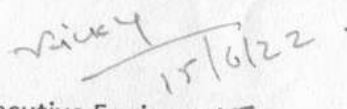
Handed over by:



 Satish Puri
 1. Owner/Builder

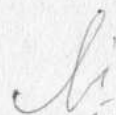


2. RWA

Taken over by:
 Municipal Corporation Gurugram


 15/6/22
 Executive Engineer-V
 Vicky Kumar


 Assistant Engineer
 Ashish


 J.E. PANKAJ

Handing over/Taking over Performa

As per order of DTCP, Haryana, Chandigarh dated: 09.05.2022 the below mentioned colony/builder area handed over/ taking over process is carried out today i.e. 15.06.2022. The detail is as below:-

Name of Builder: Malibu Estate Pvt. Ltd.

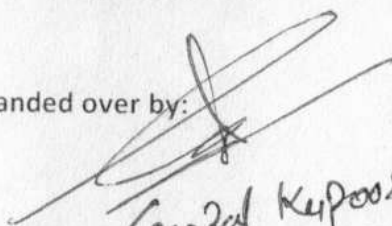
Area :- 204.79 acres

Details of Services Handed over as is where basis is.

1. Roads	<u>N.A.</u>	
2. Water Supply	<u>N.A.</u>	
3. Sewerage system	<u>N.A.</u>	
4. Storm Water Drains	<u>N.A.</u>	
5. Parks	<u>64239 Sq. mt</u>	<u>(Annexure - C)</u>
6. Street Lights	<u>N.A.</u>	
7. Sanitation Services	<u>N.A.</u>	
8. RWH	<u>08 Nos.</u>	<u>(Annexure - C)</u>
9. Green Belt	<u>14144 Sq. mt.</u>	<u>(Annexure - C)</u>
10. Others	<u>N.A.</u>	

- ❖ The detail of above infrastructure Services inventory is mentioned in attached annexures:-
- ❖ The builder/license/Colony shall provide all assistance for overall functioning of all service during the overlapping period of 15 days i.e. up to 30.06.2022.
- ❖ If further assistance if required by MCG beyond 30th June, MCG will do so at its own expenses/costs.

Handed over by:

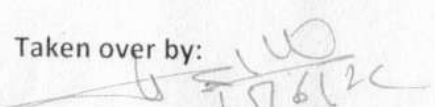

Gopal Kapoor.
 For MALIBU ESTATE PVT. LTD.

1. Owner/Builder

Authorised Signatory

2. RWA

Taken over by:


Municipal Corporation Gurugram

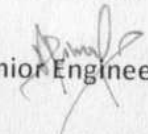
AMARJEET BISLA
 Executive Engineer (H-I)
 Municipal Corporation
 Gurugram

Executive Engineer-Hort.-I

9999558284

Assistant Engineer-Hort.

9821395237


 Junior Engineer-Hort.

9821395227

Annexure - C

S. No.	LOCATION	AREA in SqM	RWH
A	Green Belt		
	RWA - MTPRWA		
1	Near D Park	428.00	
2	Near OD55	78.22	
3	Near RW58	508.00	
4	Near OD44	342.00	
5	Fairview Drive	515.00	
6	VS01 Park	620.00	
7	Near PKD 07	520.00	
8	Near PKD14	189.00	
9	Near PKD38	461.00	
10	Near AW32	103.00	
11	AW 05	70.28	3
12	Near CR18	393.00	
13	Near PW30	110.00	
14	Near PW26	555.00	
15	Near OS06	100.00	
16	Near CS10	800.00	
17	CR Near Sub station	1347.00	
18	CS 01	488.00	
19	BS 01	1458.00	
20	Nursery	1060.00	
21	Main Gate	297.29	1
22	Near Office	356.00	
	Total	10799.00	
	RWA - MTRWA		
1	Near CW60	470.00	
2	Near CW66	716.00	
3	WW 25 Back side	235.00	
4	Near CW28	864.00	
5	Nursery	1060.00	
	Total	3345.00	
	Green Belt TOTAL (A)	14,144.00	

For MALIBU ESTATE PVT. LTD.

Authorised Signatory

S. No.	LOCATION	AREA in SqM	RWH
B	Park		
	RWA - MTPRWA		
1	KW Religious Place	1304.00	
2	Near KW21	1309.00	
3	RDW Park	755.00	
4	D Park	1451.00	1
5	Primary School Nearby	1694.00	
6	BSNL Park	3789.00	
7	BSNL Park	2927.00	
8	ASW Entrance	857.00	
9	ASW Entrance	1719.00	
10	VS Park	4591.00	
11	BS Park	2194.00	
12	BS32 Back side	2685.00	
13	Near AW09	1334.00	
14	AW 04 BS	3748.00	
15	Moon Park	1023.00	
16	CL+CR	5167.00	
17	PW Park	4600.00	
18	PW-CS Park	5333.00	
	Total	46480.00	
	RWA - MTRWA		
1	Near WW 82	1450.00	2
2	Near WW42	1021.00	
3	Near WW 31	408.00	
4	Central Park	5241.00	1
	Total	8120.00	
	RWA - MTSWRWA		
1	Near SW 18	2000.00	
2	Near SW 25	444.00	
3	Nursery	1060.00	
4	Near Dispensary	3208.00	
	Total	6712.00	
	RWA - MTGSRWA		
1	Near GS 86	476.00	
2	Near GS 66/5	575.00	
3	Near GS 71	972.00	
4	Near GS 01	904.00	
	Total	2927.00	
	Park TOTAL (B)	64,239.00	8

For MALAY ESTATE PVT. LTD.

Authorised Signatory

**Service in Raman Sharma Vs. State of Haryana & Ors. (O.A. No. 68/2022/PB)**

1 message

ELDF <eldflegal@gmail.com>

Mon, Dec 2, 2024 at 3:13 PM

To: Raman Sharma <cw58ffmalibutown@gmail.com>, rkhuranalegal@gmail.com, "mrramansharmajirti@gmail.com" <mrramansharmajirti@gmail.com>, "tcpharyana7@gmail.com" <tcpharyana7@gmail.com>, "hspcbms@gmail.com" <hspcbms@gmail.com>, "cmc@mcg.gov.in" <cmc@mcg.gov.in>, "cmcbbackup@mcg.gov.in" <cmcbbackup@mcg.gov.in>
Cc: Shubham Upadhyay <Shubham@eldfindia.com>, Surya Gupta <surya@eldfindia.com>

Respected Sir,

Please find the attached copy of the Objections on behalf of Respondent No. 8 M/s Malibu Estate Pvt. Ltd. in the above-mentioned case.

Thanks & Regards

--

Sameer Manher*Clerk**Enviro Legal Defence Firm**29, Presidential Estate LGF,**Nizamuddin East New Delhi – 110013**Ph. No. 011-40573181*

Objections R-8.pdf