

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 193 OF 2021

RG RESIDENCY APARTMENT OWNER ASSOCIATION

... APPLICANT

VERSUS

STATE OF U.P. & ORS.

...RESPONDENTS

FOLLOW-UP ACTION REPORT ON BEHALF OF NEW  
OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY (NOIDA)

MOST RESPECTFULLY SHOWETH:-

1. That this Hon'ble Tribunal vide order dated 21.12.2021 directed Noida Authority to file follow-up action of removing/ demolishing illegal construction in the green area and remedial action with regard to irregularities found.
2. That a letter dated 20.12.2021 was issued by the Senior Manager, Work Circle-6, Noida to the Police Inspector, Sector 6, Noida seeking police protection for carrying out the demolition on 21.12.2021 at 03:00 PM. A true copy of the letter dated 20.12.2021 is annexed and marked as "ANNEXURE-1".
3. That the demolition has been carried out and illegal constructions on green area of the society was demolished on

*Sumit Grewal*

21.12.2021 at 03:00 PM. Some photographs showing the demolition which was carried out are annexed and marked as "ANNEXURE-2".

4. That pursuant to the demolition, the Senior Manager, Work Circle-6, Noida vide letter dated 27.12.2021 issued to M/s. R.G. Residency Pvt. Ltd. directed for removal of C & D Waste (Construction and Development Waste). A true copy of letter dated 27.12.2021 issued by the Senior Manager, Work Circle-6, Noida is annexed and marked as "ANNEXURE-3".
5. That the inspection was carried out on 30.05.2022 and it was found that the green area of the society was restored. A photograph showing the restoration of green area is annexed and marked as "ANNEXURE-4".
6. That as far as the other irregularities referred in letter dated 18.10.2021 are concerned, M/s. R.G. Residency Pvt. Ltd. has given its status and rectification report dated 18.05.2022 qua those irregularities. A true copy of the status and rectification report dated 18.05.2022 given by M/s. R.G. Residency Pvt. Ltd. is annexed and marked as "ANNEXURE-5".
7. That on inspecting the site qua this report, certain irregularities were still found at the site and therefore, a notice dated 15.06.2022 was issued to M/s. R.G. Residency Pvt. Ltd.

*Sumit Grover*

by the General Manager (Planning), Noida. A true copy of the letter dated 15.06.2022 is annexed and marked as "ANNEXURE-6"

8. The present report with regard to follow-up action of removing/ demolishing illegal construction in the green area and remedial action with regard to irregularities found is being submitted for the kind perusal of this Hon'ble Tribunal.

DATE: 07.07.2022  
NEW DELHI

  
(SUMIT GROVER)  
MANAGER (PLANNING)  
NOIDA

# कार्यालय वरिष्ठ प्रबन्धक-वर्क सर्किल-6,

द्वितीय तल, जी ब्लॉक शॉपिंग कॉम्प्लेक्स, सैक्टर-20, नौएडा

२२२०

पत्र सं० नौएडा/व०प्र०-व०स०-6/2021/

दिनांक 20/12/21

पुलिस निरीक्षक,  
सैक्टर-6, नौएडा

विषय:- ग्रुप हाउसिंग भूखण्ड सं० जीएच-02, सैक्टर-120, नौएडा के सम्बन्ध में।

उपरोक्त विषयक पत्र सं० नौएडा/मु०वा०नि०/2021/2383, दिनांक 20.12.2021 के माध्यम से ग्रुप हाउसिंग भूखण्ड सं० जीएच-02, सैक्टर-120, नौएडा के आंवटी संस्था मैसर्स आर०जी० रेजीडेन्सी प्रा०लि० द्वारा स्थल पर परियोजना के विपरीत हरित क्षेत्र में ओपन पार्किंग हेतु निर्मित फर्श के अवैध निर्माण के ध्वस्तीकरण किये जाने हेतु अवगत कराया गया है तथा मुख्य कार्यपालक अधिकारी महोदया द्वारा दिनांक 10.12.2021 को परियोजना के स्वीकृत मानचित्रों के अनुरूप स्थल पर निर्माण सुनिश्चित किये जाने हेतु दिये गये निर्देशों के अनुपालन में अवैध निर्माण के ध्वस्तीकरण हेतु दिनांक 21.12.2021 को अपरान्त 3.00 बजे का समय नियत किया जाता है।

अतः आपसे अनुरोध है कि सम्बन्धित थानाध्यक्ष/कोतवाली से समन्वय स्थापित कर नियत तिथि एवं समय पर अतिक्रमिit स्थल पर उपस्थित होने का कष्ट करें, जिससे कि उक्त अवैध /अनाधिकृत निर्माण को अविलम्ब ध्वस्त किया जा सके।

  
(मुकेश कुमार वैश्य)  
वरिष्ठ प्रबन्धक  
वर्क सर्किल-6, नौएडा

प्रतिलिपि:-

- निजी सचिव को मुख्य कार्यपालक अधिकारी महोदया के सादर अवलोकनार्थ।
- निजी सचिव को अपर मुख्य कार्यपालक अधिकारी-एन० महोदया के सादर अवलोकनार्थ।
- पुलिस आयुक्त, गौतम बुद्ध नगर महोदय को सादर सूचनार्थ।
- विशेष कार्याधिकारी-ग्रुप हाउसिंग महोदय को सादर सूचनार्थ।
- मुख्य महाप्रबन्धक महोदय को सादर सूचनार्थ।
- महाप्रबन्धक महोदय को सादर सूचनार्थ।
- वरिष्ठ प्रबन्धक-नियोजन को पत्र सं० 2383, दिनांक 20.12.2021 के सन्दर्भ में सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
- प्रबन्धक/समस्त अवर अभियन्ता-(संविदा) को नियत तिथि एवं समय पर समस्त स्टाफ सहित स्थल पर उपस्थित रहने हेतु।

वरिष्ठ प्रबन्धक  
वर्क सर्किल-6, नौएडा

**ANNEXURE-2**











## कार्यालय वरिष्ठ प्रबन्धक-वर्क सर्किल-6,

द्वितीय तल, जी ब्लॉक शॉपिंग कॉम्प्लेक्स, सैक्टर-20, नौएडा

पत्र सं० नौएडा/व०प्र०-व०स०-6/224  
दिनांक 27/11/24

मै० आर०जी० रेजीडेन्सी प्रा०लि०,  
जी-5, प्रथम तल,  
प्लॉट नं० एसयू एलएससी,  
ब्लॉक-आर०जी० सिटी सैन्टर,  
लॉरेन्स रोड दिल्ली

विषय:- ग्रुप हाउसिंग भूखण्ड सं० जीएच-02, सैक्टर-120, नौएडा के सम्बन्ध में ।

कृपया अवगत कराना है कि नियोजन विभाग के पत्र सं० नौएडा/मु०वा०नि०/2021/2383, दिनांक 20.12.2021 के द्वारा ग्रुप हाउसिंग भूखण्ड सं० जीएच-02, सैक्टर-120 में खुले क्षेत्र में पार्किंग हेतु निर्मित फर्श के अवैध निर्माण की ध्वस्तीकरण किये जाने हेतु निर्देशित किया गया है । वर्क सर्किल-6 द्वारा खुले क्षेत्र में बनी अवैध पार्किंग को ध्वस्त कर दिया गया है । आपको निर्देशित किया जाता है कि ध्वस्तीकरण किये गये स्थल से सी० एंड डी० वेस्ट को तीन दिवस में शीघ्र हटाते हुए स्थल को ग्रीन क्षेत्र में परिवर्तित कराने का कष्ट करें, अन्यथा प्राधिकरण द्वारा तोड़ने के कार्य के साथ सी० एंड डी० वेस्ट को हटाने का व्यय भी आपसे वहन किया जायेगा ।

(एम०के० वैश्य)  
वरिष्ठ प्रबन्धक  
वर्क सर्किल-6, नौएडा

प्रतिलिपि:-

- निजी सचिव को अपर मुख्य कार्यपालक अधिकारी-(एन०) महोदया के सादर सूचनार्थ ।
- मुख्य महाप्रबन्धक महोदय को सादर सूचनार्थ ।
- महाप्रबन्धक महोदय को सादर सूचनार्थ ।
- प्रबन्धक/श्री हीरालाल, अवर अभियन्ता-संविदा को आवश्यक कार्यवाही हेतु ।

वरिष्ठ प्रबन्धक  
वर्क सर्किल-6, नौएडा



rg group

ANNEXURE-5 (1)

R-74  
18/05/22804  
19/5/22

My (S)

23/05/2022  
GM(P)

Dated: 18-05-2022

To,

**The Chief Executive Officer,**  
New Okhla Industrial Development Authority,  
Administrative Building, Sector – 6, Noida,  
Distt. Gautam Budh Nagar,  
Uttar Pradesh.

**The Add. CEO,**  
**The Officer on Special Duty (T),**  
**The General Manager (Planning),**  
**The AGM, Group Housing,**

**Sub.: Status of Rectification of Irregularities referred in your letter No 2165 dated 18-10-2021 & our reply dated 28-10-2021, 4-02-2022, 04-03-2022 & 22-03-2022**  
**Ref.: Project "RG Residency" situated at Plot No GH-02, Sector 120, Noida.**

Dear Sir,

This is with reference to your above referred letter dated 18-10-2021, Through which, we have been advised to rectify all irregularities mentioned therein.

In the meantime, though the rectification of such irregularities was under progress, the following actions were taken by the Authority against the company:

- On 20-09-21 - Sealing of our Sales Office;
- On 03-11-21 - Sealing of our unsold flats;
- On 20-12-21 - Cancellation of Revised Maps approved with Purchasable FAR.

Through our letter dated 22-03-2022, We have appraised that out of 10 irregularities, 6 were rectified and closed and for the rest of the irregularities, status on that date was also appraised.

The current status of such irregularities is as under:

**1 Query No 1 - Conversion of Parking in to Green Area**

It has been already appraised vide our various letters including the latest letter dated 21-03-2022 that the said area stands converted into Green Area.

Apart from that it is to appraise that in that area being open parking space, approx 85 parking's were planned. All such parking's were not allotted and the new parking space has been assigned to the residents to whom parking's allotted under such area.

**Irregularity stands rectified and no further action is expected.**

**2 Query No 2 - Wall at Basement and Stilt floor level.**

It has been already appraised vide our various letters including the latest letter dated 21-03-2022 that the wall is constructed on temporary basis till the completion of Phase 2 construction and it will stand removed with completion of phase 2.

RG Residency Pvt. Ltd. (CIN NO : U70109DL2010PTC197957)

Regd./Corp. Office : G-05, Ground Floor, Plot No. 5U, LSC B-Block, RG City Centre, Lawrence Road, Delhi-35

Email : rgcel1995@gmail.com | Web: www.rggroup.in

Apart from that it is to appraise that approx. 50 parking's were assigned in the area other side of the wall and new parking space has been assigned thereagainst.

**Irregularity stands rectified and no further action is expected.**

**3. Query No 3 Area of parking wherever smaller than standard size**

It is to appraise that in that total approx. 25 parking space were found under size as against the standard size.

All such parking's were not allotted and the new parking space has been assigned to the residents to whose parking's were found to be of under size.

**Irregularity stands rectified and no further action is expected.**

**4. Query No 5 Occupancy Certificate of Tower P (Commercial Block)**

The application for issue of Occupancy Certificate is filed and as per our architecture there are rectifying the observations of the planning department separately.

As per the information received from the concerned, all the documents have been provided and in case any further information will be required, the same will submitted in due course.

**It can be considered as no action required since dealt separately.**

**5. Query No 6 - Construction of unauthorised structure called temple**

The company has not constructed any unauthorised structure recognised as "Temple" nor given any permission / Consent to Apartments Owners Association (RGRAOA) to construct the same.

The said structure has been constructed by RGRAOA after handover of Maintenance to RGRAOA.

The directions to demolish the same has been communicated to the office bearers of RGRAOA in various meetings taken place during the visits of Authority officials.

In view thereof, we hereby request to you to give necessary directions directly to office bearers of RGRAOA for demolition, if considered appropriate.

**No action is required as it can't be rectified by the company.**

**6. Query No 7 - STP is not functional as per plan.**

The issue of non-functionality of STP is raised by the current office bearers of RGRAOA again & again with the authority stating that there is No STP. Contrary to that the STP was well installed & operational in accordance of the occupancy level of the residents. The STP plant has been designed and installed for 1110 KLD (370 KLD X 3 each) means 3 sections of 370 KLD each to be made operation / functional in phased manner as per the occupancy level of the society. Here it is worthwhile to update that the phase 1 the project was completed in 2015 and the possession offered. As per the requirement, the section 1 of the STP was made operational long

back at the appropriate time. You will appreciate that over a period of time, the plant requires repair which is to be dealt as maintenance activity.

After completion of the project, the maintenance was taken care by an independent agency. The Apartment Owners Association was also constituted way back in 2017 (RGRAOA). As reported by the maintenance agency to us, the desired repair of the plant could not take place due to non-payments of the maintenance charges by the residents to them. The efforts made by the RGRAOA of that time for collection of the dues also remained unmaterialised and as a result major repair work could not be carried by the maintenance agency.

The inspection of authority took place in 2019 also and the STP was reported non-functional. It was made functional that time also and brought to the notice of the authority at such time that unless the residents will be paying their dues on time, this kind of irregularities may happen again and again.

**Here it is worthwhile to draw your attention that we were permitted by the authority through its letter dated ----- to use the Authority's STP line for disposal of waste. (Copy enclosed)**

It is to mentioned that w,e,f, from 1-1-2020, the maintenance was taken over by the RGRAOA from the maintenance agency and the were unable to maintain the STP or say STP plant was mis-managed by them and the plant became non-functional due to requirement of repair and replacement of some of the equipment's which requires the expenditure to the tune of around Rs.20 Lakhs as per the estimates of vendor.

Thereafter, as a tool of arm twisting, they started making false complaints at various forums and agencies like Noida Authority, National Green Tribunal (NGT) etc. Since the said expenditure need to be borne by the residents but they want to put the burden of such expenditure on the developer company, they raise such false allegation that "NO STP" installed. The report of the agency (SIMA Lab Pvt. Ltd.) who installed the STP and made that operational as well as functional, is available and attached for your ready reference. (Copy Enclosed)

In order to check & verify the status of the STP, an Inspection has been conducted out by the team of UPPCB on 28-01-2022 as well as recently on 12-04-2022 wherein the samples were also taken. From the test report of the samples, it is evident that the STP is functional and results are within the norms. (Copy enclosed). Present officed bearers of the RGRAOA, were again trying to put an allegation that the STP is not functioning and made an RTI with Jal & Sewer Department of Noida Authority.

Since the STP was functioning since January, 2022 after due repair in response to the IGRS of the RGRAOA, concerned "Jal & Sewer Department of the Noida Authority confirmed them that STP is functional. (Copy of the said letter is enclosed).

Kindly take a note that the company has applied for CTO which is subject matter of consideration under the petition filed by the company in Lucknow bench of Allahabad High Court. Since STP is functional, and the issuance of CTO is under

hold and matter is Sub-Judice, the need of the CTO shall be kept on hold and the irregularity shall be treated as rectified.

**Irregularity stands rectified and no further action is expected.**

**7. Query No 8 Repair & reinstallation work of Fire penal at Tower A & B**

It has been already been appraised to you vide our various letters including the latest letter dated 21-03-2022 that the all the repair work of the fire detection panels has been done and it is also to appraise that mechanism for issuance of NOC after any repair work is not in existence with fire department.

**Irregularity stands rectified and no further action is expected.**

**8. Query No 10 Repair & Reinstallation work of Lift of Tower H & G**

It has been already been appraised to you vide our various letters including the latest letter dated 21-03-2022 that the all the repair work of the 3<sup>rd</sup> Lift of Tower H & G to make them functional were done and the lifts stands handed-over. The copy of safety licence has also been already submitted.

**Irregularity stands rectified and no further action is expected.**

**9. Query No 9 Reinstallation work of 3<sup>rd</sup> Lift of Tower A.**

The said work is under progress, however irregularity is not under our control and the same is expected to be rectified within this i.e **Reinstallation work of 3<sup>rd</sup> Lift of Tower A.**

As per the details submitted earlier, the revised order (in exchange of the material supplied by them) to M/s Kone Elevators (India) Pvt. Ltd. was placed by the company and the Material is expected to be delivered at site in the last week of March but due to Lockdown / corona pandemic in "China" happening again and again the supply of parts which has to come from "China" if delayed.

Now, M/s Kone Elevators (India) Pvt. Ltd. has confirmed that the delivery of the material will reach to site by 16<sup>th</sup> May and thereafter within 15 days to 30 days it will be made functional.

**Accordingly, Irregularity No 9 will stand rectified Shortly**

**10. Query No 4 Water leakage from Expansion Joints/Pipes.**

It is submitted that all the irregularities mentioned in the letter dated 18-10-2021 stands rectified except this Query No 4. In this regard as submitted earlier also, the work order was awarded and work was started.

The office bearers of the RGRAOA, have stopped the work by stating that the way of the work of repair is not acceptable to them and the stooped the team to work.

In order to carry out the work the police support was also sought and a call at 112 was made, which was brought to your notice also vide our separate letter dated 09-03-2022 in addition to other letters. (Copy Enclosed). The details thereof are as under:

Date	Time	PCR No.	Event No
04-03-22	4.49 pm	UP-32DG4675	P04032207490

In addition to the above, it is also worthwhile to mention that the project was completed more than 6 years ago and Occupancy certificate was also obtained on 09-09-2015. Since then, it is maintained by the maintenance agency. Further w.e.f. 01-01-2020, the maintenance of the project is handled by RGRAOA.

Though this repair work shall be carried out by the RGRAOA, but in the interest of the project and its residents, the company is ready to get the work done, but it is possible only if the RGRAOA do not create obstacles in the work. Considering the technicalities involved, in continuation to our earlier request, we once again request your good self to call a joint meeting of the Office bearers of RGRAOA and us at your office to find out the amicable solution to this work.

In view of the above submissions and updates, it can be concluded that all the out of the 10 point 8 stands rectified, 1 got delayed due to Corona Pandemic in "CHINA" and 1 due to obstacles created by the RGRAOA.

We hereby mention that the following actions were taken against the company by the Authority primarily due to non-functionality of STP.

- On 20-09-21 - Sealing of our sales office;
- On 03-11-21 - Sealing our unsold flats;
- On 20-12-21 - Cancellation of our Revised Maps approved with Purchasable FAR.

In view of the above, it is established that the STP is functional. Apart from that the other irregularities also stands rectified.

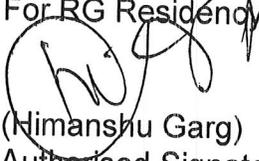
Therefore, we hereby once again request your good self as under:

- a) De-seal our sales office;
- b) De-seal our unsold flats.
- c) Restoration of Cancellation/Suspension of our Revised Maps with Purchasable FAR.

Your Kind cooperation in this regard is highly solicited.

Thanking You,

Yours Sincerely  
For RG Residency Pvt. Ltd.

  
(Himanshu Garg)  
Authorised Signatory

नवीन ओखला औद्योगिक विकास प्राधिकरण ANNEXURE - 6

172

वास्तुकला एवं नियोजन विभाग  
मुख्य प्रशासनिक भवन, सेक्टर-6, नोएडा, जि. गौतमबुद्ध नगर

पत्र सं० नोएडा/मु०वा०नि०/2022/ 2823  
दिनांक 15-6-2022

नोटिस

M/s RG Residency Pvt. Ltd.  
501, RG Trade Tower, Netaji Subhash Place  
Pitampura, Delhi-110034

विषय:- ग्रुप हाऊसिंग भूखण्ड सं०-जी०एच०-02, सेक्टर-120, नोएडा के सम्बन्ध में ।

कृपया उपरोक्त विषयक ग्रुप हाऊसिंग भूखण्ड सं०-जी०एच०-02, सेक्टर-120, नोएडा के निवासियों/एसोसिएशन द्वारा प्राधिकरण में की गई शिकायतों के सम्बन्ध में ।

1. बेसमेंट में एक्सपेंशन ज्वाइंट एवं वेस्ट वॉटर पाईप से सीपेज/लीकेज होने के कारण जगह-जगह पर पानी भरा हुआ है । जिसका वर्तमान तक आपके द्वारा अनुरक्षण कार्य पूर्ण नहीं कराया गया है ।
2. संदर्भित योजना के दिनांक 07.08.2019 को स्वीकृत भवन मानचित्रों में वाणिज्यिक/कम्युनिटी ब्लाक स्वीकृत किया गया है । संदर्भित ब्लाक का उपयोग बिना अधिभोग प्रमाण पत्र प्राप्त किए किया जा रहा है जो कि नोएडा भवन विनियमावली के प्राविधानों के विरुद्ध है । आपके द्वारा दिनांक 20.10.2021 को ऑनलाइन पोर्टल के माध्यम से आवेदन किया गया है जिसमें वर्तमान में वैध समयवृद्धि पत्र, लेखा विभाग का अदेयता प्रमाण पत्र आदि प्रपत्र जमा नहीं कराये गये हैं ।
3. टॉवर सं०-ए० में 3 लिफ्टे स्वीकृत है जिसमें से 2 लिफ्टे स्थापित एवं कार्यशील है तथा 1 लिफ्टे स्थापित नहीं की गई है । जिसके लिए आपके द्वारा दिनांक 16.05.2022 से 15-30 दिन का समय मांगा गया था किन्तु वर्तमान तक उक्त कार्य पूर्ण नहीं कराया गया है ।

अतः मुख्य कार्यपालक अधिकारी महोदया द्वारा दिए गए निर्देशों के क्रम में आपको पुनः सूचित किया जाता है कि दिनांक 30.06.2022 तक उपरोक्त समस्त अनिमियताओं का निराकरण कर प्राधिकरण को सूचित करें । अन्यथा पट्टा प्रलेख की नियम व शर्तों के अनुसार आपके विरुद्ध कठोर कार्यवाही की जायेगी जिसके लिए आप स्वयं जिम्मेदार होंगे ।

OLW

महाप्रबन्धक(नियोजन)  
नोएडा

15/6/2022

प्रतिलिपि:

1. निजी सचिव को मुख्य कार्यपालक अधिकारी महोदया के सादर सूचनार्थ ।
2. निजी सचिव को अपर मुख्य कार्यपालक अधिकारी(पी०) महोदय के सादर सूचनार्थ
3. विशेषकार्याधिकारी (गु०हा०) महोदय के सूचनार्थ ।
4. वरि० प्रबन्धक, वर्क सर्किल-06 को आवश्यक कार्यवाही एवं सूचनार्थ ।
5. आर०जी० रेजिडेंट अपार्टमेंट ऑनर एसोसिएशन को इस आशय के साथ प्रेषित कि कृपया बेसमेंट में एक्सपेंशन ज्वाइंट एवं वेस्ट वॉटर पाईप से सीपेज/लीकेज की मरम्मत के लिए आवंटी संस्था को परिसर में प्रवेश करने से नहीं रोका जाए एवं समस्याओं के निराकरण हेतु पूर्ण सहयोग प्रदान किया जाए ।

OLW

महाप्रबन्धक(नियोजन)  
नोएडा

15/6/2022