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

**E A No. 71 of 2025
IN
OA NO. 1381 OF 2024**

IN THE MATTER OF :-

Chander Parkash Gambhir

.....Applicant(s)

VERSUS

State of Haryana & Others

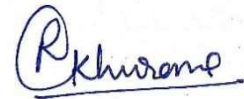
.....Respondent

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Dated: 28-01-2025

Filed By



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Counsel for HSPCB

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**Report of the Joint committee in the matter of EA
No. 71 of 2025 in OA No. 1381/2024 Chander
Parkash Gambhir V/s State of Haryana & Ors.**

1. Background:-

In this Original Application (OA), the applicant has raised the grievance that M/s. MVN Infrastructure Project LLP, is carrying out construction activities at their project site located at Village Harsaru, Sector 37-D, Gurugram, Haryana, on a plot covering 27,417.41 sq. mts with proposed built-up area of 1,43,350.71 sq. mts without obtaining any Environmental Clearance (EC) from the State Level Environment Impact Assessment Authority, Haryana (SEIAA, Haryana).

2. Directions of Hon'ble National Green Tribunal:-

Hon'ble National Green Tribunal vide its order dated 21.02.2025 directed as follows:

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“In order dated 21.02.2025, a joint committee was constituted by the Hon'ble Tribunal could not undertake the exercise as directed due to non existence of SEIAA, Haryana. Therefore, Hon'ble National Green Tribunal re-constitute the joint committee comprising of representatives of Member Secretary, HSPCB; RO, MoEF&CC, Chandigarh; and District Magistrate, Gurugram. District Magistrate, Gurugram will act as the nodal agency for coordination and compliance. The joint committee will visit the site and ascertain the extent of construction/construction activities that were done by the respondent/project proponent prior to issuance of EC and will submit the report before Member Secretary, HSPCB, within four weeks. Based on the said report if the Member Secretary, HSPCB finds that any violation of the norms has been done by respondent/PP, then after following the Principle of Natural Justice, order of imposition of environmental compensation will be passed.”

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

A. Constitution of Joint Committee-

In compliance of directions of Hon'ble National Green Tribunal Regional Officer of Ministry of Environment, Forest and Climate Change (MoEF& CC), Chandigarh has nominated Dr. K MuthamizhSelvan Addl. Director/Scientist as member of the joint committee, District Magistrate, Gurugram has nominated Sh. Paramjeet Chahal, HCS, Sub-Divisional Magistrate, Gurugram. And Haryana State Pollution Control Board (HSPCB), has nominated Sh. Sidharth Bhargava, Regional Officer.

4. Visit of the Joint Committee:-

- i. In compliance of directions of Hon'ble National Green Tribunal the joint committee team comprising Dr. K Muthamizh Selvan Addl. Director/Scientist E, Sh. Paramjeet Chahal, HCS, SDM-Gurugram and Sh. Sidharth Bhargava, Regional Officer & Sh. Divyanshu, A.E.E visited the site on 14.01.2026 The mandate of the Joint Committee was to examine the extent of construction activity prior to obtaining the EC.

5. Finding/ Observation made by the Joint committee during site inspection :-

- i. During the inspection it was observed that PP has not started the construction at the site. However, two site offices were established with pre-fabricated materials (Fig 1 & 2), in which one site was constructed prior to Environmental Clearance (EC) granted for the site. The Project Proponent has stated that this structure will be dismantled.

Project Proponent has submitted copy of the approval of building plan for temporary site office obtained from the Department of Town & Country Planning dated 02.09.2024 vide Memo No. DTP (E)/2024/16775. The copy is attached as **Annexure-R-1**.

- ii. Fencing of the project by the boundary wall using tin shed and prefabricated material. Few containers are being kept at the site, using porta cabin. Photographs of the same is attached as **Annexure-R-2**.

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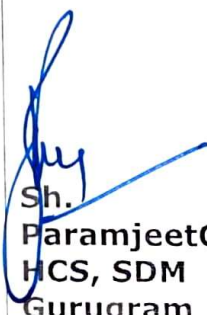

- iii. During site visit temporary structure for labor also observed. Photographs of the same is attached as **Annexure-R-3**.
- iv. During site visit no traces of excavation was observed.

Further it is pertinent to mention that the joint committee did not find any evidence of excavation/construction as alleged. Therefore, no violation of OM dated 29th March 2022 by Project Proponent was observed.

Following activities allowed as per the OM dated 29th March 2022 (Copy annexure as **Annexure-R-4**).

- i. Fencing of the project site by boundary wall using civil construction, barbed wire or precast /prefabricated components.
- ii. Construction of temporary sheds using pre-fabricated/modular structure, for site office/guards and storing material and machinery.
- iii. Provision of temporary electricity and water supply for site office/guards only.

The Joint committee most respectfully submits the above report and the same may kindly be taken on record.

<p>K. Muthamizh Selvan</p> <p><small>Digitally signed by K. Muthamizh Selvan DN: cn=K. Muthamizh Selvan, c=IN, o=Personal, email=lamitlove@gmail.com Date: 2026.01.28 13:37:25 +05'30'</small></p> <p>Dr. K MuthamizhSelvan, Addl. Director/Scientist (MOEF)</p>	 <p>Sh. ParamjeetChahal, HCS, SDM Gurugram</p>	 <p>Sh. Sidharth Bhargava, Regional Officer, HSPCB, Gurugram (S)</p>
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Office of District Town Planner Enforcement, Gurugram
 DEPARTMENT OF TOWN & COUNTRY PLANNING, HARYANA
 SECTOR-14, HUDA COMPLEX, 3RD FLOOR, GURUGRAM.
 Tel+Fax-0124-2223749
 E-mail: dtpen5.gurugram.tep@gmail.com

Memo No. DIP (E)/2024/ 16775
 Dated: 02-09-2024

To MVN Infrastructure Projects LLP,
 Shop No. 14, Upper Ground Commercial Complex,
 MVN Athens, Sector-5, Sohna, Gurugram.


Subj: Approval of Building Plans for Temporary Site office over an area measuring 0.507 acres (2052.37 Sqmt.) in licensed colony for setting up of Mix land Use (30% Residential and 70% Commercial) under TOD policy on the land measuring 6.775 acres (Licence no. 59 of 2024 dated 07.06.2024) acres in the revenue estate of village Harsaru, Sector- 37D, Gurugram Manesar Urban Complex -2031AD granted to Gova Realtors Pvt. Ltd., MVN Tutorials Pvt. Ltd. & MVN Infrastructure Projects LLP in collaboration with MVN Infrastructure Projects LLP being Developed by MVN Infrastructure Projects LLP.

Ref:- Your application dated 29.08.2024.

The Building Plans of temporary site office for subjected Mix Land Use (30% Residential and 70% Commercial) under TOD policy measuring 6.775 acre sector-37D, (Licence no. 59 of 2024 dated 07.06.2024) Gurugram Manesar Urban Complex being developed by MVN Infrastructure Projects LLP is hereby sanctioned, subject to the following conditions:-

1. The sanction of the Building Plans are valid till the completion of the development works of the said colony
2. The temporary structure shall be demolished and debris shall be removed from the site before applying for occupation certificate of the colony.
3. The building shall be constructed strictly as per the provision of Rule 1.2 (xcii) of the Haryana Building Code-2017.
4. The sanction of the Building Plans will be subject to the provisions of the Haryana Building Code-2017.
5. You will not use underground water for construction of temporary site office.
6. That this sanction of plans is subject to strict compliance as contained in order dated 10.04.2015 passed by Hon'ble National Green Tribunal in OA No. 21 of 2014- Vardhman Kaushik Vs. UOI and others as well as MOEF guidelines 2010.
7. That you shall abide by the condition mentioned in Commissioner, Municipal Corporation, Gurugram order Endst No. 2154 dated 21.04.2017 regarding C& D waste.

DA/As above.



 District Town Planner,
 Enforcement, Gurugram

Endst. No.

Dated:

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

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


 District Town Planner,
 Enforcement, Gurugram













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GPS Map Camera



Gurugram, Haryana, India




22km Stone, Dwarka Expy, Sector 37d,
Gurugram, Haryana 122006, India


Lat 28.437639° Long 76.961214°

Wednesday, 14/01/2026 12:01 PM GMT +05:30

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 GPS Map Camera

Gurugram, Haryana, India 

22km Stone, Dwarka Expy, Sector 37d,
Gurugram, Haryana 122006, India

Lat 28.437615° Long 76.961216°

Wednesday, 14/01/2026 12:02 PM GMT +05:30



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GPS Map Camera




Google

Gurugram, Haryana, India 
22km Stone, Dwarka Expy, Sector 37d, Gurugram,
Haryana 122006, India
Lat 28.437657° Long 76.961944°
Wednesday, 14/01/2026 01:16 PM GMT +05:30



GPS Map Camera

Gurugram, Haryana, India 

22km Stone, Dwarka Expy, Sector 37d, Gurugram,
Haryana 122006, India


Lat 28.437574° Long 76.961865°

Wednesday, 14/01/2026 01:17 PM GMT +05:30





GPS Map Camera

Gurugram, Haryana, India 

22km Stone, Dwarka Expy, Sector 37d, Gurugram,
Haryana 122006, India

Lat 28.437702° Long 76.962149°

Wednesday, 14/01/2026 01:33 PM GMT +05:30









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F. No. IA3-22/10/2022-IA.III [E 177258]

Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi-110 003

Dated: 29th March, 2022**OFFICE MEMORANDUM**

Subject: Clarification regarding activities which can be undertaken for securing the land prior to grant of Environmental Clearance-regarding.

As per the provisions of Environment Impact Assessment (EIA) Notification 2006, the project or activities [New/Expansion/ Modernization/ change of product-mix or raw material mix] listed in the Schedule to the said Notification would require prior Environment Clearance (EC) from the concerned Competent Authority before undertaking any construction work or preparation of land by the project proponent, except for securing the land.

2. In this regard, Office Memorandum No. J-11011/41/2006-IA.II(I) dated 19/08/2010 clarified that while securing the land, no activity relating to any project covered under EIA Notification, 2006 including civil construction can be undertaken at the site without prior EC except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s).

3. Over a period of time, various options other than conventional barbed wire and wall fencing, have come into existence, viz., use of pre-fabricated structures, pre-cast compound wall etc. Further, in order to secure the land, the project proponent may need to have water and electricity connection. In view of the same, it has been decided by the Competent Authority in the Ministry to explicitly clarify that following activities can be undertaken by the project proponent for securing the land.

- i. Fencing of the project site by boundary wall using civil construction, barbed wire or precast/ prefabricated components.
- ii. Construction of temporary sheds using pre-fabricated / modular structure, for site office/guards and storing material and machinery.
- iii. Provision of temporary electricity and water supply for site office/guards only.

4. The above activities shall be undertaken subject to the following:

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- i. The land should be in the legal possession of the project proponent and all statutory approvals in respect of the project site should have been obtained.
 - ii. In case of involvement of any forest land, no activity shall be initiated at the site till the Stage II Forest Clearance is obtained under the relevant provisions of Forest (Conservation) Act, 1980. In case of applicability of Wildlife Clearance, necessary permission from Standing Committee for National Board for Wildlife (SCNBWL) shall be obtained under the provisions of Wildlife Protection Act, 1972.
 - iii. In case of felling of trees if any, requisite permission from the Forest Department/Statutory Authorities of the concerned State Government shall be obtained.
 - iv. The investment made by the Project Proponent on the above, in anticipation of the applicable clearances under the relevant provisions of the Acts/Rules, shall be entirely at the cost and risk of the proponent.
5. However, the above dispensation would not entitle the project proponent to claim ***fait accompli*** with regard to grant of EC or any other applicable permission from any concerned statutory authority and further, the works of the aforesaid nature shall have no bearing on appraisal of the project for grant of EC which shall follow the due process and procedure as laid down in EIA Notification 2006, as amended.
6. This O.M. is being issued in supersession of the earlier O.M. dated 19/08/2010 and with the approval of the Competent Authority.



(A.K. Agrawal)
Director

To

1. Chairman, Central Pollution Control Board (CPCB)
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of I.A. Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DG (FC) & SS
5. PPS to AS(TK) / AS (NPG)/ AS(RS)
6. PPS to JS (SKB)
7. Website, MoEF&CC/Guard file.