

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

OA/79/2022

IN THE MATTER OF:

Radhey Shyam and Ors.

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

Next Hearing: July 16, 2024

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THROUGH



VSA LEGAL
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NEW DELHI
DATED: 13.07.2024

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**OBJECTIONS ON BEHALF OF RESPONDENT NO. 5 TO THE JOINT
INSPECTION REPORT DATED 21.05.2024 BY RESPONDENT NOS. 2, 3
AND 4.**

MOST RESPECTFULLY SHOWETH:

1. The Answering Respondent most humbly submits that the Joint Committee consisting of Respondent Nos. 2, 3 and 4 i.e. Haryana State Pollution Control Board, Palwal, HSVP, Palwal and Deputy Commissioner, Palwal filed a report dated 21.05.2024 before this Hon'ble Tribunal in compliance of the Order dated 19.02.2024.
2. The answering respondent is filing the present Objections as per the directions of this Hon'ble Tribunal. The same are being given hereunder in a tabulated form:

Sr. No.	Written Submissions by the Applicant dated 14.02.2024	Response dated 21.05.2024 by Joint Committee to the Written Submissions by the Applicant	Objections to the Joint Committee Report dated 21.05.2024 by Respondent No. 5
1	<p>The Green Belt area of Society is 8.39% of the total area of the project as per approved map.</p> <p>a) 18m wide green belt has not been developed by the project proponent, although its development work was started by them as per the instructions of PCB Palwal on 31.01.2024. It is prayed that the project proponent may be directed to install precast boundary wall on the external side of the green area of the project and wire mesh fencing on the inner side to protect it</p>	<p>1. As per the report of DTP, Green Belt and Parks have been found correct as per approved layout cum demarcation plan of the license granted colony Omaxe City (Phase – I – II) and the same have been marked on the copy of the layout cum demarcation plan with blue color. Copy attached herewith for reference as Annexure – A</p> <p>a. As submitted by DTP vide Memo No. DTP/M-2233 dated 15.05.2024, it is stated that “18.00 mtr wide green belt is not part of license granted colony</p>	<p>a. Approx. 200 mtr. a boundary wall of an open area near the STP has been constructed by the Respondent No. 5. A Copy of Photograph is annexed as Annexure R-1.</p> <p>b. 2 mtr. wide green belt area on both sides of the internal road have been developed/cleaned and it is being looked after as a part of the regular process by the Respondent No. 5. Photocopies are annexed as Annexure R-2.</p>

	<p>from stray animals and stray trespasser.</p> <p>b) 2-meter-wide green belt along all internal ways partially developed and are filled with garbage</p>	<p>and it is proposed green belt along proposed 75.00 mtr. Wide peripheral road on both sides. The same has been marked on the layout plan of the residential plotted colony.</p> <p>Further, during site inspection, it was observed that the precast boundary wall has not been provided by the Project Proponent.</p> <p>b. 2 meter wide green belt along all internal ways are developed and cleaned but plantation/greening is under process and not completed by the project proponent yet.</p> <p>Further, the work purchase order for various plants/trees /grass for maintaining</p>	
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		green area has already been accorded by the project proponent (Copy attached as Annexure – B)	
2	Park Situated at Phase– II has not yet been developed despite as directed by PCB Palwal on 31.01.2024.	Park situated in Phase – II has been cleaned but plantation/greening is under process.	No Comments
3	All manholes of the sewer line have not yet been repaired.	During inspection, no unrepaired/open manholes were observed by the team.	No Comments
4	The temporary pipeline for disposal of STP water of Phase – II has not been dismantled yet. It is most responsible for spreading pollution in and around the streets of the township.	The pipeline for disposal of STP water of Phase – II is required to carry the sewage from the collection tank maintained near second STP (Phase – II) to the operational main STP (capacity 1000 KLD) for treatment of domestic effluent as the phase – II STP was completely dismantled and closed permanently in compliance of	It is submitted that the Project Proponent has already constructed 2 STP of phytorid technology in Phase-I Phase-II of the Project. But due to low occupancy in the Project, only one STP of 1000 KLD is operational in Phase-I. Now the Occupancy in the Project is increasing gradually and in the meanwhile the Haryana

		<p>directions issued by joint committee. Further, the project proponent has accorded the work order for installation of 800 KLD STP at the same site of Phase – II STP after which the pipeline would be dismantled permanently. (Copy of work order attached as Annexure – C). As per the environment clearance granted to the unit by MOED vide No. 21-742-2007-IAIII dated 14.03.2008, the project proponent will treat its sewage in STP of 1800 KLD capacity. The analysis report of water sample collected on 08.05.2024 from inlet and outlet of 1000 KLD STP is attached Annexure – C1</p> <p>No such spreading of domestic effluent in and</p>	<p>Pollution Control Board (HPCB) changed the norms of STP specifications. Now the Project Proponent is developing an STP of Phase-1 and Phase-II as per the norms of new specifications of HPCB. Both STPs will be operational with a new technology at the earliest. It is further submitted that the STP of 1000 KLD in Phase-I of the Project is fully operational.</p>
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		<p>around the streets of the township was found during inspection as claimed by the complainant.</p> <p>Photographs of the site inspection are attached as Annexure – D.</p>	
5	<p>The rain water harvesting line has not been cleaned, yet in Phase – II, due to which dirty water spreads in the streets.</p>	<p>Rain Water Harvesting Line has been cleaned in Phase – II, no dirty water was found spreading on the street during inspection. Photos attached as Annexure – E</p>	No comments.
6	<p>The rain water pit in front of plot number 750 in phase – II has not yet been connected to RWH line which is nearly 10m long</p>	<p>The rain water pit in front of plot No. 750 in Phase – II was found connected to RWH during inspection. Photograph of connected RWH is attached as Annexure - F</p>	No comments.
7	<p>External storm water drainage system not yet provided.</p>	<p>The project proponent has provided 16 nos. of RWH pits in the residential colony as per</p>	<p>The Respondent No. 5 has paid External Development amount to the DTCP/HSVP to</p>

		<p>the approved building plan and also as per environmental clearance dated 14.03.2008 granted by MOEF and CC to the project proponent, the project proponent is required to recharge ground water by rain harvesting.</p> <p>Further, there is no requirement of an external storm water drainage line as per the conditions of Environment Clearance.</p>	<p>provide extra services in one point line water, sewer storm and road but DTCP/HSVP has not provided any services.</p> <p>The storm water is being discharged through RWH pits in the township. (True copies of the Photograph of the RWH Pits are annexed herewith and marked as Annexure R-3).</p>
8	<p>Potholes on the main road and internal roads of the society and soil has accumulated on the roads.</p>	<p>During inspection, one patch of road was observed with potholes and the project proponent was directed to repair the same. Further, the rest of the roads were found in sound condition.</p>	<p>Certain roads such as the main road and internal roads of the society are village link roads and revenue Rasta passing through the township approaching main road from Phase 1 and Phase 2 and hence are thoroughfares. There is admittedly heavy traffic on those</p>

			roads as compared to the other roads. The village connection road from Dhaulagarh to Panchwati is the part of MC, Palwal.
9	Project Proponent has not completed the project compliance and has not obtained its completion certificate from the competent authority.	The project proponent has not been granted completion certificate however, part completion has been granted and the copy of the same is attached as Annexure – G.	The project proponent after development of township as per sanctioned layout plans has obtained part completion certificate from the office of DTCP, Chandigarh on 28.05.2012. However, there is an area of land of approx 0.4 acres in the township which is dedicated for community sites which is yet to be developed for which reason, the completion certificate for the township is pending. It is further submitted that the Part and final completion certificate is only for external services. The

			land of approx. 0.4 acres in the township which is dedicated for community sites has been sold to individual allottee(s) which is yet to be developed by the individual allottee(s) for which reason, the completion certificate for the township is pending.
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3. The answering respondent therefore submits that the present objections be taken on record.

PRAYER

In view of the aforesaid circumstances the answering respondent therefore most respectfully prays this hon'ble Court to:

- a. Take on record the present objection being filed on behalf of the Respondent No. 5 to the objection of the Joint Committee Report dated 21.05.2024

Pass any other order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

For Omaxe Limited

[Signature]
Authorized Signatory

Respondent No. 5

Through

[Signature]
for **Sumeer Sodhi**
VSA Legal

Counsels for the Respondent No. 26
32, Ground Floor, Uday Part,
South Extension – 2,
New Delhi – 110049
Ph. No.: 9953309080
Email: Office@vsalegal.in

Place: NEW DELHI
Dated: 13/07/2024

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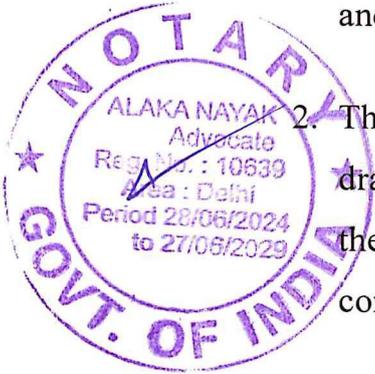
State of Haryana and Ors.

...Respondents

AFFIDAVIT

I, Digamber Dutt Sharma, S/o Sh. Keshab Dutt aged about 49 years, the authorized representative of the Respondent No. – 5, having its office at 7, Local Shopping Centre, Kalkaji, New Delhi - 110019, do hereby solemnly affirm, state and declare as under:

1. That I am the authorized representative of the Respondent No. 5 company in the above-mentioned case and I am well conversant with the facts and circumstances of the present case and competent to swear the present affidavit.
2. The contents of the accompanying Objections have been drafted by my counsel under my instructions, no fact stated in the application is false and frivolous and nothing has been concealed therefrom.
3. That, I have read over the contents of the objections and I have understood the same and the facts stated therein are true and correct to the best of my knowledge and belief.



For Omaxe Limited

Digamber Dutt Sharma
Authorized Signatory

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For Omaxe Limited

[Signature]
Authorised Signatory
DEPONENT

VERIFICATION:

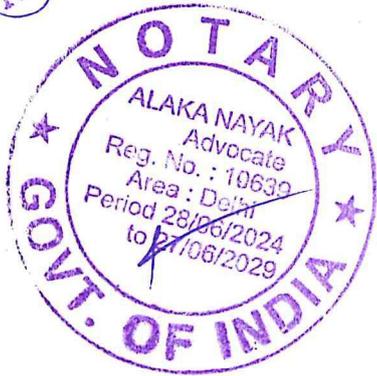
I, the above-named deponent verify that the contents of the foregoing affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

Verified at _____ on this 12 JUL 2024 day of _____ 2024.

For Omaxe Limited

[Signature]
Authorised Signatory
DEPONENT

[Signature]
Identify the Deponent who has signed/put T. L. in my presence



12 JUL 2024

CERTIFIED THAT THE DEPONENT
Shri / Smt. / Ktn : *[Signature]*
S/o, W/o Pro
Identified by Shri / Smt. *[Signature]*
I solemnly affirm before me at
on St. No. 219
That the contents of the affidavit have
have been read & explained to
him are true & correct to his knowledge
[Signature]
NOTARY

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Annexure-1





16
Annexure R-2



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Office Vsalegal <office@vsalegal.in>

Proof of Service

Service of Objections on behalf of the Respondent No. 5 in "Radhey Shyam & Ors. vs. State of Haryana & Ors." OA/79/2022

1 message

Office Vsalegal <office@vsalegal.in>

Sat, Jul 13, 2024 at 7:27 PM

To: "rwaphase2omaxepalwal@gmail.com" <rwaphase2omaxepalwal@gmail.com>, rkhuranalegal@gmail.com

Cc: Chaitanya Sharma <chaitanya@vsalegal.in>

Dear Sir/Ma'am,

Please find attached herewith the scanned copy of the Objections on behalf of the Respondent No. 5 to the Joint Inspection Report dated 21.05.2024 filed by Respondent Nos. 2,3, & 4 in the above captioned matter.

Kindly treat the present email as due advance service and acknowledge receipt of the same.

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Office of VSA Legal

Counsels for the Respondent No. 5

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Response to JC Report 21-5-24.pdf

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