

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

O.A. NO. 639/2024

IN THE MATTER OF:

SUNIL KUMAR GUPTA & ORS.

... APPLICANTS

VERSUS

DIRECTOR, DEPARTMENT OF TOWN

& COUNTRY PLANNING (DTCP)-HQ & ORS.

...RESPONDENTS

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RESPONDENT NO. 6

THROUGH

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NEW DELHI

DATE:29.01.2026

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OBJECTIONS ON BEHALF OF RESPONDENT NO. 6 TO THE

JOINT COMMITTEE REPORT FILED ON 26.03.2025

MOST REPECTFULLY SHOWETH:

1. A Joint Committee Report was filed by the Official Respondents in compliance with the order 17.09.2024 of this Hon'ble Tribunal. The Applicants have filed their objections to the Joint Committee Report on 25.07.2025. The answering Respondent herein is submitting its response to the objections filed by the Applicants as well as the Report of the Joint Committee. The answering Respondent is filing a composite reply instead of a para-wise reply. However, nothing in the objections filed by the Applicants maybe deemed to be admitted for the want of specific denial.
2. The answering Respondent has filed its main Reply to the captioned Application, the contents of which are not being repeated herein for the sake of brevity and may be considered a part of the present reply.



3. At the outset it is submitted that through filing the objections on joint inspection report, the Applicants are yet again trying to mislead this Hon'ble Tribunal by making the same allegations against the Joint Committee along with the answering Respondent as alleged in the OA, whereas despite the said allegations having been dealt with before various authorities such as HRERA, DC Office, CM Window etc. It is submitted that the present joint committee report has also found no violation on part of the answering Respondent.
4. In response to the para D of the objections filed by the Applicants in relation to the para 5e, 5f and 5g of Joint Committee Report, even when the maintenance of the project is completely with the apartment owners association – AOA, and the answering Respondent never charged any money on account of maintenance. Thus, since the Applicants have not bothered to implead the AOA, despite having claimed specific reliefs against it, the present OA is liable to be dismissed on this ground alone. In any event, the required upgradation has been duly done by association and the same had been duly informed to Haryana State Pollution Control Board with a request and required fees to recheck the same.
5. In response to the allegations regarding development of the Project & compliance of Haryana building laws & other applicable laws on the project , the same have already been duly addressed by the DTP(E) in its report which has been attached as Annexure R-2 with the Joint Committee Report, wherein it has been clearly mentioned that it is confirmed that the present site status as on date of the



DTP(E) report is as per “As per Built” drawings submitted and that only upon verification, the Occupancy Certificate and Completion Certificate were granted to the answering Respondent for the Project in question. It is clearly mentioned in para 1 of the DTP(E) report that RWA had laid concrete slab for the purpose of sports activity for the children residing in Affordable Group Housing. Further, the corresponding paragraphs of the Reply dated 24.07.2025 filed by the answering Respondent are reiterated herein.

6. In response to the allegations regarding internal construction of roads and landscaped areas, it is submitted that the same has been developed as per “As Built Drawings” and as per applicable Haryana Building Code permitted use and the same was duly verified by the DTCP & all other competent authorities before granting the Occupation Certificate/ Completion Certificate as well as the Environment Clearance, Consent to Operate etc. The DTP in its letter dated 19/02/2025 (Annexure R-2) has even confirmed that the open space in the approved layout plan is forming part of hardscape and softscape features of the integral part of landscape design. Moreover, the minimum green area required as per the norms/policy in an Affordable Group Housing Colony is only 15%. It has been duly noted that 23.6% was the total provided green area as per the built layout plan of the said Group Housing Colony, however, the 22.14% area as the existing green area was far more than the required of 15% of the total area. Hence, the answering Respondent is not in violation of any norms. Even though it is pertinent to note that the area calculated by the Joint Committee which is coming out to be 22.14%



is incorrect and is less than the actual green area provided by the Respondent.

7. It is submitted that the rest of the open area is being freely used by the occupants and no construction or encroachment has been done over that area by the answering Respondent. Further, additional lifts installed by their own RWA, as duly confirmed in the joint inspection report, have been duly approved and all compliances in relation to it have been made as well. The contents of the reply filed by the answering Respondent to the OA are being reiterated and are not being repeated herein.
8. The Applicants have repeated the same objections that they had taken in their Original Application in the Objections filed by them even though the same points have been answered by the answering Respondent in its Reply filed on 24.07.2025.
9. The Applicants have again alleged non-compliance with the Green Cover Requirement. As mentioned above, the construction & development of internal infrastructure are as done as per the approved "As Built Drawings" and the green cover was 22.14% of the total area (though it is shown less in the joint inspection report) even though the required norm was just 15% of the total area. Environment Clearance & consent to operate was granted to the project developed by the Respondent on 24.11.2015 & upon grant of Occupation Certificate dated 17.12.2019, on completion of the project in all respect, which was also done only after proper verification. The so-called constructions which are being objected to



- by the Applicants are for internal infrastructure & landscape area which were constructed as per the “As Built Drawings” and have been developed for the use and benefit of the occupants as per applicable byelaws. The Respondent has tried to provide amenities at affordable prices for all occupants. Further, the Respondent had never promised/ mentioned/ certified that it would be providing green area on the terrace and roof top in any of the Block and Tower, which was never even mandated for the granted licenses/ approved drawings.
10. The Applicants have alleged that the Air Circulation is getting impacted in the approved building Plan. It is submitted that [as stated above], the installation of required number of lifts was done as per the approved “As Built Drawings” and it was even intimated by the STP(G) office memo dated 03.12.2024 that the said additional installation of lifts are installed by RWA & could be compounded by the RWA from the DTCP, Haryana after applying in the prescribed format, which has also been compliance by the association itself. Further, all the relevant documents in relation to these allegations have already been handed over to the RWA at the time Handover Takeover (HOTO) process on 01.01.2020.
11. The Applicants have also raised the allegation of Non-metered water supply which is allegedly in violation of the Environmental Clearance. It is submitted that the arrangement for water supply in the affordable project is as per terms and conditions of granted licenses on part of the developer was made in the project from the date of grant of Occupation Certificate to till date under applicable



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norms. Initially the said arrangement of water supply was made through tankers from Basai Water Treatment Plant and thereafter permission of Ground water extraction was duly obtained from HWRA. The ground water extraction is duly metered and monitored on line by Haryana Water Resource Authority (HWRA) as on date. It is pertinent to note that the Respondent never charged any sum for the maintenance of the project.

12. The Applicants have raised the issue non-implementation of Solar Water Heating System in response to which, it is submitted that implementation of Solar Water Heating System is not required under the prescribed law. Further, Renewable Energy Department of Government of Haryana through its Order dated 14.03.2016 omitted instructions of 'Mandatory use of Solar Water Heating Systems' due to space scarcity in the high rise buildings.
13. The Applicants have alleged disposal of untreated wastewater. It is submitted that the physically Handing-Over Taking-Over Common Areas and Facilities for day-to-day running and operations of services and utilities have been handed over to the Association on 01.06.2020 and neither the answering Respondent nor any of its associates have ever charged any maintenance, whatsoever, from the homebuyers in the project.
14. The Applicants have also raised the allegation of inefficient Sewage Treatment Plant (STP). It is submitted that upon thorough inspection of installed STP, equipment thereof not limited to verification(s) of compliances of Part A-Specific Conditions (Construction Phase),



submission of six monthly compliance report as per stipulated conditions of Environmental Clearance dated 24.11.2015, the Haryana State Pollution Control Board(HSBC) granted the 'Consent to Operate' vide memo no.: HSPCB/Consent/: 329962320GUSOCTO7138223 on 04-02-2020. The STP of required capacity was developed even before grant of full Occupation Certificate of the project. Treatment of 100% grey/black water by STP is done ensuring that the re-circulated water would have required BOD level. The treated water is re-circulated for flushing, gardening etc. as per approvals.

15. The Applicants have raised an objection regarding unsafe storage of Inflammable Material. It is submitted that the storage of inflammable material such as fuel is the responsibility of the Association. Further, the provision of refuelling of generator(s) installed for power back up only for common area and for back up of mandatory common services, utilities in the project are filled directly through a vendor fuel tanker, which directly fills the fuel tanks of the generators installed from the fuel tanker.
16. The Applicants have alleged Improper Waste Management. It is submitted that management of all waste streams for BWG-Wet, Dry and Domestic Hazardous is managed through MCG empanelled service provider at site by association .
17. In response to the allegations made by the Applicant with regards to the Pollution Under Control certificate, it is submitted that that it pertains to the Association since the physically Handing-Over



A handwritten signature in blue ink, appearing to be 'Jmy'.

Taking-Over Common Areas and Facilities for day-to-day running and operations of services and utilities falling under the Association's scope, for maintenance, was completed on 01.06.2020 and neither the answering Respondent nor any of its associates ever charged any maintenance, whatsoever, from the homebuyers in the project. The maintenance is directly administered and decided independently by apartment owners association itself under their registered bye laws.

18. The Applicants have a *mala fide* intention and just want to exert pressure upon the Respondents through the means of this litigation by praying for a re-verification. Their attempts to maliciously penalise the Respondent have failed and this is their another attempt to achieve the same.

19. It is reiterated that the Applicant No. 2 is not a even flat owner/allottee nor he is staying in the society. Similarly, Applicant no. 1, is also not an original allottee, nor the flat he allegedly claims as his own in the society, was taken over from original allottee Mr Sachin Rastogi. The said flat is in the name of Mr. Sachin Rastogi as per the company records. It is thus apparent that Applicant no. 1 was holding the said flat under a proxy name, 'Sachin Rastogi' as benamy, as he claims to own other flats in other affordable group housing projects, however, as per applicable laws under AHP-2013, one cannot become a allottee of more than one flat in affordable projects as per AHP-2013. It should further be noted that Applicant no. 1 does not stay in the society, however, he keeps filing complaints with all the departments against not only the present Respondent but against other projects as well which seems like a blackmailing tactic.



20. All the above shows and leaves no manner of doubt that the Respondent has always been compliant with all applicable laws and have always acted in accordance with the law, therefore, it is humbly stated that Respondent is not liable for deficiencies as alleged in the OA or in the Objections filed by the Applicants.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. Dismiss the objections raised by the Applicants to the Joint Committee Report with exemplary cost;
- b. Pass any other order/ orders that this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case.


RESPONDENT NO. 6 

THROUGH



**GAURAV GUPTA
ADVOCATE
B-33, SOUTH EXTENSION-II
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gaurav@gauravgupta.net.in**

**NEW DELHI
DATE:29.01.2026**

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AFFIDAVIT

I, Virender Singh Dhanda, S/o. Sh. Late Chander Bhan Dhanda, aged about 55 years, having office at Office At H. No.-01 Green Park Main, New Delhi-110016, do hereby solemnly affirm and declare as under:-

1. That I am the Authorised Representative of the Respondent and being fully conversant with the facts and circumstances of the present case, I am competent to swear this affidavit.
2. That the deponent has filed the Reply before the Hon'ble Commission.
3. That I have read and understood the contents of the accompanying Reply drafted by my counsel and the same are correct to my knowledge.
4. I state that the fact stated in this affidavit are true and correct to my knowledge



DEPONENT

VERIFICATION:

Verified that the contents contained in the paras of the affidavit are true and correct to the best of my knowledge and belief. Nothing false is stated therein and nothing material has been kept concealed therefrom.

New Delhi 29-01-2026

29 JAN 2026

[Signature]
DEPONENT



[Signature]
Identify the deponent who has signed/put thumb impression in my presence.



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km... *Vijendra Singh Dhandra*
W/o./D/o./Sh... *Lata Anu L.B. Dhandra*
Certified by Shri/Smt... *Rohit Gupta Ash*,
Oath Commissioner before me at Delhi
SI. No.
the contents of the affidavit which have
read & explained to him are true and
act to his knowledge

29 JAN 2026

Oath Commissioner Delhi High Court



Advance Service of Objections on behalf of Respondent No. 6 – O.A. No. 639/2024

Gaurav Gupta Law Offices <office@gauravgupta.net.in>

Thu, Jan 29, 2026 at 11:43 AM

To: fctcp@hry.nic.in, reachtosunil2001@gmail.com, Navdeep Singh <tosadven@gmail.com>, tcpharyana7@gmail.com, seiaa-21.env@hry.gov.in, hspcbho@gmail.com, hspcb@hry.nic, ceo.gmda@gov.in, addlceo2.gmda@gov.in, hareda@chd.nic.in

Dear Sir,

Please find attached herewith the scanned copy of the Objections on behalf of Respondent No. 6 to the Joint Committee Report filed on 26.03.2025, pending before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in O.A. No. 639/2024 titled: Sunil Kumar Gupta & Ors. Versus Director, Department of Town & Country Planning (DTCP)-HQ & Ors.

The present email is being sent towards advance service.
Kindly take the same on record.

Regards,

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 **Objection Respondent No. 6 AVL Infrastructure Pvt Ltd in OA 639 of 2024.pdf**
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