

2175

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW
DELHI**

O.A No. 68 OF 2022

IN THE MATTER OF:

Raman Sharma

----- **Petitioner**

v/s

State of Haryana and others

----- **Respondents**

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Place: Gurugram

Date : 25-02-2025



**Raman Sharma
Petitioner**

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI
OA No. 68 OF 2022

IN THE MATTER OF:

Raman Sharma

----- Petitioner

v/s

State of Haryana and others

----- Respondents

1. That the Hon'ble Tribunal issued necessary directions to Respondent no. 4 and 8 on 21.01.2025, which are extremely relevant to **OA No. 68 OF 2022**. It is prime responsibility of the Petitioner Raman Sharma to assist the Hon'ble Tribunal in just and proper adjudication of the questions involved in the case.
2. That the Complainant kindly be allowed to submit the facts and established law, Practice adopted & procedures adopted for the grant of Licenses by the Respondent no. 4 i.e DTCP, Haryana and permissible FAR to control the **total built-up area of the project, unapproved construction, Open space available, Green area of project, Pollution load as on date, total revised area from License granted till 1997**. The construction project namely Malibu Towne is a single project and Respondent no. 4 must have calculated total built-up while grant of License no. 15 of 2008. Total built-up area of 204.796 Acres on 31-01-2008 of the township. Total balance construction in SQM after 31-01-2008 of the township.
3. That the construction project namely Malibu Towne was proposed by M/s Malibu Estate Pvt Ltd & Ors and applied 32 Licenses with plans from 1992 to 2008. The license no. 15 and 86 of 2008 were granted only after the application submitted by the Project Proponent M/s Malibu Estate Pvt Ltd before the DTCP, Haryana, All applications were submitted before the Director, Town and Country Planning Department Haryana for the approval of Layout Plan, Service Plan Estimates, Demarcation Plan, Zoning Plan and Part Completion Certificates. The shifting of sites from previous License Land to the Land of license no. 15 of 2008 is glaring evidence. The plans containing following-;

- I. Saleable and non-saleable area for whole 204.796 Acres.
 - II. Increase of population from 1992 to 2008 after grant of each additional license.
 - III. Increase of pollution load from 1992 to 2008 after grant of each additional license.
 - IV. Water supply scheme for whole 204.796 Acres after grant of each additional license.
 - V. Sewage scheme for 204.796 Acres after grant of each additional license.
 - VI. Storm water scheme for whole 204.796 Acres after grant of each additional license.
 - VII. Electricity scheme for whole 204.796 Acres after grant of each additional license.
 - VIII. Road network scheme for whole 204.796 Acres after grant of each additional license.
 - IX. Green area scheme for whole 204.796 Acres after grant of each additional license.
 - X. Open Space scheme for whole 204.796 Acres after grant of each additional license.
 - XI. All approvals were taken for whole 204.796 Acres after grant of each additional license.
4. That the Respondent no. 4 & 8 did not place the following facts before the SEIAA neither before the Hon'ble NGT-;
- I. whether land measuring 24.681 acres was **part and parcel** of any of the earlier licenses granted during the period 1992-1997 before issuance of EIA Notification dated 14.09.2006-;

Evidence – YES land measuring 24.681 acres was not part and parcel of earlier licenses granted during the period 1992-1997-;

- A. The **Annexure – 2** - Copy of Application Dated – 26-04-2004 by M/s Malibu Estate Pvt Ltd before the Director, Town and Country Planning Department Haryana for the **grant of Additional License** for land admeasuring 27 Acres in Sector 47 & 50, Gurugram. The 27 Acres land was in nine (9) different pieces as shown in the approved Layout Plan and further shown in in principal approved Layout plan in 2016 and 2019. In such a situation, the License could be obtained only by adding pieces of scattered parcel of land to the already allotted licenses. The addition of land parcel of 24. 681 Acres raised up to 204. 796 Acres. This **EXPANSION** of construction project was

allowed by various Government Departments like AAOI, MCG, HSPCB, HSVP, HSPCB etc.

- B. The **Annexure – 1** – Copy of Letter Memo no. 7/16/2006-2-TCP Dated- 19-12-2006 issued by the Financial Commissioner and Principal Secretary to Government of Haryana, Town and Country Planning Department to the Director, Town and Country Planning Department Haryana regarding policy for grant of License and change of land use cases.
- C. This policy confirms that minimum 100 Acres of land parcel was required for license to develop plotted colony in Gurugram/Gurgaon, hence there was no scope to issue license no. 15 of 2008 without any collaboration with M/s Malibu Estate Pvt Ltd. This confirms land measuring 24.681 acres was expansion and addition to **License granted from 1992 to 1997**.
- D. The **Annexure – 3** - Details issued by the office of DTP (P), Gurugram to the office of the DTCP, Haryana and STP, Gurugram is contradictory to details submitted by Licensee Company M/s Malibu Estate Pvt Ltd which are submitted before the Hon'ble National Green Tribunal at Page no. 1538 to 1546.
- E. The Letter memo no. 4687 Dated – 28-04-2015 issued by Executive Engineer, HUDA, Division no. 6, Gurugram to M/s Malibu Estate Pvt Ltd.
- F. That the DTCP, Haryana i.e Respondent no. 8 has admitted under point no. 11 of the reply dated - 25-02-2025 on page no. 2139 that **license no. 15 of 2008 was additional license, not an independent license**.

II. what was the **stipulated period** within which the residential colonies covered under the above said licenses granted during the period 1992 – 1997 were to be completed;

Evidence – TWO YEARS – The sub section (2) of section 12 of the Haryana Development and Regulation of Urban Areas Rules, 1976," **section 12. Grant of licence [Section 3 (3) and (4)].— (2) The licence granted under sub-rule 1) shall be valid for a period of two years from the date of its grant during which period all development works in the colony shall be completed and certificate of completion obtained from the Director as provided in rule 16."**

And ,"**section 13. Application for renewal of licence [Section 3(4)].— In case a colonizer fails to complete the development works within the period specified in sub-rule (2) the rule 12 for the reasons beyond his control**, he may apply to the Director for the renewal of licence in form LC VI at least thirty days before the expiry of the licence and the said application shall be accompanied by" :-

- A. The documents submitted before the Hon'ble National Green Tribunal at Page no. 1943, 894 to 896, 902, 926, 939 to 951, 1018 to 1025 are

documentary evidence confirming defective, insufficient and incomplete services causing violation of all part completion certificates by Respondent no. 8.

- B. The respondent no. 4 has neither confirmed the completion of services as per **approved service plan estimates** nor issued the COMPLETION CERTIFICATE till date for successful placement of services.
- C. The copy of letter Memo no. DTP(G)/2024/10121 Dated-07-11-2024 issued by the DTP(P), Gurugram to Sr. Town Planner, Gurugram annexed on Page no. 1943 confirming serious violations and defects in services.
- D. Each Part completion certificates contains conditions for the **stipulated period** within which the residential colonies covered under the above said licenses granted during the period 1992 – 1997 were to be completed.
- E. That the DTCP, Haryana i.e Respondent no. 8 has admitted under point no. 5 of the reply dated - 25-02-2025 on page no. 2136 that licenses were granted for 2 years.
- F. That the DTCP, Haryana i.e Respondent no. 8 has ignored the provisions placed under **section 13 of** the Haryana Development and Regulation of Urban Areas Rules, 1976, **“Application for renewal of license [Section 3(4)]”** under point no.11(ii) of the reply dated - 25-02-2025 on page no. 2140 that licenses were granted for 2 years.

- III. whether residential colonies covered under the above said licenses granted during the period 1992 – 1997 had been **completed before grant of license no. 15 of 2008**- if not what is the extended completion period of the residential colony not so completed;

Evidence – NO the project was not completed as conditions of part completion certificates granted under the provisions of **subsection 3(a)(iii) of Section 3** of the Haryana Development and Regulation of Urban Areas Act, 1975 and **Section 5, 11 (I)(d) and 16** of the Haryana Development and Regulation of Urban Areas Rules, 1976 –

- A. The documents submitted before the Hon’ble National Green Tribunal at Page no. 1030, 1943, 1947, 1949, 1950, 1490, 1495, 1497, 1499, 1502, 1503, 1504, 1507, 1513, 1516, 1517, 1518, 1521, 1931, 1932, 1933, 1934, 1945 are documentary evidence confirming correct status of project.
- B. The erroneously granted part completion certificates as mentioned on page no. 1489, 1490,

- C. The document annexed at page no 1495 confirms that till 2011, there was no disposal and treatment mechanism for SEWAGE and STORM WATER.
- D. The document annexed at **page no 1516 & 1517 and 940 to 951** confirms that till date Service road is neither constructed nor transferred to the Municipal Corporation despite the Orders of all the offices of Town & Country Planning Department Respondent no. 4. The land for Service road is not available at site. This fact alone is sufficient to decide the status of all Part Completion Certificates issued under abuse of power.
- E. That the DTCP, Haryana i.e Respondent no. 8 has admitted under point no. 8 of the reply dated - 25-02-2025 on **page no. 2137** that Part Completion Certificates were granted only for the services.
- F. That the DTCP, Haryana i.e Respondent no. 8 has admitted under point no. 9 of the reply dated - 25-02-2025 on **page no. 2138** that Part Completion Certificates were granted only for the services. The services were not completed when Part Completion Certificates were granted. The documents annexed at page no. 906, 908, 919, 937 to 951, 1018, 1019, 1020, 1021, 1022, 1024, 1029, 1030, 1486, 1495, 1499, 1502, 1507, 1511, 1516, 1517, 1518, 1539, 1521, 1932, 1933, 1934, 1939, 1940, 1941, 1943, 1947, 1949 to 1956 are sufficient documents to prove that services were not laid according to approved layout plan and **Service Plan Estimates**.
- G. That it is also pertinent to mention, the augmentation of services were not done after the grant of new additional license as more land, construction and population was increased.

IV. whether respondent no. 8 filed **separate applications for modification of layout plan/zoning plan** of residential colonies covered by separate licenses alongwith separate modified layout plan/zoning plan or filed joint application with composite layout plan and zoning plan compositely modifying all layout plans/zoning plans in respect of all the residential colonies covered by licenses granted during the period 1992-1997 alongwith residential colony covered by license no. 15 of 2008;

Evidence – Documents submitted before the Hon’ble National Green Tribunal at Page no. 1950, 1483, 1489, 1490, 1495, 1947, 1018, 1032, 1932, 1949, 1495, 1499, 1503, 1506, 1507, 1510, 1516, 1517, **1525 to 1534**, 1538 to 1546, 1949 to 1956 are documentary evidence to prove that **separate applications filed for modification of layout plan/zoning plan** of residential colony.

- A. There was **separate applications for modification of layout plan/zoning plan** of residential colony for separate licenses alongwith separate modified plans. After issuance of every license, joint application with composite layout plan and zoning plan compositely modifying all layout plans/zoning plans in respect of all the residential colonies covered by licenses granted during the period 1992-1997 alongwith residential colony covered by license no. 15 of 2008 was submitted and issued by DTCP, Haryana to M/s Malibu Estate Pvt Ltd.
- B. All approved Layout Plan, Demarcation Plan and Zoning Plan approved compositely modifying all layout plans/zoning plans in respect of all the residential colonies covered by licenses granted during the period 1992-1997 alongwith residential colony covered by license no. 15 of 2008.
- C. All Service Plan Estimates, Part Completion Certificates were also approved compositely modifying all layout plans/zoning plans in respect of License Colony covered by licenses granted during the period 1992-1997 alongwith residential colony covered by license no. 15 of 2008.

- V. What is **land area of the respective residential colonies developed and what is built up area of buildings/constructed projects** covered by licenses granted during the period 1992-1997 and license no. 15 of 2008 respectively;

Evidence – Documents submitted before the Hon’ble National Green Tribunal at Page no. 897 to 900, 1490, 1491, 1521, 1538 to 1546, 1939, 1943, and 1957 are documents confirming **plot measurements of Construction Project developed. Total built up area of buildings covered** under licenses granted during the period 1992-1997 and license no. 15 of 2008 respectively.

- A. The Respondent no. 4 did not place the facts and figures of built up area to protect the fault and erroneous permissions to Licensee Company.
 - B. The balance built up of licenses granted from 1992 to 1997 which was carry forward after the grant of license no. 15 of 2008 and same was added to the total built up area planned for the land under license no. 15 of 2008 is yet to come before the Hon’ble Tribunal to decide this issue.
 - C. Why Completion Certificate is not issued or why denied thrice by the DTCP, Haryana.
- VI. Whether respondent no. 8 took all licenses for townships and area development project/residential colonies for **sale of plot by it on which the**

buildings were to be constructed by the purchasers- if so what is the respective township/development project area developed by respondent no. 8;

Evidence – The licenses granted under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 and Haryana Development and Regulation of Urban Areas Rules, 1976-;

- A. The Respondent no. 8 has admitted on **page no. 782**, part of reply dated- 24-07-2023 submitted PARTLY FACTS before the Hon'ble National Green Tribunal about the construction of buildings, offices, shops, apartments, floors, community buildings and sale of the same.
 - B. The Plots were sold in violation of in variation of size from approved category.
 - C. The plots planned for Community buildings on non-saleable land under the category of open space and green area were sold to third party and presently under commercial use.
 - D. The violations of Layout Plan approved in 2008 is still not compounded by the DTCP, Haryana, hence all approvals stand null and void.
 - E. The violations of Layout Plan approved in 2016 and 2019 are not compounded by the DTCP, Haryana, hence all approvals stand null and void.
 - F. The services were laid by Respondent no.8 and checked & approved by the HSVP.
- VII.** whether respondent no. 8 took any of the licenses for building or construction projects for sale of building/constructed projects by it for occupation by the purchasers- if so what is the built up area of the buildings/projects constructed by respondent no. 8; and
- A. Project Proponent was responsible to develop constructed project under the law applicable and Environment clearance should be obtained before the start of development of township, which was not obtained.
 - B. Construction of all services by project proponent is a fact and same were still not completed.
 - C. The DTCP, Haryana did not place the detail of Services constructed by project proponent alongwith buildings.
- VIII.** Whether any building or constructed project under license no. 15 of 2008 exceeds exempted built up/constructed project area and due to being 4

within the ambit of EIA Notification dated 14.09.2006 required EC and whether EC has been obtained for the same or not;

Evidence – YES – Document annexed as **Annexure – 4-A** copy of letter memo no. DTP(G) 2018/5862 Dated – 01-06-2018 issued by the District Town Planner (P), Gurugram to the Sr. Town Planner (P), Gurugram **confirming Sanctioned F.A.R in tune of 22728.864 SQM for building of Higher Secondary School** situated in Sector – 50 under license no. 15 of 2008. Land parcel under license no. 15 of 2008 are scattered at nine (9) different locations in and around of all the licenses granted to Respondent no. 8 i.e M/s Malibu Estate Pvt Ltd & Ors by the Respondent no. 4 i.e the DTCP, Haryana. High School constructed on the land under license no. 15 of 2008. Part Occupation Certificate issued by the Sr. Town Planner, Gurugram vide Memo No. STP(G)/2018/6040 Dated-19-07-2018 to Dhanpat Rai Memorial Bal Vikas Shiksha Society confirming part construction of **Sanctioned F.A.R in tune of 22728.864 Square Meter for the building of Higher Secondary School** situated in Sector – 50 under license no. 15 of 2008.

5. That as per letter dated 23.10.2024 sent by Director, Town and Country Planning, Haryana to the SEIAA, Haryana, respondent no. 8-M/s. Malibu Estate Pvt. Ltd. was granted licenses no. 71-75 of 1992, 04-08 of 1993, 15- 19 of 1994, 04-08 of 1995 and 36-46 of 1997 for residential colonies measuring 180.115 acres before issuance of EIA Notification dated 14.09.2006 and license no. 15 of 2008 for residential colony measuring 24.681 acres was granted to respondent no. 8 after issuance of EIA Notification dated 14.09.2006. The SEIAA, Haryana has passed the Order dated 24.10.2024 on the ground that area under license no. 15 of 2008 was part and parcel of the Project and that a composite lay out plan and zoning plan was sanctioned by DTCP, Haryana including modification in the area or earlier zoning plan.

It is prayed to accept the reply with all contents mentioned alongwith documents annexed.

With Regards



Raman Sharma

Complainant of OA-68-2022

Raman Sharma Vs State of Haryana

Annexure – 1 -

From

Financial Commissioner and Principal Secretary to Govt Haryana,
Town and Country Planning Department.

To

The Director
Town and Country Planning,
Haryana, Chandigarh.

Memo No. 7/16/2006-2TCP

Dated:- 19.12.2006

Subject:-

Policy for grant of license and change of land use cases.

After careful consideration of the matter the Governor of Haryana is pleased to convey the policy parameters relating to the grant of licence and permission for change of land use as under :-

- 1) **Competent Authority to grant of licenses:-** The licenses shall be granted/refused by the DTCP with prior internal concurrence of the State Government at Minister's Level. The State Government will however, exercise appellate powers under the Act.
- 2) **Conformity of the Site of the colony to Development Plan/Sector Plan and minimum area of the colony for grant of license:-** The location of the site should be in conformity with the Development Plan proposals in terms of prescribed land use. The site should also conform to the Sector Plan. In order to achieve the objectives of the Act No. 8 of 1975 and to regulate the development of urbanized sector in an harmonious manner, the following minimum area norms for different zones for granting licences outside the Municipal Council limits of town and outside Municipal Corporation limits of Faridabad are hereby laid down as under: -

(Area Norms)

Category	Hyper Potential Zone	High Potential Zone	Medium Potential Zone	Low Potential Zone (Rest of State)
Residential Plotted	100 acres	100 acres	50 acres	25 acres
Group Housing	10 acres independent, 5 acres as part of plotted colony.	10 acres independent, 5 acres as part of plotted colony.	5 acres	5 acres
Commercial	2 to 4 acres	2 to 4 acres	2 to 4 acres	1 to 2 acres
Cyber Park	5 to 15 acres	5 to 15 acres	5 to 15 acres	5 to 15 acres
Cyber City	50 acres	50 acres	50 acres	50 acres

Industrial – No minimum area norms has been fixed.

3) Reservation of area for group housing:- In a particular sector the area under group housing should not exceed 20% of the sector area.

4) Licences to Cooperative Housing Societies:- Whereas, the Government had discontinued the issuance of licence to Cooperative Housing Societies in High and Medium Potential Zones due to the unhappy experience, the licences to such Societies in Low Potential Zones were being considered. After careful consideration it has been decided to discontinue this policy and not to grant licences to the Cooperative Housing Societies even in Low Potential Zones. Such Societies will however, be allotted developed land by HUDA for construction of Group Housing projects.

5) Land Acquisition and Licensing:- Where applicants/land owners have applied for license before the issue of acquisition notification under section 4 of the Land Acquisition Act, 1894, release of land could be considered on individual merits of each case.

6) Development of Pockets:- Approach should be based on sectoral development. Wherever, small pockets are left out within a licensed area or on the fringes of a colony which the colonizer is not able to acquire through negotiation such pockets may be acquired by HUDA in the interest of planned and harmonious development. In case, HUDA is in a position and willing to undertake development on its own then these pockets should be development by HUDA otherwise in the interest of compact development of the colony, the pockets should be allowed to be developed by the colonizer. However, such area shall not be more than 10% of the licensed area.

7) Change of land use:- The change of land use (CLU) applications will be considered in conformity with the land use proposals of the Development Plans and in accordance with the zoning regulations and disposed off at the level of Director, Town and Country Planning where the Development Plans are published. However, where the Development Plans are not published decision shall be taken at the level of Government. All the cases of grant of CLU for Petrol Pumps will be referred to the Government for approval.

Classification of Controlled Areas/Urban Areas in to potential zones.

Keeping in view the present potential, the classification of the controlled areas into different zones will be as under:-

1. Controlled areas in hyper potential zone:- Controlled areas declared under section 4 (1)(a) around municipal town, Gurgaon.
2. Controlled areas in high potential zone:-

- a. All the controlled areas in Gurgaon District notified under provision of section 4(1)(b) including controlled areas declared around Sohna town.
 - b. Controlled areas around Faridabad-Ballabgarh complex.
 - c. Controlled areas of Sonapat-Kundli Multifunctional Urban Complex, Panipat.
 - d. Periphery controlled area of Panchkula.
3. Controlled areas in medium potential zone:-
- a. Controlled areas of Karnal, Kurukshetra, Ambala City, Ambala Cantt., Yamuna Nagar-Jagadhari, Bahadurgarh, Hisar, Rohtak, Rewari-Bawal, Dharuhera Complex, Ganaur, Oil Refinery Panipat (Beholi).
 - b. Controlled area declared under section 4(1)(b) In Faridabad Distt. and also including around towns like Palwal and Hodel.
4. Controlled areas in low potential zone:-
- a. All the other controlled areas declared in the State.

NOTE: Above mentioned classification will also be applicable uniformly for the urban areas to bring parity and unambiguity.

Director, Town and Country Planning, Haryana may ensure that these policy parameters are adhered to while dealing with the cases of grant of licence/permission of change of land use. This policy will come into effect from 7th June, 2005.

Sd/-

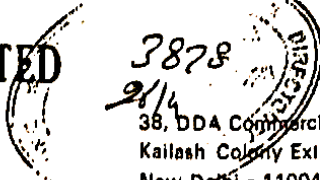
Superintendent,

For: Financial Commissioner and Principal Secretary to Govt.
Haryana, Town and Country Planning Department.

CC :

P.S. to FCTCP for the kind information of Worthy FCTCP.

MALIBU ESTATE PRIVATE LIMITED



38, DDA Commercial Complex,
Kailash Colony Extn, (Zamrudpur)
New Delhi - 110048
Phone : 6211038, 6419969
Fax : 8447864

CTP(OT)
26/4

Date 26.04.2004

Ref. No.

To,

The Director
Town and Country Planning
Haryana, Chandigarh.

~~DAE(OT)~~

Handwritten notes:
Pl examine & report
Op Sup (C)
26/4

SUB: GRANT OF ADDITIONAL LICENCE TO DEVELOP PLOTTED COLONY ON A LAND ADMEASURING 27 ACRES SITUATED IN SECTOR - 47 & 50, GURGAON, HARYANA.

Sir,

Handwritten notes:
27/4
SDP(LIV)

Please find enclosed an application for additional licence to develop plotted colony on a land admeasuring 27 acres situated in Sector - 47 & 50, Gurgaon, Haryana alongwith following documents:

1. Two demand drafts bearing Nos. (i) 095503 dated 10.04.2004 for a sum of Rs.24,00,000/- and (ii) 095504 dated 10.04.2004 for a sum of Rs.9,50,000/- both payable at Punjab and Sind Bank, Service Branch, Chandigarh in favour of Director, Town and Country Planning Haryana as a Licence Fee and Scrutiny Fee.
2. Forms LC-I alongwith Collaboration Agreements, original Deed of Undertakings, Title Documents, Shizra Plans, Survey Plan etc.

Thanking you,

Yours truly,

For Malibu Estate Private Limited

Authorised Signatory

ISSUED UNDER
RTI ACT 2005

Annexure – 3 -

07/02/2025, 12:15

Gmail - OA no. 68/2022 (IA no. 145/2023) titled as Raman Sharma Vs State of Haryana and others before Hon'ble National G...



STP Gurugram <stp4.gurugram.tcp@gmail.com>

OA no. 68/2022 (IA no. 145/2023) titled as Raman Sharma Vs State of Haryana and others before Hon'ble National Green Tribunal, Principle Bench, New Delhi

Dtp Office <dtp6.gurugram.tcp@gmail.com>

6 February 2025 at 19:22

To: Yajan Chaudhary <atp.hqyc.tcp@gmail.com>

Cc: STP GURUGRAM <stp4.gurugram.tcp@gmail.com>, dtp2.hqsunena.tcp@gmail.com, STP Gurugram <stp5.gurugram.tcp@gmail.com>

Dear Yajan,

In response to the trailing e-mail, the requisite report is as under:-

Para No.	Para-wise reply
Para 3(v):-	<ul style="list-style-type: none"> As per the revised layout plan of the colony bearing drawing no. DTCP-5626 dated 28.09.2016 in-principally approved vide Directorate memo no. 6680 dated 07.03.2019, total area of scheme is 204.796 acres. The total land area for which the license was granted during the period 1992-1997 is 180.115 acres and the total land area under license no. 15 of 2008 is 24.681 acres. It is further informed that topographical survey/demarcation plan of Malibu Town, Sector-47, Gurugram has already been sent to Senior Town Planner, Gurugram vide this office Memo No. 10121 dated 07.11.2024, which has further been forwarded to Directorate vide their office Memo No. 6087 dated 19.11.2024. As per the said demarcation plan, the built-up area under licenses granted during the period 1992-1997 is 275885.599 Sqm. or 68.17 acres and under license no. 15 of 2008 is 26501.543 Sqm. or 6.54 acres
Para 3(vi):-	<ul style="list-style-type: none"> As per the aforesaid in-principally approved Layout Plan, the net planned area is 192.906 acres wherein, the area under plots (1396 nos.) is 390191.09 Sqm. or 96.41 acres, area under Nursing Home is 1011.71 Sqm. or 0.25 acres and area under Commercial is 7.70 acres.
Para 3(vii):-	<ul style="list-style-type: none"> As per the aforesaid in-principally approved Layout Plan, area falling under Group Housing is 11.89 acres and as per the O.C. granted vide Directorate Memo/Endst. No. 4731 dated 10.03.2017, the FAR is 31061.622 Sqm.

The above report is submitted for your kind perusal and further necessary action, please.

With Regards,
DTP (P), Gurugram

[Quoted text hidden]

Annexure - 4 -

-74-

हरियाणा सरकार

SUBJECT: TRANSFER OF COMMUNITY SITES APPROVED IN THE MALIBU ESTATE COLONY.

The office report on the abovementioned subject may kindly be perused at NP/73. It may be recalled that as per the policy of the Government 25% of the community sites in the licenced colonies are required to be taken over by the Government and handed over to HUDA for construction.

In the table given below, the community sites proposed to be taken over by the Government have been indicated. The areas of different community sites indicated in the table are as per the approved norms for provision of community sites, as these sites have not yet been demarcated at site. An attempt has been made, to choose 25% of the total number of sites in each category. However, in cases where only a single site for a certain community facility is available in the colony, they have most often not been proposed for take-over.

Sl.No.	Type of community site	Site Code (as marked on plan)	Area (in acres)	Sites proposed to be taken over	Area of sites proposed to be taken over
1	Nursery School	NS1	0.2	<input checked="" type="checkbox"/>	0.2
2	Nursery School	NS2	0.2		
3	Nursery School	NS3	0.2		
4	Nursery School	NS4	0.2		
5	Nursery School	NS5	0.2		
6	Nursery School	NS6	0.791		
7	Nursery School	NS7	0.724	<input checked="" type="checkbox"/>	0.724
8	Primary School	PS1	1.0		
9	Primary School	PS2	1.0		
10	Primary School	PS3	1.117	<input checked="" type="checkbox"/>	1.117
11	High School	HS	5.0		
12	Club	CL	2.488		
13	Dispensary	DP	1.25	<input checked="" type="checkbox"/>	1.25
14	Creche	CR	0.2		
15	Religious building	RB	0.215		
			14.785		3.291

The sites proposed to be taken over have also been indicated on the copy of the layout plan of the colony placed below at F/ 'X' (CP/578)

Submitted for approval please

MSEC
P.P. Singh
ATP(HQ)

DTP(HQ)BP

Φ
**ISSUED UNDER
RTI ACT**

GOVERNMENT OF HARYANA

Annexure – 4-A -

District Town Planner, Gurugram (Planning)
DEPARTMENT OF TOWN AND COUNTRY PLANNING
HUDA. Office Complex, Sector-14, Gurugram, Tel No.:0124-2320573
E-mail: dtp4.gurugram.tcp@gmail.com

R.D.
4/6/2018
SDS
B

Memo No.DTP (G)/2018/ 5882

Dated: 1/6/2018

The Senior Town Planner,
Gurugram.

Sub:-

2674
4-178

Grant of Part Occupation Certificate for High School site of Shri Dhanpat Rai Memorial Bal Vikas Shiksha Society on the area measuring 5.09 acre falling in Residential Plotted Colony Namely Malibu Town in Sector -47 & 50, Gurugram Manesar Urban Complex.

Reference: - DGTCP office Memo No ZP-5-Vol-V/AD(RA)/2018/13728 dated 04.05.2018.

Please, it is informed that subject cited case has been received in this office vide letter under reference, for issuance of part occupation certificate. Detail report of the case is as below:-

The applied site is situated in the plotted Colony at Malibu Town, Sector -47 & 50, Gurugram Manesar Urban Complex. The building plans of this High School were approved vide DGTCP office memo no No ZP-5-Vol-V/SD(BS)/2017/15488 dated 05.07.2017.

Site has been inspected on dated 23.05.2018 by field official and found that applied building has been completed. The deviation/violations shown at the site plan w.r.t. to approved building plans have been marked on the copy of approved building plan with red color.

BASEMENT

The detail of basement is as below: - Basements has been constructed as sanctioned

Basement	Sanctioned area	Achieved area	Internal change area	FAR Area added without plan	Car Parking sanctioned	Car Parking provided
Basement	8890.30	729.78 + 1528.731 = 2258.511	Nil	Nil	6980.799 sqmtr	7011.40

BUILDING BLOCK

1) The School Building has been constructed up to G+First + Second + Third + Mumty floors as sanctioned

2) 16.070 M height has been achieved as per sanctioned.

S.no	Attributes	Sanctioned FAR Area (sq.m)	Achieved FAR Area (sq.m)	Ground Coverage		Area added without plan	Internal change area
				Sanctioned	Achieved		
1	Ground Floor	4577.313	1249.904	5058.068	1287.729	39.06	Nil
2	1 st Floor	4235.195	1352.162			39.06	Nil
3	2 nd Floor	4933.119	1352.162			39.06	Nil
4	3 rd Floor	4050.118	1208.213			39.06	Nil
5	Mumty	4933.119	169.614			Nil	Nil
	Total	22728.864	5332.055	5058.068	1287.729	156.26	Nil

TOTAL ACHIVED FAR = (Gr. + First + Second + Third) = 1249.904 + 1352.162 + 1352.162 + 1208.213 = 5162.441 sqm.

Total Covered area at site all floor including Basement, Pump Room, munties = 2258.511 + 1249.904 + 1352.162 + 1352.162 + 1208.213 + 169.614 = 7628.391 sqm.

Parking :- Required parking area = 6980.799 sqmtr and Provided is = 1161.40 (basement Parking) + 5850.0 (Ground Floor open parking) = 7011.40 sqm. (7011.40 sqm Parking provide at site as per rule)

FINAL DESCRIPTION:


	Permissible area (1)	Sanctioned area (2)	Achieved area (3)	Balance area (1-3)
Ground Coverage	5058.55	5058.068	1249.904	3808.646
FAR (150%)	30351.375 (150%)	30127.72	5162.441	25188.934

1) On the basis of the detailed report, the violation are summarized as under:-

- 1) DPC certification not taken = 1249.904 sqm. = 1287.729 sqmtr
- 2) Plan sanctioned but sanction able construction added during the course of construction = 156.26 sqmtr
- 3) Gate & Boundary wall not as per govt. std. design
- 4) Door and window changes = 20 nos.
- 5) Elevation Change = 1 no.

The report along with Three sets of as built plan as submitted by the applicant are attached for further necessary action please.


DA/As above


District Town Planner,
Gurugram

Endst. No.

Date

A copy is forwarded to Director General, Town & Country Planning, Haryana, Chandigarh for kind information please.


District Town Planner,
Gurugram

Annexure - 4 - B -

FORM-BR-VI
[(See Rule 47 (1))]

②

Memo No. : STP (G)/2018/ 6040
Dated: 19-7-18

To Sh. Dhanapat Rai Memorial Bal Vikas Shiksha Society,
Blue Bells Public School Campus, Sector-10,
Gurugram.

Memo No. Dated:

Subject: **Grant of Part Occupation Certificate for High School site of Shri Dhanapat Rai Memorial Bal Vikas Shiksha Society on the area measuring 5.09 acre falling in Residential Plotted Colony Namely Malibu Town in Sector-47 & 50, Gurugram Manesar Urban Complex.**

Whereas Sh. Dhanapat Rai Memorial Bal Vikas Shiksha Society, . has applied for the issuance of part occupation certificate in respect of the building described below, I hereby grant permission for the occupation of the building after charging the composition charges amounting INR Rs. 39751/- (Thirty Nine thousand Seven hundred Fifty One only) for the variations vis-à-vis approved building plans subject to the following conditions:-

- 1 That the building shall be used for the purpose for which the occupation certificate is being granted and in accordance with the uses defined in the approved Zoning Regulations/Zoning Plan and terms and conditions shall stand automatically cancelled if you change the permitted use of the building or part thereof or raise any additional construction or alteration in the said building without approval of the competent authority and occupy the portion of the said building for which occupation certificate has not been granted and in that case action shall be initiated as per law.
- 2 That you shall comply with all the conditions laid down in the memo no. F.S/2018/48 dated 12.07.2018. Deputy Director-I, Panchkula, Haryana with regard to fire safety measures.
- 3 That you shall maintain roof top rain water harvesting system properly.
- 4 That the elevation of the building shall not be used for the purpose of advertisement and placement of hoardings.
- 5 That you shall neither erect nor allow the erection of any Communication and Transmission Tower on top or any part of the building blocks.
- 6 That you shall use Compact Fluorescent Lamps (CFL) in the building as well as street lighting.
- 7 That you shall ensure that parking of vehicle is done within the area earmarked for parking in the approved building plan. Parking of any vehicle outside the premises/site will amount to violation of order of Hon'ble High Court passed in CWP No. 17296 of 2011 titled as Krishan Lal Gera Vs State of Haryana and others.

DESCRIPTION OF BUILDING

Basement	:	Area 2258.511 sq m
Ground floor	:	Area 1249.90 4 sq m
1 st Floor	:	Area 1352.162 sq m
2 nd Floor	:	Area 1352.162 sq m
3 rd Floor	:	Area 1208.213 sq m
Mumty	:	Area 169.614 sq m

Senior Town Planner
Cum-Chairman Building Plan Composition Committee
Gurugram.

Endst. No. STP(G)/2018/ (641 - 6045) Dated 19-5-18

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

- 1 The Director, Town & Country Planning, Haryana, SCO No. 71-75, Sector-17C, Chandigarh.
- 2 Superintending Engineer, HSVP-1, Gurugram w.r.t. his office memo no.115845 dated 07.06.2018 vide which approval from Public Health Point of view has been accorded.
- 3 Deputy Director-I, Panchkula, Haryana w.r.t. their memo no F.S/2018/48 dated 12.07.2018.
- 4 District Town Planner (P), Gurugram w.r.t. his office memo no. 5862 dated 01.06.2018.
- 5 District Town Planner (E), Gurugram.

Senior Town Planner
Cum-Chairman Building Plan Composition Committee
Gurugram.

Office of District Town Planner (Enforcement), Gurugram

DEPARTMENT OF TOWN & COUNTRY PLANNING, HARYANA
Sector-14, HUDA COMPLEX, 3rd FLOOR, GURUGRAM, Tel-0124-2223749
E-mail: dtpenf5.gurugram.tcp@gmail.com

Memo No. 2444
Dated: 20/1/25

To

Malibu Estate Pvt Ltd.
38, DDA Commercial Complex
Kailash Colony Extn. (Zamrudpur)
New Delhi - 110048

Sub: For compliance of directions of Hon'ble District Court in case titled as Malibu Towne Green Street Welfare Association and Etc Vs DTP and Ors. Etc.

Ref: Orders dated 24.12.2024 in the subjected case.

On the subjected and reference cited above, it is informed that the Hon'ble District Court had passed the following order:-


"Arguments heard on statement of parties. Keeping in view the statement made by Sh. Ramesh Kumar, Planning Assistant Office of Senior Town Planner (on behalf of defendants No. 1 & 2) assisted by Id. GP for defendants No. 1 & 2 as well as statement of Id. Counsel for defendant No. 3 dated 23.12.2024 as well as in the larger interest of justice, property in dispute i.e. Malibu Towne Club House (as mentioned in para No. 2 of the plaint) is hereby directed to be desealed for a period of four months from the date of de-sealing excluding the period of Administration Restriction (Grap-IV). However, it is made clear that if defendant No. 3 failed to remove the irregularities mentioned in letters issued by defendants No. 1 & 2 within the stipulated period, then defendants No. 1 & 2 are at liberty to seal the same again under intimation to this Court.


In compliance of the aforesaid orders, the club building was de-sealed on 09.01.2025 in the presence of your representative for a period of **four months**. Hence, you are hereby directed to remove the irregularities in the club building within a period of four months and submit compliance of the same within the stipulated time period, failing which necessary legal action shall be initiated against you as per Act/Rules.

This is for information and necessary action, please.

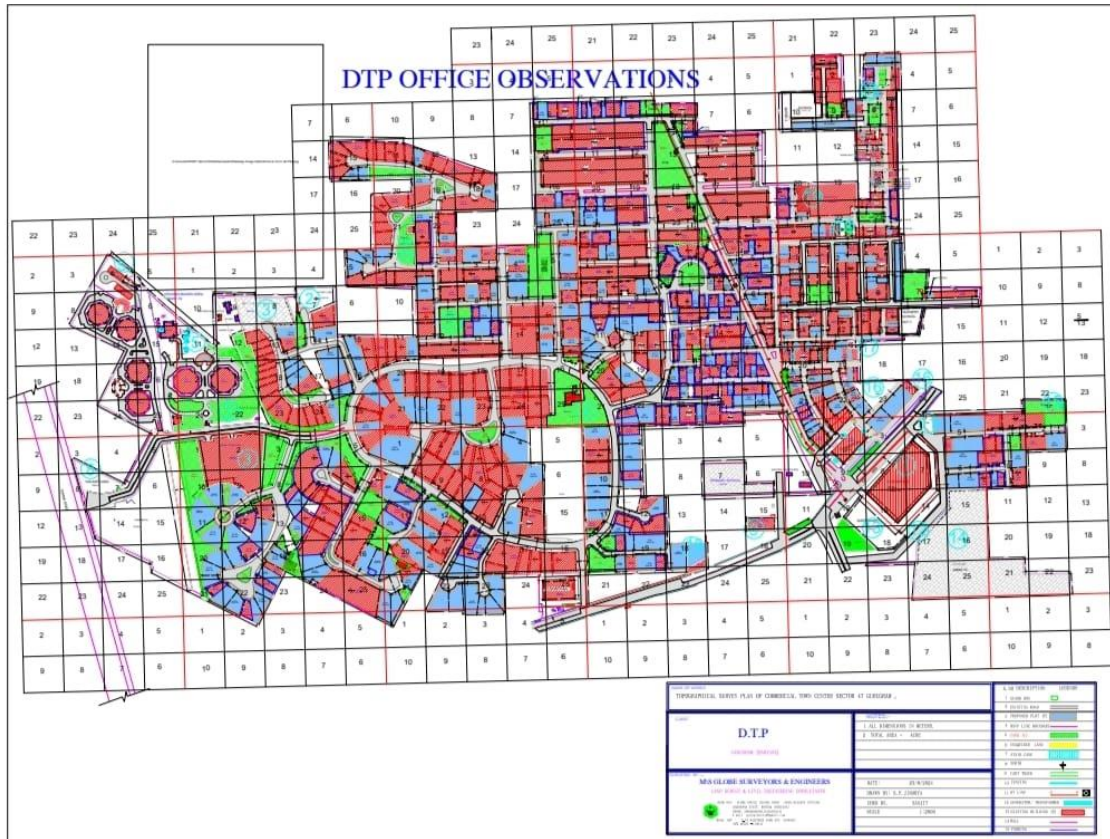
Endst No. 2445

A copy is forwarded to Senior Town Planner, Gurugram for information, please.


District Town Planner,
Enforcement, Gurugram
Dated: 20/1/25


District Town Planner,
Enforcement, Gurugram
/es

Annexure – 6 – Latest Demarcation of Malibu Towne conducted by the DTP (P), Gurugram in 2024.



AFFIDAVIT

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

APPLICATION NO. QA- 68 of 2022

In the matter of :

Raman Sharma

..... APPLICANT

Verse

SATE OF HARYANA & ORS

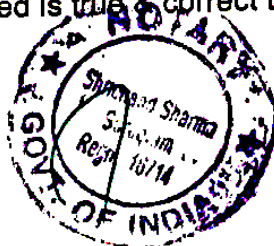
..... RESPONDENT(s)

AFFIDAVIT ON BEHALF OF APPLICANT FOR FILING OBJECTIONS

Affidavit of Sh. Raman Sharma aged about 57 years, S/o Sh. Narendar
Nath Sharma, R/o CW-58-FF, Malibu Towne Gurgaon.

We, the above-named deponents do hereby solemnly affirm and declare as
under:

1. That the deponent is an applicant and is well conversant with the facts and circumstances of the case and hence competent to swear this affidavit.
2. That the deponents affirm the present application for objection has been filed by the Deponent in accordance to actual factual matrix and all the facts mentioned in the application for objection are true and to best of our knowledge.
3. That the Deponents affirm that the content of application for objection are drafted in accordance with documents/ evidence mentioned herein alongwith the laws mentioned in the application for objection. The contents of the IA filed is true & correct to our knowledge.




Deponents

Verification: Verified at Gurugram on this Date of _____ 2024 that the contents of the above affidavit are true and correct to the best of our knowledge and belief and nothing material fact has been concealed therefrom.

Date:


Deponents



ATTESTED

SHRI CHAND SHARMA
ADVOCATE & NOTARY
GURGAON

05 JAN 2024