

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 68 OF 2022**

**IN THE MATTER OF:**

Raman Sharma

...Applicant

-Versus-

State of Haryana & Ors.

...Respondents

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**NDoH: 19.03.2025**

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Date: 18.03.2025

Place: New Delhi

**DRAWN & FILED BY:**



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**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 68 OF 2022**

**IN THE MATTER OF:**

Raman Sharma ...Applicant

*-Versus-*

State of Haryana & Ors. ...Respondents

**OBJECTIONS ON BEHALF OF RESPONDENT NO. 8-M/S MALIBU  
ESTATE PVT. LTD. TO THE REPLY DATED 25.02.2025 AND REPLY  
DATED 28.02.2025 FILED BY THE APPLICANT**

**MOST RESPECTFULLY SHOWETH:**

1. That this Hon'ble Tribunal is currently seized of the above-mentioned Original Application which has been filed by one Raman Sharma in the form of a complaint via an email dated 03.12.2021 to the Registrar General of this Hon'ble Tribunal, alleging violations of certain environmental regulations against the integrated residential plotted colony of Malibu Town, Sohna road, Gurugram, Haryana. The said allegations, in the humble submissions of the answering Respondent, are not only hopelessly barred by limitation, but also are in violation of Rule 14 of National Green Tribunal (Practice and Procedure) Rules, 2011 i.e. bar on plural remedies in a single application before this Hon'ble Tribunal.
2. That numerous pleadings have been exchanged which are part of the record and is not being mentioned for the sake of brevity. But the same may be referred to in these Objections.
3. That on the last date of hearing i.e. 21.01.2025, this Hon'ble Tribunal had directed M/s Malibu Estate Pvt. Ltd. (hereinafter "**answering Respondent**")

and the Director, Town and Country Planning Department, Haryana (hereinafter “DTCP”) to file their respective affidavits providing necessary details with respect to the eight queries specified in the said order. In compliance thereof, the answering respondent filed its Reply dated 25.02.2025 providing the desired information and documents, while the DTCP also filed in Reply Affidavit dated 24.02.2025. Significantly, the Order dated 21.01.2025 clearly notes that the additional reply (in terms of Order dated 21.01.2025) was only required to be filed by the DTCP and the answering Respondent. There was no direction upon the Applicant to file any submissions with respect to the Order dated 21.01.2025.

4. That it is humbly submitted that on 25.02.2025, the Applicant has nevertheless, filed a Reply wherein he has provided his point wise comments to the queries mentioned in Order dated 21.01.2025, even though there was no such direction in the said Order to this effect. The same may be ignored by this Tribunal. Thereafter, on 28.02.2025, the Applicant, acting on his personal whims and fancies, again filed a Reply dated 28.02.2025 (on similar lines as the Reply dated 25.02.2025) wherein the Applicant proceeded to provide his comments to the queries specified in Order dated 21.01.2025, yet again. It is worth mentioning that both these Replies dated 25.02.2025 and 28.02.2025 have been filed without seeking the leave of this Hon’ble Tribunal which not only amounts to a gross misuse of the process of this Hon’ble Tribunal but also violates the provisions of the NGT (Practice and Procedure) Rules, 2011 (hereinafter “NGT Rules, 2011”). This is only a dilatory tactic which the Applicant has been resorting to in every proceedings including the one at SEIAA, for reasons best known to him.
5. That the answering Respondent craves liberty of this Hon’ble Tribunal to put forth its Objections to the recalcitrant manner in which the above Replies have

been filed by the Applicant without seeking any prior permission or leave of this Hon'ble Tribunal. The answering Respondent also disputes and denies all the allegations made in the said replies in toto, as if traversed seriatim, and no allegation or submission would be deemed to be admitted for want of a specific denial.

**REPLIES FILED BY THE APPLICANT ARE NOT MAINTAINABLE AS THE APPLICANT WAS NOT DIRECTED BY THIS HON'BLE TRIBUNAL TO FILE ANY SUBMISSIONS WITH RESPECT TO THE ORDER DATED 21.01.2025**

6. That at the outset, it is humbly submitted that the Applicant had no *locus* to file the Replies dated 25.02.2025 and 28.02.2025, as this Hon'ble Tribunal, in the Order dated 21.01.2025 had explicitly directed *only* the DTCP and the answering Respondent to file a Reply. As noted above, there was no direction upon the Applicant to file any reply/ submission in response to the said Order. This is due to the reason that the queries framed in Order dated 21.01.2025 were *factual in nature* and the *factual knowledge and documents* with respect to the said queries were only available with the answering Respondent (being the project proponent) and DTCP (being the statutory regulator). This is evident from the fact that the Applicant, apart from making sweeping and factually incorrect submission, has failed to furnish any details as required by this Hon'ble Tribunal in terms of the Order dated 21.01.2025.
7. That this is also worth noting that even though the Replies have been titled as "*Reply on the Objections dated 02.12.2024 filed by Respondent No. 8*", however, in reality, the same have been filed in respect of Order dated 21.01.2025 as is clear from paragraph 1 of the said Replies. This further shows that the Applicant, despite being aware that there is no direction upon him to

file a Reply, has chosen to circumvent the said Order by filing the Replies with a misleading nomenclature.

8. That it is also important to note that in both the Replies, the same affidavit dated 05.01.2024 has been annexed. Further, a closer scrutiny would further reveal that this affidavit has been taken from the Objections dated 07.01.2024 which was submitted by the Applicant in this matter. Therefore, the Replies submitted by the Applicant deserve to be discarded on this ground alone.

**DOCUMENTS RELIED UPON BY THE APPLICANT IN THE REPLIES DO NOT PERTAIN TO THE ISSUE OF REQUIREMENT OF ENVIRONMENTAL CLEARANCE**

9. That apart from being non-maintainable, it is humbly submitted that the submissions made by the Applicant are multifarious and sweeping which have no relevance to the question of obtaining Environment Clearance (hereinafter “EC”). In particular, the Applicant has relied upon several new extraneous documents which have no bearing on the issues involved in the matter and which, to the best of the answering Respondent’s knowledge, are not a part of the pleadings, and have only been filed at this stage, with a view to mislead and confuse this Hon’ble Tribunal. An illustrative list of some new documents which have been annexed by the Applicant in the Replies are: -

- I. Policy for Grant of License and Change of Land Use Cases dated 19.12.2006 (Annexure 1, Pg. 2185 of Reply dated 25.02.2025)
- II. Grant of Part Occupation Certificate for High School Site of Shri Dhanpat Rai Memorial Bal Vikas Shiksha Society dated 01.06.2018 (Annexure 4-A, Pg. 2191 of Reply dated 25.02.2025)
- III. Demarcation of Malibu Towne conducted by the DTP(P), Gurugram in 2024 (Annexure 6, Pg. 2195 of Reply dated 25.02.2025).

- IV. Letter dated 29.12.2015 issued by M/s Endure Realty Pvt. Ltd. to Executive Engineer, Haryana Urban Development Authority regarding revalidation of water supply connection for its premises in Sector 50, Malibu Towne, Sohna road, Gurgaon. (Annexure 3, Pg. 2326 of Reply dated 28.02.2025)
- V. Letter dated 07.11.2014 issued by Office of Executive Engineer, HUDA to M/s Endure Realty Pvt. Ltd. regarding application for water connection at the commercial site of M/s Endure Realty Pvt. Ltd. (Annexure 2, Pg. 2324 of Reply dated 28.02.2025).
- VI. Letter dated 29.06.2015 issued by Office of Sub-Divisional Engineer, HUDA to M/s Endure Realty Pvt. Ltd. regarding its application for storm water connection in HUDA. (Annexure 4, Pg. 2327 of Reply dated 28.02.2025)
10. That the answering Respondent strongly objects to the manner in which the Applicant is misleading this Hon'ble Tribunal by introducing irrelevant documents which have no bearing to the issue of requirement of EC, in a feeble attempt at availing some last-minute grounds to delay the proceedings.
11. That, assuming arguendo, it is humbly submitted that any cause of action arising from documents relied upon by the Applicant in its Replies would not be maintainable before this Hon'ble Tribunal, since under Section 14(1) of the National Green Tribunal Act, 2010, this Hon'ble Tribunal has jurisdiction over all civil cases where a substantial question relating to the environment arises out of the implementation of the laws *specified in the Schedule I* of the Act. Therefore, any of the aforesaid documents do not pertain to the substantial question of environment under adjudication i.e. whether answering respondent is required to take Environment Clearance.

12. That it is also important to note that any additional cause of action arising out of the documents relied upon by the Applicant would be in clear violation of Rule 14 of NGT Rules, 2011 which specifically prohibits plural remedies and clearly specifies that an application or appeal shall be based upon a single cause of action.

13. That in this regard, it is humbly submitted that all these projects under the 31 licenses were conceived in the early nineties and construction by the Answering Respondent as well as the development works relating to provision of necessary services stood completed by 2003 i.e. much before the EIA notification of 2006 and the license dated 31.01.2008 was issued. This is evident from the fact that Partial Completion Certificates, which certify the completion of all development works including the services pertaining to this area were completed well before the license dated 31.01.2008. A tabular detail of the Part Completion Certificates is annexed at Annexure R-7, Page 785 of Reply dated 24.07.2023 of the answering Respondent. Copies of all Part Completion Certificates is annexed and marked as ANNEXURE 5(Colly), Page 2290-2304 of Reply dated 25.02.2025 of answering Respondent.

**APPLICANT HAS MISREPRESENTED MATERIAL FACTS IN ITS REPLIES**

14. The applicant has deliberately misrepresented and suppressed the material facts and provided incorrect information.

- a) That the applicant alleges the answering Respondent to be violative of all part completion certificates and states that the DTCP, Haryana i.e. Respondent No. 4 had denied Completion Certificate to Respondent No. 8 five times and also not approved the layout plan. However, the affidavit dated 24.02.2025 of the DTCP categorically states that the completion for an area measuring 167.925 acres was already granted to

the coloniser before the issuance of MoEF&CC Notification dated 14.09.2006.

- b) That the letter dated 26.04.2004 regarding grant of additional license submitted to the DTCP confirms that a separate application for license was submitted. That it is stated that the license no. 15 of 2008 dated 31.01.2008 is a separate license for which a separate application dated 24.04.2008 along with zoning plan for the said license was submitted. The said application was considered by DTCP and vide letter dated 14.07.2008, DTCP granted its approval to the Zoning plan of the said license which was specifically with respect to only 24.68 acres and which was marked as Red in the said zoning plan.

In any case all the queries of this Hon'ble Tribunal has already been responded to in the reply dated 25.02.2025 and may be read here as well and is not being repeated for the sake of brevity.

15. That in view of the above, it may be humbly submitted that the Replies dated 25.02.2025 and 28.02.2025 are completely irrelevant and devoid of any merit and deserve to be rejected. It is also requested that a strict view may be taken about the Applicant's repeated conduct of filing voluminous and baseless pleadings demonstrating a utter disregard of the established procedure and directives of this Hon'ble Tribunal.

16. That it is also not clear as to how the Applicant had access to the internal communication of Department e.g the DTP-(P) Gurugram mail dated 06.02.2025, which the Applicant has annexed in his objections at page no.2189.

17. It is also pertinent to mention here with regard to certain allegations with regard to school buildings etc, that the school / educational buildings or

colleges were exempted from taking EC vide circular no. 3252 dated 22.12.2014.

18. That further it has already been reiterated in previous submissions that the township has already been transferred to MCG w.e.f- 15.06.2022, vide order dated 07.06.2022.

19. That in view of the above it is humbly prayed that the said replies given by the Applicant without the leave of this Tribunal and also with any directions in this regard be completely disregarded and a strict direction may be issued to the Applicant not to misuse the process of this Tribunal and not to submit any further documents in the ongoing proceedings.

Date: 18.03.2025

Place: New Delhi

**DRAWN & FILED BY:**



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**SETTLED BY:**

Sanjay Upadhyay  
(Senior Advocate)

IN THE NATIONAL GREEN TRIBUNAL  
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ORIGINAL APPLICATION NO. 68 OF 2022

IN THE MATTER OF:

Raman Sharma

...Applicant(s)

Versus

State of Haryana & Ors.

...Respondent(s)

AFFIDAVIT

I, Subhash Raghav S/o Shri Ompal Singh Raghav aged about 49, am the Authorized Signatory for M/s Malibu Estate Pvt. Ltd, at 38 DDA Commercial Complex, Kailash Colony Extn. (Zamrudpur), New Delhi – 110048, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.

2. The contents of the accompanying Additional Reply/~~...~~ <sup>objections</sup> are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.

3. That the Annexures in the accompanying Additional Reply/~~...~~ <sup>objections</sup> are true and correct to the best of my knowledge.

*Shubham*  
D/4525/2018

IDENTIFIED BY

For Malibu Estate Private Limited

Authorized Signatory

DEPONENT

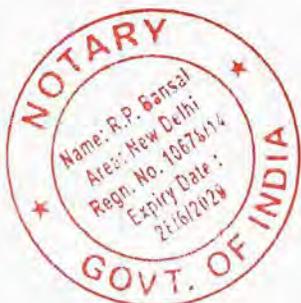
VERIFICATION

Verified at New Delhi on this... Day <sup>17</sup> MAR 2025 of ..... that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

For Malibu Estate Private Limited

Authorized Signatory

DEPONENT



ATTESTED

Notary Public, Delhi  
(He Presides)

17 MAR 2025



ENVIRO LEGAL DEFENCE FIRM &lt;eldflegal@gmail.com&gt;

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**Service in Raman Sharma Vs. State of Haryana & Ors. (O.A. No. 68/2022/PB)**

1 message

**ELDF** <eldflegal@gmail.com>

Tue, Mar 18, 2025 at 11:50 AM

To: rkhranallegal@gmail.com, "noopur4@gmail.com" &lt;noopur4@gmail.com&gt;, Radhika Gautam &lt;gautamradhika.r@gmail.com&gt;

Cc: Shubham Upadhyay &lt;Shubham@eldfindia.com&gt;

Dear Sir/Ma'am

Please find attached copy of the **Objections** on behalf of Respondent No. 8 - M/s Malibu Estate Pvt. Ltd. to the Replies dated 25.02.2025 and 28.02.2025 filed by the Applicant.

*Thanks & Regards*

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**Sameer Manher***Clerk**Enviro Legal Defence Firm**29, Presidential Estate LGF,**Nizamuddin East New Delhi – 110013**Ph. No. 011-40573181***Obejactions Malibu R8.pdf**

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