

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPLE BENCH,
NEW DELHI
ORIGINAL APPLICATION NO.648/2023
SUNIL KUMAR NIGAM --- APPLICANT
VERSUS
STATE OF HARYANA & ORS. --- RESPONDENTS

OBJECTIONS BY THE APPLICANT TO THE COMPLIANCE REPORT FILED
BY THE JOINT COMMITTEE
Most Respectfully showeth:-

1. That the applicant has serious objections to the report dt.20.05.24 of the Joint Committee filed by the Haryana State Pollution Control Board.

2. That the Joint Committee while addressing the issues before this Hon'ble Tribunal has filed a contradictory report without any basis. The joint committee failed to assess the extent and gravity of encroachment on green area and violations of conditions of Environmental Clearance and last revised sanctioned plans of 2012. The joint committee failed to provide sufficient opportunity to applicant to participate in the proceedings of committee and to join site visits by officials of DTP and Haryana Fire Services in accordance with order of this Honorable Tribunal. It is reiterated that project proponent has committed serious violations of conditions of Environmental Clearance and sanctioned plans including, but not limited to, encroachment on organised Green Area, selling the setback area to Villa and townhouse owners for their exclusive use, doing unauthorised construction on organised green area, reducing car parking spaces on ground level and not installing STP of required capacity in violation of EC conditions.

3. That Para 3 of the said report deals with observation of the committee. The said observation is mere eyewash in order to protect the Builder i.e. Respondent No.8.

4. That the applicant has clearly mentioned that a High Speed Diesel Tank with concrete structure protruding above ground level has been constructed by encroaching on the Green Area of the approved Site Plan. The committee in its report admitted that the same is constructed in deviation from the approved plan but very mechanically endorsed the stand of District Town Planner which stated

“High Speed Diesel Tank stand shown in the deviation/as built drawing verified by field office at the time of Occupation Certificate granted vide memo no.ZP-95/SD(BS)/2022/6339 dt.09.03.2022 considering the same drawing. As per Haryana Building Code 2017 & amendments therein and also as per approved layout plan of the said group housing society the mandatory organised Green Area required is 15% and at present the green area available is more than 15%”.

This stand of the committee is very strange which shows that the committee, rather than verifying the facts from sanctioned plans and EC conditions, has prepared the report in a very mechanical way. It is pertinent to note that the Environmental Clearance dated 27.12.2012 given to the Project Proponent in Operational Phase Para (g) clearly stipulates that ***“ The project proponent should maintain at least 20 % as green cover area for tree plantation especially all around the periphery fo the project and on the road sides preferably with local species so as to provide protection against particulates and noise. The 10% open spaces inside the plot should be preferably landscaped and covered with vegetation/grass, herbs & shrubs. Only locally available plant species shall be used.”*** . The copy of the EC letter dated 27.12.2012 is annexed as **Annexure-A.**

It is submitted that in the last revised site plan of 2012 the proposed Green Area has been specifically mentioned as 28,470.875 sq mtr which is 30.03% of total site area. DTP has admitted that there is deviation from the sanctioned site plan but due to reasons best known to them, approved the deviated plan and OC was

given without getting approval from SEIA and amending the EC conditions. Further the report vaguely mentions that green area is more than 15% without giving the actual figures of green area achieved as against proposed area of 28,470.875 sq mtr as per sanctioned plans and EC conditions.

The irony of the situation is that neither joint committee nor DTP enforcement referred to approved site plan of Green Area to determine the encroachment of green area. All requests by applicant to provide copies of site plan of OGR were deliberately ignored by authorities as well as project proponent. The complete extent of encroachment on organised green area can be determined by referring to approved site plan of OGR and doing a complete site survey.

The joint committee has simply endorsed the stand of DTP i.e. that it is more than 15%. It is a well settled law that promoter cannot reduce the green area, as approved in EC conditions and sanctioned plans, on the pretext that reduced green area is still more than 15%. The last revised sanctioned site plan is **Annexure-B** and the site plan with markings of deviations from last revised sanctioned plan is **Annexure-C**.

It is also pertinent to mention here that as per DTCP's own office order no. Endst. No. BPAC-III/JD(BS)/2013/ 37311-315 dated 22.04.2013 *"HSD underground tank in setback area shall be allowed provided that the level of the cover of tank flushes with the surrounding ground level and is designed for taking load of fire tender weighing 48 tonnes. In this regard, the owner/colonizer shall liable to take clearance from Explosive Department for storage of HSD"*

The HSD tank does not adhere to the required specifications even on this count. It is very evident that DTP office is bent on favoring the builder, to the prejudice of homebuyers, irrespective of rules and regulations. The copy of office order no. Endst. No. BPAC-III/JD(BS)/2013/ 37311-315 dated 22.04.2013 is annexed as **Annexure-** **D**

5. That the applicant has pointed about the illegal construction of the Gas Bank on the notified Green Area. The Joint Committee has given a mechanical reply in its report and simply endorsed the stand of the DTP and took the same stand which they took in the illegal construction of high speed diesel tank on Green Area. The objection of the Para 4 be read as part and parcel of this Para. It is also pertinent to mention here that the Deputy Director (Technical) of Haryana Fire Services has made a misleading statement to joint committee that HSD and Gas Bank have been shown as approved in sanctioned plans. It is factually incorrect. The last revised sanctioned plan (Annexure-B) does not specify HSD and Gas Bank as approved and both these structures have been built illegally by encroaching on green area and setback area in violation of EC conditions, sanctioned plans and DTCP's own office order. Clearly the concerned Fire Station Officer favoured the project proponent by submitting a false report.

6. That in the matter of reduction in Parking spaces at ground level, it is submitted that last revised sanctioned plan stipulates 62 open and 112 under stilt (total 174) parking spaces at ground level. Actual parking spaces provided as per DTP report is only 75. There is a shortage of 99 Parking Spaces. The DTP report deliberately concealed the fact that 112 parkings proposed under stilt have not been provided at all. It is pertinent to mention here that EC condition in part (P) of Operational Phase clearly stipulates that "The traffic plan and the parking plan proposed by the PP should be adhered to meticulously with further scope of additional parking for future requirement. There should be no traffic congestion near the entry and exit points from the roads adjoining the proposed project site. Parking should be fully internalized and no public space should be used".

7. That the reply or comments of the DTP regarding reducing the sanctioned

green area and constructing more than permissible FAR of 175 without revision of sanctioned plan is rather strange and is self contradictory. On one hand the DTP says that as per Haryana Building Code mandatory organised green area required is 15% and at present the project has more than 15% green area. On the other hand the DTP Enforcement vide notice dt.20.05.24 has issued show cause notice for violation of set back area. Fact of the matter is that the Project Proponent has actually sold the set back area to the purchaser/occupants of the 21 Villas and 14 Town houses, for their exclusive use, in violation of relevant laws and the EC conditions. This is a very serious matter and the project proponent has made huge amount of unlawful gains by selling setback area. It is of grave importance to note that even while issuing show cause notice, the District Town Planner (enforcement) has tried to dilute the gravity and extent of violation by only mentioning encroachment of setback area behind 14 villas. Fact of the matter is that setback area behind villas as well as townhouses has been encroached besides encroachment on green area under HSD and Gas Bank. It is very evident that DTP office is trying to shield project proponent in this illegality. From the show cause notice itself it is apparent that the District Town Planner is aware that the Project

Proponent has sold the set back area to the occupants of the Villas and Townhouses in gross violation of rights of more than 500 homebuyers in the project . The Show Cause notice dt.20.05.24 is addressed to the Project Proponent or to whomsoever it may concern. The copy of the said notice dt.20.05.24 is annexed as **Annexure-E.** The picture of encroachment of setback area behind one segment of villas is attached as **Annexure - F**

8. That the reply of the Committee regarding the violation/alteration of circulation road around residential towers including WT07 shows that the Fire Department and DTP has taken contradictory stand. The Fire Department has clearly stated

that there is violation and Fire Tender Path of 6.0mtr was not there and instead there is a coat of green grass. DTP took the stand that there is no encroachment or unauthorised construction and therefore keeping silent about the Fire Tender Path which is required to be covered with hard black top.

9. That regarding violation of the STP Conditions the Committee took the stand it is as per the rules and there is no violation. It is submitted that the Project Proponent, in a civil suit pending before the Ms.Pragati Rana Civil Judge (Junior Division), Grugaon Civil Suit No.1967/23, has clearly stated that the capacity of the STP is 460 KLD, instead of required capacity if 475 KLD as mentioned in para 2 of EC letter dated 27.12.2012. Thus the STP installed is of lesser capacity. As and when the project attains full occupancy, the under capacity STP is bound to create Environmental hazards. The relevant pages of the reply filed by the Project Proponent is annexed as **Annexure-G**

10. That it is evident that while preparing report, neither proper inspection was done nor the required sanctioned plans, EC conditions and other relevant documents were examined by Joint Committee. The joint committee has rather endorsed the stand of Fire Department and DTP without verifying their submissions on the ground as mandated by this Hon'ble Tribunal. The applicant addressed several communications to the joint Committee and various agencies to let him participate in the proceedings and be present during site visits. But there was no response from the official respondents. Even the right to be heard under principles of natural justice was denied to the applicant. The copies of some of the communications is annexed collectively as **Annexure-H**

11. Thus it is clear that promoter has miserably failed to comply with EC conditions and has violated sanctioned plans with impunity with connivance of officials of competent authorities. The evasive stand of the DTP and Fire department shows that they are willfully trying to help the project proponent by

turning a blind eye to serious violations of relevant laws and Environmental Clearance conditions to the grave prejudice of more than 500 homebuyers in the project.

It is therefore humbly prayed to this Hon'ble Tribunal

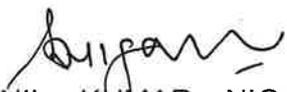
- to reject the report of the Joint Committee which is prepared mechanically without taking the view of the applicant and other residents/RWA and simply endorsed the view of the DTP and Fire Dept.

- To issue directions to respondents/ respective authorities to restore the encroached green area, remove all other encroachments and violations to ensure that the project is brought in accordance with sanctioned plans and EC conditions.

- It is further most humbly prayed that exemplary environmental compensation be imposed on project proponent for grave and willfull violations.

- Any other relief which this honorable Tribunal may deem fit in the facts and circumstances of present complaint.

APPLICANT


SUNIL KUMAR NIGAM

THROUGH

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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA
Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.

No. SEIAA/HR/2012 488

Dated: 27-12-12

To

M/S EXPERION Developers Pvt. Ltd
Regd. Office: 03-04, A- Tower,
Unitech Business park Sector-41, Gurgaon

Subject: Environmental Clearance for proposed Group Housing
Complex located in the revenue estate of village- Chauma at
Sector-112, Gurgaon, Haryana.

Dear Sir,

This has reference to your application no. G-RE/PC/112GH/ENV/GOVT/12 Nil dated 11-11-2011 addressed to Director IA-(III), MoEF GoI received on 11-11-2011 and transferred to M.S. SEIAA on 18-05-2012 and subsequent letters dated 19-06-2012, 19-07-2012, 10-05-2012 & 27-05-2012 seeking prior Environmental Clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 on the basis of the mandatory documents enclosed with the application viz., Form-1, Form1-A & Conceptual Plan, Proposed TORs , EIA/EMP on the basis of approved TORs and the additional clarifications furnished in response to the observations of the State Expert Appraisal Committee (SEAC) constituted by MOEF, GOI vide their Notification 23.3.2012, in its meetings held on 22-08-2012 & 10-10-2012 awarded "Gold" grading to the project.

[2] It is inter-alia, noted that the project involves the construction of a group housing project at village- Chaurna at Sector-112, Gurgaon, Haryana on a total plot area of 94821.74 sqmt. The total built-up area is 243005 sqmt. The Maximum height of the building will be 91 mts and they have taken the permission for Airport Authority. The Group Housing buildings will have Basements + G + 7 Floors G+27Floors. The total population of the complex will be 3553 including residents, staff and visitors. The project proponent has proposed to develop apartments villas Town Houses, EWS, Convenient shopping, Community building and Nursery School. The total water

requirement will be 645 KLD and the fresh water requirement shall be 303 KLD which will be met from HUDA water supply. The 380 KLD of waste water shall be treated in the STP of 475 KLD. 342 KLD of treated waste water shall be recycled and reused for flushing horticulture DG cooling etc. leading to zero exit discharge. The total power requirement will be 4.5 MVA which will be supplied by DHBVN. The Project Proponent has proposed to develop green belt on 30% of project area (20% for tree plantation + 10% for landscaping). The Project Proponent proposed to construct 24 no. of rain water harvesting pits. The solid waste generation will be 1508 kg per day. The bio-degradable waste will be converted to compost in the project area and manure produced will be used for horticulture and green belt development. The total parking spaces proposed are 1602 ECS. The total cost of the project is about 250 crores.

[3] The State Expert Appraisal Committee, Haryana after due consideration of the relevant documents submitted by the project proponent and additional clarification furnished in response to its observations have recommended the grant of environmental clearance for the project mentioned above subject to compliance with the stipulated conditions. Accordingly, the State Environment Impact Assessment Authority in its meeting held on 17-11-2012 decided to agree with the recommendations of SEAC to accord necessary environmental clearance for the project under Category 8(b) of EIA Notification 2006 subject to the strict compliance with the specific and general conditions mentioned below:-

PART A-

SPECIFIC CONDITIONS:-

Construction Phase:-

- [1] "Consent for Establishment" shall be obtained from Haryana State Pollution Control Board under Air and Water Act and a copy shall be submitted to the SEIAA, Haryana before the start of any construction work at site.
- [2] A first aid room as proposed in the project report shall be provided both during construction and operational phase of the project.
- [3] Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. Open defecation by the laboures is strictly prohibited. The safe

disposal of waste water and solid wastes generated during the construction phase should be ensured.

- [4] All the topsoil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.
- [5] Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed off taking necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- [6] Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water and any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms with necessary approval of the Haryana State Pollution Control Board.
- [7] The diesel generator sets to be used during construction phase should be of low sulphur diesel type and should conform to Environment (Protection) Rules prescribed for air and noise emission standards.
- [8] The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.
- [9] Ambient noise levels should conform to the residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be taken to reduce ambient air and noise level during construction phase, so as to conform to the stipulated residential standards.
- [10] Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and as amended on 27th August 2003.
- [11] Ready mixed concrete must be used in building construction.
- [12] Storm water control and its re-use as per CGWB and BIS standards for various applications should be ensured.

- [13] Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices as referred.
- [14] In view of the severe constrains in water supply augmentation in the region and sustainability of water resources, the developer will submit the NOC from CGWA specifying water extraction quantities and assurance from HUDA/ utility provider indicating source of water supply and quantity of water with details of intended use of water – potable and non-potable. Assurance is required for both construction and operation stages separately. It shall be submitted to the SEIAA / R.O. MOEF, Chandigarh before the start of construction.
- [15] Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.
- [16] Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all air conditioned spaces while it is desirable for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
- [17] The approval of the competent authority shall be obtained for structural safety of the building on account of earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightening etc. If any forest land is involved in the proposed site, clearance under Forest Conservation Act shall be obtained from the competent Authority.
- [18] Overexploited groundwater and impending severe shortage of water supply in the region requires the developer to redraw the water and energy conservation plan. Developer shall submit details of good practices that have been included in the project to reduce the overall footprint of the proposed development including a detailed water balance along with source and quantities of potable and non-potable water requirement (including water requirement during construction phase) incorporating water efficiency / savings measures as well as water reuse/recycling within 3 months to the SEIAA, Haryana and R.O. MOEF, GOI, Chandigarh before the start of construction.

- [19] The Project Proponent shall construct 24 nos. rain water harvesting pits for recharging the ground water within the project premises. Rain water harvesting pits shall be designed to make provisions for silting chamber and removal of floating matter before entering harvesting pit. Maintenance budget and persons responsible for maintenance must be provided. Care shall also be taken that contaminated water do not enter any RWH pit.
- [20] The Project Proponent shall provide minimum one hydraulic ladder of sufficient length for escape of people in case of fire.
- [21] The Project Proponent shall submit assurance from the DHBVN for supply of 4.5 MVA of power supply before the start of construction. In no case project will be operational solely on generators without any power supply from any external power utility.
- [22] Detail calculation of power load and ultimate power load of the project shall be submitted to DHBVN under intimation to SEIAA Haryana before the start of construction Provisions shall be made for electrical infrastructure in the licensed area.
- [23] The Project Proponent shall obtain NOC from nearest fire station before the start of construction.
- [24] The Project Proponent shall not raise any construction in the natural land depression / Nallah/water course and shall ensure that the natural flow from the Nallah/water course is not obstructed.
- [25] The Project Proponent shall keep the plinth level of the building blocks sufficiently above the level of the approach road to the Group Housing Project as per prescribed by-laws. Levels of the other areas in the Group Housing Projects shall also be kept suitably so as to avoid flooding.
- [26] Construction shall be carried out so that density of population does not exceed as approved by Director General Town and Country Department Haryana.
- [27] The Project Proponent shall submit an affidavit with the declaration that ground water will not be used for construction and only treated water should be used for construction.

- [28] The project proponent shall not cut any existing tree and project landscaping plan should be modified to include those trees in green area.
- [29] The project proponent shall provide helipad facility as required under NBC norms. *for tower having height more than 60 meters.*
- [30] The project proponent shall ensure that ECBC norms for composite climate zone is met. In particular building envelope, HVAC service water heating, pumping, lighting and electrical infrastructure must meet ECBC norms.
- [31] The project proponent shall install dust screen during construction.
- [32] The project proponent shall obtain permission of Air Port Authority regarding height clearance before the start of construction.
- [33] The project proponent shall keep the plinth level of the building above the HFL (High Flood Level) of the said Najafgarh Jheel/ drain attained in the last 100 years.
- [34] The project proponent shall obtain NOC from HUDA as well as Irrigation Department before the start of construction, regarding possible adverse effect of project proposal on the said Najafgarh Jheel.
- [35] The project proponent shall provide mobile sulabh toilets instead of soak pit during construction phase for disposal of sullage.

Operational Phase:

- [a] The Sewage Treatment Plant (STP) shall be installed for the treatment of the sewage to the prescribed standards including odour and treated effluent will be recycled to achieve zero exit discharge. The installation of STP should be certified by an independent expert and a report in this regard should be submitted to the SEIAA, Haryana before the project is commissioned for operation. Tertiary treatment of waste water is mandatory. Discharge of treated sewage shall conform to the norms and standards of HSPCB, Panchkula.
- [b] Separation of the grey and black water should be done by the use of dual plumbing line. Treatment of 100% grey water by decentralized treatment should be done ensuring that the re-circulated water should have BOD maximum upto 10 ppm and the recycled water will be used for flushing, gardening and DG set cooling and running of fountain in the water body to achieve zero exit discharge.
- [c] For disinfection of the treated wastewater ultra-violet radiation or ozonization process should be used.

- [d] The solid waste generated should be properly collected and segregated. Bio-degradable waste shall be decomposed at site and dry/ inert solid waste should be disposed off to approved sites for land filling after recovering recyclable material.
- [e] Diesel power generating sets proposed as source of back-up power for lifts, common area illumination and for domestic use should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The location of the DG sets should be in the basement as promised by the project proponent with appropriate stack height i.e above the roof level as per the CPCB norms. The diesel used for DG sets should be of low sulphur contents (maximum upto 0.25%).
- [f] Ambient Noise level should be controlled to ensure that it does not exceed the prescribed standards both within and at the boundary of the Proposed Residential Complex.
- [g] The project proponent should maintain at least 20 % as green cover area for tree plantation especially all around the periphery of the project and on the road sides preferably with local species so as to provide protection against particulates and noise. The 10% open spaces inside the plot should be preferably landscaped and covered with vegetation/grass, herbs & shrubs. Only locally available plant species shall be used.
- [h] Weep holes in the compound front walls shall be provided to ensure natural drainage of rain water in the catchments area during the monsoon period.
- [i] Rain water harvesting for roof run-off and surface run-off, as per plan submitted should be implemented. Before recharging the surface run off, pre- treatment through sedimentation tanks must be done to remove suspended matter, oil and grease. The bore well for rainwater recharging shall be kept at least 5 mts. above the highest ground water table. Care shall be taken that contaminated water do not enter any RWH pit.
- [j] The ground water level and its quality should be monitored regularly in consultation with Central Ground Water Authority.
- [k] There should be no traffic congestion near the entry and exit points from the roads adjoining the proposed project site. Parking should be fully internalized and no public space should be utilized.

- [l] A report on the energy conservation measures conforming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R & U Factors etc and submitted to the SEIAA, Haryana in three months time.
- [m] Energy conservation measures like installation of CFLs/TFLs for lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels must be adapted to the maximum extent possible for energy conservation.
- [n] The solid waste generated should be properly collected and segregated as per the requirement of the MSW Rules, 2000 and as amended from time to time. The bio-degradable waste should be composted by vermi-composting at the site ear marked within the project area and dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
- [o] The provision of the solar water heating system shall be as per norms specified by HAREDA and shall be made operational in each building block.
- [p] The traffic plan and the parking plan proposed by the PP should be adhered to meticulously with further scope of additional parking for future requirement. There should be no traffic congestion near the entry and exit points from the roads adjoining the proposed project site. Parking should be fully internalized and no public space should be used.
- [q] The Project shall be operationalized only once HUDA will provide domestic water supply system in the area.
- [r] Operation and maintenance of STP, solid waste management and electrical Infrastructure shall be ensured even after the completion of sell.
- [s] Different type of wastes should be disposed off as per provisions of municipal solid waste, biomedical waste, hazardous waste, e-waste, batteries & plastic rules made under Environment Protection Act, 1986.

- [t] Standards for discharge of environmental pollutants as enshrined in various schedules of rule 3 of Environment Protection Rule 1986 shall be strictly complied with.
- [u] Water supply shall be metered to different residential units and different utilities.

PART-B. GENERAL CONDITIONS:

- [i] The Project Proponent shall ensure the commitments made in Form-1, Form-1A, EIA/EMP and other documents submitted to the SEIAA for the protection of environment and proposed environmental safeguards are complied with in letter and spirit.
- [ii] Six monthly compliance reports should be submitted to the HSPCB and Regional Office, MOEF, GOI, Northern Region, Chandigarh and a copy to the SEIAA Panchkula, Haryana.
- [iii] The SEIAA, Haryana reserves the right to add additional safeguard measures subsequently, if found necessary. Environmental Clearance granted will be revoked if it is found that false information has been given for getting approval of this project. SEIAA reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF.
- [iv] The Project proponent shall not violate any judicial orders/pronouncements issued by the Hon'ble Supreme Court/High Courts.
- [v] All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972, Forest Act, 1927, PLPA 1900, etc. shall be obtained, as applicable by project proponents from the respective authorities prior to construction of the project.
- [vi] The Project proponent should inform the public that the project has been accorded Environment Clearance by the SEIAA and copies of the clearance letter are available with the State Pollution Control Board & SEIAA. This should be advertised within 7 days from the date of issue of the clearance letter at least in two local newspapers that are widely circulated in the region and the copy of the same should be forwarded to

SEIAA Haryana. A copy of Environment Clearance conditions shall also be put on project proponent's web site for public awareness.

- [vii] Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the Project Proponent if it was found that construction of the project has been started before obtaining environmental clearance.
- [viii] Any appeal against the this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
- [ix] The project proponent shall put in place Corporate Environment Policy as mentioned in MoEF, GoI OM No. J-11013/41/2006-IA II (I) dated 26.4.2012 within 3 months period.
- [x] The fund ear-marked for environment protection measures should be kept in separate account and should not be diverted for other purposes and year wise expenditure shall be reported to the SEIAA/RO MoEFGoI under rules prescribed for Environment Audit.
- [xi] The Project Proponent shall obtain NOC under Aravalli Notification from CEC of Hon'ble Supreme court regarding coverage under Aravalli Notification.

**Member Secretary,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.**

me

Endst. No. SEIAA/HR/2012

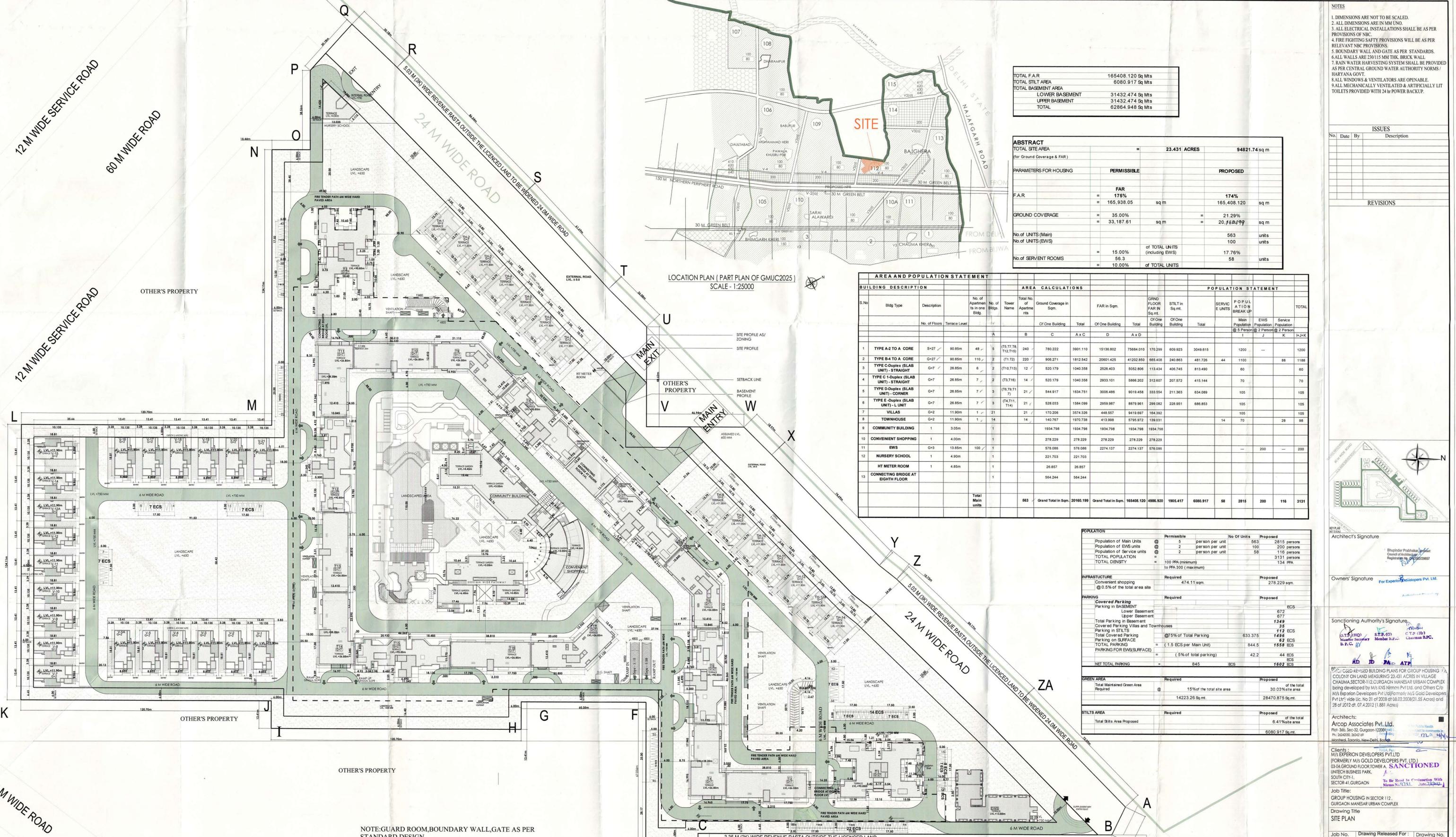
Dated:.....

A copy of the above is forwarded to the following:

1. The Additional Director (IA Division), MOEF, GOI, CGO Complex, Lodhi Road, New Delhi.
2. The Regional office, Ministry of Environment & Forests, Govt. of India, Sector 31, Chandigarh.
3. The Chairman, Haryana State Pollution Control Board, Pkl.

**Member Secretary,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula**

ANNEXURE-B



LOCATION PLAN (PART PLAN OF GMUC2025)
SCALE - 1:25000

TOTAL F.A.R	165408.120 Sq Mts
TOTAL STILT AREA	6080.917 Sq Mts
TOTAL BASEMENT AREA	
LOWER BASEMENT	31432.474 Sq Mts
UPPER BASEMENT	31432.474 Sq Mts
TOTAL	62864.948 Sq Mts

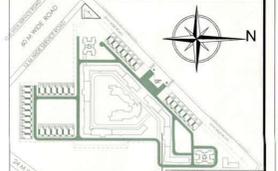
ABSTRACT		23.431 ACRES	94821.74 sq m
TOTAL SITE AREA (Net Ground Coverage & FAR)			
PARAMETERS FOR HOUSING	PERMISSIBLE	PROPOSED	
F.A.R	175%	174%	
	165,938.05 sq m	165,408.120 sq m	
GROUND COVERAGE	35.00%	21.29%	
	33,187.61 sq m	20,760.99 sq m	
No. of UNITS (Main)		563	units
No. of UNITS (EWS)		100	units
No. of SERV. ROOMS	56.3	56	units
	15.00% of TOTAL UNITS (including EWS)	17.76%	
	10.00% of TOTAL UNITS		

BUILDING DESCRIPTION		AREA CALCULATIONS				POPULATION STATEMENT											
S.No.	Bldg Type	Description	No. of Apartments in one Bldg	No. of Bldgs	Tower Name	Total No. of Apartments	Ground Coverage in Sqm.	FAR in Sqm.	GRAND FLOOR FAR IN Sq. mt.	STLT in Sq. mt.	SERVIC E UNITS	POP U L A T I O N BREAK UP	TOTAL				
							Of One Building	Total	Of One Building	Total	Of One Building	Of One Building	Total				
							A x C	D	A x D			Main Population @ 5 Person @ 2 Person	I J K L M N O P Q R S T U V W X Y Z				
1	TYPE A-2 TO A CORE	S-27	48	5	(15.77.78 T12.714)	240	780.222	3901.110	11536.802	75864.010	170.299	609.923	3049.615	1200			
2	TYPE B-4 TO A CORE	G-27	110	2	(11.12)	220	908.271	1812.542	20801.425	41202.850	665.406	240.863	481.726	44			
3	TYPE C-Duplex (SLAB UNIT) - STRAIGHT	G+7	26.85m	6	(10.113)	12	520.179	1040.358	2626.403	5052.806	113.434	405.745	813.490	60			
4	TYPE C 1-Duplex (SLAB UNIT) - STRAIGHT	G+7	26.85m	7	(13.116)	14	520.179	1040.358	2933.101	5866.202	312.607	207.572	415.144	70			
5	TYPE D-Duplex (SLAB UNIT) - CORNER	G+7	26.85m	7	(7.78.71.7)	21	544.917	1089.834	3006.489	6012.858	333.554	211.363	422.716	105			
6	TYPE E-Duplex (SLAB UNIT) - L UNIT	G+7	26.85m	7	(7.4.11.14)	21	528.033	1056.066	2959.967	5919.934	299.082	228.951	457.902	105			
7	VILLAS	G+2	11.90m	1		21	170.206	3574.328	448.557	9419.697	164.392		105	105			
8	TOWNHOUSE	G+2	11.90m	1		14	1934.798	1934.798	413.998	8279.572	139.031	14	70	28			
9	COMMUNITY BUILDING	1	3.05m	1		1	1934.798	1934.798	1934.798	1934.798				28			
10	CONVENIENT SHOPPING	1	4.00m	1		1	278.229	278.229	278.229	278.229				28			
11	EWS	G+3	13.85m	100		1	578.086	578.086	2274.137	2274.137	578.086		200	200			
12	NURSERY SCHOOL	1	4.90m	1		1	221.703	221.703									
13	HT METER ROOM	1	4.85m	1		1	26.857	26.857									
	CONNECTING BRIDGE AT EIGHTH FLOOR			1		1	564.244	564.244									
	Total Main units						563	Grand Total in Sqm. 20160.199	Grand Total in Sqm. 165408.120	4986.920	1905.417	6080.917	58	2816	200	116	3131

POPULATION		Permissible	No. of Units	Proposed
Population of Main Units	@	5 person per unit	563	2815 persons
Population of EWS units	@	2 person per unit	100	200 persons
Population of Service units	@	2 person per unit	56	112 persons
TOTAL POPULATION				3131 persons
TOTAL DENSITY		100 PPA (minimum) to PPA 300 (maximum)		134 PPA
INFRASTRUCTURE		Required	Proposed	
Convenient shopping @ 0.5% of the total area site		474.11 sqm.	278.229 sqm.	
PARKING		Required	Proposed	
Covered Parking				
Parking in Basement			672 ECS	
Lower Basement			677	
Covered Parking in Basement			1249	
Covered Parking Villas and Townhouses			35	
Parking in STILTS			112 ECS	
Total Covered Parking	@ 75% of Total Parking		633.375	
TOTAL COVERED PARKING			1496	
TOTAL PARKING	@ 1.5 ECS per Man Unit		844.5	
PARKING FOR EWS (SURFACE)	@ (5% of total parking)		42.2	
NET TOTAL PARKING		845	1602 ECS	
GREEN AREA		Required	Proposed	
Total Maintained Green Area			30.03% of the total	
Required	@ 15% of the total site area		14223.26 sqm.	
			28470.875 Sq. mt.	
STILTS AREA		Required	Proposed	
Total Stilt Area Proposed			6.41% of the total	
			6080.917 Sq. mt.	

- NOTES
- DIMENSIONS ARE NOT TO BE SCALED.
 - ALL DIMENSIONS ARE IN MM UNO.
 - ALL ELECTRICAL INSTALLATIONS SHALL BE AS PER PROVISIONS OF NBC.
 - FIRE FIGHTING SAFTY PROVISIONS WILL BE AS PER RELEVANT NBC PROVISIONS.
 - BOUNDARY WALL AND GATE AS PER STANDARDS.
 - ALL WALLS ARE 230/15 MM THK. BRICK WALL.
 - RAIN WATER HARVESTING SYSTEM SHALL BE PROVIDED AS PER CENTRAL GROUND WATER AUTHORITY NORMS / HARYANA GOVT.
 - ALL WINDOWS & VENTILATORS ARE OPENABLE.
 - ALL MECHANICALLY VENTILATED & ARTIFICIALLY LIT TOILETS PROVIDED WITH 24 hr POWER BACKUP.

ISSUES		
No.	Date	By Description
REVISIONS		



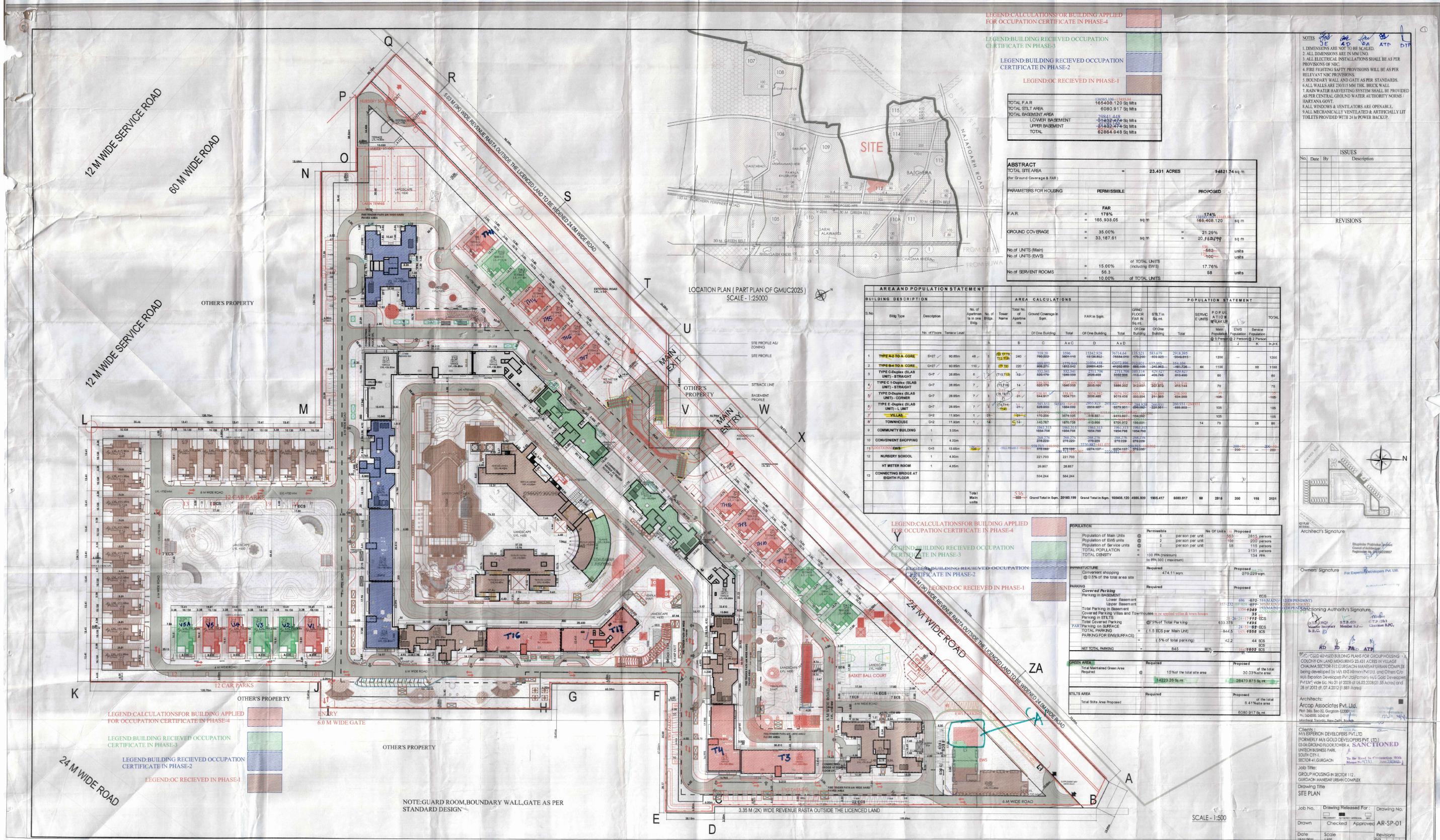
Architect's Signature
 Owners' Signature
 Sanctioning Authority's Signature
 Clients: M/S EXPANSION DEVELOPERS PVT.LTD (FORMERLY M/S GOLD DEVELOPERS PVT. LTD.)
 UNITECH BUSINESS PARK, SOUTH CITY, SECTOR-41, GURGAON

NOTE: GUARD ROOM, BOUNDARY WALL, GATE AS PER STANDARD DESIGN

SCALE - 1:500

Job Title: GROUP HOUSING IN SECTOR 112, GURGAON MANESAR URBAN COMPLEX
 Drawing Title: SITE PLAN
 Job No. Drawing Released For: Drawing No.
 Drawn Checked Approved: AR-SP-01
 Date Scale Revisions

ANNEXURE-C



LEGEND-CALCULATIONS FOR BUILDING APPLIED FOR OCCUPATION CERTIFICATE IN PHASE-4

LEGEND-BUILDING RECEIVED OCCUPATION CERTIFICATE IN PHASE-3

LEGEND-BUILDING RECEIVED OCCUPATION CERTIFICATE IN PHASE-2

LEGEND-OC RECEIVED IN PHASE-1

TOTAL FAR	1684.00	174.00
TOTAL STLT AREA	6090.917 Sq Mts	6090.917 Sq Mts
TOTAL BASEMENT AREA	20841.448	20841.448
LOWER BASEMENT	17432.724 Sq Mts	17432.724 Sq Mts
UPPER BASEMENT	3408.724 Sq Mts	3408.724 Sq Mts
TOTAL	62864.048 Sq Mts	62864.048 Sq Mts

ABSTRACT		TOTAL SITE AREA		23.41 ACRES	94821.74 sq m
TOTAL SITE AREA (For Ground Coverage & FAR)					
PARAMETERS FOR HOUSING		PERMISSIBLE	PROPOSED		
FAR		= 17.8%	= 17.4%		
GROUND COVERAGE		= 35.00%	= 21.25%		
No. of UNITS (Main)			= 563 units		
No. of UNITS (EWS)			= 100 units		
No. of SERVANT ROOMS		= 15.00% of TOTAL UNITS (including EWS)	= 17.76% of TOTAL UNITS		
		= 56.3	= 58 units		
		= 10.00% of TOTAL UNITS			

LOCATION PLAN (PART PLAN OF GMUC2025) SCALE - 1:25000

BUILDING DESCRIPTION		AREA CALCULATIONS				POPULATION STATEMENT									
S.No.	Bldg Type	Description	No. of Apartments in one Bldg	Tower Name	Ground Coverage in Sq.m	FAR in Sq.m	GROUND FLOOR FAR IN Sq.m	STLT IN Sq.m	SERVIC UNITS	POPULATION AT 1:10 & 1:20	TOTAL				
										Main Population	EWS Population	Service Population			
										@ 3 Person @ 2 Person					
										J	K	L			
1	TYPE A-TO A-CORR	5+27	80.85m	48	4	122.00	770.20	13347.028	581.670	2018.395	1200	1500			
2	TYPE B-TO A-CORR	0+27	80.85m	116	2	122.00	866.92	14188.862	478.909	1648.984	44	1188			
3	TYPE D-DUPLEX (SLAB UNIT) - STRAIGHT	0+7	28.85m	6	1	1710.138	533.311	2894.448	200.889	711.700	102.027	80			
4	TYPE C-DUPLEX (SLAB UNIT) - STRAIGHT	0+7	28.85m	7	3	1710.138	320.179	1827.200	200.889	312.823	30.375	70			
5	TYPE D-DUPLEX (SLAB UNIT) - CORNER	0+7	28.85m	7	3	1710.138	544.891	1024.751	200.889	312.823	30.375	108			
6	TYPE E-DUPLEX (SLAB UNIT) - LIMIT	0+7	28.85m	7	3	1710.138	544.891	1024.751	200.889	312.823	30.375	108			
7	TOWNHOUSE	0+2	11.90m	1	1	14	142.761	167.158	43.809	159.891	105	105			
8	COMMUNITY BUILDING	1	3.05m	1	1	14	150.115	180.115	100.115	100.115	14	73			
9	CONVENIENT SHOPPING	1	4.0m	1	1	14	208.376	265.376	288.376	288.376	14	28			
10	NURSERY SCHOOL	1	4.85m	1	1	14	221.703	221.703	221.703	221.703	14	28			
11	HT METER ROOM	1	4.85m	1	1	14	28.87	28.87	28.87	28.87	1	1			
12	CONNECTING BRIDGE AT BIRTH FLOOR	1	4.85m	1	1	14	554.244	554.244	554.244	554.244	1	1			
Total Main units						536									
Grand Total in Sq.m						20160.199	Grand Total in Sq.m	16600.120	4986.817	6080.917	58	2816	200	116	2151

LEGEND-CALCULATIONS FOR BUILDING APPLIED FOR OCCUPATION CERTIFICATE IN PHASE-4

LEGEND-BUILDING RECEIVED OCCUPATION CERTIFICATE IN PHASE-3

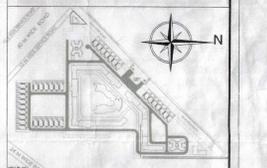
LEGEND-BUILDING RECEIVED OCCUPATION CERTIFICATE IN PHASE-2

LEGEND-OC RECEIVED IN PHASE-1

Population of Main Units	Permissible	No. of Units	Proposed
Population of EWS units	@ 2 person per unit	100	2815 persons
Population of Servant units	@ 2 person per unit	100	200 persons
TOTAL POPULATION		58	3151 persons
TOTAL DENSITY	= 100 PPA (maximum) @ 0.5% of the total area site		134 PPA
Infrastructure	Required	Proposed	
Convenient shopping @ 0.5% of the total area site	474.11 sq.m	279.22 sq.m	
PARKING	Required	Proposed	
Covered Parking			
Lower Basement	606	606	
Upper Basement	157.222	157.222	
Total Parking in Basement	763.222	763.222	
Covered Parking, Villas and Townhouses	35	35	
Parking in STLTs	57.36	57.36	
Total Covered Parking	855.582	855.582	
Parking on SURFACE	@ 5% of Total Parking	42.779	42.779
TOTAL PARKING	= 1.5 BCS per Main Unit	84.5	157.959
PARKING FOR EWS/BURACD	= 1.5% of total parking	4.22	4.22
NET TOTAL PARKING		84.5	162.179
GREEN AREA	Required	Proposed	
Total Maintained Green Area	@ 15% of the total area	30.23%	30.23%
Required	14223.28 Sq.m	28470.875 Sq.m	
STILTS AREA	Required	Proposed	
Total Stilt Area Proposed		6.41	6.41
of the total		6080.917 Sq.m	

- NOTES
1. DIMENSIONS ARE NOT TO BE SCALED.
 2. ALL DIMENSIONS ARE IN MM UNDO.
 3. ALL ELECTRICAL INSTALLATIONS SHALL BE AS PER PROVISIONS OF NBC.
 4. FIRE FIGHTING SAFETY PROVISIONS SHALL BE AS PER RELEVANT NBC PROVISIONS.
 5. BOUNDARY WALL AND GATE AS PER STANDARDS.
 6. ALL WALLS ARE 200MM THK. BRICK WALL.
 7. RAIN WATER HARVESTING SYSTEM SHALL BE PROVIDED AS PER CENTRAL GROUND WATER AUTHORITY NORMS (BARYANA GOVT).
 8. ALL WINDOWS & VENTILATORS ARE OPENABLE.
 9. ALL MECHANICALLY VENTILATED & ARTIFICIALLY LIT TOILETS PROVIDED WITH 24 H POWER BACKUP.

ISSUES	
No.	Date By Description
REVISIONS	



Architect's Signature: *[Signature]*
 Owners Signature: *[Signature]*
 CHURCHAN MANSAR URBAN COMPLEX (PENDING)
 CHURCHAN MANSAR URBAN COMPLEX (PENDING)
 CHURCHAN MANSAR URBAN COMPLEX (PENDING)

Architects: **Arcoop Associates Pvt. Ltd.**
 Plot No. 30, Gurgaon 122002
 Ph: 96060 10404
 Client: **M/S GURGAON DEVELOPERS PVT LTD**
 (FORMERLY M/S GOLD DEVELOPERS PVT LTD)
 1004 GROUND FLOOR TOWER A, SANCTIONED
 SWITCH BUSINESS PARK,
 SOUTH CITY-1,
 SECTOR-4, GURGAON
 Job Title: **GROUP HOUSING IN SECTOR 112, GURGAON MANSAR URBAN COMPLEX**
 Drawing Title: **SITE PLAN**

Job No.	Drawing Released For:	Drawing No.
Drawn	Checked	Approved
Date	Scale	Revisions

LEGEND-CALCULATIONS FOR BUILDING APPLIED FOR OCCUPATION CERTIFICATE IN PHASE-4

LEGEND-BUILDING RECEIVED OCCUPATION CERTIFICATE IN PHASE-3

LEGEND-BUILDING RECEIVED OCCUPATION CERTIFICATE IN PHASE-2

LEGEND-OC RECEIVED IN PHASE-1

NOTE: GUARD ROOM, BOUNDARY WALL, GATE AS PER STANDARD DESIGN

SCALE - 1:500

OFFICE ORDER

Subject: Construction of ramp (road in slope) within setback of building, addition of construction on existing Building/basement, construction of Helipad on top of the building and construction of underground High Speed Diesel tank in setback.

Building Plan Approval Committee (BPAC) held on 07.01.2013 deliberated the issues in respect of construction of RCC retaining wall in case of ramp in setback area, revision of building plans, construction of Helipad on the top of the building and allowing underground High Speed Diesel tanks in setback area. Henceforth, following shall be allowed:-

1. (i) Provision of Ramp in Setback:- If the ramp (road in slope) is proposed within setback area then RCC retaining wall shall be provided along the boundary wall.
- (ii) Location of High Speed Diesel (HSD) underground tank:- HSD underground tank in setback area shall be allowed provided that the level of the cover of tank flushes with the surrounding ground level and is designed for taking load of fire tender weighing 48 tonnes. In this regard, the owner/colonizer shall liable to take clearance from Explosive Department for storage of HSD.
2. Construction of Helipad on High Rise Building:- The helipad on the multi storied building shall be approved in case of Group Housing colony, Commercial colony and Cyber Park/Cyber City subject to clearance by Ministry of Civil Aviation, Ministry of Environment and Forest/ Haryana State Pollution Control Board. If the said colony is situated in urbanizable area where defence installations are located, then clearance from Ministry of Defence, Government of India shall also be required. Such type of cases shall be submitted to Director General, Town & Country Planning, Haryana for his approval/decision.
3. Addition of structure on already approved building including basement:- Every request for revision of Building Plans shall be accompanied by a detailed justification covering different parameters of the sanctioned Building Plans and proposed revisions as per the check list provided below:-
 - (a) Area of the scheme (in acres).
 - (b) Ground Coverage.
 - (c) Floor Area Ratio (FAR).
 - (d) Number of Towers/Blocks.
 - (e) Height of Towers/Blocks (in metres).
 - (f) Number of floors (Tower/Block wise).
 - (g) Provision of stilt parking Block/Tower wise.
 - (h) Basement.
 - (i) Covered parking.

- (j) Open parking.
- (k) Number of main units.
- (l) Number of EWS units.
- (m) Compliance report in respect of policy dated 28.01.2013, as amended from time to time.
- (n) Green area/open space-any change in respect of earlier approved plan.
- (o) Community sites- any change in respect of earlier approved plan.

The revision proposals alongwith detailed justifications as per the check list will be got verified from the concerned STP for submitting the plans before Building Plan Approval Committee. In addition to above, in case of revision of Building Plans wherein the construction is added/altered on already existing building and/or basement then the owner/colonizer shall submit the structural design and Structure Stability Certificate from Structure Engineer regarding stability of existing structure after the proposed revisions are carried out. The owner/colonizer shall also submit a certificate regarding Structure Stability from reputed institutes like IIT-Delhi, IIT Roorkee, PEC-Chandigarh or NIT-Kurukshetra for record purpose.

The above instructions shall be meticulously followed.

Sd/-

(Anurag Rastogi, I.A.S.)

Director General, Town & Country Planning,
Haryana, Chandigarh.

Endst. No. BPAC-III/JD(BS)/2013/ 37311-315

Dated: 22/04/2013

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

- (i) All the Senior Town Planners of the State.
- (ii) All the District Town Planners of the State.
- (iii) All the District Town Planners (HQ).
- (iv) All the Assistant Town Planners (HQ).
- (v) Drawing Branch, O/o DGTCP, Haryana.

Sd/-

(Devendra Nimbokar)

District Town Planner (HQ)

For: Director General, Town & Country Planning,
Haryana, Chandigarh

SHOW CAUSE NOTICE

UNDER SECTION 10 (2) OF THE HARYANA DEVELOPMENT AND REGULATIONS OF
URBAN AREAS ACT, 1975.

Memo No. 10/57

To

Dated: 20-05-2024

Experion Developers Pvt. Ltd. and others
F-9, 1st floor, Manish Plaza-1
Plot no. 7, MLU, Sector-10, Dwarka, New Delhi-110075.

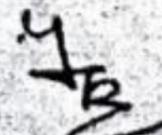
Or

To whom so ever it may concern.

Whereas, it has been reported to me that you have raised additional construction in set back area of villa no. 1 to 14 by way of increasing plot area which is in the contravention of the approved layout plans and zoning plans as well. A license for setting up of a Residential purpose was granted under section 3 of the Haryana Development and Regulation of Urban Area Act 1975. The said contravention is in violation of the Section 3B of Act No. 8 of 1975.

Whereas, Section 3B of the Haryana Development and Regulation of Urban Area Act 1975, provides that *no person shall erect or re-erect building in a colony save in accordance with the approved plans and subject to such restrictions and conditions as are contained in the license or as may be specified by the Government or the Director.* However, you have contravened the provisions of Section 3B of the Act in violations of the approved layout plan/Zoning plan and same is liable for penal action under Section 10(2), of Haryana Development and Regulations of Urban Areas Act, 1975.

In view of the above violation, you are hereby directed to immediately remove the above contravention and bring the land in conformity with the approved layout plan and appear in the office of undersigned HUDA Complex, Sector-14, 3rd Floor, Gurugram within a period of seven days or on 29/5/2024 at 11:00 A.M. and to show cause as to why legal action shall not be initiated against you.


District Town Planner,
Enforcement Gurugram.



IN THE HON'BLE COURT OF MS. PRAGATI RANA,
CIVIL JUDGE (JR. DIV.), GURUGRAM

CIVIL SUIT NO. 1967 OF 2023

IN THE MATTER OF: -

EXPERION DEVELOPERS PRIVATE LIMITED

...PLAINTIFF

VERSUS

WINDCHANTS CONDOMINIUM ASSOCIATION & OTHERS

...DEFENDANTS

**REPLICATION ON BEHALF OF THE PLAINTIFF TO
WRITTEN STATEMENT, FILED BY THE DEFENDANT NO. 1**

That the Plaintiff above named

MOST RESPECTFULLY SUBMITS AS UNDER:

**PRELIMINARY OBJECTIONS TO THE WRITTEN
STATEMENT**

1. That the written statement, filed by the Defendant No.1 cannot be considered by this Hon'ble Court as the same is not supported by an affidavit of person, signing the same and which is mandatorily required under provision of Order VI rule 15 of CPC. Hence the Plaintiff herein is entitled to decree of all the reliefs, claimed in the present suit.
2. That the issue to be decided by this Hon'ble Court in the present suit filed by the Plaintiff seeking injunction and damages, is that the whether the defamatory banner put by the Defendants and the social media posts by the Defendants have dissuaded and deterred the prospective buyers of the Plaintiff, and have the further potential to dissuade and deter the prospective buyers,

the Sewage Treatment Plant was working perfectly fine and maintained effectively. It is submitted that the said detailed report is fabricated and manufactured to make false and frivolous allegations against the Plaintiff.

It is incorrect and denied that Sewage treatment plant (STP) 2x240 KLD is installed to cater for the requirement of the society as alleged. It is submitted that only 1 Sewage Treatment Plant of 460 KLD is at the complex and which is adequate for the entire project. It is further submitted that the Answering Defendant and its so-called appointed agency are not even aware of no. of STP and its capacity even after taking its illegal control, how can anybody expect the Answering Defendant to manage the said STP in an efficient manner. It is incorrect and vehemently denied that the quality of water from STP has always been of concern to the residents as alleged. It is incorrect and vehemently denied that in spite of having latest system such as ultra-filter and Ultra violet, on several occasions, the sludge was found in flushing water indicating total failure of STP as alleged. It is admitted that as per the government's guidelines, it is strictly prohibited to use untreated water for flushing/horticulture, being severe health hazards, however, the Answering Defendant and its so-called agency has been indulging in the same illegal activity of pumping untreated sewage water in the additional land of the Plaintiff, and for which the Plaintiff has already filed complaint dated 31.07.2023 To Municipal Corporation of Gurugram. The Plaintiff has also filed police complaints dated 02.08.2023 and 10.08.2023. True Copies of the complaints and photographs, showing such

IN THE HON'BLE COURT OF MS. PRAGATI RANA,
CIVIL JUDGE (JR. DIV.), GURUGRAM

CIVIL SUIT NO. 1967 OF 2023

IN THE MATTER OF: -

EXPERION DEVELOPERS PRIVATE LIMITED

...PLAINTIFF

VERSUS

WINDCHANTS CONDOMINIUM ASSOCIATION & OTHERS

...DEFENDANTS

AFFIDAVIT OF THE PLAINTIFF IN SUPPORT OF THE
SUBJECT SUIT

I, Rajesh Kumar Singh, s/o Shri R P Singh, aged about 45 years, working as General Manager (Legal), with the Plaintiff at Milestone Experion Centre, 8th Floor, Wing-B, Sector 15, Part-2, Gurugram do hereby solemnly affirm and declare as under:

1. That I am Authorized Person of the Plaintiff in the above case and as such I am conversant with the facts and circumstances of the present case and hence competent to swear this affidavit.
2. That I have read and understood the contents of accompanying replication and that the contents of the same are true and correct to my knowledge derived from records of the Company and submissions are based upon the legal advice, received and which is believed to be true and correct. That nothing material has been concealed therefrom.



[Handwritten signature]

DEPONENT



VERIFICATION

Verified on *11th* day of August, 2023, that the contents of present affidavit are true and correct and nothing material has been concealed therefrom.

Shree Kapoor

[Handwritten signature]

DEPONENT

Attested By
[Signature]
RAJ KAPOOR
Oath Commissioner
District Courts, Gurugram
11 AUG 2023

Certified that the above statement
declare before me or ... at Gurugram
by Sh. *Rajesh Kumar Singh*
S/o Sh. *Sh. R. P. Singh* who
is personally known to me
& is known to the declarant who
I have seen directly to understand & at
the time making proof

From: sunil nigam nigamsk@hotmail.com
Subject: Re: NGT complaint no. 648/2023 titled Sunil Kumar Nigam vs State of Haryana
Date: 26 Apr 2024 at 18:17:52
To: admgnghuda@gmail.com
Cc: Gurgaon North Region Hspcb
hspcbrogrn@gmail.com,
hspcbho@gmail.com, hspcbms@gmail.com,
wcagurgaon@gmail.com,
cmharyana@nic.in, DTP Enforcement Gurugram
dtpenf5.gurugram.tcp@gmail.com,
dtp6.gurugram.tcp@gmail.com, Gopal Arora
gopal1960@hotmail.com, dg-dfs@hry.gov.in

REMINDER

Dear Sir,

Gentle reminder to trail mail. It is further submitted that Complainant / His authorised representatives be included at the time of drafting the final report to be submitted to Hon'ble National Green Tribunal

I need your help and support in obtaining copies of last revised sanctioned plans including Site Plans SP01, SP02 (green area), SP03, SP04, approved fire scheme plans which I am not getting from Experion Developers Pvt Ltd instead of my various requests and follow ups with them.

Regards

Sunil kumar nigam
(Complaint)

From: sunil nigam <nigamsk@hotmail.com>
Sent: Thursday, April 18, 2024 10:03 PM
To: admgnghuda@gmail.com <admgnghuda@gmail.com>
Cc: Gurgaon North Region Hspcb <hspcbrogrn@gmail.com>; hspcbho@gmail.com <hspcbho@gmail.com>; hspcbms@gmail.com <hspcbms@gmail.com>; wcagurgaon@gmail.com <wcagurgaon@gmail.com>; cmharyana@nic.in <cmharyana@nic.in>; DTP Enforcement Gurugram <dtpenf5.gurugram.tcp@gmail.com>; dtp6.gurugram.tcp@gmail.com <dtp6.gurugram.tcp@gmail.com>; Gopal Arora <gopal1960@hotmail.com>; dg-dfs@hry.gov.in <dg-dfs@hry.gov.in>
Subject: NGT complaint no. 648/2023 titled Sunil Kumar Nigam vs State of Haryana

In kind attention of Shri Hitesh Kumar Rana (IAS)
The AdministratorHSVPHaryana
Gurugram, Haryana

Sub- NGT complaint no. 648/2023 titled Sunil Kumar Nigam vs State of Haryana and Ors in the matter of Windchants GHC in sector 112 Gurugram

Dear Sir

This is to respectfully submit that in the captioned subject, Hon'ble National Green Tribunal, vide order dated 08.01.2024, had constituted a Joint Committee to verify the factual position (regarding alleged illegalities, violations of sanctioned plans and encroachment of green area) and suggest appropriate remedial action'

During NGT proceedings on 19.02.2024, the joint committee had submittrd an interim report and prayed for more time to submit final report. Hon'ble NGT had granted one month time to submit final report.

i have been following with the office of DTP enforcement and Haryana Fire Services to determine the illegalities/ violations vis a vis last revised sanctioned plans (of 2012). i have also written emails to promoter Experion Developers Pvt Ltd to provide copies of last revised sanctioned plans including Site Plans SP01, SP02 (green area), SP03, SP04, approved fire scheme plans etc.

It is very intriguing that neither promoter nor the office of DTP enforcement or the Haryana fire services are providing the copies of sanctioned plans for an objective determination of alleged illegalities/ violations.

Therefore it is humbly requested that, in the interest of justice, following issues be specifically incorporated in final report to ascertain the correct factual position regarding various illegalities/violations committed by promoter M/S Experion Developers.

1- Whether there is any violation/ deviation from the last revised sanctioned plans and the fire scheme drawings, approved by fire department in accordance with approved sanctioned plans of DTCP ? If there is any violation/ deviation from the above plans

2- Whether HSD and Gas Bank is constructed as per last revised sanctioned plans and the fire scheme plan approved by fire department in accordance with last revised building plans of 2012 ? If it needed explosion department permission, whether fire department has taken same ?

3- Whether setback area was provided behind villas in the approved sanctioned plans and approved fire plan as mentioned above ?

4- Whether circulation roads were required to be laid with black top as per approved fire plan as mentioned above ?

5- whether there is any other violation/ deviation from the sanctioned plans and fire drawings approved in accordance with sanctioned plans of 2012 ?

Sir, I request that the requisite sanctioned plans be obtained from promoter and/or competent authorities and final report be submitted on the basis of last revised sanctioned plans vis a vis factual position present on ground.

Thanking you

Yours Sincerely

Sunil Kumar Nigam (Complainant)

From: sunil nigam nigamsk@hotmail.com
Subject: Experion Windchant : NGT ORDER
648/2023
Date: 8 Mar 2024 at 21:43:13
To: Experion Care care@experion.net.in,
Experion CRM crmsent@experion.net.in
Cc: admggnhuda@gmail.com, Gurgaon North
Region Hspcb hspcbrogrn@gmail.com,
hspcbho@gmail.com, ccb.cpcb@nic.in,
dtpenf5.gurugram.tcp@gmail.com,
dtp6.gurugram.tcp@gmail.com, President
RWA Windchants
rwapresident.wca@gmail.com, Gopal Arora
gopal1960@hotmail.com,
manoj98761@yahoo.co.in

To Experion Developers Pvt Ltd.

Dear Sir

Please refer to my complaint number 648/2023 filed before Hon'ble NGT regarding various violations and irregularities in Windchants project wherein Hon'ble NGT was pleased to appoint a joint committee to ascertain factual position and suggest remedial measures.

In order to ascertain the correct factual position, I request you to provide the following plans, documents and information at the earliest.

A- BUILDING PLANS REQUIRED

Site plans- originally approved, subsequently revised and final As Built at the time of issue of OC- bearing nomenclature

- 1- ST 01- Site plan
- 2- ST 02- Site OGR plan
- 3- ST 03- Site plan for parking
- 4- ST 04 - Site plan for plumbing
- 5- Drawings/ Site plans / reports approved by HUDA during approval of service plan estimates.
- 6- Drawings/ Site plans approved by CTE.
- 7- Drawings/ Site plans attached with fire scheme approved by Fire department.

B- DOCUMENTS REQUIRED

8- Letter- Approval issued by petroleum and explosives department for HSD and Gas Bank, at the time of application of Occupation certificate.

C- INFORMATION REQUIRED

- 9- Whether any objections were invited from allottees before revision of building plans or before doing construction in deviation of approved building plans. ?
- 10- If yes, please provide details

Thanking you
Yours Sincerely

Sunil kumar nigam
Allottee Towers 07/ 2704
Windchants

cc to
worthy ADM Shri Hitesh Kumar
MD- HSPCB
MD- CPCB
STP Gurugram
DTP enforcement Gurugram
RWA Windchants Condominium Association
with request to direct Promoter to provide the requisite information at the earliest



From: sunil nigam nigamsk@hotmail.com
Subject: Re: NGT complaint no. 648/2023 titled Sunil Kumar Nigam vs State of Haryana
Date: 15 Apr 2024 at 10:03:30
To: dulbhry@hry.nic.in, dg-dfs@hry.gov.in, dfshry@gmail.com
Cc: Gurgaon North Region Hspcb hspcbrogrn@gmail.com, hspcbho@gmail.com, hspcbms@gmail.com, wcagurgaon@gmail.com, cmharyana@nic.in, DTP Enforcement Gurugram dtpenf5.gurugram.tcp@gmail.com, dtp6.gurugram.tcp@gmail.com, Gopal Arora gopal1960@hotmail.com

To

The Deputy Director (Technical)
Haryana Fire and Emergency Services
Sector 29, Gurugram

Sub- NGT complaint no. 648/2023 titled Sunil Kumar Nigam vs State of Haryana and Ors in the matter of Windchants GHC in sector 112 Gurugram

Dear Sir

Please refer to trailing

email requesting fresh site visit to ascertain the corrct factual position regarding various illegalities/violations committed by promoter M/S Experion Developers.

During the meeting dated 08.04.2024, it was specifically decided that the violations / illegalities allegedly committed by promoter Experion Developers Pvt Ltd will be determined on the basis of fire scheme and drawings approved by fire department in accordance with approved plans of 2012 duly approved by DTCP and not based on builder mark up drawing which has not been approved by DTCP till date.

Subsequently your officer, Mr Ramesh Saini, had scheduled a meeting for Friday 12 April at 2pm to follow up on the matter. I am surprised to note that Mr Ramesh Saini preponed his site visit to Thursday 11 April 2024, without any prior information to me.

I contacted Mr Ramesh Saini on 13.04.2024 to register my objection as I was denied the opportunity to participate in the proceedings which were conducted in the absence of my technical and legal consultant.

During the telephonic conversation, I have submitted that the Joint Committee has been appointed by Hon'ble National Green Tribunal to 'verify the factual position and suggest appropriate remedial action'. Therefore it is humbly requested that, in the interest of justice, following issues be specifically incorporated in your report-

1- Whether there is any violation/ deviation from the 'fire scheme drawings, approved by fire department in accordance with approved building plans of 2012 as approved by DTCP ? If there is any violation/ deviation from the above plans, please bring it on record in your report.

2- Whether HSD and Gas Bank is constructed as per fire scheme plan approved by fire department in accordance with last revised building plans of 2012 ? If it needed explosion department involvement, whether fire department has taken their

feedback?

3- Whether setback area was provided behind villas in the approved fire plan as mentioned above ?

4- Whether circulation roads were required to be laid with black top as per approved fire plan as mentioned above ?

5- whether there is any other violation/ deviation from the fire drawings approved in accordance with approved sanctioned plans of 2012 ?

Sir, I sincerely hope that this matter will be examined and report will be prepared in terms of the letter and spirit of the directions of Hon'ble National Green Tribunal.

Thanking you
Yours Sincerely

Sunil Kumar Nigam
(Complainant)

From: sunil nigam <nigamsk@hotmail.com>
Sent: Tuesday, April 9, 2024 3:07 PM
To: dulbhry@hry.nic.in <dulbhry@hry.nic.in>; dg-dfs@hry.gov.in <dg-dfs@hry.gov.in>; dfshry@gmail.com <dfshry@gmail.com>
Cc: Gurgaon North Region Hspcb <hspcbrogrn@gmail.com>; hspcbho@gmail.com <hspcbho@gmail.com>; hspcbms@gmail.com <hspcbms@gmail.com>; wcagurgaon@gmail.com <wcagurgaon@gmail.com>; cmharyana@nic.in <cmharyana@nic.in>; DTP Enforcement Gurugram <dtpenf5.gurugram.tcp@gmail.com>; dtp6.gurugram.tcp@gmail.com <dtp6.gurugram.tcp@gmail.com>
Subject: Re: NGT complaint no. 648/2023 titled Sunil Kumar Nigam vs State of Haryana

To
The Deputy Director (Technical)
Haryana Fire and Emergency Services
Sector 29, Gurugram

Sub- NGT complaint no. 648/2023 titled Sunil Kumar Nigam vs State of Haryana and Ors in the matter of Windchants GHC in sector 112 Gurugram

Dear Sir

Please refer to trailing

email requesting fresh site visit to ascertain the correct factual position regarding various illegalities/violations committed by promoter M/S Experion Developers.

This is to respectfully submit that today (08.04.24) Mr Ramesh Saini accompanied with another officer from Haryana Fire Services visited the site.

For the sake of transparency and good practices, the summary of today's proceedings is being placed on record.

At the outset, representatives of promoter Experion were requested to produce last revised building plans, on the basis of which approval by fire department was granted, and the NOCs issued by Explosive department in respect of HSD and Gas Bank.

The same were NOT PRODUCED on the pretext that these were kept at head office and will be submitted to fire department officials on next day. The complainant requested that a copy of same be provided to him also. It is also to mention that undersigned has been requesting these drawings since few weeks and reminders were sent to Experion but no avail.

During site inspection following was observed-

- 1- HSD and Gas Bank has been built on green area and the same protrudes above the ground level and encroaches on setback area.
- 2- The setback area behind the villas has been encroached and allotted to Villa owners thereby obstructing the movement of fire tenders in case of emergency.
- 3- The circulation road around tower WT07 have NOT BEEN found with concreted/blacktop. The promoter claimed that the greentop is laid on concrete.
- 4- the representatives of promoter admitted that HSD and Gas Bank have been made in violation of last revised plans and they offered to file an affidavit to demolish the same.

Mr Ramesh Saini had kindly agreed to schedule another meeting after the promoter files the building plans including the plans submitted to fire department at the time of obtaining approval and NOCs.

Sir, you are kindly requested to take the above on record. In case your department's version of today's meeting is at variance with above, you are requested to kindly advise the same.

Thanking you
Yours Sincerely

Sunil Kumar Nigam
(Complainant)

From: sunil nigam <nigamsk@hotmail.com>
Sent: Friday, March 22, 2024 11:57 PM
To: dulbhry@hry.nic.in <dulbhry@hry.nic.in>; dg-dfs@hry.gov.in <dg-dfs@hry.gov.in>; dfshry@gmail.com <dfshry@gmail.com>
Cc: Gurgaon North Region Hspcb <hspcbrogrn@gmail.com>; hspcbho@gmail.com <hspcbho@gmail.com>; hspcbms@gmail.com <hspcbms@gmail.com>; wcagurgaon@gmail.com <wcagurgaon@gmail.com>; cmharyana@nic.in <cmharyana@nic.in>; DTP Enforcement Gurugram <dtpenf5.gurugram.tcp@gmail.com>; dlp6.gurugram.tcp@gmail.com <dlp6.gurugram.tcp@gmail.com>
Subject: NGT complaint no. 648/2023 titled Sunil Kumar Nigam vs State of Haryana

To
The Deputy Director (Technical)
Haryana Fire and Emergency Services
Sector 29, Gurugram

Sub- NGT complaint no. 648/2023 titled Sunil Kumar Nigam vs State of Haryana and Ors in the matter of Windchants GHC in sector 112 Gurugram.

Dear Sir

I have filed the above complaint before Hon'ble National Green Tribunal wherein I have pointed out various illegalities and violations, including violations related to your department, committed by promoter Experion Developers in the said project.

These include, but not limited to, illegally constructing HSD tank and Gas Bank on notified green area in violation of sanctioned plans, encroaching on the setback area, alteration of circulation roads obstructing movement of fire tenders in case of emergency.

The Hon'ble NGT, vide order dated 08.01.2024 has appointed a joint committee to ascertain the factual position and suggest remedial measure.

Copy of above said order is enclosed for your kind reference.

In this regard, your office has filed a report FS/DDT/2024/696 dated 15.02.2024, to the Haryana Pollution Control Board stating therein that the HSD tank and Gas bank have been constructed as per 'approved' building plans. There is no mention about other violations like encroachment of setback area and alteration of blacktop circulation roads alleged in my abovereferred complaint.

Apparently your office did not verify the facts before filing his report.

I reiterate that Promoter Experion Developers Pvt Ltd has committed illegalities and violations of very serious nature in project Windchants GHC sector 112 Gurugram. The HSD tank and Gas Bank are built on notified Green Area and are NOT approved in sanctioned plans. These violate the conditions stipulated in DTCP office order. No. BPAC-III/JD(BS)/2013/ [37311-315](#) dated 22.04.2013. The NOC by Explosive Department has not been placed on record. The approved OGR plan and BR III are also not placed on record.

Further the promoter Experion Developers has encroached upon the setback area behind villas and allotted the same to Villa

owners and therefore violated sanctioned Zonal plan and norms of fire safety. Promoter has also altered the circulation roads around tower WT07 by not laying the blacktop for movement of fire tenders.

Sir, i humbly submit that this is a very serious matter. Any lapse or factually incorrect statement made to Joint Committee appointed by Hon'ble National Green Tribunal will amount to Contempt of Court and will also endanger the life and property of residents.

Therefore, It is requested that another site visit may please be made by your office, in the presence of complainant/ his authorised representatives so that correct factual position may be brought on record.

The Fire NOCs already granted to Experion Developers may also be strictly reviewed and, if needed, suspended till the violations are completely removed by the promoter Experion Developers Pvt Ltd. in the said project.

Thanking you
Yours Sincerely

Sunil Kumar Nigam

Encl.
Order dated 08.01.2024 passed by Hon'ble National Green Tribunal.
Copy of your aforesaid letter dated 15.02.2024.

cc to
The Director Urban Local Bodies, Punchkula for information and necessary directions/ action please.

Office of Hon'ble Chief Minister of Haryana

From: sunil nigam nigamsk@hotmail.com
Subject: Re: Sub- NGT Complaint no. 648/2023 of
Windchants GHC sector 112 Gurugram
Date: 9 Apr 2024 at 18:34:15
To: DTP Enforcement Gurugram
dtpenf5.gurugram.tcp@gmail.com
Cc: Gopal Arora gopal1960@hotmail.com,
manoj98761@yahoo.co.in,
wcagurgaon@gmail.com

To
The DTP (enforcement)
Office of Senior Town Planner
Gurugram

Sub- NGT Complaint no. 648/2023 by Shri
Sunil Kumar Nigam in the matter of
Windchants GHC sector 112 Gurugram.

Dear Sir
Please refer to trail mail regarding captioned
subject.

During your site visit on 20.03.2024, various
illegalities/ violations of building plans were
brought to your kind attention including but
not limited to

- 1 - construction of HSD and Gas Bank on
organised green area in violation of sanctioned
plans
- 2- Encroachment of setback area behind villas
and townhouses and selling the same to Villa/
town house owners.
- 3- Reducing the number of surface car
parkings
- 4- Altering the circulation roads by NOT
LAYING the concrete/ blacktop surface.

You were kind enough to direct promoter to
provide the complete set of last revised
building plans, villa and town house plans.
It was also decided that your junior engineer

will visit the site and count the total number of surface car parkings in the presence of representatives of promoter and complainant.

It is pertinent to mention here that Hon'ble NGT had vide its order dated 19.02.2024 directed that final report of joint committee be submitted within one month (ie by 19.03.2024)

It is therefore requested that the exercise may please be completed at the earliest and copy of your report be kindly provided to us.

Thanking you
Yours Sincerely

Sunil Kumar Nigam
(Complainant)

From: sunil nigam <nigamsk@hotmail.com>
Sent: Friday, April 5, 2024 7:59 PM
To: DTP Enforcement Gurugram <dtpenf5.gurugram.tcp@gmail.com>
Cc: Gopal Arora <gopal1960@hotmail.com>; manoj98761@yahoo.co.in <manoj98761@yahoo.co.in>; wcagurgaon@gmail.com <wcagurgaon@gmail.com>
Subject: Re: Sub- NGT Complaint no. 648/2023 of Windchants GHC sector 112 Gurugram

Dear sir,
subsequent to yr visit on 20.02.24, no follow up has been done to calculate number of surface car parkings, obtaining latest revised building plans, drawings of villas and setback area behind villas.

Kindly advise ur plan to carry out follow on visit and notify undersign.

Regards

Sunil kumar nigam

From: sunil nigam <nigamsk@hotmail.com>
Sent: Wednesday, March 20, 2024 11:02 AM
To: DTP Enforcement Gurugram <dtpenf5.gurugram.tcp@gmail.com>
Cc: Gopal Arora <gopal1960@hotmail.com>; manoj98761@yahoo.co.in
<manoj98761@yahoo.co.in>; wcagurgaon@gmail.com
<wcagurgaon@gmail.com>
Subject: Re: Sub- NGT Complaint no. 648/2023 of Windchants GHC
sector 112 Gurugram

Dear sir

Thanks for yr email and intimation regarding today's visit and joint inspection regarding subject notice.

I hereby confirm receipt of email and as per my earlier email authorize Mr Gopal Arora and Mr Manoj to attend joint inspection on my behalf since currently I am abroad and traveling.

Regards

Sunil kumar nigam

From: DTP Enforcement Gurugram <dtpenf5.gurugram.tcp@gmail.com>
Sent: Tuesday, March 19, 2024 10:31 AM
To: sunil nigam <nigamsk@hotmail.com>
Subject: Re: Sub- NGT Complaint no. 648/2023 of Windchants GHC
sector 112 Gurugram

Dear Sir,

In the subjected matter it is intimated that undersigned will visit the site on 20.03.2024 at 12:00 PM. You are requested to be present at site.

Thanks & Regards,
District Town Planner,
Enforcement & Vigilance,
Gurugram, Haryana - 122001.

On Sat, Mar 16, 2024 at 8:30 PM sunil nigam
<nigamsk@hotmail.com> wrote:

Mr Manish Yadav
DTP (enforcement)
Office of Senior Town Planner
Gurugram

Sub- My NGT Complaint no. 648/2023 in the
matter of Windchants GHC sector 112
Gurugram.

Dear Sir

With reference to above and further to the
initial meeting dated 13.02.2024, with court
appointed joint committee headed by worthy
ADM Shri Hitesh Kumar (IAS), wherein it was
decided that DTP enforcement will do the site
visit in presence of Complainant/ his
representatives, to ascertain the violations of
building plans and illegalities including
encroachment of organised green area,
construction of HSD and Gas Bank, not
constructing circular roads, inadequate STP,

reduction in visitors' car parkings etc.

In this connection I had sent you emails and reminders requesting to advice timing of your proposed visits to Windchants GHC sector 112 Gurugram so that the illegalities and violations existing on ground can be brought to your notice.

This is to put on record that our team met you today (15.03.2024) in your office to request you to make a site visit to list the gross violations and illegalities by promoter Experion Developers Pvt Ltd.

You had kindly assured that you will be visiting the site next week in presence of Complainant/ his representatives.

You are requested to kindly advise us in advance about your site visit so that factual position can be correctly placed before your good self.

Thanking you
Yours Sincerely

Sunil Kumar Nigam.

