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print

Industry : M/s Malibu Estate Pvt. Ltd. (13GUN0560131)

Malibu Town, Shona Road, Gurgaon, Gurgaon, GURGAON NORTH

Inspection No : 31601738

Date : 14-12-2022 10:03

General Inspection Details

Inspection Raised By: Aparnesh Kumar(Scientist B 1)

Region Name: Gurgaon North INS

HROCMMS ID: 13GUN0560131

Type of Inspection: Direct

Industry Name: Malibu Estate Pvt. Ltd.

Industry Address: Malibu Town, Shona Road, Gurgaon

Inspection Generation Date: 14/12/2022 10:03:27

Raised By: Aparnesh Kumar(Scientist B 1)

Inspection Note: It has already been decided that all cases of closure, suspension, re-sampling permission etc. be decided through HROCMMS w.e.f. June 2022. Kindly raise inspection, so that the case for recommendation of closure of M/s Malibu Estate Pvt Ltd can be processed through OCMMS. Submitted for approval please.

Type of inspection: It has already been decided that all cases of closure, suspension, re-sampling permission etc. be decided through HROCMMS w.e.f. June 2022. Kindly raise inspection, so that the case for recommendation of closure of M/s Malibu Estate Pvt Ltd can be processed through OCMMS. Submitted for approval please.

Any order/ Document related to inspection: -NA-

Proposed Name and ID of officers in HROCMMS for inspection: Gurgaon North INS - Scientist B 1 - Aparnesh (HSPC078)

NOTE:

Proposed Name and ID of officers NOT in HROCMMS for inspection:

Any Other Proposal for Inspection:

Forwarded to: Gurgaon North INS - (Regional Officer)

Activity: Inspection
Description: It has already been decided that all cases of closure, suspension, re-sampling permission etc. be decided through HROCMMS w.e.f. June 2022. Kindly raise inspection, so that the case for recommendation of closure of M/s Malibu Estate Pvt Ltd can be processed through OCMMS. Submitted for approval please

Note By: Aparnesh Kumar(Scientist B 1)

Date Time: 14-12-2022 10:03

Forwarded To: Gurgaon North INS - (Regional Officer)

Activity: Inspection

Inspection Proposal Approval Status: Approved

Type of Proposal: RI Inspection

Inspection Team: Gurgaon North INS - Scientist B 1 - Aparnesh (HSPC078)

Nodal Officer: Gurgaon North INS - Scientist B 1 - Aparnesh (HSPC078)

Note: Approved as proposed

File Note: Inspection policies and orders made in this regard be followed strictly

Reply within: 5 days

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Note By: Kuldeep Singh (Regional Officer)

Date Time: 14-12-2022 10:04

Forwarded To: Scientist B 1

Activity: Forward

Description: It is recommended that Closure directions / orders under Section 31-A of Air (Prevention and Control of Pollution) Act, 1981 & under Section 33-A (Prevention and Control of Pollution) Act, 1974 may be issued against the unit at the earliest, please.

Activity: Recommendation for closure

Description:

Type of Officer: fo

File Attached: [View Recommendation for closure Consent FO HSPCB/GUR/2022/FO/INS/31601738CONCR001 \(14-12-2022\)](#)

Other Documents: [View](#)

Note By: Aparnesh Kumar (Scientist B 1)

Date Time: 14-12-2022 10:54

Forwarded To: Regional Officer

Activity: Forward

Description: As recommended by Scientist B, Closure directions / orders under Section 31-A of Air (Prevention and Control of Pollution) Act, 1981 & under Section 33-A (Prevention and Control of Pollution) Act, 1974 may be issued against the unit at the earliest, please

Activity: Recommendation for closure

Description:

Type of Officer: fo

File Attached: [View Recommendation for closure Consent RO HSPCB/GUR/2022/RO/INS/31601738CONCR001 \(14-12-2022\)](#)

Other Documents: [View](#)

Note By: Kuldeep Singh (Regional Officer)

Date Time: 14-12-2022 10:58

Forwarded To: Sr Environment Engineer

Activity: Forward

Description:

Note By: J P Singh (Sr Environment Engineer)

Date Time: 14-12-2022 11:15

Forwarded To: AEE HQ

Activity: Forward

Description: As recommended by RO, closure order may be issued against the Unit with following directions, if approved please:- (1) The project proponent shall stop all construction activities related to the project with immediate effect till it obtains environment clearance under EIA Notification dated 14.09.2006 and Consent to Establish (NOC)/Consent to Operate from the Board under Water Act, 1974 and the Air Act, 1981. (2) The project proponent shall not allow any new occupancy and shall not allow any new possession in the premises of the project with immediate effect. (3) Town & Country Planning Department/concerned authorities that have issued the license/ LOI and approved the building/layout plans for the development of the project shall take necessary action to stop further construction activities relates to the project till the project proponent obtains Environment Clearance under EIA Notification dated 14.09.2006 and Consent to Operate from the Board under the Water Act, 1974 and

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the Air Act, 1981. (4) The Revenue Authorities shall not register any sale deed relates to any plot/flat/house/shop/any other component of this project with immediate effect. (5) The UHBVN authorities shall not release any new electric connection for this project or to any of its components with immediate effect.

Note By: Ashwani Kumar (AEE HQ)

Date Time: 22-12-2022 01:24

Forwarded To: Sr Environment Engineer

Activity: Forward

Description: closure directions may be issued as proposed pls

Note By: J P Singh (Sr Environment Engineer)

Date Time: 22-12-2022 01:46

Forwarded To: Chairman

Activity: Forward

Approval Status: Issue Closure Order

Description: Approved, as proposed.

Note By: P Raghavendra RAO (Chairman)

Date Time: 22-12-2022 05:18

Forwarded To: Sr Environment Engineer

Activity: Forward

Description:

Activity: Closure Order Issued

Description:

Closure order/ directions signed.

File Attached: [View Closure Order Consent HSPCB/GUR/2022/INS/31601738CONCO001-004 \(23-12-2022\)](#)

Note By: J P Singh (Sr Environment Engineer)

Date Time: 23-12-2022 04:15

Forwarded To: Regional Officer

Activity: Forward

Description: Appropriate action be taken immediately

Note By: Kuldeep Singh (Regional Officer)

Date Time: 23-12-2022 04:39

Forwarded To: Scientist B J

Activity: Forward

Description: Inspection of Malibu Town, Sohna Road, Gurugram was inspected by Smt. Neha Saharan, AEE on dated 08.09.2020 and during inspection legal Samples were collected from 3 Nos. of Sewage Treatment Plant (STP), 01 No. Rain Water Harvesting, Sewage line going directly HUDA/GMDA sewer, underground water tank in presence of representative of M/s Malibu Estate Pvt Ltd i.e. Sh. Ajitesh Jha, Civil Engineer and Sh. Onkar Singh, Manager Purchase and as per analysis report No. W-3/2020-21/03 dated 05.10.2020, W-4/2020-21/04 dated 05.10.2020, W-5/2020-21/05 dated 05.10.2020, W-6/2020-21/06 dated 05.10.2020 & W-8/2020-21/08 dated 05.10.2020 released by Government Analyst, Department of Environment & Climate Change, Haryana, results exceeding the prescribed limits. Accordingly, Show Cause Notice for closure and prosecution was issued to the unit vide this office letter No. HSPCB/GRN/2020/1948 dated 16.10.2020 (Annexure-1). Incompliance of Show Cause Notice unit has submitted appeal/representation dated 02.11.2020. Smt. Neha Saharan, AEE was directed to submit her comments on the reply submitted by the

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unit vide this office letter No 1/56823/2021 dated 09.08.2021 (Annexure-2) and Smt. Neha Saharan, AEE has submitted reply of letter dated 09.08.2021 (Annexure-3) . Further, it is intimated that the Board has issued closure direction against M/s Malibu Town, Sohna Road, Gurugram vide letter No. Endst. No. HSPCB/GUR/2022/INS/31601738CONCO001-004 Dated: 23-Dec-2022. A team comprising of Sh. Aparnesh Kumar, Scientist B, Sh. Sidhartha Bhargava, AEE and Sh. Ankit, AEE was constituted to examine the complaints received through emails /hardcopies/Head Office & other sources from Sh. Raman Sharma, CW - 58, F.F, Malibu Town, Sector-47, Gurugram-122018 regarding Malibu Town, Sohna Road Gurugram etc., to visit the sites mentioned in complaints and to submit comprehensive report & to ensure compliance of applicable environmental acts/laws/policies/ rules/notifications etc. Two team member i.e. Sh. Sidhartha Bhargava, AEE and Sh. Ankit, AEE has already been transferred from this office. Keeping in view of above, it is recommended that permission for inspection & re-sampling may be granted, please.

Attached Letter: [View Letter](#)

Note By: Aparnesh Kumar (Scientist B 1)

Date Time: 02-02-2023 10:52

Forwarded To: Regional Officer

Activity: Forward

Description: As recommended by Scientist B, permission for inspection & re-sampling may be granted, please.

Note By: Kuldeep Singh (Regional Officer)

Date Time: 02-02-2023 11:21

Forwarded To: Sr Environment Engineer

Activity: Forward

Description: Permission may be granted for inspection & re-sampling please.

Note By: J P Singh (Sr Environment Engineer)

Date Time: 02-02-2023 04:47

Forwarded To: MS

Activity: Forward

Description: Permission granted as proposed.

Note By: Pardeep Kumar IAS (MS)

Date Time: 03-02-2023 09:58

Forwarded To: Sr Environment Engineer

Activity: Forward

Description:

Note By: J P Singh (Sr Environment Engineer)

Date Time: 03-02-2023 12:26

Forwarded To: Regional Officer

Activity: Forward

Description: Appropriate action be taken immediately

Note By: Kuldeep Singh (Regional Officer)

Date Time: 03-02-2023 02:56

Forwarded To: Scientist B 1

Activity: Forward

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Description

As directed by SEE (Water Cell) over telephone, file may be sent to h m.

Note By: Aparnesh Kumar (Scientist B 1)

Date Time: 20-04-2023 12:49

Forwarded To: Regional Officer

Activity: Forward

Description Needful done.

Note By: Kuldeep Singh (Regional Officer)

Date Time: 20-04-2023 12:50

Forwarded To: Sr Environment Engineer

Activity: Forward

Description Approval in hard copy here under.

Attached Letter: [View Letter](#)

Activity: Closure Order Issued

Description

Modified closure order signed.

File Attached: [View Closure Order Consent HSPCB/GUR/2022/INS/31601738CONCC005-08 \(21-04-2023\)](#)

Note By: J P Singh (Sr Environment Engineer)

Date Time: 21-04-2023 12:42

Forwarded To: Regional Officer

Activity: Forward

Description

Note By: Kuldeep Singh (Regional Officer)

Date Time: 21-04-2023 02:41

Forwarded To: Scientist B 1

Activity: Forward

Description

Undersigned has applied for the Earned leave for the period 1.5.23 to 19.5.23 due to personal reason. Kindly transfer the case to the concern.

Note By: Aparnesh Kumar (Scientist B 1)

Date Time: 03-05-2023 03:29

Forwarded To: Regional Officer

Activity: Forward

Description

Sr. Aparnesh Kumar, Scientist B is on leave and no officer is deputed in place of him by Head office for which this office has already requested to do so vide letter dated 01.05.2023. Meantime case be processed promptly to conclude upto logical end at the earliest, please.

Note By: Kuldeep Singh (Regional Officer)

Date Time: 03-05-2023 07:18

Forwarded To: Scientist B 2

Activity: Forward

Description

Note By: Vikas Grewal (Scientist B 2)

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Date Time: 17-05-2023 10:35

Forwarded To: Regional Officer

Activity: Forward

Description

Note By: Kuldeep Singh (Regional Officer)

Date Time: 17-05-2023 10:46

Forwarded To: Scientist B 1

Activity: Forward

Description inspection may be filed as closure order has been implemented.

Note By: Aparnesh Kumar (Scientist B 1)

Date Time: 11-01-2024 05:20

Forwarded To: Regional Officer

Activity: Forward

Description As recommended by Scientist B, inspection may be filed pls

Note By: Kuldeep Singh (Regional Officer)

Date Time: 11-01-2024 07:57

Forwarded To: Sr Environment Engineer

Activity: Forward

Description

Note By: J P Singh (Sr Environment Engineer)

Date Time: 12-01-2024 10:44

Forwarded To: EE HQ

Activity: Forward

Description RO may be asked to submit the status of PROsecution,EC.

Note By: Kamaljit Singh (EE HQ)

Date Time: 12-01-2024 10:29

Forwarded To: Sr Environment Engineer

Activity: Forward

Description

Note By: J P Singh (Sr Environment Engineer)

Date Time: 13-01-2024 11:10

Forwarded To: Regional Officer

Activity: Forward

Description

Note By: Kuldeep Singh (Regional Officer)

Date Time: 15-01-2024 10:02

Forwarded To: Scientist B 1

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Activity: Forward

Description The EC order is attached and the case no-CC/01/2023 & CC/50/2021 under water, Air act & EP act are pending before the special Environment court, Faridabad. It is requested that inspection may be filed.

Attached Letter: [View Letter](#)

Note By: Aparnesh Kumar (Scientist B 1)
Date Time: 22-01-2024 01:27

Forwarded To: Regional Officer

Activity: Forward

Description Observation complied pls

Note By: Kuldeep Singh (Regional Officer)
Date Time: 24-01-2024 09:03

Forwarded To: Sr Environment Engineer

Activity: Forward

Description

Note By: J P Singh (Sr Environment Engineer)
Date Time: 24-01-2024 10:28

Forwarded To: EE HQ

Activity: Forward

Description RO may be asked to submit the status of EC deposition and status of prosecution case not submitted in the note history 22.1.2024

Note By: kamajit Singh (EE HQ)
Date Time: 24-01-2024 08:22

Forwarded To: Sr Environment Engineer

Activity: Forward

Description

Note By: J P Singh (Sr Environment Engineer)
Date Time: 25-01-2024 02:37

Forwarded To: Regional Officer

Activity: Forward

Description

Note By: Kuldeep Singh (Regional Officer)
Date Time: 25-01-2024 02:51

Forwarded To: Scientist B 1

Activity: forward

Description Unit has not deposited the EC amount and the letter for land recovery has been written to Wortry Deputy commissioner, Gurgaon for further action(copy attached) further the details of case is given as under--- 1.case no-CC No/01/2023 Title-HSPCB VS M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension Faridabad, Special Environment Court next date of hearing- 2024-02-19 2 case no CC No/50/2021 Title- HSPCB V/s Malibu Estate Private Limited, for the project Malibu Town, Sohna Road, Gurugram Faridabad Special Environment Court next date of hearing-2024-05-03 under Notice of Motior. Now the complete

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details as desired by Sh. Kamal jeet Singh, EE have been mentioned. It is requested that inspection may be sent to higher authority for filing.

Attached Letter: [View Letter](#)

Note By: Aparnesh Kumar (Scientist B 1)

Date Time: 17-02-2024 09:46

Forwarded To: Regional Officer

Activity: Forward

Description: Needful done, please;

Note By: Kuldeep Singh (Regional Officer)

Date Time: 19-02-2024 11:44

Forwarded To: Sr Environment Engineer

Activity: Forward

Description:

Note By: J P Singh (Sr Environment Engineer)

Date Time: 19-02-2024 01:11

Forwarded To: EE HQ

Activity: Forward

Description: If agreed, inspection may be filed pls in view of the recommendation of RO.

Note By: Kamaljit Singh (EE HQ)

Date Time: 23-02-2024 11:38

Forwarded To: Sr Environment Engineer

Activity: Forward

Description: May be filed please,

Note By: J P Singh (Sr Environment Engineer)

Date Time: 28-02-2024 01:48

Forwarded To: Chief Environmental Engineer

Activity: Forward

Description: May approve as proposed by SEE please.

Note By: Balraj Singh (Chief Environmental Engineer)

Date Time: 28-02-2024 04:07

Forwarded To: MS

Activity: Forward

Approval Status: File inspection

Description:

Note By: Pardeep Kumar IAS (MS)

Date Time: 29-02-2024 10:33

Forwarded To: Chief Environmental Engineer

Activity: Forward

Description:

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Note By: Balraj Singh (Chief Environmental Engineer)

Date Time: 29-02-2024 11:24

Forwarded To: Sr Environment Engineer

Activity: Forward

Description

Note By: J P Singh (Sr Environment Engineer)

Date Time: 29-02-2024 01:04

Forwarded To: Regional Officer

Activity: Forward

Description

Activity: File

Description

Note By: Kuldeep Singh (Regional Officer)

Date Time: 29-02-2024 01:33

Forwarded To: Regional Officer

Activity: Forward

Description

Activity: Close after Filed

Description

Note By: Kuldeep Singh (Regional Officer)

Date Time: 29-02-2024 01:34

Forwarded To: Regional Officer



Regional Office, Gurugram (N)
Haryana State Pollution Control Board
Vikas Sadan, Opposite- New Court, Gurugram

File No. 50570 10

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Website: www.hspcb.gov.in

Email: hspcb@hspcb.gov.in

Tel: 0124-2332775, 2220523

Dated 16-10-20

No. HSPCB/GRN/2020/1948

To

M/s Malibu Estate Private Limited,
38, DDA Commercial Complex, Kailash Colony Extension,
Zamrudpur, New Delhi – 110048
For the project Malibu Town, Sohna Road, Gurugram.
Email ID:- malibu@malibustate.com, malibustate@gmail.com

Sub: Show cause notice for closure under 33-A of Water Act, 1974 and for initiating legal action under section 43/44 of Water (Prevention & Control of Pollution) Act, 1974 & Environmental Compensation

Whereas as per the provision of section 25/26 of Water Act (Prevention and Control of Pollution) Act, 1974 no person shall without the previous consent of the State Pollution Control Board, establish or operate any industrial plant in any Air Pollution Control Area,

- (a) operate or take any step to operate any industry, operation or process or any treatment & disposal system or an extension or addition there to which is likely to discharge sewage or trade effluent into stream or well or sewer or on land;
- (b) Bring into use any new or altered outlet for the discharge of sewage;
- (c) Begin to make any new discharge or sewage.

Whereas the site of your unit was inspected by the concerned field officer on 08/09/2020 and the legal samples were collected from 3 Nos. of Sewage Treatment Plant (STP), 01 No. Rain Water Harvesting Pit, sewage line going directly HUDA/GMDA sewer, underground water tank in presence of representative of M/s Malibu Estate Pvt Ltd i.e. Sh. Ajitesh Jha, Civil Engineer and Sh. Onkar Singh, Manager Purchase and as per analysis report No. W-3/2020-21/03 dated 05/10/2020, W-4/2020-21/04 dated 05/10/2020, W-5/2020-21/05 dated 05/10/2020, W-6/2020-21/06 dated 05/10/2020 & W-8/2020-21/08 dated 05/10/2020 released by Government Analyst, Department of Environment & Climate Change, Haryana, results found exceeding the prescribed limits.

Whereas, details regarding source of water supply, water consumption, treatment, mechanism of disposal since its establishment till date was not provided during the inspection,

From the above it is clear that you are discharging its partially/untreated sewage effluent partially on land for percolation/gardening/horticulture and partially into public sewer and is thus causing water pollution and contamination of underground water table of the nearby area.

Whereas the Hon'ble National Green Tribunal Principal Bench New Delhi in OA No. 196 of 2014 titled as Krishan Kant Singh & Anr. V/s National Ganga River Basin Authority & Ors. & OA No. 300 of 2013 titled as Manoj Mishra V/s Union of India & Ors. has directed that no STP shall be allowed to discharge their effluent directly or indirectly into river Ganga or any its tributaries,

Whereas, the SPCBs are also required to ensure installation and regular operation of the requisite pollution control facilities in the polluting industries/STPs

In view of above you are liable to pay the environmental compensation in terms of the direction of the board issued vide office order no. E043-6075 dated 29/04/2019, as assessed by the Board as per methodology defined therein.

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In view of above, you are hereby directed to show cause notice within 15 days as to why closure & prosecution action under Section 33-A & 43/44 of Water Act, 1974 may not be initiated for non compliance of the above mentioned observations/incompletion/deficiencies.

In case you fail to comply with the observations/incompletion/ deficiencies mentioned within the above mentioned stipulated time period, it will be presumed that you have nothing to say in this regard and accept the status as above, which will warrant action under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 besides taking prosecution action under Section 43/44 of Water Act, 1974 without giving any further notice

Explanations: For the avoidance of doubts, it is hereby declared that the power to issue directions under section 33-A Water Act, 1974 includes the power to direct:

- (a) The Closure, prohibition or regulation of any industry operation or process or
- (b) The stoppage or regulation of supply of electricity, water or any other service.

For the avoidance of doubts Section 43/44 of Water (Prevention & Control of Pollution) Act, 1974 reads as under as follows:-

"Who so ever contravenes the provisions is punishable with imprisonment or a term which shall not be less than one year and six months, but which may extend to six years and with fine"

DA/as above

[Handwritten signature]
16/10

Regional Officer,
Gurugram Region (N)

[Handwritten mark]

Endst. No. HSPCB/GRN/2019/1949

dated: 16-10-20

A copy of above is forwarded to the Chairman, Haryana State Pollution Control Board, Panchkula for information and further necessary action, please.

DA/above

[Handwritten signature]
16/10

Regional Officer,
Gurugram Region (N)

[Handwritten mark]



Report by Government Analyst

Report No. W-3/2020-21/03

Dated 05.10.2020

I, **Dr. R.K.Chauhan**, Government Analyst duly appointed under Sub Section (2) of Section 53 of Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) read with Rule 35 of Haryana (Prevention and Control of Water Pollution) Rules, 1978. hereby declare that I have received a sample on the 09th September, 2020 from Ms. Neha Saharan, A.E.E., HSPCB, Gurugram collected from M/s Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurugram, Haryana for analysis. This sample was in a fit condition for analysis reported below.

I further clarify that I have caused to be analysed the aforementioned sample and declare results of analysis to be as follow:

Sample Collection Point- Sewage Pump Line near entrance of M/s MEPL near Good Earth City Centre

S.No	Parameters	Results	Limits
1.	pH Value	6.80	5.50-9.00
2.	Total Suspended Solids, mg/L Max	75	100
3.	Oil & Grease, mg/L, Max	15	10
4.	Chemical Oxygen Demand, mg/L, Max	220	250
5.	Biological Oxygen Demand, mg/L, Max	48	30
6.	Sulphide (as S) mg/L, Max	3.20	2.0
7.	Ammonical Nitrogen, mg/L Max	24	50

The sample was preserved and sealed with the seal bearing inscription of Ms. Neha Saharan, A.E.E., HSPCB, Gurugram Region.

Signed on 5th day of October, 2020

Government Analyst.

Department of Environment & Climate Change, Haryana



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**DIRECTORATE, DEPARTMENT OF ENVIRONMENT
& CLIMATE CHANGE, HARYANA**

SCO 1-3, 2nd FLOOR, SECTOR 17 D, CHANDIGARH

Telephone: 0172-2701628, Fax: 0172-2709462, Email: environment@hry.nic.in

Report by Government Analyst

Report No. W-4/2020-21/04

Dated 05.10.2020

I, **Dr. R.K.Chauhan**, Government Analyst duly appointed under Sub Section (2) of Section 53 of Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) read with Rule 35 of Haryana (Prevention and Control of Water Pollution) Rules, 1978, hereby declare that I have received a sample on the 09th September, 2020 from Ms. Neha Saharan, A.E.E., HSPCB, Gurugram collected from M/s Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurugram, Haryana for analysis. This sample was in a fit condition for analysis reported below.

I further clarify that I have caused to be analysed the aforementioned sample and declare results of analysis to be as follow:

Sample Collection Point- Outlet of STP No.-2

S.No	Parameters	Results	Limits
1.	pH Value	7.18	5.50-9.00
2.	Total Suspended Solids, mg/L Max	200	100
3.	Oil & Grease, mg/L, Max	20	10
4.	Chemical Oxygen Demand, mg/L, Max	260	250
5.	Biological Oxygen Demand, mg/L, Max	63	30
6.	Sulphide (as S) mg/L, Max	0.96	2.0
7.	Ammonical Nitrogen, mg/L Max	1.26	50

The sample was preserved and sealed with the seal bearing inscription of Ms. Neha Saharan, A.E.E., HSPCB, Gurugram Region.

Signed on 5th day of October, 2020


Government Analysts.

Department of Environment & Climate Change, Haryana

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DIRECTORATE, DEPARTMENT OF ENVIRONMENT
& CLIMATE CHANGE, HARYANA
SCO 1-3, 2nd FLOOR, SECTOR 17 D, CHANDIGARH
Telephone: 0172-2701628, Fax: 0172-2709462, Email: environment@hry.nic.in

Report by Government Analyst

Report No. W-5/2020-21/05

Dated 05.10.2020

I, **Dr. R.K.Chauhan**, Government Analyst duly appointed under Sub Section (2) of Section 53 of Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) read with Rule 35 of Haryana (Prevention and Control of Water Pollution) Rules, 1978, hereby declare that I have received a sample on the 09th September, 2020 from: Ms. Neha Saharan, A.E.E., HSPCB, Gurugram collected from M/s Malibu Estate Pvt. Ltd., Malbu Town, Sohna Road, Gurugram, Haryana for analysis. This sample was in a fit condition for analysis reported below.

I further clarify that I have caused to be analysed the aforementioned sample and declare results of analysis to be as follow:

Sample Collection Point- Outlet of STP No.-3

S.No	Parameters	Results	Limits
1.	pH Value	7.02	5.50-9.00
2.	Total Suspended Solids, mg/L Max	550	500
3.	Oil & Grease, mg/L, Max	23	10
4.	Chemical Oxygen Demand, mg/L, Max	1100	250
5.	Biological Oxygen Demand, mg/L, Max	200	50
6.	Sulphide (as S) mg/L, Max	24	2.0
7.	Ammonical Nitrogen, mg/L Max	5.97	50

The sample was preserved and sealed with the seal bearing inscription of Ms. Neha Saharan, A.E.E., HSPCB, Gurugram Region.

Signed on 5th day of October, 2020

R.K. Chauhan
Government Analyst.

Department of Environment & Climate Change, Haryana

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**DIRECTORATE, DEPARTMENT OF ENVIRONMENT
& CLIMATE CHANGE, HARYANA**
SCO 1-3, 2nd FLOOR, SECTOR 17 D, CHANDIGARH
Telephone: 0172-2701628, Fax: 0172-2709462, Email: environment@hrv.nic.in

Report by Government Analyst

Report No. W-6/2020-21/06

Dated 05.10.2020

I, Dr. R.K.Chauhan, Government Analyst duly appointed under Sub Section (2) of Section 53 of Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) read with Rule 35 of Haryana (Prevention and Control of Water Pollution) Rules, 1978, hereby declare that I have received a sample on the 09th September, 2020 from Ms. Neha Saharan, A.E.E., HSPCB, Gurugram collected from M/s Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurugram, Haryana for analysis. This sample was in a fit condition for analysis reported below.

I further clarify that I have caused to be analysed the aforementioned sample and declare results of analysis to be as follow:

Sample Collection Point- Outlet of STP No.-4

S.No	Parameters	Results	Limits
1.	pH Value	7.10	5.50-9.00
2.	Total Suspended Solids, mg/L Max	650	100
3.	Oil & Grease, mg/L, Max	28.57	10
4.	Chemical Oxygen Demand, mg/L, Max	900	250
5.	Biological Oxygen Demand, mg/L, Max	320	30
6.	Sulphide (as S) mg/L, Max	12.80	2.0
7.	Ammonical Nitrogen, mg/L Max	2.80	50

The sample was preserved and sealed with the seal bearing inscription of Ms. Neha Saharan, A.E.E., HSPCB, Gurugram Region.

Signed on 5th day of October, 2020

Government Analyst

Department of Environment & Climate Change, Haryana

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Company Master Data

Company Name: BLOOM FIELD PROPERTIES AND HOLDINGS PRIVATE LIMITED
 ROC Code: ReC-Delhi
 Registration Number: 055637
 Company Category: Company limited by Shares
 Company SubCategory: Non-govt company
 Class of Company: Private
 Authorized Capital(Rs): 122270000
 Paid up Capital(Rs): 117868000
 Number of Members(Applicable in case of company without Share Capital): 0
 Date of Incorporation: 14/01/1993
 Registered Address: J SHIVJI MARG, WESTEND GREENS BANGPURI NEW DELHI
 Address other than R/o where all or any books of account and papers are maintained: New Delhi DL 110037 IN
 Email Id: skohli5@gmail.com
 Whether Listed or not: Unlisted
 ACTIVE compliance: -
 Suspended at stock exchange: -
 Date of last AGM: 30/09/2019
 Date of Balance Sheet: 31/03/2019
 Company Status(for e-filing): Active

Charges

Assets under charge	Charge Amount	Date of Creation	Date of Modification	Status
No Charges Exist for Company/LLP				

Directors/Signatory Details

DIN/PAN	Name	Begin date	End date	Surrendered DIN
00161125	SAMEER KOHLI	24/11/2008	-	
00161191	KUM KUM KOHLI	15/04/2013	-	
00161237	SUDERSHAN KUMAR KOHLI	14/01/1993	-	
AHAPG8202A	SUMIT GARG	01/09/2015	-	

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Company Master Data

CIN: U74899DL19927TC048517
 Company Name: MALIBU ESTATE PRIVATE LIMITED
 ROC Code: RoC-Delhi
 Registration Number: 948517
 Company Category: Company limited by Shares
 Company Sub-Category: Non-govt company
 Class of Company: Private
 Authorized Capital (Rs): 15000000
 Paid up Capital (Rs): 17281600
 Number of Members (Applicable in case of company without Share Capital): 0
 Date of Incorporation: 23/04/1992
 Registered Address: SE, DDA COMMERCIAL COMPLEX KAILASHI COLONY EXTENSION, ZAMRUPUR NEW DELHI DL 110048 IN
 Address other than R/o where all or any books of account and papers are maintained: MLIBU ESTATE PVT. LTD., SHOPPING ARCADE 2ND FLOOR, SOFNA ROAD GURGAON 122018 HR
 Email Id: vishnu@mlibuprivate.in
 Whether listed or not: Unlisted
 ACTIVE Compliance: *
 Suspended at stock exchange: *
 Date of last AGM: 30/09/2019
 Date of Balance Sheet: 31/03/2019
 Company Status (or filing): Active

Charges

Assets under Charge	Charge Amount	Date of Creation	Date of Maturity	Status
Immovable property or any interest therein	115000000	25/01/2003	-	CLOSED
Immovable property or any interest therein	115000000	25/01/2007	-	CLOSED
Book debts	20000000	16/10/1999	30/04/2001	CLOSED
Immovable property or any interest therein	115000000	25/01/2007	-	CLOSED
Immovable property or any interest therein	115000000	25/01/2003	-	CLOSED
Book debts	15000000	29/06/1993	-	CLOSED
Immovable property or any interest therein	105000000	25/07/2003	-	CLOSED
Immovable property or any interest therein, Movable property (not being pledge)	105000000	25/07/2003	-	CLOSED
Immovable property or any interest therein	105000000	25/07/2003	-	CLOSED
Immovable property or any interest therein	105000000	25/07/2003	-	CLOSED
Immovable property or any interest therein	105000000	15/03/2007	-	CLOSED
Immovable property or any interest therein	105000000	25/07/2003	-	CLOSED
Immovable property or any interest therein	105000000	15/03/2007	-	CLOSED
Immovable property or any interest therein	105000000	25/07/2003	-	CLOSED
Immovable property or any interest therein	105000000	25/07/2003	-	CLOSED
Immovable property or any interest therein	70000000	13/08/1996	25/03/1993	OPEN
Immovable property or any interest therein	105000000	15/03/2007	-	CLOSED
Immovable property or any interest therein	105000000	25/07/2003	-	CLOSED
Immovable property or any interest therein	305000000	25/07/2003	-	CLOSED
	700000	01/03/1996	-	OPEN
Immovable property or any interest therein	105000000	25/07/2003	-	CLOSED
Immovable property or any interest therein	105000000	25/07/2003	-	CLOSED

Directors/Signatory Details

DIN/EAN	Name	Begin date	End date	Surrendered DIN
0048463	GURBACHAN SINGH DINGRA	23/10/1992	-	

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0161125
00161191
00194483
AXCPS2737F

SAMEER KOHLI
KUM KUM KOHLI
NAVEEN CHOUDHARY
K SRIRAM

28/04/1992 -
28/04/1992 -
23/01/2019 -
29/08/2009 -

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प्राइवेट एक्ट

Form 1

निगमन का प्रमाण-पत्र

CERTIFICATE OF INCORPORATION

सं० 55-48517 शक 1914
 No. 55-48517 of 1992-93

इ एनड टार प्रमाणित करता हूँ कि याज **मालिबु इस्टेट प्राइवेट लिमिटेड**

कम्पनी अधिनियम 1956 (1956 का 1) के प्रवीन निगमित की गई है और यह कम्पनी
 बरिमीमित है।

I hereby certify that **MALIBU ESTATE PRIVATE LIMITED**

is this day incorporated under the Companies Act, 1956 (No. 1 of 1956) and
 that the Company is Limited.

मेरे हस्ताक्षर से याज ता० 0 वंशाख, 1914 को दिया गया।

Given under my hand at.....NEW DELHI.....this.....TWENTY EIGHTH
 day of.....APRIL.....One Thousand Nine Hundred and.....NINETY TWO.....



Sd/-

(एच. एस. शर्मा)

यपर कम्पनी रजिस्ट्रार

दिल्ली एवं हरियाणा

(H. S. SHARMA)

Addl. Registrar of Companies

DELHI & HARYANA

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(THE COMPANIES ACT, 1956)
(COMPANY LIMITED BY SHARES)
MEMORANDUM OF ASSOCIATION
OF
MALIBU ESTATE PRIVATE LIMITED

- I. The Name of the Company is MALIBU ESTATE PRIVATE LIMITED
- II. The Registered office of the Company will be situated in the Union Territory of Delhi.
- III. The objects for which the Company is established are:
 - A. THE MAIN OBJECTS TO BE PURSUED BY THE COMPANY ON ITS INCORPORATION ARE:
 1. To purchase or otherwise acquire lands and buildings, sheds and other fixtures on lands and buildings and to let them out on lease, rent, contract or any agreement as may be deemed fit by the company.
 2. To construct, erect, maintain, buy and sell lands and houses, apartments to any person and on such terms and conditions as may be deemed fit by the Company.
 3. To hold, maintain, sell and allot houses, apartments, flats or parts thereof to the shareholders or any other person on such terms and conditions as may be deemed fit by the Company.
 4. To purchase, sell and otherwise, to carry on the business of builders, surveyors, bricks and tile dealers, line dealers, house and estate agents.
 5. To acquire, improve, maintain and develop all rights in respect of leasehold and freehold rights of immovable properties and to sell and dispose of, turn to account and otherwise deal with the immovable property of all kinds such as land and buildings.
 6. To acquire by purchase, lease, exchange, hire or otherwise, lands and immovable property of any tenure or any interest in the same.
 7. To erect and construct houses, buildings or civil and constructional works of every description on any land of the Company, or upon any other lands and immovable property, and to pull down, rebuild, enlarge, alter and improve existing houses, buildings or works thereon and to convert and appropriate any such land into and for roads, streets, squares gardens and such other conveniences related thereto and to deal with and improve the immovable property of the company or any other immovable property.

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8. To sell, lease, let, mortgage or otherwise dispose of the lands, houses, buildings and other property of the Company or others.

9. To undertake or direct the construction and the maintenance of the immovable property, buildings, lands and sites (of any tenure or kind) of any person, whether member of the Company or not, in the capacity of steward or receiver or otherwise.

(D) THE OBJECTS INCIDENTAL OR ANCILLARY TO THE ATTAINMENT OF THE MAIN OBJECTS ARE:

1. In case of the conversion of the company to a public company subject to the provisions of the Companies Act, 1956 and other such laws upon any issue of shares, debentures or such other securities of the company, to employ commission agents and under-writers and to provide remuneration of such persons for their services by payments in cash or by the issue of shares, debentures, or such other securities of the company of all types or by the granting of options, to take the same, of all types or in any other such manner as may be allowed by law.
2. To negotiate and/or enter into agreements and contracts with individuals, companies, corporations and such other organisations (foreign or Indian, for obtaining or providing technical, financial or any other assistance for carrying out all or any of the objects of the Company and also for the purpose of activating, research development of manufacturing projects on the basis of know-how and/or financial participation and for technical collaboration and to acquire or provide necessary formulae and patent rights for furthering the main objects of the company.
3. To accept stock or shares in or debentures, mortgage debentures or such other securities of any other such company in payment for any services rendered or for any sale made to or debt owing from any such company.
4. To apply for purchase or otherwise, acquire any patents, brevets d'invention, licences and concessions concerning any exclusive or non-exclusive or limited rights to use secrets or such other information as to invention which may seem capable of being used for any of the objects of the Company or the acquisition of which may seem, calculated directly or indirectly to benefit the Company and to use, exercise, develop or grant licences or in respect of the property rights or information so acquired.
5. To acquire, all machineries, plants, stocks-in-trade, trade marks and other movable and immovable properties of any description, to achieve any of the main objects of the Company.
6. To acquire by concession, purchase, barter, lease, licence or otherwise, lands buildings and/or machinery, farms, water rights and other works, privileges, rights and hereditaments of all types.
7. To erect upon the lands belonging to the Company and upon any other such lands or property which may be taken on lease or licence by the company, factories buildings, houses and erections as may be required for carrying out the objects of the Company and

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- in particular, equip the said buildings and/or factories with machinery in connection with the business of the company.
5. To sell, improve, manage, develop, exchange, lease, mortgage, enfranchise, dispose of or run to account or otherwise deal with all or any of the property and rights of the Company.
 6. To pay for any lands and immovable or movable estates and/ or properties or assets of any kind acquired by the Company or for services rendered or to be rendered to the Company in connection with the main business and to pay or discharge any consideration to be paid or given by the Company in money or in shares whether fully paid-up or debentures or obligations of the Company, or partly in one and partly in another or otherwise however, with power to issue any shares either as fully paid up for such purposes.
 7. To enter into any contracts, agreements with any Government or Governmental Authority, Municipal, Revenue, Local or otherwise, which may seem conducive to any objects of the Company and obtain from any such Government or Authority any rights, privileges, and concessions which may appear desirable to be obtained and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
 8. To purchase, take on lease, or otherwise acquire in the Union of India or elsewhere any real or personal property estates, plantations and other such lands whether freehold, leasehold or such other tenure of all types for the purpose of the Company's business.
 9. Subject to Sections 391 to 394 of the Companies Act, 1956 to enter into partnership or any agreement for sharing profits, union of interest, reciprocal concession, amalgamation or co-operation with any person or persons, corporation or company, carrying on or about to carry on or to engage in any business or transaction which this Company is authorised to carry on or to engage in any business or transaction capable of being conducted so as to benefit this Company, directly or indirectly and to take or otherwise acquire and hold stocks or securities and to subsidise or otherwise assist any such company and to sell, hold, receive with or without guarantee or with such shares or securities; and to form constitute or promote any other such Company or Companies for the purpose of acquiring all or any of the property, rights and liabilities of this Company or for any other such purpose which may seem directly or indirectly calculated to benefit the Company.
 10. Subject to Sec. 77 of the Companies Act, 1956 to invest in other than investment in Company's own shares and deal with the moneys of the Company not immediately required in any scheduled banks or in trust, securities or deposit on interest with any body corporate/ individual or in such other manner as is beneficial to the Company.
 11. To draw, accept, endorse or negotiate promissory notes, bills of exchange or such other negotiable instruments drafts, charter parties, bills of lading and warrants of all types in connection with the objects of the company.
 12. Subject to Section 391 to 394 of the Companies Act, 1956 to amalgamate with or dispose of or exchange any of the business or undertakings, properties or rights of the Company in consideration of shares, debentures or such other securities of all types and to enter into any agreement or arrangement with other companies firms or individuals for joint working in

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- business or for sharing of profits in any such other company, firm or person if such acts are advantageous to this Company.
16. To sell, dispose of, transfer, exchange, lease and mortgage or otherwise deal with all business, undertaking, properties or rights of the Company or any part thereof for any consideration which the Company may deem fit to accept in connection with its main business.
 17. To aid pecuniarily or otherwise any association, body or movement having its object the solution, settlement or surmounting of industrial or labour problems or troubles or the promotion of industry and trade.
 18. To make pecuniary grants by way of donations, subscriptions allowances, gratuity, guarantee or otherwise for the benefit to persons who are or have been employed by the Company and widows, orphans and dependants of any such persons.
 19. Subject to section 293A of the Act, to subscribe, contribute or guarantee money for any national, charitable, benevolent, public, general or useful object or funds or for any exhibition.
 20. To undertake and execute any trusts the undertaking whereof may seem desirable either gratuitously or otherwise in connection with the main business of the company.
 21. To establish and support or provide aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employes or ex-employees of the company or its predecessors in business or the dependants or relations of such persons and to grant pensions and allowances and to make payments towards insurances.
 22. To take up the management of any Company situated in the Union of India engaged in similar business for furthering the main objects of this Company.
 23. To procure the Company to be registered, legalised, domiciled or recognised in any country or place and to procure its incorporation in a like character as a society or otherwise in any country or place and to carry on its business or any portion of its business or objects in any country or place.
 24. To pay all or any costs, charges or expenses, whatsoever preliminary incidental or relating to the promotion, formation, registration or establishment to this or any other such company or to the raising, subscription, issue, settlement or quotation in any stock exchange of any portion of the original or future share, loan or other capitals of this or any other company and to remunerate by commission, discount or otherwise any person or company for services rendered in planning or assisting to place any of such share or debenture stocks or securities or obtaining or assisting or to obtain a settlement of quotation of the same in any stock exchange or for any services, preliminary, incidental, or relating to or in connection with the promotion, formation registration or establishment of this or any such other company and to charge any payment of remuneration to capital or revenue account.

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4. To buy out, advance, invest and deal with the Company's money with such persons or companies and in or upon such investment or securities in such manner as may be expedient.
5. To vest any movable or immovable property, rights or interests acquired by or received or accruing to the Company in any person or persons or company on behalf of or for the benefit of the Company and with or without any declared trust in favour of the Company.
6. To import, buy, sell, exchange, alter, improve and manipulate all kinds of plant, machinery, apparatus, tools, utensils, substances, materials and things necessary or convenient for carrying on the main objects of the Company.
7. To purchase or otherwise acquire, construct, carry out, equip maintain, alter, improve develop, manage, work, sell, let on hire, control and superintend any factories, plants, warehouses, workshops, sheds, dwellings, offices, shops, stores, buildings, telephones, electric and gas works, power plants, roadways, railways, bridges, reservoirs, waterhouses, all kinds of works machinery, apparatus, labour lines and houses, wharves, crushing works and any other works and conveniences which may seem calculated directly or indirectly to advance the interests of the Company and to join with any other such person or company in doing any of these operations.
8. Subject to Section 100 to 105 of the Act, to distribute among the members in specie or otherwise any property of the company or any proceeds for sale or disposal of any property of the Company in the event of winding up but so that no distribution amounting to a reduction of capital be made except with the sanction, if any, for the time being required by the Companies Act, 1956.
9. To distribute as dividend or bonus among the members or to place reserve or otherwise to hold, as the Company may, from time to time, think fit any money received by way of premium on shares or debentures issued at a premium by the company and any moneys received in respect of forfeited shares and moneys arising from sales by the Company of forfeited shares subject to the provisions of the Companies Act, 1956.
10. To employ agents or experts to investigate and examine into the condition, prospects, value, character and circumstances of any business concerns and undertaking of any assets, properties or rights which the company propose to acquire.
11. To create any reserve fund, sinking fund, insurance fund or any other such special fund wherewith for appreciation, repairing, improving research, extending or maintaining any of the properties of the Company or for any other such purpose conducive to the business of the Company.
12. To send out to foreign countries, its directors, employees or any other such person or persons for investigating possibilities of any business or for procuring and buying any machinery or establishing trade connections for promoting the interests of the Company and to pay all expenses incurred in this connection.

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14. To lay out, advance, invest and deal with the Company's money with such persons or companies and in or upon such investment or securities in such manner as may be expedient.
15. To vest any movable or immovable property, rights or interests acquired by or received or belonging to the Company in any person or persons or company on behalf of or for the benefit of the Company and with or without any declared trust in favour of the Company.
16. To import, buy, sell, exchange, alter, improve and manipulate all kinds of plant, machinery, apparatus, tools, utensils, substances, materials and things necessary or convenient for carrying on the main objects of the Company.
17. To purchase or otherwise acquire, construct, carry out, equip maintain, alter, improve develop, manage, work, sell, let on hire, control and superintend any factories, plants, warehouses, workshops, sheds, dwellings, offices, shops, stores, buildings, telephones, electric and gas works, power plants, roadways, railways, bridges, reservoirs, waterhouses, all kinds of works machinery, apparatus, labour lines and houses, wharves, crushing works and any other works and conveniences which may seem calculated directly or indirectly to advance the interests of the Company and to join with any other such person or company in doing any of these operations.
18. Subject to Section 100 to 105 of the Act, to distribute among the members in specie or otherwise any property of the company or any proceeds for sale or disposal of any property of the Company in the event of winding up but so that no distribution amounting to a reduction of capital be made except with the sanction, if any, for the time being required by the Companies Act, 1956.
19. To distribute as dividend or bonus among the members or to place reserve or otherwise to apply, as the Company may, from time to time, think fit any money received by way of premium on shares or debentures issued at a premium by the company and any moneys received in respect of forfeited shares and moneys arising from sales by the Company of forfeited shares subject to the provisions of the Companies Act, 1956.
20. To employ agents or experts to investigate and examine into the condition, prospects, value, character and circumstances of any business concerns and undertaking of any assets, properties or rights which the company propose to acquire.
21. To create any reserve fund, sinking fund, insurance fund or any other such special fund whether for appreciation, repairing, improving research, extending or maintaining any of the properties of the Company or for any other such purpose conducive to the business of the Company.
22. To send out to foreign countries, its directors, employees or any other such person or persons for investigating possibilities of any business or for procuring and buying any machinery or establishing trade connections for promoting the interests of the Company and to pay all expenses incurred in this connection.

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34. To agree to refer to arbitration any dispute, present or future, between the Company and any other Company, firm, individual or any such other body and submit the same to arbitration in India or abroad either in accordance with Indian or any foreign systems of Law.
35. To appoint agents, sub-agents, dealers, managers, canvassers or representatives for transacting all or any of business which this Company is authorised to carry on and to constitute agencies of the Company in India or any other country to establish offices and agencies in different parts of the world.
36. To do all or any of the above things in any part of the world as principals, agents, contractors, trustees or otherwise either alone or in conjunction with others and either by or through agents.
37. For the purpose of the Company to accept deposit, subject to Section 58A and 292 of the Companies Act, 1955, and the Rules made thereunder and directions of the Reserve Bank of India, for any period of time and pay interest thereon and issue fixed deposit receipts, promissory notes and such other securities for the same and keep floating, cash credit or such other accounts with or without interest and to lend or allow loans or overdraft thereon to the depositors and charge interest thereon.
38. To acquire, and take over either the whole or any part of the business, goodwill, trademarks, patents and property, assets and liabilities of any person or persons, company, partnership firm or corporation carrying on any business which the Company is authorised to carry on or possessed of property suitable for the business of the Company.
39. To take all such other steps and to do all other acts as may be necessary incidental or conducive to the attainment of the main object or any of them.

(C) OTHER OBJECTS :

1. To carry on the business of manufacturing chemists, whole-sale and retail druggists importers, exporters and manufacturers, mixers, refiners, processors or formulators of and traders and dealers in pharmaceutical, medicinal, chemical, biological, immunological, contraceptive and their preparations, substances materials and articles of all kinds and classes whether simple, compound or otherwise and whether proprietary or otherwise and materials, dressings apparatus and contrivances of every description and for any purpose, including in particular but without limiting the generality of the foregoing scientific, medical, dental veterinary, agricultural, horticultural, fishery and forestry purposes, surgical and scientific instruments and appliances.
2. To manufacture, produce, refine, process, formulate, buy, sell, export or import or otherwise deal in all classes and kinds of chemicals including without limiting the generality of the foregoing laboratory and scientific chemicals, of any nature used or capable of being used in the pharmaceutical industry, agricultural chemicals, fertilisers, petrochemical, of being used in the pharmaceutical industry, agricultural chemicals, fertilisers, petrochemical, industrial chemicals or any mixtures, derivative and compounds thereof.

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3. To carry on the business as laboratory proprietors, breeders, importers and exporters of and dealers in live or dead animals; to act as analytical and consulting chemists and to undertake analytical and research work of any kind.
4. To carry on the business of manufacturers of and dealers in disinfectants, vermifuges, fungicides, insecticides pesticides and remedies of all kinds for agricultural, fruit-growing or other purposes or as remedies for human or animal problems whether produced from vegetable or animal matter or by any chemical process.
5. To carry on the business as manufacturers of and dealers in dyes, dyestuffs, dyewares, gases, plaster of paris, gypsum, plasters, salt acids, alkalies, lannin, essences, cordials, oils, paints, isinglass, colours, glues, gums, pasters, pigments, varnishes, organic or mineral intermediates, compositions and laboratory reagents.
6. To manufacture and deal in solar electric equipments.
7. To carry on the business as manufacturers, importers, exporters of and dealers in scientific, laboratory, technical pharmaceutical pressed glassware, kitchenware, bottles, flasks, stoppers, tumblers, mirrors and such other varieties of glassware of all types.
8. To carry on the business of mine owners, manufacturers, importers and exporters of, and retailers and sellers in particular china clay, ball clay, quartz, felspar, fireclay, gypsum, bauxite, kyanite, stellite, bentonite, silliminite, dolomite, magnolite, calcite, lime stone, chrome, brookum, graphite manganese, red oxide, yellow ochre, kieselguire or other associate minerals and chemicals needed for manufacturing, producing and dealing in all ceramic products particularly pottery products and refractory products such as firebricks, silica, refractory pipes, drain pipes, lime, cement, artificial stones, glass and enamel products and by products thereof.
9. To carry on the business as brewers, distillers and manufacturers of and merchants and dealers in vinegar, acetic acid, glucose, wines, spirits, beer, porter, malt, hops, grain, meal, yeast, carbonated water, carbonic acid gas, mustard pickles, sauces, condiments of all kinds, extra, coffee and preservatives.
10. To carry on the business of importers, exporters, stockists, suppliers and manufacturers of and dealers in commercial, industrial and domestic plastics and plastic products of any nature, substance and form and of any raw material including styrene, vinyl-chloride, polyvinyl polyethylene, polyolefins vinyl acetate and co-polymers and other allied materials, acrylics and polyesters, polycarbonates and polyethers and epoxy resin and compositions, silicon resins and P.F.U.F. and other thermoplastic moulding compositions in pre-fabricated shapes, cellulose plastics and such other thermosetting and thermo-plastic materials (of synthetic or natural origin), colouring materials plastic, and resin materials and adhesive compositions.
11. To carry on the business of manufacturers, importers and exporters, traders and dealers in or otherwise engage in ceramic refractory and plastic (such as PVC, PE bakelite, urea, formaldehyde) such as fibre glass, glass wool, fire clay, refractories, insulations, cement of

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all types glass abradants, porcelain wares, earthenwares, stonewares, terracotta, plastic moulding and extruders and all types of any such class such as crockerywares, tablewares, glasswares, figurals and statuae, artificial teeth, electrical insulators, sanitarywares, glazed or unglazed tiles, laboratory, hospital and industrial requisites, sparking plugs, drainage and water supply pipes, refractory and insulation cements, bricks and such other abrasives and fillings of all types and all such other types and kinds or any class of plastic heavy clay and ceramic products.

12. To organise, run, maintain, operate, promote the business of interior decorators, furniture and carpet designers and manufacturers, boutiques, operators of fashion centres, fashion shows and to make, acquire, deal in any way in handicrafts, objects of art, precious stones, jewellery whether artificial or otherwise and articles where in precious stones may be used, in textiles, fabrics and to manufacture and deal in any products as are dealt in by boutiques, fashion shows and interior decorators.
13. To establish experimental farms and research stations anywhere in India for conducting experiments, test and research for developing better quality food-grains and agricultural products and for developing milk in space strain cattle by cross breeding or otherwise and increasing egg laying capacity in poultry and also for finding such other ways and means of improving such other agricultural crops, produce, seeds, fodder crops and cattle feed of all kinds.
14. To carry on the business as general, commercial, colour craft and process printers, lithographers, engravers, dyo makers, publishers of newspapers, books, magazines, art and musical production, plan and chart printers, press and advertising agents, contractors, ink, dye, colour and chemical manufacturers, manufacturers of metal and other signs and manufacturers of and dealers of containers and components and machinery and manufacturers of and dealers in printing machinery, type and all prints supplies, book binders and stationers and dealers in all kind of supplies and equipment for mercantile and such other uses thereof.
15. To carry on the business as manufacturers and dealers in and sellers of electronic, and software components, and equipments, audio products, electronic calculators, digital products, micro processor based systems, minicomputers, communication equipment and process control equipment, instrumentation and industrial and professional grade electronic, computer equipments and computer software development.
16. To carry on business as manufacturers and importers of and dealers in abrasive material and wheels and cutting and welding equipment, blowers, bedding, belt fasteners, ball dressings, blow lamps, blue print requisites, boiler compound and fluids, softening apparatus, testing apparatus, drawing instruments, emery paper and cloth, steam, water and engine packings, washers, asbestos, fibre, rubber and composition, joinings, boiler and pipe coverings and engineers and wood workers, supplies, requisites and equipments of all descriptions.
17. To carry on the business of importers and exporters of goods or merchandise of any description or to act as transport contractors, shippers, underwriters, commission agents.

- brokers estate agents, financiers, hardware merchants, traders and dealers in articles of furniture and the business of hire-purchase.
13. To stand guarantor and be surety or answerable for the debts or defaults of any person, firm or company arising on contracts for payment or repayment of moneys or loans or the fulfilment of any obligations or performances of any such person, firm or company and to enter into contracts of indemnity or guarantee upon such terms and conditions as may seem necessary or expedient for effecting the same.
 14. To act as agents and brokers for sellers, buyers, exporters importers, manufacturers, merchants, tradesmen, insurers and to undertake and carry out agency work of any kind and transact all matters of agency and commission business.
 15. To act as stockists, commission agents, manufacturers, representatives or agents selling and purchasing agents, distributors, brokers, trustees and attorneys and to establish branches at places in and/or outside India, as the company may think fit, subject to the provisions of the Companies Act, 1956.
 16. To carry on business as insurers, brokers and agents in respect of all classes of insurance such as marine, fire accident, burglary, workmen's compensation indemnity and motor.
 17. To carry on business as house, land and estate agents, and to arrange or undertake the sale, purchase of, advertise for sale or purchase, assist in selling or purchasing and find or introduce purchasers or vendors of and to manage lands, buildings and other property, whether belonging to the Company or not and to let any portion of any premises for residential, trade or business purposes, or other private or public purposes and to collect rent and income and to supply, to tenants to occupiers and others, refreshments, clubs, public halls, canteens, lights, waiting rooms, reading rooms, meeting rooms, lavatories, laundry conveniences, electric conveniences, garages and such other advantages thereof.
 18. To carry on the business of lithographers, stereotypers, electrotypers, photographic printers, photo-lithographers, engravers, die-sinkers, envelope manufacturers, book binders account book manufacturers, machine rulers numerical printers, paper makers, paper bag makers, cardboard box makers, board container carton and cardboard manufacturers, type foundries, photographers, manufacturers of and dealers in carbon paper, sensitised paper, chemically treated paper, litmus paper, photographic paper, glass paper, emery paper, ribbons, pens, pencils, fountain pens, playing visiting, festive complimentary and fancy cards makers, manufacturers of dolls, articles and moulding from papermache, celluloid, bakelite and dealers in the materials used in the manufacture of paper.
 19. To promote companies, associations with or without liability and to take or otherwise acquire and hold shares and debentures in such company or association or any other company carrying on business in India or elsewhere whether, promoted by this Company or not and to appoint any director, trustee, accountant or agent.
 20. To manufacture, produce, refine, process formulate, mix or otherwise acquire invest in, own, hold, use, lease, mortgage, buy, sell, exchange, distribute, assign, transfer or otherwise dispose of trade, deal in and with import or export any and all classes and kinds of

- agricultural chemicals, fertilizers, manures, their mixtures and formulations, petro-chemicals, industrial chemicals, laminates and all classes and kinds of chemicals, source materials, ingredients, mixtures derivatives and compounds thereof and industrial and other such preparations of products arising from or required in the manufacture, refining, of any kind of fertilizer manures, their mixtures and formulations and any type of lath, dip spray, vermituges, insecticides, germicides, its disinfecting preparations, fumigators, medicines and remedies of all kinds for agricultural, tree and fruit growing gardening and other purposes or as remedies for human and animals and whether produced from vegetable, mineral gases, animal or any other such materials or substances fall upon by any process whether chemical, mechanical, electrical or otherwise.
26. To carry on the business as manufacturers of and dealers in dyes, plaster of paris, gypsum, plasters, salt, acids, alkalis, lardins, essences, cotals, oil, paints, isinglass, glues, gums, organic or mineral intermediates, composition and laboratory re-agents and any by-products made therefrom.
27. To carry on the business of and deal in either as principals or agents by sale, purchase or by letting, hiring or otherwise and to enter into and take over negotiate or otherwise acquire any contract or contracts for trawlers, deep sea fishers, fish carriers, fishcures, wholesale and retail fish merchants, cold storage keepers, warehouse men, utilizers of fish refuse, marine store-keepers, drivers suctioners, assessors, wharfingers, carriers and forwarding agents and also to carry on the business as manufacturers, importers and exporters of boats, ships and other implements apparatus, instruments and processing and canning of the products of the Company and all other such branches of business related thereto.
28. To carry on the business of hotel, restaurant, tavern, beer-house, refreshment-room and lodging-house keepers, licensed victuallers, wine, beer, and spirit merchants, brewers, malters, distillers importers and manufacturers of aerated mineral and artificial water and other drinks, purveyors, cinemas and show business caterers for public amusements proprietors of motor and other vehicles, garage proprietors, livery stable keepers, jobmasters, dairymen, ice merchants, importers and brokers of food, live and dead stock and local and foreign produce of all descriptions, hair-dressers, perfumers, chemists proprietors of clubs, bath, dressing rooms, laundries, reading, writing and newspaper rooms, libraries, ground and places of amusement, recreation, sport, entertainment and institutions of all kinds, tobacco and cigar merchants, agents for railway, shipping and air-plane Companies and carriers, cinema, theatrical and opera box proprietors.
29. To undertake and carry on the trades and business of shippers, ship-owners, ship brokers, shipping agents, and insurance-brokers, shipping managers, tug-owners, warehousemen, wharfinger, salvors, ship builders, ship repairers, manufacturers of and dealers in nautical instruments and ship's rigging, gear, fittings and equipments of every description and to establish, maintain and operate shipping transport services (public and private) and all ancillary services and for this purpose or as an independent undertaking to purchase, take in exchange, charter, hire, build, construct or otherwise acquire, and to own, work, manage and trade with steam sailing motor ships, trawlers, duffers, tugs and vessels of any shares or interests in ships, vessels including shares, stocks or securities of companies, possessed of or interested in any ships and to maintain repair, fit out, refit improve, alter, ex-

- change or let out on hire-purchase or charter or otherwise deal with and dispose of any of the ships.
- 30 To undertake any advisory, technical, managerial, consultancy or similar work.
 - 31 To carry on in all its branches the business of producers, manufacturers, purchasers, processors, refiners, importers exporters, sellers of and dealers in cement, asbestos products, alumino cement, port land cement, lime and lime-stone, kankar plaster, gypsumboard, plastic board, artificial stone and materials of every kind used in the manufacture thereof of whitening clay, concrete, gravel, sand, bricks, tiles and to deal in building materials of all kinds and all materials analogous to or connected there with and the business of miners, metallurgists, builders, contractors, quarry owners and to purchase and vend all materials, raw products or otherwise and all articles in any way connected with the said business and to acquire, erect, construct, establish, operate and maintain cement factories, limestone quarries, workshops and such other works related thereto.
 - 32 To carry on the business as manufacturers of and dealers in coal-tar, carbon black of all kinds, fibre and films and all kinds of organic chemical products and to manufacture from coal, coke and other solid, liquid and gaseous fuel by any process including distilleries or hydrogenation of coal, water, gas and other gases and to carry on the of distillation of coal-tar for the production of coal-tar chemicals and products of all kinds.
 - 33 To acquire, take over, promote, establish and carry on the business of seed crushers and manufacturers of linseed, cotton and such other cakes, oil extractors by crushing or by chemical or any other processes, cake and oil manufacturers, oil refiners, manufacturers of floor cloth and floor coverings of every description, makers and manufacturers of cattle food and feeding and fattening preparation of every description, makers and manufacturers of artificial manures and fertilizers of every description, soap manufacturers, grain and seed merchants, and cotton merchants all merchants, cake and corn merchants, millers, flour merchants, hay, straw and fodder merchants, nursery, ship owners, lighterman, carriers by sea and land, dock owners, wharfingers, varnish makers, makers and steaming manufacturers.
 - 34 To carry on the business as timber merchants, saw mill properties and timber growers and to buy, sell, grow, prepare for market, manipulate, import, export and deal in timber and wood of all kinds and so far as may be deemed expedient and to buy clear plant and work timber estates.
 - 35 To carry on the business of manufacturers of and dealers in rubber, plastic tubes and films and moulded goods of all kinds and for all purposes and in bottles, containers, tubes, wrapping materials and plastic products, transmission belts and similar industrial articles, hoses, tubes, hoses, rubber containers and rubber lined vessels, tanks, equipment, electric products, shoe products and parts thereof, ethyl, rubber products and parts, toys, insulating materials and all other such blown moulded extruded, calendered and dipped goods and articles thereof.

35. To carry on the business of producers, manufacturers and dealers of benzene toluene cyclohexane, cyclohexanon and phenol from mineral, vegetable, chemical or such other substances in any way or by any process or processes.
37. To carry on the business of manufacturers of and dealers in all kinds and classes of paper, board and pulp, photographic paper, glass paper, paste boards, card boards straw boards, pulp boards, leather boards, mill boards, corrugated boards, duplex and triplex boards, hard boards ply-wood boards, soda pulp, sulphite pulp, chemical and semichemical pulp and such pulp as is manufactured from all types of raw materials such as timber, bamboos, grasses, sugar-cane bagasse, cotton linters cotton waste and all kinds of coated papers with all types of materials, resins and plastics.
38. To carry on the business of hide and leather merchants, leather manufacturers tanners and curriers, dealers in all kinds of leather, hides, skins and all other such articles whether produced or used by tanners and curriers.
39. To carry on the business of manufacturers, exporters, repairers, dealers, importers of all types of Automobiles, Automobile parts, such as steering gears, transmission gears, pinion sets, complete differentials, engine valves, piston pins, cylinder sleeves, cylinder heads, circlips, connecting rods, gaskets and all components, machineries, parts equipment accessories for all articles and things referred to above and all other such materials, equipments and stores used therein or in relation thereto,
40. To carry on the business of manufacturers, importers, exporters and dealers in tubes, pipes and pipe fittings of steel, brass, copper, cast iron, rubber, polythene, aluminium stainless steel and to undertake and execute any work involving the supply, erection, designing, fabrication of any kind of pieces, pipework, fittings tubular structures pipework systems and supply of engineering knowhow.
41. To carry on the business of a company established with the objects of financing industrial enterprises within the meaning of section 370 of the Companies Act, 1956 and to make loans, give guarantees and provide securities to any other such Company or not providing that the Company shall not carry on banking business within the meaning of Banking Regulations Act, 1949.
42. To carry on the business of electrical engineers, electricians engineers, contractors, manufacturers, constructors suppliers of and dealers in electrical and such other appliances, cables, wirelines, dry-cells, accumulators, lamps and works and to generate, accumulate, distribute and supply electricity for the other such purpose of light, heat, motive power and for all other such purposes for which electrical energy can be employed and to manufacture and to deal in all apparatus and things required for or capable of being used in connection with the generation, distribution, supply, accumulation and employment of electricity including the term electricity all power that may be directly derived therefrom or may be incidentally hereafter discovered in dealing with electricity.
43. To conduct, carry on and manage the business and brewers, manufacturers of and merchants and dealers in whisky, gin, rum, brandy and general distillers, compounders and rectifiers or traders or growers, of hops and corn and merchants thereof, exporters, import-

ers, brokers, bottlers, bottle makers, bottle stopper makers, sales agents and general traders in relation to the marketing and distribution, at home and abroad, of spirits, wines, liquors, aerated and mineral waters and all products derived from the cultivation of grapes and to undertake, perform and carry out all or any of the operations ordinarily undertaken by distillery proprietors, wine growers, merchants, contractors and shippers or by persons or companies engaged in such business.

42. To carry on the business of manufacturing, spinning, texturising, weaving, ginning, pressing, importers, exporters buyers, sellers and dealers of man made synthetic fibres and filament yarns like viscose, nylon, polyester, acrylic, polypropylene, PVC and such other other types of industrial and technical yarns, tyre yarns, tyre cords, tyre cord fabrics, all other types of industrial and such other fabrics, films and sheet, webs, staple fibre yarn, acrylic and metallic yarn, glass fibres, cellulose, cotton, flexule hemp silk, artificial silk, rayon, linen, wool and any other such man made chemical, synthetic and or natural fibres and fibrous materials cultivation or production thereof and all other materials, equipment, stores used therein or in relation thereto and their intermediary products, other allied products or substitutes or substitutes for all or any of them and the business of manufacturing, bleaching, printing dyeing, combing and dealing in yarn, cloth, linen and other goods and fabrics whether made, woven or loomed and to transact all manufacturing or curing, preparing processes in connection therewith.

43. To carry on the business as manufacturers and dealers in polyester staple fibre, polyester filament, polypropylene staple fibre, polyacrylonitrile staple fibre, PVC staple fibre and or fabrics, PVC sheets, plastics, man-made leather and coated fabrics and non-wovens.

44. To manufacture, import, export and otherwise deal in caprolactum, nylon salts, AH-salt or other monomers, catalysts, acids, ethylene, glycol, polyvinyl, chloride, acerone, carbon disulphide, plasticizers, stabilizers, dulling agents, pigments all type of organic and inorganic heavy chemicals, chemicals, photograph chemicals and such other chemical substances of all kinds, whether basic, intermediate, finished or otherwise.

45. To carry on the business as manufacturers of and dealers in polymers, monomers elastomers and resins of all types, grades and co-polymer formulations and in all forms such as powder, fibres, granules, films, sheets, tubes, fibre pipes, laminates or as processed goods and specifically polythene, polypropylene, polymethyl, polystyrene, polyvinyl, acetate, methacrylate, epoxy resins, alkyd resins, melamine, polyesters such as polyethylene-terephthalate and polycarbonate, isophthalate or any other such or new substances being improvements upon modifications of or being derived from additions to petrochemicals or such other products resulting from any processes.

46. To carry on the business as manufacturers of and dealers in, importers and exporters of dyes, pigments, dyestuffs and dyeing auxiliaries, essences, cordials, acids, alkalis tannins-pharmaceutical, sizing, medicinal, chemical, petrochemicals, industrial and other preparations and articles of any kind waxes, natural and synthetic, industrial solvents and pasting agents and special chemical substances, oils, paints pigments and varnishes, organic or mineral intermediates, paints and colour of grindors.

49. To refine, treat and render merchantable and fit for use, natural deposits of salt, brine, nitron, soda, kieselghur nitrate and other chemical substances of oil kinds obtained as aforesaid and to manufacture therefrom by any electrolytic, metallurgic or other forms of plant or process of every kind of chemical and such other products and byproducts thereof.
50. To own, work, erect, install, develop, maintain, repair, alter, add to, extend, purchase, sell, exchange or otherwise deal in plants and machinery, spinning mills, weaving mills or any other factory for pressing ginning, preparing, combing carding, scouring, mixing, process ing, spinning, weaving, twisting throwing, bleaching, mercerising, printing, dyeing or finishing rayon staple-fibres, man made or natural staple fibre, yarn raw silk, silk yarn, waste silk, nylon, man-made synthetic fibres, cotton, flex jute hamp, wool, hessian linen or any other such textile or fabrics and materials of any description and kind and to supply and sell to any person, firm or body corporate, whether in India or elsewhere, technical information, know-how processes, engineering, manufacturing and operating data, plants layouts, blue prints, projects useful for the designing erection erection and operation of the plants and machinery or licenses and such other rights and benefits in the foregoing matters and things.
51. To carry on the business of general merchants.
52. To undertake, carry out, promote and sponsor or assist any activity for the promotion and growth of the national economy and for discharging what the Directors may consider to be social and moral responsibility of the Company to the public or any section of the public as also any activity which the Directors consider likely to promote national welfare or social, economic and moral uplift of the public or any section of the public in such manner as the directors may think fit.
53. To undertake, carry out, promote or sponsor rural development comprising any programme for the betterment of people in any rural area with a view to promote the social and economic status of the masses in those areas and to incur any expenditure on any rural development programme and to assist execution and promotion thereof whether directly or indirectly or in any other such manner of all type and to transfer with or without consideration or at a concessional value and divert the ownership of any property of the Company in favour of any public body or institution or trust engaged in the execution of rural development programmes as approved by the Central Government or state or any other such appropriate authority related thereof.
54. To carry on and undertake the business of finance, hire purchases, leasing and investment company.

IV. The liability of the members is limited

V. The Authorised Share capital of the Company is Rs. 3,50,00,000/- (Rupees Three Crore Fifty Lacs) divided into Rs. 3,50,000 (Three Lac Fifty Thousand) Equity Shares of Rs. 100/- (Rupees One Hundred) each.

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THE COMPANIES ACT, 1956
 (COMPANY LIMITED BY SHARES)
**ARTICLES OF ASSOCIATION
 OF
 MALIBU ESTATE PRIVATE LIMITED**

PRELIMINARY

Subject headings hereto shall not effect the construction hereof and in these presents, unless there be something in the subject or context inconsistent therewith.

- (a) 'The Company' means MALIBU ESTATE PRIVATE LIMITED.
- (b) 'The Act' means the Companies Act, 1956 and statutory modification thereof.
- (c) 'The Office' means the Registered Office for the time being of the Company.
- (d) 'The Register' means the Register of Members to be kept in pursuance to section 150 of the Act.
- (e) 'Month' means the calendar month.
- (f) 'Seal' means the Common Seal of the Company.
- (g) 'The Directors' means the Directors of the Company and include a person occupying the position of the Directors by whatever names called.
- (h) 'The Dividend' include bonus.
- (i) 'In Writing' or 'Written' means and includes words printed, lithographed represented or reproduced in any mode or in any visible form.
- (j) Words importing 'Singular' shall include 'Plural' and vice-versa, words importing Masculine Gender shall include 'Feminine Gender' and words importing 'Persons' shall include 'Bodies Corporate.'

- (k) 'Kohli Group' shall mean and include Mr. Sudarshan Kumar Kohli S/o Late Shri Diwan Chand Kohli, his wife, children grand children, if any and firm(s), Companies owned, controlled and managed by Mr. Sudarshan Kumar Kohli which hold shares of the Company and/or firms, companies owned, controlled and managed by his wife, children, grand children and which Companies hold shares of the Company.
- (l) 'Dhingra Group' shall mean and include Mr. Kuldip Singh Dhingra and Mr. Gurbachan Singh Dhingra both Sons of Late Shri Niranjan Singh Dhingra, their respective wives, children, grand children, and firms, companies owned, controlled and managed by Mr. Kuldip Singh Dhingra which hold shares of the Company and/or firm(s), company(s) owned, controlled and managed by their wives, children, grand children and which Companies hold shares of the Company."
2. The Regulations contained in Table 'A' in the First Schedule to the Act shall apply to the Company except in so far as otherwise expressly incorporated herein below.
3. The company is a "Private Company" within the meaning of Section 3(i)(iii) and 2(35) of the Act and accordingly:
- No invitation shall be issued to the public to subscribe for any shares in or debentures of the Company
 - The number of members of the Company (exclusive of persons who are in the employment of the Company and persons who, having been formerly in the employment of the company were members of the Company while in that employment and have continued to be the members after the employment ceased) is limited to fifty provided that for the purpose of this definition where two or more persons hold one or more shares jointly in the company, they be treated as a single member, and
 - The right to transfer of shares in the Company is restricted in the manner and to the extent hereinafter appearing.
 - The invitation or acceptance of deposits from persons other than its members, directors or their relatives is prohibited.

SHARE CAPITAL

4. The Authorised Share Capital of the Company shall be such amounts and be divided into such shares as may, from time to time, be provided in Clause V of the Memorandum of Association with power to increase or reduce the capital in accordance with the Company's regulations and the provisions thereof.

The Companies Act, 1956 for the time being in force in that behalf with the powers to divide the share capital whether original or increased or decreased into several classes and attach thereto respectively such ordinary, preferential or special rights and conditions in such a manner as may for the time being be provided by the Regulations of the Company and allowed under the provisions of the Companies Act, 1956

The Directors may, from time to time with the sanction of the Company in General meeting by ordinary resolution increase the share capital of the Company by such sum to be divided into shares of such amount and of such classes with such rights and privileges attached thereto as the General Meeting shall direct by specifying the same in the resolution and if no directions be given, as the Directors may determine.

The Company may by ordinary resolution :-

- (a) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares.
- (b) sub-divide its existing shares or any of them into share of similar amount than is fixed by the Memorandum of Association, subject nevertheless to the provisions of Clause (c) of sub-section (1) of Section 94 of the Act.
- (c) cancel any shares which at the date of the passing of the resolution have not been taken as agreed to be taken by any person.

The Company may, subject to the provisions of Section 100 to 105 of the Act reduce in any manner, from time to time by resolution -

- (a) its share capital.
- (b) any capital redemption reserve fund or any share premium account.

SHARES

- (a) The Shares shall be at the disposal of the Directors and they may allot or otherwise dispose of the same to such persons, at such time and on such terms and conditions as they may in their absolute discretion think fit and proper.

The allotments of shares shall be made by the Board of Directors at its meetings only by passing resolutions.

- (b) Fully paid up shares may also be allotted to minors through their guardians.

An application signed by or on behalf of an applicant for shares in the company followed by an allotment of any shares therein, shall be an acceptance of shares within the meaning of these Articles and every person who thus or otherwise, agrees to accept in writing the shares and whose name is entered on the Register of Members shall for the purpose of these Articles, be a shareholder.

By the conditions of allotment of any shares, the whole or a part of the amount or issue price thereof shall be payable by instalments, every such instalment shall, when due, be paid to the Company by the person who, for the time being and from time to time shall be the registered holders of the shares or his heirs, executors, administrators and legal representatives.

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11. Every member or his heirs, executors, assignees or other representatives shall pay to the Company the portion of the capital represented by his share or shares, which may for the time being remain unpaid thereon, in such amounts, at such time or times and in such manner as the Board of Directors shall, from time to time in accordance with the Company's regulations require or fix for the payment thereof and so long as any moneys are due, owing and unpaid to the Company by any member on any account, howsoever, such member in default shall not be entitled, at the option of the Directors, to exercise any rights or privileges available to him.
12. The Directors may also allot and issue shares in capital of the Company, in full or part payment, for any property sold or transferred, goods or machineries supplied or for services rendered to the Company in or about the formation of the Company or the conduct of its business and any such shares may be issued as fully or partly paid up.
13. The shares to be allotted as specified in Article 12 may be either partly paid up or fully paid up.
14. If any shares stand in the names of two or more persons, the person first named in the Register of members shall as regards receipt of dividend, bonus or service of notice and all or any other matters connected with the Company, except voting at meetings and the transfer of shares, be deemed the sole-holder thereof but joint-holder of shares shall be severally as well as jointly liable for the payment of all instalments and calls in respect of such shares and for all incidents thereof according to the Company's regulations.
- 14A. That as per the provisions of the Shareholders Agreement dated December 17, 1992 entered into between the shareholders of the Company, namely the Kohli Group and the Dhingra Group, the Company shall not recognize any power of attorney, except for proxy.

CERTIFICATE OF SHARES

15. Every person, whose name is entered as a member in the Register of Members shall be entitled to receive within three months after allotment or within two months after the receipt of application for registration of transfer or within such other period as the conditions of issue shall provide one certificate for all his shares without payment of one rupee (Rs. 1.00) or any other amount as the Board of Directors may determine for every certificate after the first.
16. The certificates of title to shares and duplicates thereof, when necessary, shall be issued under the seal of the Company in accordance with the provisions of Section B4 of the Act and the Rules thereunder.
17. The certificates of shares registered in the name of two or more persons shall, unless otherwise directed by them be delivered to the person first named on the Register of Members.

TRANSFER OF SHARES

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Subject to Section 108 of the Act, every instrument of transfer, duly stamped must be accompanied by the certificate of share proposed to be transferred and such other evidence as the Directors may require to prove the title of the transferor or his right to transfer the shares. In case the certificate has been lost or destroyed, the Directors may make its submission on production of evidence of its loss or destruction to the satisfaction of the Directors.

(a) Subject to the provisions of Section 111 of the Act, no transfer of share shall be made or registered without the prior sanction of the Board of Directors. Notwithstanding the above, the Board of Directors shall not object to the transfer of shares in the following cases: (i) a transfer between joint shareholders inter-se; (ii) a transfer inter-se between the members of the Kohli Group; or (iii) a transfer inter-se between the members of the Dhingra Group.

(b) (i) A member of either the Kohli Group or Dhingra Group desirous to sell/transfer any share or shares shall first offer such share or shares to the other members of their own Group and only upon their refusal to purchase, notice of such intention i.e. to sell/transfer shares shall be given to the Board of Directors alongwith a copy of the written consent from the Permanent Director of the respective Group. Thereafter the Board may offer such shares to the members of the other Group and on their written refusal to purchase shares by the Permanent Director of the other Group, the same may be offered to outsiders. In case of purchase of shares by the other Group, it should be confirmed within 15 days of receipt of such notice and payment of consideration for the same within 75 days of acceptance. The transfer procedure shall be completed within 15 days of notice to the Company.

(ii) In the event other Group does not exercise its option to purchase the said shares within the stipulated time, the selling Group may procure the offer from a third party for transfer of its shares and in that event the Board shall give further offer to purchase the shares of the selling Group at the consideration offered by the Third Party. In case of purchase of shares by the other Group within 30 days of receipt of such notice, the transfer procedure shall be completed within 15 days of notice to the Company.

(iii) In case the other Group does not exercise its second offer also and the shares are sold to a Third Party, the Selling Group shall ensure to obtain an offer from the third Party for purchase of entire shareholding of the other Group at the same consideration on which the Selling Group shall transfer its shares.

(iv) In case the other Group does not exercise its option as mentioned in the above said Clause (iii), the Board and the Selling Group shall ensure that the other Group is not put into a position of sharing the ownership of the company with a third party unacceptable to it.

(c) In case there are more than one purchasers, they shall be entitled to purchase the shares in proportion to their respective holdings in the Company on the date of such notice.

(d) The price payable for the purchase of shares shall be determined on the basis of the share valuation report prepared by any one of the following consultants :

- i) PriceWaterhouseCoopers
- ii) Ernst & Young
- iii) Deloitte Touche & Tomahatsu
- iv) KPMG

Such valuations shall be based on the market values of all assets and liabilities of the Company on such date. All share offers made pursuant to clause (b) above shall be made at such a price.

Provided that any transfer inter se between the members of the Kohli group or any transfer inter se between the members of the Dhirra group, can be at a price that may be mutually agreed between the members of the respective group.

(e) In case the Directors fail to find a purchaser within the period specified in sub-clause (b) above the member intending to sell his shares shall be at liberty to do so on such price as he considers proper and the Directors shall, subject to their right to decline such registration under sub-clause (a) above, register transfer of such shares.

(f) The right of pre-emption set out in Clauses (b) to (e) of this Article shall not be enforced in case of transmission or transfer of shares in favour to heirs of a member or mother, father, brother, sister or daughter-in-law of a member, but shall apply if the transmission is in favour their parties.

(g) That notwithstanding clauses (a) to (f), in the event of the Kohli Group or the Dhirra Group opting out, the new Group shall continue to be bound by all the covenants and conditions as set out in the Memorandum & Articles of Association of the Company as if the new Group were a member of the Group opting out.

20. The Company shall keep at its Registered Office a 'Register of Transfers' and thereon shall be firmly and distinctly enter the particulars of every transfer or transmission of shares. Subject to the provisions of Section 154 of the Act, the Directors shall have power to close the 'Register of Members' for such periods, not exceeding forty five days in aggregate in a year and thirty days at any one time, as may seem expedient to them.

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BORROWING POWERS

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21. Subject to the provisions of Section 58A and 292 of the Companies Act, 1956, and regulations made thereunder and Directions issued by the RBI the Directors may, from time to time and at their discretion, borrow or raise any sum or sums of money for the purposes of the Company in such manner and on such terms and conditions in all respects as they think fit without security or on security of all or any part of the movable and immovable properties of the Company and in particular subject to Article 46(b) hereof, by the issue of debentures or debenture stock of the Company charged upon the whole or any part of the undertaking of the company or upon any assets of the Company, both present and future, including its uncalled capital for the time being.
22. The debenture stock or other securities may be issued at par, discount or premium and with any special privileges and conditions as to redemption of debentures, conversions into shares and otherwise.

REGISTRATION OF CHARGES

23. Where a charge of the nature referred to in Section 125 of the Act is created by the Company, the Company shall, within 30 days after its creation, file the particulars of the charge along with the necessary documents with the Registrar of Companies in accordance with the provisions of Section 125 of the Act. The company shall also duly comply with the relevant provisions of part V of the Act, in connection with registration of the charges.

GENERAL MEETINGS

24. No business shall be transacted at any General Meeting unless a quorum of members is present. Two members present in person, consisting of a member from the Kohli Group, represented by Mr. Sudarshan Kumar Kohli or his proxy and/or permanent director in the manner as provided in Article 34A and a member from the Dhhogra Group, represented by Mr. Kulso Singh Dhhogra or his proxy and/or permanent director in the manner as provided in Article 34A shall form quorum for the General Meeting.
25. (a) The Board of Directors, if they think fit, may convene a General Meeting including the Annual General Meeting of the Company by giving a shorter notice thereof, subject, however, to the provisions of sections 171 & 190 of the Act. It shall not be necessary for Directors to annex explanatory statement to the notice calling General Meeting as required under Section 173 of the Act.
- (b) One of the Directors shall preside at every General Meeting, but if at any meeting, no Director is present within 30 minutes after the time appointed for holding the meeting or the directors present are unwilling to preside, the members present may choose one of them to be the Chairman of the meeting.
26. A member of the Company entitled to attend and vote at any General Meeting of the Company shall be entitled to appoint another person, who need not be a member of the Company, as his proxy to attend and vote in his place.

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27. Subject to any rights or restrictions for the time being attached to any class or classes of shares, on show of hands every member present in person shall have one vote for every share held by him and on a poll, the voting rights of members shall be as laid down in Section 37 of the Act, provided however, the power to grant voting rights in respect of preference shares is vested with the Board of Directors.
28. No member shall exercise any voting rights in respect of any shares registered in his name on which any calls or other sums presently payable by him have not been paid or in regard to which the Company has exercised any right or lien.
29. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting in case convened upon the requisition of members, shall stand dissolved and in any other case, it shall stand adjourned to the same day in the next week at the same time and place.
30. That the Company shall hold annual general meeting within six months of the closing of accounts and 15 months from the date of last annual meetings subject to the provisions of section 166 of the Act.

DIRECTORS

31. Subject to the provisions contained in these Articles and the limitations imposed by the Act, the Directors shall be entitled to exercise such powers and to do all such acts and things as the Company is authorised to exercise and do.
32. The number of Directors shall not be less than two and not more than twelve.
33. The Directors shall not be required to hold any qualification shares in the Company.
34. The following shall be the first Directors of the Company:-
1. SH. SUDARSHAN KOHLI
 2. SMT. KUM KUM KOHLI
- 34A. That Mr. Sudarshan Kumar Kohli, representative of Kohli Group and Mr. Kuldeep Singh Dhingra, representative of Dhingra Group shall be permanent Directors of the Company as long as the Kohli Group and Dhingra Group hold equity shares of the Company. In the event of their death or becoming comatose / medically declared brain dead, Mr. Gurbachan Singh Dhingra, representative of Dhingra Group and Mrs. Kum Kum Kohli, representative of Kohli Group shall become the Permanent Director of the concerned Group, as may be the case. Further, in the event of death or permanent incapacity of both Mr. Sudarshan Kumar Kohli and Mrs. Kum Kum Kohli, Mr. Sameer Kohli of the Kohli Group shall become Permanent Director. In the event of death or Permanent incapacity of both Mr. Kuldeep Singh Dhingra and Mr. Gurbachan Singh Dhingra, Mrs. Meeta Dhingra of the Dhingra Group shall become the Permanent Director. The Permanent Director of each group will be entitled to nominate the person who shall succeed him / her as permanent director, and also nominate the person who shall succeed his / her successor, as the permanent director of the Group.

The Board of Directors may meet for holding a meeting, adjourn it or otherwise regulate its business, as it thinks fit.

A Director may and on the requisition of a Director, the Secretary shall, at the time, summon the meeting of the Board of Directors.

The requisite Quorum for holding the meetings of the Board of Directors shall be a minimum of two Directors, with one Director from the Kohli Group representative by Mr. Sudershan Kumar Kohli or the then permanent director and one Director from the Dhingra Group, represented by Mr. Kuldeep Singh Dhingra or the then permanent director and all decisions of the Board shall have to be with the consent of the permanent director from the Kohli group and the then permanent director of the Dhingra group. In the event of Mr. Sudershan Kumar Kohli or the then permanent director of the Kohli group and/or Mr. Kuldeep Singh Dhingra or the then permanent director of the Dhingra group, being unable to attend the meeting of the Board of Directors due to any reason, they can through their express sanction in writing either waive the requirement of their presence or nominate in writing, a person in their place so as to constitute the quorum. Subject to such condition, the other provisions of Section 287 shall apply.

23. Mr. Sudershan Kumar Kohli or the permanent director representing the Kohli Group and Mr. Kuldeep Singh Dhingra or the permanent director representing the Dhingra Group, both Directors, shall have the power to nominate equal number of Directors on the Board of the Company to ensure that each Group has equal representation on the Board.

24. The Board may elect a Chairman of its meeting and determine the period for which he is to hold office. If no such Chairman is elected or if, at any meeting, the Chairman is not present within fifteen minutes after the time appointed for holding the meeting, the Directors present may choose one of them to be the Chairman of the Meeting.

25. (a) Save as otherwise expressly provided in the Act, questions arising at any meeting of the Board of Directors shall be decided by a majority of votes.

(b) In case of equality of votes, the Chairman of the meeting of the Board of Directors shall not have a second or casting vote.

26. The Board of Directors shall have powers to appoint, from time to time, any other person to be Additional Director or Directors but so that total number of Directors shall not at any time exceed the maximum number fixed by these Articles.

27. Subject to section 313 of the Act, the Board may appoint any person to act as an Alternate Director for a Director during the latter's absence for a period of not less than three months from the State in which meetings of the Board of Directors are ordinarily held and such appointment shall have effect and such appointee, whilst he holds office as an Alternate Director, shall be entitled to notice of meetings of the Board of Directors and to attend and vote thereat accordingly, but he shall ipso facto vacate office if and when the absentee Director returns to the State in which meetings of the Board are ordinarily held or the absentee Director vacates office as a Director.

41A. The Company being the lawful owner of equity shares of M/s. Wang Investment & Finance Private Limited and M/s. Bloomfield Properties & Holding Private Limited hereby authorize -

- (1) Mr. K. S. Dhingra or Mr. G. S. Dhingra or the then Permanent Director as provided in Article 34A from the Dhingra Group and his nominees, to the exclusion of all others, to represent the Company as shareholders at all the General Meetings of M/s. Wang Investment & Finance Private Limited; and
- (2) Mr. Sudarshan Kumar Kohil and failing him Mrs. Kum Kum Kohil or the then Permanent Director as provided in Article 34A from the Kohil Group and his nominees, to the exclusion of all others, to represent the Company as a shareholder at all the General Meetings of M/s. Bloomfield Properties & Holding Private Limited.

Subject to aforesaid, the other provisions of Section 187 of the Act shall prevail.

42. No Director shall retire by rotation.
43. The Board of Directors may, decide to pay to a Director out of funds of the Company by way of sitting fees a sum not exceeding Rs.250/- (Rupees Two hundred fifty) for each meeting of the Board or any Committee or sub-Committee thereof attended by him in addition to his travelling, boarding and lodging and other expenses incurred.
44. If any Director, being willing, shall be called upon to perform extra service or to make any special exertions in going or residing away from the place of his normal residence for any of the purposes of the Company or has given any special attendance for any business of the Company, the Company may remunerate the Director so doing either by a fixed sum or by a percentage on profits or otherwise as may be determined by the Directors and such remuneration may be either in addition to or in substitution for his share in the remuneration above provided, subject to Section 314 of the Act.
45. Subject to the provisions of Section 269 of the Act, and except a resolution which the Companies Act, 1956 requires it specifically to be passed in a Board of Directors meeting, a resolution determined by majority without any meeting of Directors and evidenced by writing to have been circulated amongst all the Directors shall be as valid and effectual as a resolution duly passed at a meeting of the Directors.
46. The Board of Directors shall exercise the following powers on behalf of the company only by means of resolutions passed at meetings of the Board:-
 - (a) the power to make calls on shareholders in respect of money unpaid on their shares
 - (b) the power to issue debentures.
 - (c) the power to borrow moneys otherwise than on debentures.
 - (d) the power to make loans.

(1) The Board of Directors may, from time to time and subject to the restrictions contained in section 292 of the Act, delegate to a committee or committees consisting of one or more directors or to managers, secretaries, officers, assistants and other employees or persons any of the powers, authorities and discretions for the time being vested in the Directors and may at any time revoke such powers authorities and discretions.

(2) Subject to provision of Article 57 all deeds, agreements and documents and all cheques, promissory notes, drafts, hundies, bills of exchange and other negotiable instruments and all receipts for moneys paid to the Company shall be signed, drawn, accepted or endorsed by the persons authorised by the Board of Directors in this behalf.

(3) Subject to the provisions of Section 297 and 299 of the Act, no Director, shall be disqualified, by virtue of his office, for contracting with the Company, either as vendor, purchaser or with a Director or any company or partnership firm in which a director is a member or otherwise interested be avoided nor shall any Director so contracting or being such member or so interested be liable to account to the Company for any profit realised from any such contract or an arrangement by reason only of such director holding that office or of his fiduciary relationship thereby established, provided that he shall disclose the nature of his interest at the meeting of Directors at which the contract or arrangement is sanctioned, if his interest then exists or in any other case at the first meeting of Directors after the acquisition of his interest and such Director shall be entitled to be present at the meeting during the transaction of the business in which he is so interested as aforesaid and shall be reckoned for the purpose of ascertaining whether there is a quorum of directors present.

A general notice that the Director is a member of a specified firm or company shall, as regards any such transaction be sufficient disclosure under this article and after such general notice it shall not be necessary for the interested Director to give any special notice relating to any particular transaction with such firm or company. Such Director shall not be liable as a Director in respect of any such contract or arrangement in which he is so interested as aforesaid.

(4) In order to carry out the day to day business of the Company, the Board shall constitute a Committee consisting of one representative of the Kohli Group, initially Mr. Sudarshan Kumar Kohli and one representative of the Dhingra Group, initially Mr. Kuldip Singh Dhingra. The Committee shall be headed by a Chairman, either Mr. Sudarshan Kumar Kohli (or his successor as provided in Article 34A) or Mr. Kuldip Singh Dhingra (or his successor as provided in Article 34B), to be appointed at every meeting on an alternate basis. The minutes of the meetings of the Committee shall be properly recorded and placed before the members of the next Meeting of the Board of Directors. All decisions, including the major decision specified below shall be taken after by the Committee and all such decision shall be unanimous :

(a) Create, extend, grant / issue or agree to create, extend, grant / issue any mortgage or charge

- b) Create any tenancies, sub-tenancies or grant licenses to sell or dispose of or part with possession of any immovable property in which it has any interest or waive any interest that it has in such property upto Rs. 1 Crore.
- c) Enter into any long term or abnormal contract or capital commitment.
- d) Make commitment for and/or create any liability or do or suffer anything whereby its financial position shall be rendered less favorable than at the date hereof.
- e) To propose any alteration to the provisions of its Memorandum or Articles of Association subject to approval in the General Meeting.
- f) Pay or agree to pay to its directors or officers or any of them any remuneration or other emoluments or benefits whatsoever other than those which have been disclosed in writing and agreed to by the Parties.
- g) Acquire any assets on hire purchase or deferred payment terms.
- h) Dispose of any part of its fixed assets.
- i) Permit any liens to arise on any of its assets.
- j) To appoint any personnel.
- k) To appoint any Contractor, Architect, Engineer, Surveyors, Consultants etc.
- l) To authorise other signatories to sign cheques in the absence of Directors.

MINUTES

49. The Board of Directors shall respectively cause minutes of all proceedings of general meetings and of all proceedings at meetings of Board of Directors or of Committee of the Board to be duly entered in books to be maintained for that purpose in accordance with Section 193 of the Companies Act, 1956
50. The minutes of each meeting shall contain :
- (a) the fair and correct summary of the proceedings hereat.
 - (b) the name of the Directors present at the meeting in case of meeting of Board or committee of Board of Directors.
 - (c) the name of the Directors if any dissenting from or not consenting to the resolution in the case of each resolution passed at the meeting of Board or Committee of Board of Directors.
 - (d) all appointments of officers made at any meeting.

Any such minutes, purporting to be signed in accordance with the provisions of Section 193 of the Act, shall be evidence of the proceedings.

MANAGING DIRECTOR

The Board of Directors may, from time to time, subject to Section 197 A of the Act, appoint one or more of their body to the office of Managing Director (by whatever name called) for such period and on such terms as they think fit and subject to the terms of any arrangement entered into in any particular case may revoke such appointment. His / their appointment shall be automatically terminated if he/they cease to be director/directors.

The Managing Director shall, subject to the control and supervision of the Directors undertake the management of the Company and perform all the administrative functions and other duties of the Company and perform all the administrative functions thereof and generally to exercise all the powers and authorities of the Company except such of them as by the Act or any statutory modifications thereof for the time being in force or by these presents are or may be expressly directed to be exercised by the Company in a General Meeting or by the Directors, provided that on subsequent regulation shall invalidate any prior act of the Managing Director which would have been valid if such regulation had not been made.

A Managing Director may not be paid any remuneration or may be paid such remuneration (whether by way of salary, commission or participation in profits or partly in one way and partly in another) as the Board may determine.

Subject to section 292 of the Act, the Board of Directors may entrust to and confer upon the Managing Director any of powers exercisable by them upon such terms and conditions and with such restrictions as they may think fit and either collaterally with or to the exclusion of their own powers and may, from time to time, revoke, withdraw, alter or vary all or any of such powers.

Without prejudice to the general powers and to any other powers or authorities conferred by these Articles and subject to the provisions of the Act, the Managing Director shall have the following powers exercisable under the superintendence and control of the Board of Directors and otherwise decided by the Board or by the Company in a General Meeting

- (i) To purchase or otherwise acquire for the Company any property rights or privileges which the Company is authorised to acquire and to sell, let, exchange or otherwise dispose of or deal with all or any part of the property rights or privileges of the Company at such price and for such consideration and on such terms and conditions as he may deem expedient.
- (ii) To enter into, carry out, rescind or vary all financial arrangements with banks, persons, Companies, corporations or other bodies for or in connection with the business of the Company.

- (iii) Subject to the limit laid down by the Board of Directors under Section 58A and 202 of the Act and regulations made thereunder and directions issued by Reserve Bank of India to raise or borrow, from time to time and at his discretion any sums of money or make any arrangements for finance for the purpose of the Company and to serve the payment of such sum or sums in such manner and upon such terms and conditions in all respects as he may think fit and in particular by making, drawing, accepting or endorsing on behalf of the Company any promissory notes or bills of exchange or by issuing receipts of the Company or by giving any security of the Company or by creating mortgage or charge over all or any part of the property of the Company.
- (iv) To appoint, from time to time and at his discretion, for the purpose of the Company, managers, secretaries, agents, experts and other officers, clerks, servants and other employees of the company on such terms and conditions as to pay, tenure and otherwise as he may deem expedient and to determine their powers and duties and at his discretion to terminate the services of any one or more of them as he may deem expedient.
- (v) To institute, prosecute, defend, compromise, withdraw or abandon any legal proceedings by or against the Company or otherwise concerning the affairs on behalf of the Company in all matters, relating to any Governmental Agency or Authority including those relating to taxation, licensing, excise and customs and in matters pertaining to the insolvencies or liquidations and to apply for and obtain Letters of Administration with or without a will, to the estate of persons with whom the Company shall have dealings.
- (vi) To make, draw, sign, accept, endorse, negotiate and otherwise execute on behalf of the Company all cheques, promissory notes, drafts, pay orders, bills of exchange, bills of lading and other documents of titles and securities, including securities of Government of India and other promissory notes contracts, transfer deeds and other instruments as shall be necessary in the opinion for carrying on the business of the company.
- (vii) Subject to the overall limit fixed by the Board of Directors under Section 292 of the Companies Act 1956 to invest and deal with the moneys of the Company not immediately required for the purposes thereof upon such securities or investments and in such manner as he thinks fit and from time to time to vary or realise or otherwise deal, with such securities and investments.
- (viii) To negotiate and enter into any contracts and execute, rescind or vary all such contracts and do all acts, deeds and things in the name and on behalf of the aforesaid or otherwise for the business of the Company.

WHOLE TIME DIRECTORS

57. (a) The Board of Directors may also appoint one or more Whole Time Directors to look after and carry on the day to day business operations of the Company and their remuneration shall also be fixed by the Board, subject to Section 314 of the Companies Act, 1956.

The whole time directors shall work under the control and supervision of the Board of Directors and shall exercise such powers as may be determined by the Board of Directors. However, in case the Board of Directors does not appoint a Managing Director, the Whole Time Directors or directors shall have powers as are conferred by these Articles on the Managing Director.

THE SEAL

The company shall have a Common Seal and the Directors shall provide for the safe custody thereof. The seal shall not be affixed to any instrument except by the authority of a resolution of the Board of Directors, in the presence of at least one Director or two Directors, if so required by law and such Director or Directors shall sign every instrument to which the seal be affixed in his/their presence. Such signatures shall be conclusive evidence of the fact that the seal has been properly affixed. This is, however, subject to Rule 6 of the Companies (Issue of Share Certificates) Rules, 1960.

ACCOUNTS

- (a) The Board of Directors shall, from time to time determine whether and to what extent and at what time and place and under what conditions or regulations the accounts and books of the Company or any of them shall be open to the inspection of members (not being Directors.)
- (b) No member (not being a director) shall have any right of inspecting any accounts or books of account of the Company except as conferred by the law or authorised by the Board or by the Company in a General Meeting.
- (c) The Directors shall in all respects comply with the provisions of Sections 209, 209A, 210, 211, 215, 216, 217, 218, 220, 221 and 222 of the Act so far as the same are applicable to a private company and the Profit and Loss Account, Balance Sheet and Auditors Report and every other document required by and under the Act to be annexed or attached as the case may be, to the Balance Sheet, be sent to every member and debenture holder of the Company and every trustee for the holder of the debentures issued by the Company at least Twenty One days before the date of the Annual General Meeting of the Company at which they are to be laid, subject to provisions of Section 219 of the Act.

AUDIT

- (a) The first Auditor of the Company shall be appointed by the Board of Directors within one month from the date of incorporation of the Company and the Auditors so appointed shall hold office until the conclusion of the first Annual General Meeting.
- (b) At each Annual General Meeting the Company shall appoint an Auditor to hold office from the conclusion of that Meeting till the conclusion of the next Annual General Meeting.
- (c) The remuneration of the Auditor shall be fixed by the Company in the General Meeting or in such manner as the Company in the General Meeting may determine. In case of an Auditor appointed by the Board his remuneration shall be fixed by the Board.

- (d) The Board of Directors may fill any casual vacancy in the office of the Auditor and while any such vacancy continues the remaining Auditors, if any, may act, but where such vacancy is caused by the resignation of the Auditors, such vacancy shall be filled up by the Company in a General Meeting.

NOTICE

62. A notice or documents may be given or served by the Company to any member either personally or by sending it by post to him at his registered address or, if he has no registered address in India, at the address, if any within India supplied by him to the Company for the purpose of giving notice to him.
63. The Company shall comply with the provisions of Section 52 & 53 of the Companies Act, 1956.

INDEMNITY

64. Subject to section 201 of the Act, the Directors, Auditors, Secretary and other officers for the time being to the company and trustees for the time being in relation to any of the affairs of the Company and their heirs, executors and administrators respectively shall be indemnified out of the assets of the Company from and against all bonafide suits, proceedings, costs, charges, losses, damages and expenses, which, they or any of them shall or may incur or sustain by reason of any act done or committed in or about the execution of their duties in their respective offices or trusts except such (if any) as they shall incur or sustain by or through their own willful neglect or default.
65. Subject to the provisions of Section 201 of the Act, no Director, Manager or other officer of the Company shall be liable for the acts, receipts, neglects or for any loss or expense happening to the Company through the insufficiency or deficiency of title to any property acquired by order of the Directors for or on behalf of the Company or for the insufficiency or deficiency of any security in or upon which any of the moneys of the Company shall be invested or for any loss or damage arising from the bankruptcy, insolvency of any person with whom any moneys, securities or effects shall be deposited or for any loss occasioned by an error of judgement or oversight on his part or for any loss, damage or misfortune which shall happen in the execution of the duties of his office or in relation thereto unless the same happens through his own willful neglect or default.

WINDING UP

66. (a) If the company shall be wound up, the liquidator may, with the sanction of a special resolution of the company and any other sanction required by the Act, divide amongst the members, in specie or kind or otherwise, the whole of or any part of the assets of the Company, whether they shall consist of property of the same kind or not.

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- (b) For the purpose, the aforesaid liquidator may set such value as he deems fair upon any property to be divided as aforesaid and may determine how such division shall be carried out as between the members of different classes of members.
- (c) The liquidator may, with the like sanction, vest the whole or any part of such assets in trustees upon such trusts for the benefit of the contributors as that liquidator shall think fit but so that no member shall be compelled to accept any shares or such other securities whereon there is any liability.

ARBITRATION

Whenever any difference or dispute arises between the Company on the one hand and any of the members or their heirs, executors, administrators, nominees or assignees on the other hand or between the members inter se or their respective heirs, executors, administrators, nominees or assignees inter-se regarding the true intent, construction or incident or consequences of these Articles or regarding anything done, executed, omitted or suffered in pursuance thereof or to any affairs of the Company, every such dispute or difference shall be referred to a Committee of Arbitrators consisting of three members, one being nominee of Kohli Group, other being nominee of Dhingra Group and third being joint nominee of both Kohli and Dhingra Group to be decided mutually at such time and it is only after an Award is given by such Arbitrator that the parties will be entitled to take any other proceedings relating to such disputes, difference and award, provided that if the nominees of the Dhingra group and the Kohli group fail to agree on the Joint Nominee, the Company will make an application to the Hon'ble Delhi High Court for appointment of a Delhi High Court Retired Judge as an arbitrator. Such decision of the court nominating the third member of the Committee of Arbitrators as umpire will be final and binding. The Award made by such Committee of Arbitrators shall be final and binding on the parties. The arbitration shall be conducted according to the provisions of the Arbitration And Conciliation Act, 1996.

SECRECY

- 38 Subject to the provisions of the Act, any Director or Officer of the Company, shall be entitled to, if he thinks fit, decline to answer any question concerning the business of the Company on the ground that the answer to such question would disclose or tend to disclose the secrets of the Company.



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NITIN GROVER & Co.**Company Secretaries****1. Present Directors (As per detail available on List of Signatories on MCA Portal)**

DIN	Name	Designation	Date of appointment
00161125	Sameer Kohli	Managing Director	28/04/1992
00194483	Naveen Choudhary	Director	23/01/2019

2. Change in Directorship (As per detail available on MCA Portal)

DIN	Name	Designation at the beginning / during the financial year	Date of appointment/Change in designation/Cessation	Nature of Change (Appointment / Change in designation/ Cessation)
00161191	Kum Kum Kholi	First Director	28/04/1992	Appointment
00161237	Sudershan Kholi	First Director	28/04/1992	Appointment
00019298	Vinu Dhingra	Additional Director	01/04/2006	Appointment
00318267	Ankush Kohli	Additional Director	01/04/2006	Appointment
00194483	Naveen Choudhary	Additional Director	23/01/2019	Appointment
00019240	Meeta Dhingra	Additional Director	17/07/2016	Appointment
01389832	Raninder Singh	Director	24/06/2015	Cessation
00019240	Meeta Dhingra	Director	23/01/2019	Cessation
00019298	Vinu Dhingra	Director	23/01/2019	Cessation
00318267	Ankush Kohli	Director	23/01/2019	Cessation
00048406	Kuldip Singh Dhingra	Director	18/05/2019	Cessation
00161237	Sudershan Kholi	Director	15/05/2019	Cessation
00161191	Kum Kum Kohli	Director	25/11/2020	Cessation
00048465	Gurbachan Singh Dhingra	Director	25/11/2020	Cessation

Head Office: Office No. 513, 3rd Floor, Deep Plaza, Near Rajiv Chowk Gurgaon, Haryana - 122001

E-mail: nitinsgrover@gmail.comWeb: www.estaxindia.com

Mob: 991099830006

CIT Landline: 0124-421 4444



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NITIN GROVER & Co.

Company Secretaries

NOTE:

This report has been prepared based on the records/documents as maintained and available on the MCA Portal. Forms that are not available for inspection or pending for registration will not form part of this report.

For Nitin Grover & Co.
(Company Secretaries)

Nitin Grover
Proprietor
ACS No. 28616
COP No. 10285
UDIN NO. : A028616C001015217
Date: 27/09/2021
Place: Gurgaon

Head Office: Office No. 513 3rd Floor, Deep Plaza, Near Rajiv Chowk Gurgaon, Haryana - 122001

E-mail : nitinsgrover@gmail.com

Mob : 91-98998 40006

Web: www.cstaxindia.com

Off Landline: 0124-421 4444

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MALIBU ESTATE PRIVATE LIMITED

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

Phone : 41635431, Fax : 29247864
e-mail : malibu@airtelmail.in
malibutowne@hotmail.com

To,
The Chairman,
Haryana State Pollution Control Board,
Vikas Sadan, Opposite – New Court,
Gurugram, Haryana.

Date: 02.11.2020.

Subject: Appeal / Representation for issuance of SGN for closure and under water Act 1974 of against failing the effluent sample without any valid reasons.

Reference: Regional office Gurugram (N) letter No. HSPCB/GRN/2020/948, dated: 16.10.2020.

Dear Sir,

Most respectfully, we wish to submit as follows for your kind consideration and appreciation:

Malibu Towne came into existence in the year 1996. The township has been developed in 5 licenses, as per the attached annexure -1.

Though the notification was not applicable to our Township still we have installed 4 Sewerage Treatment Plants at our own cost and obtained Consent to Operate in the year 2011. This consent to operate was valid till 30.09.2020. Further, MEPL has also applied for the renewal of the said permission vide application No. 7846102 dated 08th April 2020 (i.e. well within time as envisaged in law). [Copy of the permission & renewal application are enclosed herewith for reference please]. This application has been rejected by Regional Office without any valid reason.

It is further submitted that HSPCB officer have visited the colony on date 03.09.2020 and collected the samples of domestic effluent but the Proper sampling procedure mentioned in the water Act 1974 has not been adopted while collecting the samples mentioned, as below:

- a) No notice in form XIV of the Act was served by the Field officer before collecting the samples of effluent.
- b) Also no signatures of the staff present during inspection / sample collection were taken by the board officer.

[Handwritten signature]
2-11-2020

- c) As per the Water Act Glass bottles after proper sterilization are to be used for collecting the samples but the samples were collected in the used plastic bottles having stickers of the other units and same has been reflected in the results as COD value of samples are near about 1000 mg / ltr. Which is only possible in the trade effluent samples.
- d) The samples were not preserved at site/ no proper preservative were used.
- e) The samples were not sealed at site and may be tampered after collection with mala fide intentions.

It is also submitted that the inspection was not carried out in the presence of duly authorised persons of the Company. It is submitted that no Notice in Form XIV of the Act was ever issued to the Company and no officer of the Company/ Registered address as was required in law [section 21]. As to who would be the authorised persons of the Board inspecting the site was not communicated.

No authorisation letter was also shown as revealed by the Company staffs which in any case were not duly authorised representatives of the Company. Hence the inspection and the report are vitiated as also the show cause notice that is founded thereupon.

The sample collected and the Report formulated is not in accordance with law which mandates the issuance of the Notice of inspection before undertaking the same for the purpose of enquiry.

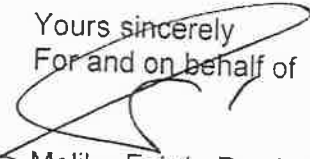
PRAYER -

In the aforesaid premises it is humbly submitted that a personal hearing may please be granted to clarify our position before initially any action against the unit. We also request your honour that a team of officers may be deputed for inspection / re-collection of samples to ascertain the compliance done by unit and facts mentioned above, as in any case the domestic effluent cannot have COD value nearly to 1000 mg / ltr.

And the applicant shall in duty bound be ever grateful.

Thanking you

Yours sincerely
For and on behalf of


Malibu Estate Pvt. Ltd. (MEPL)
Malibu Towne, Sohna Road, Gurgaon-122018.

MALIBU ESTATE PRIVATE LIMITED

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

Phone : 41635431, Fax : 29247864
e-mail : malibu@airtelmail.in
malibutowne@hotmail.com

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To,
The Regional Officer
Gurgaon Region [N]
Haryana State Pollution Control Board
Vikas Sadan, Opposite New Court
Gurugram - Haryana.

Date: 02.11.2020

Subject: Show Cause Notice No. HSPCB/ GRN/ 2020/ 948 dated 16.10.2020 U/Section 33-A R/w Sections 43/44 of the Water Act 1974.
(THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 (Act No. 6 OF 1974).

Reference: Your letter No. HSPCB/GRN/2020/1948, dated: 16.10.2020.

Dear Sir

In response to the Notice under reference it is most respectfully submitted as follows for your kind consideration and appreciation:

The contents of the Notice under reference are wrong and denied. The allegation in regard to the alleged violation of Sections 25/ 26 of the Water Act 1974 is ill founded and contrary to law.

It is submitted that MEPL has not violated Sections 25 & 26 of the water Act 1974 Act in as much as MEPL has duly taken the consent / permission of the competent authority for the treatment, discharge and disposal of the sewage of the Residential Complex namely Malibu Towne into the main public sewer/ sewer line which was valid upto 30-09-2020, Further, MEPL has also applied for the renewal of the said permission vide application No. 7846102 dated 08th April 2020 i.e. well within time as envisaged in law. [Copy of the permission & renewal application are enclosed herewith for reference.]. This application has been rejected without any valid reason.

It is further submitted that HSPCB officer have visited the colony on date 08.09.2020 and collected the samples of domestic effluent but the Proper sampling procedure mentioned in the water Act 1974 has not been adopted while collecting the samples mentioned, as below:

- a) No notice in form XIV of the Act was served by the Field officer before collecting the samples of effluent.
- b) Also no signatures of the staff present during inspection / sample collection were taken by the board officer.



- c) As per the Water Act Glass bottles after proper sterilization are to be used for collecting the samples but the samples were collected in the used plastic bottles having stickers of the other units and same has been reflected in the results as COD value of samples are near about 1000 mg / ltr. Which is only possible in the trade effluent samples.
- d) The samples were not preserved at site/ no proper preservative were used.
- e) The samples were not sealed at site and may be tempered after collection with mala fide intentions.

It is also submitted that the inspection was not carried out in the presence of duly authorised persons of the Company. It is submitted that no Notice in Form XIV of the Act was ever issued to the Company and no officer of the Company/ Registered address as was required in law [section 21]. As to who would be the authorised persons of the Board inspecting the site was not communicated.

No authorisation letter was also shown as revealed by the Company staffs which in any case were not duly authorised representatives of the Company. Hence the inspection and the report are vitiated as also the show cause notice that is founded thereupon.

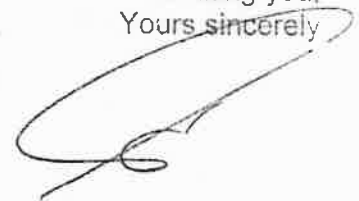
The sample collected and the Report formulated is not in accordance with law which mandates the issuance of the Notice of inspection before undertaking the same for the purpose of enquiry.

PRAYER -

In the aforesaid premises it is humbly submitted that the premise on which the aforesaid notice is founded is without merit or basis. It is therefore most respectfully prayed that the Notice under reference be withdrawn and fresh samples may please be taken in the presence of authorised person"

And the applicant shall in duty bound be ever grateful

Thanking you,
Yours sincerely



For and on behalf of -
Malibu Estate Pvt. Ltd. (MEPL)
Malibu Towne, Sohna Road, Gurgaon-122018.



DIRECTORATE, DEPARTMENT OF ENVIRONMENT
& CLIMATE CHANGE, HARYANA

SCO 1-3, 2nd FLOOR, SECTOR 17 D, CHANDIGARH

Telephone: 0172-2701628, Fax: 0172-2709462, Email: environment@hry.nic.in

Report by Government Analyst

Report No. W-3/2020-21/03

Dated 05.10.2020

I, Dr. R.K. Chauhan, Government Analyst duly appointed under Sub Section (2) of Section 53 of Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) read with Rule 35 of Haryana (Prevention and Control of Water Pollution) Rules, 1978, hereby declare that I have received a sample on the 09th September, 2020 from Ms. Neha Saharan, A.E.E., HSPCB, Gurugram collected from M/s Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurugram, Haryana for analysis. This sample was in a fit condition for analysis reported below.

I further clarify that I have caused to be analysed the aforementioned sample and declare results of analysis to be as follow:

Sample Collection Point- Sewage Pump Line near entrance of M/s MEPL near Good Earth City Centre

S.No	Parameters	Results	Limits
1.	pH Value	6.80	5.50-9.00
2.	Total Suspended Solids, mg/L Max	75	100
3.	Oil & Grease, mg/L, Max	15	10
4.	Chemical Oxygen Demand, mg/L, Max	220	250
5.	Biological Oxygen Demand, mg/L, Max	48	30
6.	Sulphide (as S) mg/L, Max	3.20	2.0
7.	Ammonical Nitrogen, mg/L Max	24	50

The sample was preserved and sealed with the seal bearing inscription of Ms. Neha Saharan, A.E.E., HSPCB, Gurugram Region.

Signed on 5th day of October, 2020


Government Analyst,

Department of Environment & Climate Change, Haryana



DIRECTORATE, DEPARTMENT OF ENVIRONMENT
& CLIMATE CHANGE, HARYANA
SCO 1-3, 2nd FLOOR, SECTOR 17 D, CHANDIGARH

Telephone: 0172-2701628, Fax: 0172-2709462, Email: environment@hry.nic.in

Report by Government Analyst

Report No. W-4/2020-21/04

Dated 05.10.2020

I, Dr. R.K. Chauhan, Government Analyst duly appointed under Sub Section (2) of Section 53 of Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) read with Rule 35 of Haryana (Prevention and Control of Water Pollution) Rules, 1978, hereby declare that I have received a sample on the 09th September, 2020 from Ms. Neha Saharan, A.E.E., HSPCB, Gurugram collected from M/s Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurugram, Haryana for analysis. This sample was in a fit condition for analysis reported below.

I further clarify that I have caused to be analysed the aforementioned sample and declare results of analysis to be as follow:

Sample Collection Point- Outlet of STP No.-2

S.No	Parameters	Results	Limits
1.	pH Value	7.18	
2.	Total Suspended Solids, mg/L. Max	200	5.50-9.00
3.	Oil & Grease, mg/L., Max	20	100
4.	Chemical Oxygen Demand, mg/L. Max	260	10
5.	Biological Oxygen Demand, mg/L. Max	63	250
6.	Sulphide (as S) mg/L. Max	0.96	30
7.	Ammonical Nitrogen, mg/L. Max	1.26	2.0
			50

The sample was preserved and sealed with the seal bearing inscription of Ms. Neha Saharan, A.E.E., HSPCB, Gurugram Region.
Signed on 5th day of October, 2020

Government Analyst,
Department of Environment & Climate Change, Haryana

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DIRECTORATE, DEPARTMENT OF ENVIRONMENT
& CLIMATE CHANGE, HARYANA
SCO 1-3, 2nd FLOOR, SECTOR 17 D, CHANDIGARH
Telephone: 0172-2701628, Fax: 0172-2709462, Email: environment@hry.nic.in

Report by Government Analyst

Report No. W-5/2020-21/05

Dated 05.10.2020

I, Dr. R.K. Chauhan, Government Analyst duly appointed under Sub Section (2) of Section 53 of Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) read with Rule 35 of Haryana (Prevention and Control of Water Pollution) Rules, 1978, hereby declare that I have received a sample on the 09th September, 2020 from Ms. Neha Saharan, A.E.E., HSPCB, Gurugram collected from M/s Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurugram, Haryana for analysis. This sample was in a fit condition for analysis reported below.

I further clarify that I have caused to be analysed the aforementioned sample and declare results of analysis to be as follow:

Sample Collection Point- Outlet of STP No.-3

S.No	Parameters	Results	Limits
1.	pH Value	7.02	5.50-9.00
2.	Total Suspended Solids, mg/L Max	550	100
3.	Oil & Grease, mg/L, Max	23	10
4.	Chemical Oxygen Demand, mg/L, Max	1100	250
5.	Biological Oxygen Demand, mg/L, Max	200	30
6.	Sulphide (as S) mg/L, Max	24	2.0
7.	Ammonical Nitrogen, mg/L Max	5.97	50

The sample was preserved and sealed with the seal bearing inscription of Ms. Neha Saharan, A.E.E., HSPCB, Gurugram Region.

Signed on 5th day of October, 2020


Government Analyst,
Department of Environment & Climate Change, Haryana



**DIRECTORATE, DEPARTMENT OF ENVIRONMENT
& CLIMATE CHANGE, HARYANA**

SCO 1-3, 2nd FLOOR, SECTOR 17 D, CHANDIGARH

Telephone: 0172-2701628, Fax: 0172-2709462, Email: environment@hry.nic.in

Report by Government Analyst

Report No. W-6/2020-21/06

Dated 05.10.2020

I, Dr. R.K. Chauhan, Government Analyst duly appointed under Sub Section (2) of Section 53 of Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) read with Rule 35 of Haryana (Prevention and Control of Water Pollution) Rules, 1978, hereby declare that I have received a sample on the 09th September, 2020 from Ms. Neha Saharan, A.E.E., HSPCB, Gurugram collected from M/s Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurugram, Haryana for analysis. This sample was in a fit condition for analysis reported below.

I further clarify that I have caused to be analysed the aforementioned sample and declare results of analysis to be as follow:

Sample Collection Point- Outlet of STP No.-4

S.No	Parameters	Results	Limits
1.	pH Value	7.10	5.50-9.00
2.	Total Suspended Solids, mg/L, Max	650	100
3.	Oil & Grease, mg/L, Max	28.57	10
4.	Chemical Oxygen Demand, mg/L, Max	900	250
5.	Biological Oxygen Demand, mg/L, Max	320	30
6.	Sulphide (as S) mg/L, Max	12.80	2.0
7.	Ammonical Nitrogen, mg/L, Max	2.80	50

The sample was preserved and sealed with the seal bearing inscription of Ms. Neha Saharan, A.E.E., HSPCB, Gurugram Region.

Signed on 5th day of October, 2020


Government Analyst,
Department of Environment & Climate Change, Haryana



Report by Government Analyst

Dated 05.10.2020

Report No. W/2020-21/07

I, Dr. R.K. Chauhan, Government Analyst duly appointed under Sub Section (2) of Section 81 of Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) read with Rule 35 of Haryana (Prevention and Control of Water Pollution) Rules, 1978, hereby declare that I have received a sample on the 09th September, 2020 from Ms. Neha Saharan, A.E.E., HSPCB, Gurugram collected from M/s Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurugram, Haryana for analysis. This sample was in a fit condition for analysis reported below.

I further clarify that I have caused to be analysed the aforementioned sample and declare results of analysis to be as follow:

Sample Collection Point- Rain Water Harvesting Pit

S.No	Parameters	Results	Limits
1	pH Value	6.86	5.50-9.00
2	Total Suspended Solids, mg/L Max	40	100
3	Oil & Grease, mg/L, Max	7.50	10
4	Chemical Oxygen Demand, mg/L, Max	20	250
5	Biological Oxygen Demand, mg/L, Max	6.40	30
6	Sulphide (as S) mg/L, Max	2.56	2.0
7	Ammonical Nitrogen, mg/L Max	18.90	50

The sample was preserved and sealed with the seal bearing inscription of Ms. Neha Saharan, A.E.E., HSPCB, Gurugram Region.

Signed on 5th day of October, 2020


Government Analyst,

Department of Environment & Climate Change, Haryana



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DIRECTORATE, DEPARTMENT OF ENVIRONMENT
& CLIMATE CHANGE, HARYANA

SCO 1-3, 2nd FLOOR, SECTOR 17 D, CHANDIGARH

Telephone: 0172-2701628, Fax: 0172-2709462, Email: environment@hry.nic.in

Report by Government Analyst

Report No. W-8/2020-21/08

Dated 05.10.2020

I, Dr. R.K.Chauhan, Government Analyst duly appointed under Sub Section (2) of Section 53 of Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) read with Rule 35 of Haryana (Prevention and Control of Water Pollution) Rules, 1978, hereby declare that I have received a sample on the 09th September, 2020 from Ms. Neha Saharan, A.E.E., HSPCB, Gurugram collected from M/s Malibu Estate Pvt. Ltd., Malibu Town, Sohna Road, Gurugram, Haryana for analysis. This sample was in a fit condition for analysis reported below.

I further clarify that I have caused to be analysed the aforementioned sample and declare results of analysis to be as follow:

Sample Collection Point- Underground Water Tank

S.No	Parameters	Results	Limits as Per BIS-10500:2012
1.	Colour	Colourless	Colourless
2.	Odour	Agreeable	Agreeable
3.	pH Value	6.90	6.50-8.50
4.	Total Suspended Solids, mg/L	02	--
5.	Oil & Grease, mg/L, Max	Nil	--
6.	Chemical oxygen Demand, mg/L, Max	Nil	--
7.	Biological Oxygen Demand, mg/L, Max	Nil	--
8.	Sulphide mg/L, Max	Nil	0.05
9.	Total Dissolved Solids, mg/L, Max	200	500
10.	Alkalinity (as CaCO ₃), mg/L, Max	160	200
11.	Chloride (as Cl), mg/L, Max	57	250
12.	Calcium (as Ca), mg/L, Max	48	75
13.	Magnesium (as Mg), mg/L, Max	44	30
14.	Total Hardness, (as CaCO ₃) mg/L, Max	300	200

The sample was preserved and sealed with the seal bearing inscription of Ms. Neha Saharan, A.E.E., HSPCB, Gurugram Region

Signed on 5th day of October, 2020

Government Analyst,

Sr. No.	Licence No.	Year	Licensed Area(Acre)	Area in acres -Part completion granted	Date of grant of part completion	Remarks
1.	71-75	1992	107.682	97.282	23.02.1996	Occupation certificate obtained on 10.03.2017 from DTCP for 31061.622Sqm
2.	4-8	1993	16.18	16.08	03.05.1996	
3.	15-19	1994	14.962	10.332	03.05.1996	
				2.94	06.06.2003	
4.	4-8	1995	26.83	26.83	05.02.2003	
5.	36-46	1997	14.461	14.461	05.02.2003	
6.	15	2008	24.681	24.681	27.09.2016	Part completion certificate obtained by M/s Bloom Field Properties & Holding Private Limited & others C/o MEPL. MEPL under collaboration
		Total	204.796	192.606		

Complaint regarding reward given by the Deputy Commissioner, Gurugram for Composting adjacent to Drinking water Underground water Tanks on the land of Public Health Area.

1 message

Raman Sharma <cw58ffmalibutown@gmail.com>

Wed, Jul 8, 2020 at 3:34 PM

To: dcgrg@nic.in, dcgrg@hry.nic.in

Cc: hspcbggn@yahoo.co.in, hspcbsolidwaste@gmail.com, hspcbrogrn@gmail.com

To Date 08-07-2020

The Deputy Commissioner
Gurugram

Sub - Complaint regarding reward given by the Deputy Commissioner, Gurugram for Composting adjacent to Drinking water Underground water Tanks on the land of Public Health Area. (Copy Attached)

This has in the reference to subject cited above.

I hereby lodge my complaint regarding the award given by the Deputy Commissioner, Gurugram to wrongly placed composting Plant adjacent to Underground drinking water underground tank. Composting is very dangerous process for water.

The same composting plant was abandoned by a team of the Haryana Pollution Control Board.

It is requested to correct the mistake.

With Regards

Raman Sharma

CW-58 , F.F , Malibu Town , Sohna Road , Gurugram -122018
+91 9818303690



DCaward.jpg
89K

C-23

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To: The Board Analyst / Lab Incharge,
Haryana State Pollution Control Board,
Panchkula/Faridabad/Gurgaon/Hisar.

The Govt. Analyst,
Dept of Env. & CC,
Chd.

Sub: Spot inspection report of sample collected under Water Act, 1974.

- Kindly receive the sample for analysis. The technical information is as under:-
- Name and address of the unit
M/s Malibu Estate Pvt. Ltd.
Malibu Town, Sohna Road,
Residential Complex, Gurgaon
 - Product Manufactured
 - Nature of sample i.e. whether paid/legal/monitoring/joint sample with recognized lab. - legal
 - Date and time of collection - 8/9/20
 - Name and designation of the officer/official who collected the samples
Ms. Neha Saharan AEE
Regional office, HSPCB,
Gurgaon(N)
 - Sample whether grab or composite (Representative sampling should be done in all cases whether continuous flow or effluent exists, as far as possible the sample should be composited even if no continuous flow of effluent exists. - Grab
 - Mode of disposal/discharge whether into inland surface/in the public sewer or on land for irrigation/on land for peroration. - NA
 - Name of products & quantity
 - Chemical used in the process
 - Specify relevant parameters to be analysis and the prescribed limits: - Residential complex

Sr. No.	Parameters to be analyzed	Prescribed limits	Sr. No.	Parameters to be analyzed	Prescribed limits
1	ph value	5.5-9.0	6	Sulphide	2.0
2	Suspended solids mg/l	100	7	Ammonia Nitrogen	50
3	BOD for 3 days at 27°C mg/l	30/100	8		
4	COD	250	9		
5	Oil & grease mg/l	10	10		

- Point of sample collection: Rain water (RWH) pit sample Harvesting. Marked as (5)
- Temperature colour and Odour of the sample at the time of collection: T - Normal, colour - Hazy, Odour - Mild
- The sample should reach to the lab immediately & in any case not later than 24 hrs. of its collection (give time of sampling and time of delivery in the lab): Yes
- Certified that the samples have been preserved in accordance with ISI 2488 part-1 and details of preservatives are given as under:
- Sample should be preserved in Ice Box at 4°C and sample should be marked and sealed properly and affixed with cellulose tape: Yes
- Certified that the sample has been sealed and seal impression of the sample is given as under: Yes



- 17. Certified that the effluent is collected in process at the time of collection of the sample.
- 18. Where treatment plant exists 02 samples be taken i.e. from the inlet & out of the treatment plant.
- 19. Whether effluent treatment plant provided (Give brief details of unit process such as)

Yes
Yes
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Sr. No.	Component of ETP/STP provided	size of the components	No.	Size	Shortfall Not operative (in No.)
i	Oil and Grease Trap	NA			
ii	Holding Tank				
iii	Reaction Unit				
iv	Settling/Clarifier Unit				
v	Anaerobic Components				
vi	Aerobic Component				
vii	Activated Sludge Unit				
viii	Any Other special unit				
ix	Sludge drying Beds				

- 20. Whether ETP working satisfactorily at the time of sampling NA
- 21. Whether log book regarding operation of ETP/STP maintained by the unit NA
- 22. Remarks to be recorded NA
 - a) Mode of bye passing system,
 - b) Final Tank filled with fresh water or having dilution arrangement
 - c) Any other manipulation
 - d) Any other remarks
- 23. Energy meter/Electric Meter reading at the time of sampling NA

Sample collected in presence of representative of M/s Malika Estate Pvt Ltd and compliance
Rajesh
 Signature of the Officer/Officials collected the sample

Signature of the Representative/Authorized Signatory of the unit

Note: In case the unit wants to keep a sample & got it tested elsewhere he can do so and in case of any grievances, he may record the same on the inspection report while signing & may also report the matter to Head Office within 24 hours.

- CC:-
1. Member Secretary.
 2. Scientific Service Cell.

Sh. Raman Sharma
 Sh. Rakesh Singh
 Sh. Anker, Manager, Purchase
 Sh. Ajitesh Jha, Civil engineer

The representative of unit were available upto 4pm & then left willfully during the documentation/signing process

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The Board Analyst / Lab Incharge,
 Haryana State Pollution Control Board,
 Panchkula/Faridabad/Gurgaon/Hisar.

The Govt. Analyst
 Dept. of Env. & C.C.
 Chd.

Spot inspection report of sample collected under Water Act, 1974.

S/N

Name and address of the unit

M/s Malibu Estate Pvt. Ltd.
 Malibu Town, Sohna Road
 Gurgaon

Product Manufactured

Nature of sample i.e. whether
 paid/legal/monitoring/joint sample with
 recognized lab.

- legal

Date and time of collection
 Name and designation of the officer/official
 who collected the samples

8/9/20

Ms. Neha Saharan, AEE
 Regional office, HSPCB,
 Gurugram (N)

Sample whether grab or composite
 (Representative sampling should be done in
 all cases whether continuous flow or effluent
 exists, as far as possible the sample should be
 composited even if no continuous flow of
 effluent exists.)

- Grab

Mode of disposal/discharge whether into
 inland surface/in the public sewer or on land
 for irrigation/on land for peroration.

- NA

Name of products & quantity
 Chemical used in the process

Residential Complex.

Specify relevant parameters to be analysed
 and the prescribed limits.

Sr. No.	Parameters to be analyzed	Prescribed limits	Sr. No.	Parameters to be analyzed	Prescribed limits
1	ph value	5.5-9.0	6	Drinking water Norms	
2	Suspended solids mg/l	100	7		
3	BOD for 3 days at 27°C mg/l	30/100	8		
4	COD	250	9		
5	Oil & grease mg/l	10	10		

11. Part of sample collection
 12. Temperature colour and Odour of the sample
 at the time of collection

Underground water tank
 T -
 colour - colourless
 odour - odourless
 Marked as ⑥

13. The sample should reach to the lab
 immediately & in any case not later than 24
 hrs. of its collection (give time of sampling
 and time of delivery in the lab)

Yes

14. Certified that the samples have been
 preserved in accordance with ISI 2488 part-I
 and details of preservatives are given as
 under.

Yes

15. Sample should be preserved in Ice Box at
 4°C and sample should be marked and sealed
 properly and affixed with cellulose tape.

Yes

16. Certified that the sample has been sealed and
 seal impression of the sample is given as
 under.

Yes



- 17. Certified that No dilution is effected in process at the time of collection of the sample.
- 18. Where treatment plant exists 02 samples be taken i.e. from the inlet & out of the treatment plant.
- 19. Whether effluent treatment plant provided Give brief details of unit process such as:

NA

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NA

Sr. No.	Component of ETP/STP provided	size of the components	Nos.	Shortfall	
				Size	Not operative in No.
i	Oil and Grease Trap	NA			
ii	Holding Tank				
iii	Reaction Unit				
iv	Settling Clarifier Unit				
v	Anaerobic Components				
vi	Aerobic Component				
vii	Activated Sludge Unit				
viii	Any Other special unit				
ix	Sludge drying Beds				

- 20. Whether ETP working satisfactorily at the time of sampling NA
- 21. Whether log book regarding operation of ETP/STP maintained by the unit NA
- 22. Remarks to be recorded
 - a) Mode of bye passing system,
 - b) Final Tank filled with fresh water or having dilution arrangement
 - c) Any other manipulation
 - d) Any other remarks
- 23. Energy meter/Electric Meter reading at the time of sampling NA

Sample of UG water tank collected to check containing (if any) in presence of MEPL complainant

Raman

Signature of the Officer/
Officials collected the sample

Signature of the Representative/
Authorized Signatory of the unit

Note: In case the unit wants to keep a sample & get it tested elsewhere he can do so and in case of any grievances, he may record the same on the inspection report while signing & may also report the matter to Head Office within 24 hours.

CC:-

- 1. Member Secretary.
- 2. Scientific Service Cell.

- Sh. Raman Sharma
- Sh. Rakesh Singh
- Sh. Ankar, Manager, Purchase
- Sh. Ajitesh Jha, Civil Engineer

The representative of unit were available upto 4pm and then willfully absent from site during documentation/signing process.



Closure Order/ Directions

Whereas, M/s Malibu Estate Pvt. Ltd, Malibu Town, Sohna Road, Gurgaon has established and operating a Residential Plotted Colony along with Group Housing Component, which is polluting in nature and is covered under Red Category;

Whereas, the above said unit was visited by the Field Officer of the Board on 08.09.2020 and complaint received from Sh. Raman Sharma, CW - 58, F.F, Malibu Town, Sector:47, Gurugram-122018 through e-mail dt. 08.07.2020 and reported that following deficiencies were found during inspection:-

1. Not obtained Consent to Establish/ Consent to operate from the Board.
2. Not obtained Environmental Clearance under the provision of EIA Notification.
3. Legal Samples were collected from 3 Nos. of Sewage Treatment Plant (STP). 01 No. Rain Water Harvesting, Sewage line going directly HUDA/GMDA sewer, underground water tank in presence of representative of M/s Malibu Estate Pvt Ltd i.e. Sh. Ajitesh Jha, Civil Engineer and Sh. Onkar Singh, Manager Purchase and as per analysis report No. W-3/2020-21/03 dated 05.10.2020, W-4/2020-21/04 dated 05.10.2020, W-5/2020-21/05 dated 05.10.2020, W-6/2020-21/06 dated 05.10.2020 & W-8/2020-21/08 dated 05.10.2020 released by Government Analyst, Department of Environment & Climate Change, Haryana, the results are exceeding the prescribed limits.
4. A FIR No. 628 dated 16.10.2020 was lodged against licenses (including licenses No. 71-75 of 1992 in which said site of dispensary is also a part) by DTP (E) Town and Country Planning Gurugram in Police Station Sadar Gurugram which comprises irregularities of community sites, which is under investigation and pending for challans before District Court, Gurugram.
5. COMA-02 of 2020 titled as Raman Sharma Vs MEPL and others and CS-934 of 2020 titled as Raman Sharma V/s State of Haryana and Ors is pending before Session Court, Gurugram and District Court, Gurugram respectively for various issues including issue of illegal sale, creating third party right without any prior permission from DTCP, commercial use of community land/sites/buildings and construction without prior Environmental Clearance.
6. Special Investigation Team (SIT) constituted by Commissioner of Police, Gurugram vide letter dated 02.02.2021 with regard to FIR No. 628 dated 16.10.2020, COMA-02 of 2020 titled as Raman Sharma Vs MEPL and others and complaints filed by Sh. Raman Sharma against the MEPL and Ors. and matter is under investigation.

Whereas, the samples of effluent were collected by the field officer of the Board during the inspection of the above said unit on 08.09.2020 and legal sample were collected from 3 Nos. of Sewerage Treatment Plants released by Govt. Analyst, Department of Environment & Climate Change, Haryana and as per analysis reports of the said samples, the following parameters were found exceeding the prescribed limits as per detail given below:-

Sr. No.	A/R No. and Date	Parameters	Results	Limits
1	03 dt. 05.10.2020	Oil & Grease mg/l	15	10
2	03 dt. 05.10.2020	Biological Oxygen Demand mg/l	48	30
3	03 dt. 05.10.2020	Sulphide mg/l	3.20	2.0
4	04 dt. 05.10.2020	Total Suspended Solids mg/l	200	100
5	04 dt. 05.10.2020	Oil & Grease mg/l	20	10
6	04 dt. 05.10.2020	Chemical Oxygen Demand mg/l	260	250
7	04 dt. 05.10.2020	Biological Oxygen Demand mg/l	63	30
8	05 dt. 05.10.2020	Total Suspended Solids mg/l	550	100
9	05 dt. 05.10.2020	Oil & Grease mg/l	23	10
10	05 dt. 05.10.2020	Chemical Oxygen Demand mg/l	1100	250
11	05 dt. 05.10.2020	Biological Oxygen Demand mg/l	200	30
12	05 dt. 05.10.2020	Sulphide mg/l	24	2.0
13	06 dt. 05.10.2020	Total Suspended Solids mg/l	650	100
14	06 dt. 05.10.2020	Oil & Grease mg/l	28.57	10
15	06 dt. 05.10.2020	Chemical Oxygen Demand mg/l	900	250
16	06 dt. 05.10.2020	Biological Oxygen Demand mg/l	320	30
17	06 dt. 05.10.2020	Sulphide mg/l	12.80	2.0

Whereas, Show Cause Notice for closure was issued to the above said unit by Regional Officer, Gurgaon North vide his letter HSPCB/GRN/2020/1948 dated 16.10.2020 and the Regional Officer has reported that the unit has submitted reply vide letter dated 02.11.2020 but it is not satisfactory because unit has not complied with the above observations;

Whereas, the Regional Officer, Gurgaon North vide his letter no. HSPCB/ GUR/ 2022/ RO/ INS/ 31601738CONCR001 dated 14.12.2022 has recommended taking closure action to stop the construction activity against the unit under section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981;

Therefore, in exercise of the powers conferred under section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981, the following directions are issued:-

- (a) The project proponent shall stop all construction activities related to the project with immediate effect till it obtains environment clearance under EIA Notification dated 14.09.2006 and Consent to Establish (NOC)/Consent to Operate from the Board under Water Act, 1974 and the Air Act, 1981.
- (b) The project proponent shall not allow any new occupancy and shall not allow any new possession in the premises of the project with immediate effect.
- (c) Town & Country Planning Department/concerned authorities that have issued the license/ LOI and approved the building/layout plans for the development of the project shall take necessary action to stop further construction activities relates to the project till the project proponent obtains Environment Clearance under EIA Notification dated 14.09.2006 and Consent to Operate from the Board under the Water Act, 1974 and the Air Act, 1981.
- (d) The Revenue Authorities shall not register any sale deed relates to any plot/flat/house/shop/any other component of this project with immediate effect.
- (e) The DHBVN authorities shall not release any new electric connection for this project or to any of its components with immediate effect.

In addition to above, it is also intimated that non- compliance of the directions issued under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 is an offence.

**Dated Panchkula, the
22nd December, 2022**

Chairman

Endst. No. HSPCB/GUR/2022/INS/31601738CONCO001-004

Dated:23-Dec-2022

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

1. The Deputy Commissioner, Gurugram.
2. Executive Engineer (Operation Division), DHBVN, Gurugram. He is directed to not to issue electric connection to any new occupant of this project and submit acknowledgement in this regard within 03 days.
3. The District Revenue Officer, Gurugram for information and compliance of the above directions and ensure that any sale deed related to any plot/flat/house/shop/any other components of this project is not registered.
4. DTP, Gurugram. He is directed to ensure that the construction activities are stopped by the project proponent.
5. Executive Engineer, GMDA, Gurugram. He is directed not to issue any new water connection in this project.
6. The Regional Officer, Gurugram. He is directed to ensure compliance of this order and to submit compliance report in this regard within 03 days. He will also intimate legal action against the unit for filing prosecution case for the above said violations and will submit the proper and complete case with reasoned recommendation and submit case for Environment Compensation.
7. M/s Malibu Estate Pvt. Ltd, Malibu Town, Sohna Road, Gurgaon.

JATIND Digitally signed
by JATINDERPAL
ERPAL SINGH
Date: 2022.12.23
16:17:29 +05:30
Sr. Eng. Engineer (WC)
For Chairman

HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
 Website – www.hspcb.gov.in E-Mail: hspcbwatercell@gmail.com
 Ph: 0172-2577870-873

Sub:- Clarification regarding regulatory directions issued by HSPCB to M/s Malibu Estate Pvt. Ltd, Malibu Town, Sohna Road, Gurgaon.

The HSPCB had issued directions Endst. No. HSPCB/GUR/2022/INS/31601738CONCO001-004 dated:23-Dec-2022 which are reproduced as under:-

- a. The project proponent shall stop all construction activities related to the project with immediate effect till it obtains environment clearance under EIA Notification dated 14.09.2006 and Consent to Establish (NOC)/ Consent to Operate from the Board under Water Act, 1974 and the Air Act, 1981.
- b. The project proponent shall not allow any new occupancy and shall not allow any new possession in the premises of the project with immediate effect.
- c. Town & Country Planning Department/concerned authorities that have issued the license/ LOI and approved the building/layout plans for the development of the project shall take necessary action to stop further construction activities relates to the project till the project proponent obtains Environment Clearance under EIA Notification dated 14.09.2006 and Consent to Operate from the Board under the Water Act, 1974 and the Air Act, 1981.
- d. The Revenue Authorities shall not register any sale deed relates to any plct/flat/house/shop/any other component of this project with immediate effect.
- e. The DHBVN authorities shall not release any new electric connection for th s project or to any of its components with immediate effect.

The president of Malibu Federation along with other representatives have been given personal hearing by Chairman, HSPCB on 21.02.2023 at C-11, Sector-6, HSPCB, Panchkula. It was informed by them that all construction activities such as even repair of roads, sewerage system, STPs etc have been stopped which is creating hurdle in the betterment of environment.

In view of above, it is clarified that directions were issued to save the environment and any act / activity which promotes or is for betterment of Environment, do not come in ambit of above regulatory directions of HSPCB. The activities such as repair of roads, sewerage system, STPs etc. can be carried out by the concerned agencies.

Sr. Env. Engineer (WC),
For Chairman

Endst.No.

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

1. The Deputy Commissioner, Gurugram.
2. Commissioner, MCG, Gurugram
3. Executive Engineer (Operation Division), DHBVN, Gurugam.
4. The District Revenue Officer, Gurugram for information.
5. DTP, Gurugram.
6. Executive Engineer, GMDA, Gurugram.
7. The Regional Officer, Gurugram.
8. M/s Malibu Estate Pvt. Ltd, Malibu Town, Sohna Road, Gurgaon.

Signed by Jatinder Pal
Singh

Date: 02-03-2023 15:23:56

Reason: Approved
Sr. Env. Engineer (WC),
For Chairman

The Honorable NGT has directed HSPCB to revisit the closure order and directed that the bonafide third party investor cannot be made suffer due to inaction of the Administrative Officers

The closure order issued against the project proponent and project has to be modified. Therefore, the closure order may be reissued with the directions to be project proponent only and not to be applicable on the property of the third party investors. The directions may be issued accordingly.

[Signature]
19/4/23

WBE (21)

SEE (21)

As directed by NGT, the closure directions may be reissued which are applicable for project only and not against the third party investors pls

Level
CH

Signature

19/4/23

Senior Engineer

M.S.

[Signature]
19/04/2023

W. [unclear]

Approved

19/4/2023

M.S. (any)

R

19/4

closure order
revised by DDA

SEE (21)

Signature
21/4/23



323 75

HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA

Website – www.hspcb.gov.in E-Mail: hspcbwatercell@gmail.com
Ph: 0172-2577870-873

Closure Order/ Directions

Whereas, M/s Malibu Estate Pvt. Ltd, Malibu Town, Sohna Road, Gurugram is a company engaged in the business of Real Estate and developing/ building townships and other building projects and has established and operating a Residential Plotted Colony along with Group Housing Component situated at Sohna Road, Gurugram which is polluting in nature and is covered under Red Category according to the policy of the Board;

Whereas, directions were issued vide letter No. **HSPCB/GUR/2022/INS/ 31601738CONCO001- 004 dated 23.12.2022** in exercise of powers conferred under section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981;

Whereas, after issuance of the directions, same were produced before Hon'ble NGT in OA No. 68 of 2022 titled as Raman Sharma Vs State of Haryana for consideration in addition to other issues pending before the Hon'ble NGT raised by the applicant therein;

Whereas, an order dt. 28.03.2023 was passed by Hon'ble NGT, wherein, Hon'ble NGT was pleased to issue directions to the HSPCB to revisit the closure order in terms of that the bonafide third party investor may not be made to suffer due to inaction / negligence / connivance of the concerned Administrative Officer. Before proceedings further, it is appropriate to reproduce the relevant paras of the order dt. 28.03.2023.

Para No. 19-

It appears that before passing the closure order the HSPCB has not taken into consideration the third party rights already created by the respondent No.8 in favour of those aspiring to find shelter for good living (which is universally acknowledged as the basic human need) who may have made investment of their life time earnings in ongoing projects. Environmental compensation has also been imposed without giving opportunity of being heard to the Respondent No.8 and such order for imposition of environmental compensation, which may not be legally sustainable on scrutiny for violation of principles of natural justice, which is also not likely to be immediately recovered and which is not part of any action plan based on assessment of actual damage to environment in the area for taking of remedial measures for restoration thereof, serves no meaningful purpose. The HSPCB is directed to revisit the closure order and clearly specify for which project the EC was required and to which the closure order applies and clearly mention the projects to which the closure order does not apply. The HSPCB is also directed to ascertain third party rights already created and take appropriate action for protection of the same. State and its instrumentalities have adequate powers of securing compliance by such builders with the statutory provisions, environmental norms and terms and conditions of the approvals granted and the bona fide third party investors cannot be made to suffer due to inaction/negligence/connivance of the concerned Administrative Officers."

Whereas, perusal of the observations of the Hon'ble NGT reflect that there is need to pass an order in continuation to the earlier order **HSPCB/GUR/2022/ INS/ 31601738CONCO001- 004 dt. 23.12.2022**, hence, the present order;

Whereas, at this juncture, it is appropriate to recapitulate the relevant facts, which go to the roots of the present matter, the above said unit was visited by the Field Officer of the Board on 08.09.2020 on the basis of the complaint received from Sh. Raman Sharma, CW - 58, F.F, Malibu Town, Sector-47, Gurugram-122018 through e-mail dt. 08.07.2020 and Field Officer reported the following deficiencies:-

1. Not obtained Consent to Establish/ Consent to operate from the Board.
2. Not obtained Environmental Clearance under the provision of EIA Notification.
3. Legal Samples were collected from 3 Nos. of Sewage Treatment Plant (STP), 01 No. Rain Water Harvesting, Sewage line going directly HUDA/GMDA sewer, underground water tank in presence of representative of M/s Malibu Estate Pvt Ltd i.e. Sh. Ajitesh Jha, Civil Engineer and Sh. Onkar Singh, Manager Purchase and as per analysis report No. W-3/2020-21/03 dated 05.10.2020, W-4/2020-21/04 dated 05.10.2020, W-5/2020-21/05 dated 05.10.2020, W-6/2020-21/06 dated 05.10.2020 & W-8/2020-21/08 dated 05.10.2020 released by Government Analyst, Department of Environment & Climate Change, Haryana, the results are exceeding the prescribed limits.

4. A FIR No. 628 dated 16.10.2020 was lodged against licenses (including licenses No. 71-75 of 1992 in which said site of dispensary is also a part) by DTP (E) Town and Country Planning Gurugram in Police Station Sadar Gurugram which comprises irregularities of community sites, which is under investigation and pending for challans before District Court, Gurugram.
5. COMA-02 of 2020 titled as Raman Sharma Vs MEPL and others and CS-934 of 2020 titled as Raman Sharma V/s State of Haryana and Ors is pending before Session Court, Gurugram and District Court, Gurugram respectively for various issues including issue of illegal sale, creating third party right without any prior permission from DTCP, commercial use of community land/sites/buildings and construction without prior Environmental Clearance.
6. Special Investigation Team (SIT) constituted by Commissioner of Police, Gurugram vide letter dated 02.02.2021 with regard to FIR No. 628 dated 16.10.2020, COMA-02 of 2020 titled as Raman Sharma Vs MEPL and others and complaints filed by Sh. Raman Sharma against the MEPL and Ors. and matter is under investigation.

Whereas, during inspection, samples of effluent were also collected by the Field Officer of the Board from 3 Nos. of Sewerage Treatment Plants by following due process as mentioned in the Water (Prevention and Control of Pollution) Act, 1974. After examination of the sample by Govt. Analyst, Department of Environment & Climate Change, Haryana, the report was prepared and as per analysis reports of the said samples, the following parameters were found exceeding the prescribed limits as per detail given below:-

Sr. No.	A/R No. and Date	Parameters	Results	Limits
1	03 dt. 05.10.2020	Oil & Grease mg/l	15	10
2	03 dt. 05.10.2020	Biological Oxygen Demand mg/l	43	30
3	03 dt. 05.10.2020	Sulphide mg/l	3.20	2.0
4	04 dt. 05.10.2020	Total Suspended Solids mg/l	200	100
5	04 dt. 05.10.2020	Oil & Grease mg/l	20	10
6	04 dt. 05.10.2020	Chemical Oxygen Demand mg/l	260	250
7	04 dt. 05.10.2020	Biological Oxygen Demand mg/l	63	30
8	05 dt. 05.10.2020	Total Suspended Solids mg/l	550	100
9	05 dt. 05.10.2020	Oil & Grease mg/l	23	10
10	05 dt. 05.10.2020	Chemical Oxygen Demand mg/l	1100	250
11	05 dt. 05.10.2020	Biological Oxygen Demand mg/l	200	30
12	05 dt. 05.10.2020	Sulphide mg/l	24	2.0
13	06 dt. 05.10.2020	Total Suspended Solids mg/l	650	100
14	06 dt. 05.10.2020	Oil & Grease mg/l	28.57	10
15	06 dt. 05.10.2020	Chemical Oxygen Demand mg/l	900	250
16	06 dt. 05.10.2020	Biological Oxygen Demand mg/l	320	30
17	06 dt. 05.10.2020	Sulphide mg/l	12.80	2.0

Whereas, keeping in view of the violations, show cause notice for closure was issued by Regional Officer, Gurugram North vide his letter No. HSPCB/GRN/2020/1948 dated 16.10.2020 and in response to the SCN reply vide letter dated 02.11.2020 was received, but after analysis of all the facts and circumstances Regional Offices reached at the conclusion that reply is not satisfactory as concerned failed to comply with the observation;

Whereas, the Regional Officer, Gurgaon North vide his letter no HSPCB/ GUR/ 2022/ RO/ INS/ 31601738CONCR001 dated 14.12.2022 had recommended taking closure action to stop the construction activity against the unit under section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 and after considering all the facts, circumstances, inspection reports, analysis reports and reply received in response to show cause notice, an order dt. 23.12.2022, containing directions in following terms was passed;

“(a). The project proponent shall stop all construction activities related to the project with immediate effect till it obtains environment clearance under EIA Notification dated

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14.09.2006 and Consent to Establish (NOC)/Consent to Operate from the Board under Water Act, 1974 and the Air Act, 1981.

(b). The project proponent shall not allow any new occupancy and shall not allow any new possession in the premises of the project with immediate effect.

(c). Town & Country Planning Department/concerned authorities that have issued the license/LOI and approved the building/layout plans for the development of the project shall take necessary action to stop further construction activities relates to the project till the project proponent obtains Environment Clearance under EIA Notification dated 14.09.2006 and Consent to Operate from the Board under the Water Act, 1974 and the Air Act, 1981.

(d). The Revenue Authorities shall not register any sale deed relates to any plot/flat/house/shop/any other component of this project with immediate effect.

(e). The DHBVN authorities shall not release any new electric connection for this project or to any of its components with immediate effect."

Whereas, now in view of the order dt. 28.03.2023 passed by Hon'ble NGT, it is hereby ordered that the above directions from (a) to (e) mentioned in the order dt. 23.12.2022 are applicable only to the property of project proponents and do not apply to the property of bonafide third party investors as well as to other persons to whom the rights in the properties have been/ to be transferred by third party investors, as mentioned in the order of Hon'ble NGT.

In addition to above, it is also intimated that non-compliance of the directions issued under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 is an offence.

Dated Panchkula, the
19th April, 2023

Chairman

Endst. No. HSPCB/GUR/2022/INS/31601738CONCO005-08

Dated:21.04.2023

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

1. The Deputy Commissioner, Gurugram.
2. Executive Engineer (Operation Division), DHBVN, Gurugram. He is directed to not to issue/ increase load of electric connection to project proponent of this project and submit acknowledgement in this regard within 03 days.
3. The District Revenue Officer, Gurugram for information and compliance of the above directions and ensure that any sale deed related to any plot/flat/house/shop/any other components of this project is not registered as per above orders.
4. DTP, Gurugram. He is directed to ensure that the construction activities are stopped by the project proponents.
5. Executive Engineer, GMDA, Gurugram. He is directed not to issue any new water connection in this project as per above orders.
6. The Regional Officer, Gurugram. He is directed to ensure compliance of this order and to submit compliance report in this regard within 03 days. He will also intimate legal action against the unit for filing prosecution case for the above said violations and will submit the proper and complete case with reasonable recommendation and submit case for Environment Compensation.
7. M/s Malibu Estate Pvt. Ltd, Malibu Town, Sohna Road, Gurgaon.

Digitally signed
JATINDERP by JATINDERPAL
SINGH
AL SINGH Date: 2023.04.21
12:39:56 +05'30

Sr. Env. Engineer (WC)
For Chairman



HARAYANA STATE POLLUTION CONTROL BOARD
C-11,SECTOR-6 PANCHKULA
Ph.2577870-73 Fax:01722581201-02

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From: Industry ID-13GUNO560131

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M/s. Malibu Estate Pvt. Ltd.
Malibu Town, Shona Road, Gurgaon

To

The Member Secretary,
Haryana State Pollution Control Board,
Panchkula.

Sir,

I/We hereby apply to consent/authorization for the year 01/10/2020 to 30/09/2021 Application No. 7846102 dated 04-08-2020

1. Consent to /operate/renewal of consent under section 25 & 26 of the Water(Prevention and Control of Pollution)Act,1974 as amended
2. Consent to /operate/renewal of consent under section 21 of the Air(Prevention and Control of Pollution)Act,1981 as amended
3. Authorization/renewal of authorization under Rule 5 of the Hazardous Waste(Management and Handling Rules)1999 as amended in connection with my/our existing/proposes/altere/d/additional manufacturing/processing activities from the premises as per details given below:-

PART A: GENERAL

1. Name : Sanajy Kumar Bhargav
Designation : Vice President
Office Address :
Telephone/Fax and : 0124-44322500,44322500-0124
Email Address of the applicant : malibutown@hotmail.com
2. (a) Name and location of the Industrial Unit/Premises for which the application is made.(Give Revenue Survey No/Plot No.,name of the Tulaka and District,also Telephone No. and Fax No.) : Malibu Estate Pvt. Ltd.
Malibu Town, Shona Road, Gurgaon
0124-44322500
0124-44322500
(b) Details of Planning Permission obtained from Municipal Corporation /directories of Urban Development of Town & Country palnning/Haryana Urban Development authority,whichever applicable. : DTP
(c) Name of Municipal Corporation/ Panchayat Samiti/Panchayat under whose jurisdiction the unit is Located and name of the license issuing Authority. : MCG

3. Name : Sanjay Kumar Bhargav, 79
 Address : Malibu Town, Shona Road, Gurgaon
 Telephone No., Fax and
 E-mail address
 of the officer responsible for the matter
 connected with Pollution Control and
 Hazardous Waste Disposal. 327

4. If registered as a small-scale industrial unit, give Number and Date of registration. : , 01/01/2013

5. Gross Capital Investment of the unit without depreciation till the date of application (cost of building, land, plant and machinery) (to be supported by affidavit, annual report and certificate from Chartered Accountant. For proposed units, give estimated figure (In Lakhs)). : 14900.0

6. If the site is located near river bank/other water bodies; indicate the name and distance of the water body.

Sr. No.	Surrounding of site	Distance (in meters)	Description
-----NIL-----			

7. Does the location satisfy the requirements under relevant Central/State Government notifications on ecologically fragile area etc., if so give details. : DTP

8. If the site is situated in notified industrial estate:

(a) Whether effluent collection, treatment and disposal system has been provided by the authority;

YES / Non Industrial

(b) will the applicant utilize the system, if provided;

YES

(c) if not provided, details of proposed arrangement for the treatment of effluent.

9. Total Plot Area, Built up Area and Area available for the use of treated sewage/trade effluent. :

Total Plot Area : 729164
 Built-up Area : 128468

10. Month and year of proposed commissioning of the unit. :

01/04/1994

11. Number of workers and office staff. :

950

12. (a) Do you have a residential colony within the Premises in respect of which the present application is made? :

YES

(b) If yes, please state population staying

950

(c) indicates its location and distance with reference to plant site.

13. List of products and by-products manufactured in tones/Month, Kiloletre/Month or Numbers/Month (give figures corresponding to maximum installed production capacity).

Sr. No.	Name of the Product produced/to be produced	Quantity of Products produced/to be produced.			
		Licensed production capacity	Installed Production Capacity	Avg. Actual Production	Average Actual production for which the consent is sought
-----NIL-----					

Sr. No.	Name of the By-Products produced/to be produced	Quantity of By-Products produced/to be produced.			
		Licensed production capacity	Installed Production Capacity	Avg. Actual Production	Average Actual production for which the consent is sought
-----NIL-----					

14. List of raw-material and process of Chemicals with Annual consumption corresponding to above stated Production Figures, in tones/month or numbers/month.

S.No.	Name of the Raw-material/Chemicals used/to be used	Quantity of the Raw-material/Chemicals used/being used	Unit
1	NA	0	Metric Tonnes/Day

15. Description of Process of manufacture for each products showing input/output, quality and quantity of solid, liquid and gaseous wastes,if any, forms each unit process.(to be supported by flow sheet and material balance). : Islampur

PART B: WASTE WATER ASPECTS (FOR WATER OF CONSENT) IF NOT APPLICABLE, WRITE NOT APPLICABLE.

16. Water consumption for different uses (m3/day).

Sr. No.	Water Consumed For	Quantity(KLD)
1	Sanitation/Domestic/Horticulture	310.0

17. Source of water supply, Name of authority granting permission if applicable and quality permitted.

Sr. No.	Source Type	Source Name	Quantity (KLD)
1	Huda/HSIIDC Supply	HUDA	310.0

18. Water Treatment Details

Sr. No.	Use	Effluent Generation(KLD)	Treatment Arrangement Status	Treatment Details
1	Domestic Effluent	240.0	Yes	STP

19. Waste Water Discharge/Disposal Details :

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S.No	Type of Effluent	Maximum Generation Quantity of Effluent(KLD)	Effluent to be Recycle(KLD)	Effluent Disposal/Discharge Quantity (KLD)	Mode of disposal
1	Domestic Effluent	240.0	240.0	0.0	Recycling/Reuse

20. Quality of untreated/treated effluents(specify pH and concentration of suspended solids, Bio chemical,Oxygen Demand and specific pollutants relevant to the industry.Total dissolved solids to be reported for disposal on the land or into stream/river).
Enclose a copy of latest report of analysis from the laboratory approved/ recognized by Haryana State Pollution Control Board/Central Government in the Ministry of Environment and Forest. For proposed unit furnish expected characteristics of untreated/treated effluents.

Sr . No.	Type of Effluent	Parameters	Conc. of Pollutant		Unit	Date of report	Report analysis no.	Name of Laboratory
			Untreated	Treated				
-----NIL-----								

PART C: AIR EMISSION ASPECTS(FOR AIR CONSENT) IF NOT APPLICABLE, WRITE NOT APPLICABLE.

21. Fuel Consumption :

Fuel Name	Daily Consumption(T/day)	Unit	Calorific value	Ash contents	Sulphur contents	Others
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22. Details of Stack

Stacks Numbers :	2
Stack Attached to:	Stack attached to D.G. Sets of 380 KVA , Stack attached to D.G. Set of 625 KVA ,
Fuel type:	HSD , HSD ,
Fuel Quantity:	0.120 , 0.320 ,
Material for construction of Stack:	MS , MS ,
Shape (Round/Rectangle):	Round , Round ,
Height above ground level(in metres):	15 , 15 ,
Diameters/Size in meters	0.2 , 0.2 ,
Gas quantity Nm ³ /hr:	, ,
Gas Temperature 'C:	, ,
Exit velocity of Tones/sec:	, ,

Details of DG Set:

Sr. No.	Capacity of D.G. set in(KVA)	Quantity of Fuel used/to be used (in Lts./day)	Ht. of Stack provided/to be provided above roof level(in mts.)	Whether canopy/acoustic enclosure provided/ to be provided(please define clearly)
1	380	120	6.5	Yes
2	625	320	6.5	Yes

23. Do you have an adequate facility of collection of samples of emission in the form of portholes, platforms, ladder etc., as per Central Board Publication 'Emissions Part iii'(December1985). : NO

24. Quality of treated fuel gas emission and process emissions. Specify concentration of criteria pollutants and industry/process specific pollutants stack wise. Enclose a copy of latest report of analysis from the approved/ recognized laboratory by Haryana State Pollution Control Board/ Central Government in the Ministry of Environment and Forest. For proposed units, furnish the expected characteristics for the emission.

Fuel Gas Emission quality parameter details:

Sr. No.	Stack	Parameters	Result	Units
-----NIL-----				

Process Emission quality parameter details:

Sr. No	Process	Parameters	Conc. of pollutants		Units
			Untreated	Treated	
-----NIL-----					

Details of Process Emission:

Sr. No.	Source of Generation of process Emissions	Name of the emissions(i.e SO2/NOx/Acid Mist/any other).	Details of APCD provided/to be provided to control process emissions.	Height of Stack provided/to be provided for discharge of process emissions(in mts)..		Whether emission sampling facilities provided or not
				Above Ground Level	Above Roof Level	
-----NIL-----						

PART E: ADDITIONAL INFORMATION

28. (a) Do you have any proposals to upgrade the present system for treatment and disposal of effluent/emission and hazardous waste. : NO

(b) If yes,give details with time-schedule for the implementation and approx. expenditure to be incurred on it.

29. Capital and Recurring (Operations and Maintenance) expenditure on the various aspects of environment protection such as effluent emission HW solid waste tree plantation monitoring data acquisition etc. : Approx. Rs. 50 Lacs per annum expenditure occurred on various aspects of environment protection

- 30. To which the pollution Control equipment separate meters for recording consumption of electric energy are installed? : Energy meter installed
- 31. Which of the pollution Control items are connected to Diesel Generator set (captive power source) to ensure the running in the event of normal power failure. : STP installed is connected to Diesel Generator set (captive power source) to ensure the running in the event of normal power failure
- 32. Name, quantity and method of disposal non-hazardous solid waste generated separately from the process of manufacture and waste treatment(give details of area/ capacity available in applicants land). : NA
- 33. Hazardous chemicals are defined under the Manufacture, Storage and Import of Hazardous Chemicals, Rules 1989. :
 (a) List of Hazardous Chemicals stores(imported and indigenous). : NA
 (b) Details of isolated storage. : NA
 (c) Details of emergency preparedness plans (On-Site/ Off-Site prepared). : Provided
- 34. Brief details of tree plantation/ green belt development within applicant's premises. : We have planted many trees and maintained green belt
- 35. Information of schemes for waste minimization, source recovery and recycling implemented and to be implemented, separately. : We are reusing treated water into gardening/ flushing/ horticulture
- 36. Any other additional information that the applicant desires to give. : We have deposited CTO Fees and Sample testing fees through online portal on 31-07-2020 (Receipt enclosed). But due to technical error in investharyana since more than 03 days.
- 37. I/We further declares that the information furnished above is correct to the best of my/our knowledge.
- 38. I/We hereby submit that I am the authorised person of this unit to apply for CTO and in case of any change from what is stated in this application in respect of raw-materials, products, process of manufacture & treatment and/or disposal of emissions, hazardous waste etc. in quality & quantity; a fresh application for consent/authorization shall be made & until the grant of fresh consent/ authorization, no change shall be made.
- 39. I/We undertakes to furnish any other information within 1 month of its being called by the Board/Committee.
- 40. I/We agreed to submit to the board an application for renewal of consent/authorization 3 months in advance before the date of expiry of the consent/authorization validity period.
- 41. I/We deposit Rs.....(.....rupees) in favour of Haryana State Pollution Control Board as the fee for Consent/ Authorization.

Sr. No.	Fee For	Bank Name	Branch	DD No./Cheque No.	Date	Amount(in Rs.)

42. Declaration about awareness of the prescribed standards :-

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a.) That I am aware of the provisions of the Water Act, 1974, Air Act, 1981 & Hazardous Waste Management Rules, 2008 and standards/norms prescribed for discharge of pollutants under EPA Rules, 1986.

Signature _____
Name Sanajy Kumar Bhargav
Designation Vice President

b.) That we shall comply with all the provisions of Water Act, 1974, Air Act, 1981 & Hazardous Waste Management Rules, 2008 and standards/norms prescribed for discharge of pollutants under EPA Rules, 1986 after commissioning of our unit.

c.) That the work for construction and installation of pollution control measures will be done side by side while doing the construction and installation of the main plant of the unit and will not start the production with out installing proper and adequate pollution control measure as per scheme enclosed and without obtaining prior consent to operate from the Board.

d. In Case of any of the non-compliance by the unit, the Board will be at liberty to forfeit the performance security deposited along with the security case.

DOCUMENTS ENCLOSED:

1. Latest analysis reports for effluent! Air emissions Noise level of DG sets (required at the time of regular consent to operate & renewal of consent to operate).
2. Any other document 2
3. Any other document 1
4. C.A. Certificate regarding capital investment cost w.r.t. land building, plant and machinery of the proposed project.

**** This is System Generated Form Signature not Required ****



333 85

HARYANA STATE POLLUTION CONTROL BOARD

**Gurgaon North Vikas Sada, 1st Floor,
Near DC Court, Gurgaon Ph.0124-2332775**

E-mail: hspcb.pkl@sify.com



No. HSPCB/Consent/ : 329962318GUNOCTO5199041

Dated:08/05/2018

To.

M/s :Malibu Estate Pvt. Ltd.
Malibu Town, Shona Road, Gurgaon

Subject: Grant of consent to operate to M/s Malibu Estate Pvt. Ltd.:

Please refer to your application no. 5-199041 received on dated 2018-03-14 in regional office Gurgaon North. With reference to your above application for consent to operate, M/s Malibu Estate Pvt. Ltd. is here by granted consent as per following specification/Terms and conditions.

Consent Under	BOTH
Period of consent	01/04/2018 - 30/09/2020
Industry Type	Building and construction project more than 20,000 sq.m built up area having waste water generation more than 100 KLD
Category	RED
Investment(In Lakh)	14900.0
Total Land Area(Sq. meter)	729164.0
Total Builtup Area(Sq. meter)	128468.0
Quantity of effluent	
1. Trade	0.0 KL/Day
2. Domestic	240.0 KL/Day
Number of outlets	1.0
Mode of discharge	
1. Domestic	REUSE/RECYCLE
2. Trade	
Domestic Effluent Parameters	
1. BOD	30 mg/l
2. COD	250 mg/l
3. TSS	100 mg/l
Trade Effluent Parameters	
1. NA	
Number of stacks	1
Height of stack	
1. STACK OF DG SETS	6.5 METER
Emission parameters	

1. NA	
Product Details	
1. NA	Metric Tonnes/day
Capacity of boiler	
1. NA	Ton/hr
Type of Furnace	
1. NA	
Type of Fuel	
1. Diescl	0.44 KL/day
Raw Material Details	
NA	Metric Tonnes/Day

Regional Officer, Gurgaon North
Haryana State Pollution Control Board.

Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of change of process at any stage during the consent period, the industry shall submit fresh

consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.

12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.

13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.

14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.

15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.

16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

Specific Conditions :

1. The unit will submit the analysis reports of trade effluent/air emissions/ noise, from all sources as applicable, before 30th June every year and will keep all parameters within standards prescribed under Environment (Protection) Rules, 1986. 2. The unit will submit the Annual Report under HWM Rules by 30th June and Environment Statement by 30th September every year. 3. Unit will submit fresh balance sheet/ CA certificate regarding capital investment cost of the unit on land, building, plant and machinery without depreciation and will also deposit balance consent fee if any found due as per latest balance sheet/ CA certificate, by 30th September every year. 4. Unit will apply for renewal of consent/Authorization at least 90 days before expiry date of the consent/Authorization. 5. The hazardous waste generated by the unit will be disposed off only through Authorized TSDF/recyclers / Refiners of hazardous waste. 6. Unit will apply for authorization under HWM Rules immediately.

Jai Bhagwan

Digitally signed by Jai Bhagwan
Date: 2018.05.08 11:29:48 -05'30

**Regional Officer, Gurgaon North
Haryana State Pollution Control Board.**

Receipt No.	855014565
Depositor Name	Sanjay Kumar Bhargav
Bank Name.	State Bank of India
Bank Id.	530
Application No.	5199041
Name and Address of Industry	Malibu Estate Pvt. Ltd., Malibu Town, Shona Road, Gurgaon, GURGAON, GURGAON NORTH
Name of Regional Office	Gurgaon North
Applied For	CTO - both - autoRenew
Payment Date	2018-03-14 15:26:08.528
Payment Details	
CTO Water (Rs.)	225000.0
CTO Air (Rs.)	225000.0
Late fee Water (Rs.)	150000.0
CTO Air (Rs.)	150000.0
Total Amount Paid (Rs.)	750000.0
Transaction Status	Successfully Completed



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Account Name
Address

MALIBU ESTATE PRIVATE LTD
38 D.D.A. COMMERCIAL COMPLEX KAILASH COLONY EXTN
SAMRUDDHUR NEW DELHI-110048 NEW DELHI (INDIA) INDIA

110048

Date: 31 Jul 2020
 Account Number: 00000010674703853
 Account Description: CA-GEN-PUB OTH-NONRURAL-INR
 Branch: GREATER KAILASH PART I
 Drawing Power: 0.00
 Interest Rate: 0.00
 MOD Balance: 0.00
 CIF No: 00032521670
 IFS Code: SBIN001078
 MICR Code: 140002042
 Balance as on 31 Jul 2020: 2,72,788.25

Account Statement from 31 Jul 2020 to 31 Jul 2020

Txn Date	Value Date	Description	Ref No./Cheque No.	Branch Code	Debit	Credit	Balance
31 Jul 2020	31 Jul 2020	TO TRANSFER-INS TECH HRSP CB Payments	1184526440 CHE0915397 TRANSFER TO 45996631620 91/	99922	1,54,509.44		1,18,278.81

**This is a computer generated statement and does not require a signature.


**AMIT JOSHI & ASSOCIATES
CHARTERED ACCOUNTANTS**

253A/2, 4th Floor, Shahpur Jat,
Opp. Panchsheel Commercial
Complex, New Delhi 110 049
Tel : 26495673, 26490273
E-mail : aja_cas@yahoo.co.in

TO WHOM SO EVER IT MAY CONCERN

We have checked the books of account, records, documents of Malibu Estate (P) Ltd. having its registered office at 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi-110048 and certify that gross capital investment of Malibu Towne, Gurgaon as on 31.03.2004 is Rs. 149.69 crores. Cost includes total cost of land, building and development.

For Amit Joshi & Associates
Chartered Accountants


(Sanjay Joshi)
Partner



Place: New Delhi
Date: 14/05/2010

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From: M/S Malibu Estate Pvt. Ltd. (13GUN0560131)

No: 7846102

Date: 04/08/2020 13:14:15

Sub: Application For - CTO / both / new

Activity: Forward

Description

Check and submit report

Activity: Verification

Description

Check and submit report

Note By: Kuldeep Singh (Regional Officer)

Date Time: 04/08/2020 13:56:48 PM

Forwarded To: AEE IV

Activity: Forward

Description

Show cause notice for refusal of CTO may be issued to the unit for 07 days for the followings:- 1. Show cause notice for prosecution /revocation of CTO was issued to the unit vide this office letter No. HSPCB/GRN/2020/435-436 dated 15.07.2020, No. 437-438 dated 15.07.2020 & No. 439-440 dated 15.07.2020 against which unit has submitted reply vide letters dated 31.07.2020 but not found satisfactory. 2. Not submitted reply of Show cause notice issued vide letter No. HSPCB/GRN/2020/771-812 dated 14.08.2020 & No. 728-769 dated 14.08.2020. 3. Online application for renewal of CTO on prescribed Performa (AnnexureXI). 4. Not deposited complete CTO fee, late fee and sample testing fees. 5. Power of attorney/authority letter to sign the application. 6. Latest Copy of balance sheet duly attested by CA or CA certificate w.r.t. capital investment cost of the unit for the preceding year. (Capital investment cost should include the original cost of land, building, plant & machinery without depreciation but with upto date additions. The cost of land and building should be included in the capital investment cost even if it is on lease or rent or mortgage) and accordingly updated CTO fees if any. 7. Latest inspection report and analysis reports of effluent/ air emissions/ noise conducted by Board officer (s) for the mandatory inspection, if conducted. 8. Copy of fresh analysis reports of effluent/air emissions/ noise analyzed from Board's lab/recognized lab. (not more than 03 months old) 8. Environment Statement in Form V for the financial year ending on 31st March (required in compliance of Rule 14 of EP Rules, 1986). 9. In case of industries/projects/establishments handling Hazardous Chemicals having threshold quantities mentioned in schedule II and III of MSIHC, Rules, 1989 and covered under rule 10 & 13 of these Rules, proof of submission of updated safety audit report duly audited with the help of an expert, annually and up to date onsite emergency plan alongwith report of the mock drill of the same to Chief Inspector of Factories alongwith copy of the same. (Required as per instructions of MOEF & CC issued vide letter No. 14-7(382)/2010-HSMD dated 09.03.2016). 10. Permission of the concerned authorities for disposal of the effluent in to sewer/drains etc (in case not submitted earlier). 11. Detail of land in case the effluent is discharged on land for percolation or for irrigation along with copy of registered agreement made with the land owners in case the land belong to the persons other then the land of the applicant unit (in case not submitted earlier). 12. Copy of logbook for last 03 months maintained for operation of ETP/STP/APCM for the record of energy and chemical consumption, quantity of effluent at inlet and outlet of ETP/STP supported with readings of magnetic flow meters alongwith quantity of treated effluent recycled/reused in the process, utilized in the premises and discharged, mode of disposal. 13. Matter is pending before Hon'ble District and Session Court, Gurugram in which reply in context to allegation raised is still awaited. 14. 2 Nos. of complaints have been received from Sh. Raman Sharma regarding no proper sewage treatment, uplifting of sewage, public utility earmarking in layout plan. -----Further, unit has deposited sample testing fee. Hence, permission for sample collection may be granted, please.

Note By: Neta Sankar Das

Date Time: 17/08/2020 13:27:29 PM

Forwarded To: Regional Officer

Activity: Forward

Description

Please attach copy of SCN and ensure one go observation.

Note By: Kuldeep Singh (Regional Officer)

Date Time: 12/08/2020 12:56:36 PM

Forwarded To: AEE IV

Activity: Forward

Description

Show cause notice for refusal of CTO may be issued to the unit for 07 days for the followings:- 1. Show cause notice for prosecution /revocation of CTO was issued to the unit vide this office letter No. HSPCB/GRN/2020/435-436 dated 15.07.2020, No. 437-438 dated 15.07.2020 & No. 439-440 dated 15.07.2020 against which unit has submitted reply vide letters dated 31.07.2020 but not found satisfactory. 2. Not submitted reply of Show cause notice issued vide letter No. HSPCB/GRN/2020/771-812 dated 14.08.2020 & No. 728-769 dated 14.08.2020. 3. Online application for renewal of CTO on prescribed Performa (AnnexureXI). 4. Not deposited complete

CTO fee, late fee and sample testing fees. 5. Power of attorney/authority letter to sign the application. 6. Latest Copy of balance sheet duly attested by CA or CA certificate w.r.t. capital investment cost of the unit for the preceding year. (Capital investment cost should include the original cost of land, building, plant & machinery without depreciation but with upto date additions. The cost of land and building should be included in the capital investment cost even if it is on lease or rent or mortgage) and accordingly updated CTO fees if any. 7. Latest inspection report and analysis reports of effluent/ air emissions/ noise conducted by Board officer (s) for the mandatory inspection, if conducted. 8. Copy of fresh analysis reports of effluent/air emissions/ noise analyzed from Board's lab/recognized lab. (not more than 03 months old) 8. Environment Statement in Form V for the financial year ending on 31st March (required in compliance of Rule 14 of EP Rules, 1986). 9. In case of industries/projects/establishments handling Hazardous Chemicals having threshold quantities mentioned in schedule II and III of MSIHC, Rules, 1989 and covered under rule 10 & 13 of these Rules, proof of submission of updated safety audit report duly audited with the help of an expert, annually and up to date onsite emergency plan alongwith report of the mock drill of the same to Chief Inspector of Factories alongwith copy of the same, (Required as per instructions of MOEF & CC issued vide letter No. 14-7(382)/2010-HSMD dated 09.03.2016). 10. Permission of the concerned authorities for disposal of the effluent in to sewer/drains etc (in case not submitted earlier). 11. Detail of land in case the effluent is discharged on land for percolation or for irrigation along with copy of registered agreement made with the land owners in case the land belong to the persons other than the land of the applicant unit (in case not submitted earlier). 12. Copy of logbook for last 03 months maintained for operation of ETP/STP/APCM for the record of energy and chemical consumption, quantity of effluent at inlet and outlet of ETP/STP supported with readings of magnetic flow meters alongwith quantity of treated effluent recycled/reused in the process, utilized in the premises and discharged, mode of disposal, 13. Matter is pending before Hon'ble District and Session Court, Gurugram in which reply in-context to allegation raised is still awaited. 14. 2 Nos. of complaints have been received from Sh. Raman Sharma regarding no proper sewage treatment, uplifting of sewage, public utility earmarking in layout plan. 15. Not submitted copy of CTE obtained from the Board, if any. 16. Not submitted all copies of Occupation certificates since establishment and exact date of start of occupancy. 17. You have obtained and applied CTO for 240 KLD whereas as per inspection report dated 10.09.2013, 360 KLD effluent generated. 18. Mode of disposal of effluent /treated effluent since start of occupancy with documentary proof not submitted. 19. Permission from the concerned authority for Bore-well not submitted. 20. You have obtained and applied CTO for 180 Acres whereas as per inspection report dated 10.09.2013, 204 acre is the area. -----Further, unit has deposited sample testing fee. Hence, permission for sample collection may be granted, please.

Attached Letter: [Letter Attached By Officials](#)
[View Letter](#)

Note By: Neha Saharan (AEE IV)

Date Time: 17/08/2020 13:07:25 PM

Forwarded To: Regional Officer

Activity: Forward

Description

As recommended by AEE, permission for sample collection may be granted, please.

Activity: Show Cause (**Send To Industry**) | **Reminder** | [View SCN \(both\) For Refusal](#)

Description

Note By: Kuldeep Singh (AEE III)

Date Time: 17/08/2020 10:05:00 AM

Forwarded To: Sr Environment Engineer

Activity: Forward

Description

As per the recommendation received from RO permission for sampling may please be granted,

Note By: Satinder Pal (Sr Environment Engineer)

Date Time: 18/08/2020 14:54:02 PM

Forwarded To: MS

Activity: Forward

Description

Permission granted for sampling, as proposed

Note By: S Narayanan (PS IAS)

Date Time: 18/08/2020 15:16:43 PM

Forwarded To: Sr Environment Engineer

Activity: Forward

Description

For further necessary action please.

Note By: Satinder Pal (Sr Environment Engineer)

Date Time: 18/08/2020 16:28:06 PM

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Forwarded To: Regional Officer

Activity: Forward

Description

Note By: Kuldeep Singh (Regional Officer)

Date Time: 18/08/2020 16:53:18 PM

Forwarded To: AEE IV

Activity: Forward

Description

HEPC Level.....Show cause notice for refusal of CTO was issued to the unit for 07 days for the followings:- 1. Show cause notice for prosecution /revocation of CTO was issued to the unit vide this office letter No. HSPCB/GRN/2020/435-436 dated 15.07.2020, No. 437-438 dated 15.07.2020 & No. 439-440 dated 15.07.2020 against which unit has submitted reply vide letters dated 31.07.2020 but not found satisfactory. 2. Not submitted reply of Show cause notice issued vide letter No. HSPCB/GRN/2020/771-812 dated 14.08.2020 & No 728-769 dated 14.08.2020. 3. Online application for renewal of CTO on prescribed Performa (AnnexureXI). 4. Not deposited complete CTO fee, late fee and sample testing fees. 5. Power of attorney/authority letter to sign the application. 6. Latest Copy of balance sheet duly attested by CA or CA certificate w.r.t. capital investment cost of the unit for the preceding year. (Capital investment cost should include the original cost of land, building, plant & machinery without depreciation but with upto date additions. The cost of land and building should be included in the capital investment cost even if it is on lease or rent or mortgage) and accordingly updated CTO fees if any. 7. Latest inspection report and analysis reports of effluent/ air emissions/ noise conducted by Board officer (s) for the mandatory inspection, if conducted. 8. Copy of fresh analysis reports of effluent/air emissions/ noise analyzed from Board's lab/recognized lab. (not more than 03 months old) 8. Environment Statement in Form V for the financial year ending on 31st March (required in compliance of Rule 14 of EP Rules, 1986). 9. In case of industries/projects/establishments handling Hazardous Chemicals having threshold quantities mentioned in schedule II and III of MSIHC, Rules, 1989 and covered under rule 10 & 13 of these Rules, proof of submission of updated safety audit report duly audited with the help of an expert, annually and up to date onsite emergency plan alongwith report of the mock drill of the same to Chief Inspector of Factories alongwith copy of the same, (Required as per instructions of MOEF & CC issued vide letter No. 14-7(382)/2010-HSMD dated 09.03.2016). 10. Permission of the concerned authorities for disposal of the effluent in to sewer/drains etc (in case not submitted earlier). 11. Detail of land in case the effluent is discharged on land for percolation or for irrigation along with copy of registered agreement made with the land owners in case the land belong to the persons other then the land of the applicant unit (in case not submitted earlier). 12. Copy of logbook for last 03 months maintained for operation of ETP/STP/APCM for the record of energy and chemical consumption, quantity of effluent at inlet and outlet of ETP/STP supported with readings of magnetic flow meters alongwith quantity of treated effluent recycled/reused in the process, utilized in the premises and discharged, mode of disposal. 13. Matter is pending before Hon'ble District and Session Court, Gurugram in which reply in-context to allegation raised is still awaited. 14. 2 Nos. of complaints have been received from Sh. Raman Sharma regarding no proper sewage treatment, uplifting of sewage, public utility earmarking in layout plan. 15. Not submitted copy of CTE obtained from the Board, if any. 16. Not submitted all copies of Occupation certificates since establishment and exact date of start of occupancy. 17. You have obtained and applied CTO for 240 KLD whereas as per inspection report dated 10.09.2013, 360 KLD effluent generated. 18. Mode of disposal of effluent /treated effluent since start of occupancy with documentary proof not submitted. 19. Permission from the concerned authority for Bore-well not submitted. 20. You have obtained and applied CTO for 180 Acres whereas as per inspection report dated 10.09.2013, 204 acre is the area. But till date unit has not replied. Keeping in view of above, it is recommended that CTO under Air/Water Act may be refused due to followings:- 1. Show cause notice for prosecution /revocation of CTO was issued to the unit vide this office letter No. HSPCB/GRN/2020/435-436 dated 15.07.2020, No. 437-438 dated 15.07.2020 & No 439-440 dated 15.07.2020 against which unit has submitted reply vide letters dated 31.07.2020 but not found satisfactory. 2. Not submitted reply of Show cause notice issued vide letter No. HSPCB/GRN/2020/771-812 dated 14.08.2020 & No 728-769 dated 14.08.2020. 3. Online application for renewal of CTO on prescribed Performa (AnnexureXI). 4. Not deposited complete CTO fee, late fee and sample testing fees. 5. Power of attorney/authority letter to sign the application. 6. Latest Copy of balance sheet duly attested by CA or CA certificate w.r.t. capital investment cost of the unit for the preceding year. (Capital investment cost should include the original cost of land, building, plant & machinery without depreciation but with upto date additions. The cost of land and building should be included in the capital investment cost even if it is on lease or rent or mortgage) and accordingly updated CTO fees if any. 7. Latest inspection report and analysis reports of effluent/ air emissions/ noise conducted by Board officer (s) for the mandatory inspection, if conducted. 8. Copy of fresh analysis reports of effluent/air emissions/ noise analyzed from Board's lab/recognized lab. (not more than 03 months old) 8. 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Not submitted copy of CTE obtained from the Board, if any. 16. Not submitted all copies of Occupation certificates since establishment and exact date of start of occupancy. 17. You have obtained and applied CTO for 240 KLD whereas as per inspection report dated 10.09.2013, 360 KLD effluent generated. 18. Mode of disposal of effluent /treated effluent since start of occupancy with documentary proof not submitted. 19. Permission from the concerned authority for Bore-well not submitted. 20. You have obtained and applied CTO for 180 Acres whereas as per inspection report dated 10.09.2013 204 acre is the area.

Activity: Verification Closed | View Verification Report |

Description

Note By: Neha Saharan (AEE IV)

Date Time: 01/09/2020 16:02:32 PM

Forwarded To: Regional Officer

Activity: Forward

Description

As recommended by AEE, CTO under Air/Water Act may be refused due to followings:- 1. Show cause notice for prosecution /revocation of CTO was issued to the unit vide this office letter No. HSPCB/GRN/2020/435-436 dated 15.07.2020, No. 437-438 dated 15.07.2020 & No. 439-440 dated 15.07.2020 against which unit has submitted reply vide letters dated 31.07.2020 but not found satisfactory. 2. Not submitted reply of Show cause notice issued vide letter No. HSPCB/GRN/2020/771-812 dated 14.08.2020 & No 728-769 dated 14.08.2020. 3. Online application for renewal of CTO on prescribed Performa (AnnexureXI). 4. Not deposited complete CTO fee, late fee and sample testing fees. 5. Power of attorney/authority letter to sign the application. 6. Latest Copy of balance sheet duly attested by CA or CA certificate w.r.t. capital investment cost of the unit for the preceding year. (Capital investment cost should include the original cost of land, building, plant & machinery without depreciation but with upto date additions. The cost of land and building should be included in the capital investment cost even if it is on lease or rent or mortgage) and accordingly updated CTO fees if any. 7. Latest inspection report and analysis reports of effluent/ air emissions/ noise conducted by Board officer (s) for the mandatory inspection, if conducted. 8. Copy of fresh analysis reports of effluent/air emissions/ noise analyzed from Board's lab/recognized lab. (not more than 03 months old) 8. Environment Statement in Form V for the financial year ending on 31st March (required in compliance of Rule 14 of EP Rules, 1986). 9. In case of industries/projects/establishments handling Hazardous Chemicals having threshold quantities mentioned in schedule II and III of MSIHC, Rules, 1989 and covered under rule 10 & 13 of these Rules, proof of submission of updated safety audit report duly audited with the help of an expert, annually and up to date onsite emergency plan alongwith report of the mock drill of the same to Chief Inspector of Factories alongwith copy of the same, (Required as per instructions of MOEF & CC issued vide letter No. 14-7(382)/2010-HSMD dated 09.03.2016). 10. Permission of the concerned authorities for disposal of the effluent in to sewer/drains etc (in case not submitted earlier). 11. Detail of land in case the effluent is discharged on land for percolation or for irrigation along with copy of registered agreement made with the land owners in case the land belong to the persons other than the land of the applicant unit (in case not submitted earlier). 12. Copy of logbook for last 03 months maintained for operation of ETP/STP/APCM for the record of energy and chemical consumption, quantity of effluent at inlet and outlet of ETP/STP supported with readings of magnetic flow meters alongwith quantity of treated effluent recycled/reused in the process, utilized in the premises and discharged, mode of disposal. 13. Matter is pending before Hon'ble District and Session Court, Gurugram in which reply in-context to allegation raised is still awaited. 14. 2 Nos. of complaints have been received from Sh. Raman Sharma regarding no proper sewage treatment, uplifting of sewage, public utility earmarking in layout plan. 15. Not submitted copy of CTE obtained from the Board, if any. 16. Not submitted all copies of Occupation certificates since establishment and exact date of start of occupancy. 17. You have obtained and applied CTO for 240 KLD whereas as per inspection report dated 10.09.2013, 360 KLD effluent generated. 18. Mode of disposal of effluent /treated effluent since start of occupancy with documentary proof not submitted. 19. Permission from the concerned authority for Bore-well not submitted. 20. You have obtained and applied CTO for 180 Acres whereas as per inspection report dated 10.09.2013, 204 acre is the area.

Note By: Kuldeep Singh (Regional Officer)

Date Time: 01/09/2020 16:05:18 PM

Forwarded To: EE HEPCL

Activity: Forward

Approval/Refusal Status: Refused

Description

Approved for refusal as recommended by RO.

Note By: Vinay Gautam (EE HEPCL)

Date Time: 02/09/2020 10:00:07 AM

Forwarded To: Regional Officer

Activity: Forward

Description

Activity: Close After Refusal

Description

Note By: Kuldeep Singh (Regional Officer)

Date Time: 02/09/2020 11:10:26 AM

Forwarded To: Regional Officer

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Haryana State Pollution Control Board
Gurgaon North Vikas Sadan, 1st Floor, Near DC Court, Gurgaon
Ph.0124-2332775 Email:- hspcbgrn@gmail.com



No. R20GUNOCTOA/WSCN7846102

DT. 17/08/2020

To

M/s Malibu Estate Pvt. Ltd.
 Malibu Town, Shona Road, Gurgaon
 Gurgaon
 GURGAON NORTH

Sub: Show cause notice for refusal of consent to operate under Section 25/26 of Water Act, 1974, Section 21/22 of Air Act, 1981.

Please refer to your application dated **2020-08-04** received in the Board for consent to operate under Air (Prevention & Control of Pollution) Act, 1981 and Water Act, 1974.

Your application has been examined by the Board and it has been observed that the application submitted by you is incomplete and not conforming to the requirement of the provisions of the Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974 as per policy of the Board.

Accordingly, Show Cause Notice for refusal of consent under above said Acts is issued to reply or take corrective measures for the deficiencies and incompleteness in your application as per details given below:-

1. Show cause notice for prosecution /revocation of CTO was issued to the unit vide this office letter No. HSPCB/GRN/2020/435-436 dated 15.07.2020, No. 437-438 dated 15.07.2020 & No. 439-440 dated 15.07.2020 against which unit has submitted reply vide letters dated 31.07.2020 but not found satisfactory, 2. Not submitted reply of Show cause notice issued vide letter No. HSPCB/GRN/2020/771-812 dated 14.08.2020 & No 728-769 dated 14.08.2020.
3. Online application for renewal of CTO on prescribed Performa (AnnexureXI).
4. Not deposited complete CTO fee, late fee and sample testing fees.
5. Power of attorney/authority letter to sign the application.
6. Latest Copy of balance sheet duly attested by CA or CA certificate w.r.t. capital investment cost of the unit for the preceding year. (Capital investment cost should include the original cost of land, building, plant & machinery without depreciation but with upto date additions. The cost of land and building should be included in the capital investment cost even if it is on lease or rent or mortgage) and accordingly updated CTO fees if any.
7. Latest inspection report and analysis reports of effluent/ air emissions/ noise conducted by Board officer (s) for the mandatory

inspection, if conducted. 8. Copy of fresh analysis reports of effluent/air emissions/ noise analyzed from Board's lab/recognized lab. (not more than 03 months old) 8. Environment Statement in Form V for the financial year ending on 31st March (required in compliance of Rule 14 of EP Rules, 1986). 9. In case of industries/projects/establishments handling Hazardous Chemicals having threshold quantities mentioned in schedule II and III of MSIHC, Rules, 1989 and covered under rule 10 & 13 of these Rules, proof of submission of updated safety audit report duly audited with the help of an expert, annually and up to date onsite emergency plan alongwith report of the mock drill of the same to Chief Inspector of Factories alongwith copy of the same, (Required as per instructions of MOEF & CC issued vide letter No. 14-7(382)/2010-HSMD dated 09.03.2016). 10. Permission of the concerned authorities for disposal of the effluent in to sewer/drains etc (in case not submitted earlier). 11. Detail of land in case the effluent is discharged on land for percolation or for irrigation along with copy of registered agreement made with the land owners in case the land belong to the persons other then the land of the applicant unit (in case not submitted earlier). 12. Copy of logbook for last 03 months maintained for operation of ETP/STP/APCM for the record of energy and chemical consumption, quantity of effluent at inlet and outlet of ETP/STP supported with readings of magnetic flow meters alongwith quantity of treated effluent recycled/reused in the process, utilized in the premises and discharged, mode of disposal. 13. Matter is pending before Hon'ble District and Session Court, Gurugram in which reply in-context to allegation raised is still awaited. 14. 2 Nos. of complaints have been received from Sh. Raman Sharma regarding no proper sewage treatment, uplifting of sewage, public utility earmarking in layout plan. 15. Not submitted copy of CTE obtained from the Board, if any. 16. Not submitted all copies of Occupation certificates since establishment and exact date of start of occupancy. 17. You have obtained and applied CTO for 240 KLD whereas as per inspection report dated 10.09.2013, 360 KLD effluent generated. 18. Mode of disposal of effluent /treated effluent since start of occupancy with documentary proof not submitted. 19. Permission from the concerned authority for Bore-well not submitted. 20. You have obtained and applied CTO for 180 Acres whereas as per inspection report dated 10.09.2013, 204 acre is the area.

General Deficiencies :

In case, you fail to submit reply or submit compliance of the deficiencies within 7 days, the consent to operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be refused due to the above deficiencies/ incompleteness in your application.

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**Regional Officer, Gurgaon North
For Haryana State Pollution Control Board**



Regional Office, Gurugram (N)
Haryana State Pollution Control Board
Vikas Sadan, Opposite- New Court, Gurugram

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Tel: 0124-2332775, 2220523

Website: www.hspcb.gov.in

Email: hspcbrogrn@gmail.com

Dated 17-2-2020

No. HSPCB/GRN/2020/728-769

To

1. M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048 for the project Malibu Town, Sohna Road, Gurugram.
2. Sh. Gurbachan Singh Dhingra, Director, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
3. Sh. Sameer Kohli, Director, M/s Malibu Estate Private Limited 38 DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048 & M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi - 110037.
4. Sh. Sudershan Kumar Kohli, Director, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048 & M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi - 110037.
5. Ms. Kum Kohli, Director, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048 & M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi - 110037.
6. Sh. Naveen Choudhary, Director, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
7. Sh. K Sriram, Director, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
8. Sh. Sanjay Kumar Bhargav, Vice President, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
9. M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi - 110037.
10. Sh. Sumit Garg, Director, M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi - 110037.
11. Sh. Subhash Chand, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
12. Sh. Ram Chand S/o Sh. Nand Lal C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
13. Sh. Gyani S/o Sh. Juglal, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
14. Sh. Naresh, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048.
15. Sh. Satpal S/o Sh. Chotte Lal, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
16. Sh. Lakhi, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
17. Sh. Rohtash C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
18. Sh. Bhim Singh S/o Sh. Jhabbu C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048.
19. Smt. Sada Kaur Wd/o Om Parkash C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048

20. Sh. Vijay Kumar C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
21. Sh. Dharmbir S/o Sh. Om Parkash C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
22. Smt. Phoolwati C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
23. Smt. Mukesh Ds/o Sh. Om Parkash C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
24. Sh. Balwan S/o Sh. Deep Chand C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
25. Sh. Subh Ram C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
26. Sh. Hari Singh S/o Sh. Chandgi Ram C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
27. Sh. Jage Ram C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
28. Sh. Uday Chand C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
29. Sh. Daya Chand S/o Sh. Ram Mehar C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
30. Sh. Risal Singh, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
31. Sh. Surte, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
32. Sh. Meer Singh S/o Sh. Shri Chand C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
33. Smt. Chandro Wd/O Sh. Jile Singh C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
34. Sh. Raghu Jeet C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
35. Sh. Bajinder S/o Sh. Jile Singh C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
36. Smt. Shakuntala D/o Sh. Jile Singh C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
37. Sh. Balkishan, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
38. Sh. Jai Kishan S/o Sh. Ram Kumar C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
39. Sh. Dharama S/o Sh. Govind Ram C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
40. Sh. Rajeshwar S/o Sh. Bharat Singh C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
41. Sh. Balwant Somagi S/o Sh. Chandan Singh C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
42. Sh. Ram Avtar S/o Sh. Jeeta C/o M/s Malibu Estate Private Limited, 38 DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048

Sub: Show Cause Notice under section 15 of the Environment (Protection) Act, 1986 for violation of EIA Notification dated 14-09-2006 amended till date.

Whereas, Ministry of Environment & Forests, Govt. of India has amended the construction projects and industrial estates within the preview of this notification. As per the amended notification, a) all new townships, industrial townships, settlement colonies, all commercial complexes, Hotel complexes, Hospitals and Office complexes for 1000 persons and above or discharging sewage effluent i.e. 50000 liter per day or above or with an investment of Rs. 50 crores or above b) Estate accommodating industrial unit in area of 50 hectares or above but including the industrial estates, irrespective of area, if their pollution potential is high, fall within the purview of the amended Environment Clearance from Government of India, Ministry of Environment & Forests and are also required to obtain Environmental Clearance from the MoEF&CC, Govt. of India and No Objection Certificate from the Haryana State Pollution Control Board.

Whereas, Ministry of Environment and Forest, Govt. of India Vide notification dated 07.07.2004, Environment Impact Assessment Notification dated 27.01.1994, was amended and "new construction projects" were inserted in the list of projects requiring environment clearance in schedule -1 except

"(g) any construction project falling under entry 31 of Schedule-I including new town ships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (One thousand) persons or below or discharging sewage of 50,000 (Fifty thousand) liters per day or below or with an investment of Rs 50,00,00,000/- (Rupees fifty crores) or below."

Whereas Ministry of Environment and Forest, Govt. of India has amended Environment Impact Assessment (EIA) Notification, 1994 on 14-09-2006 making compulsory to obtain environmental clearance from Central Govt. Ministry of Environment and Forest / State Environment Impact Assessment Authority (SEIAA), for the new construction projects mentioned in Sr. No. 8 (a) & 8(b) of the above said amended notification which is as under:-

Sr. No.	Particulars		
8 (a)	Building and Construction Projects	≥ 20000 sq. mtrs and <150000 sq. mtrs. Of build up area#	#(Built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8 (b)	Townships and area development projects	Covering an area ≥ 50 ha and or built up area ≥ 150000 sq. mtrs ++	++ All projects under item 8 (b) shall be appraised as Category B1

The above said amendments in the notification have been got published from time to time by way of notices in newspapers.

And whereas, as per notification dated 14-09-2006 further amended to till date, the new construction Project, mentioned in Sr. No. 8 (a) & 8 (b) cannot start any construction activity without prior approval from the State Environment Impact Assessment Authority (SEIAA)/MoEF&CC as per the laid down procedure and any such construction being raised in violation of the notification thereof shall invite action under section 5 of the EP Act, 1986 & under section 15 read under section 19 of EP Act, 1986;

Whereas, the project site was inspected by the concerned field officer on 14.07.2020 and following were observed during visit:-

The concerned site is plotted colony spread over the area of 204.796 acres developed by M/s Malibu Estate Pvt. Ltd. in sector 47 and sector 50, Gurugram against 32 Nos. of licenses (License No. 71-75 of 1992, 04-08 of 1993, 15-19 of 1994, 04-08 of 1995, 36-46 of 1997, 15 of 2008) out of which one license was obtained after EIA Notification dated 07.07.2004 & 14.09.2006 amended till date. Project proponent was required to obtain prior Environmental Clearance (EC) under provisions of EIA notification dated 14.09.2006, as last License No 15 of 2008 dated 01.02.2008 for 24.681 Acres was granted after 14.09.2006, cutoff date of requiring EC & carried out construction activity without obtaining prior environmental clearance from the concerned authorities for expansion of project. Occupation certificate obtained on 10.03.2017 for the 31061.622 Sqm (Built-up area) from the DTCP, Haryana bearing License No. 71-75 of 1992, 4-8 of 1993 & 15-19 of 1994. The project proponent has not obtained CTE of the said project. Thus, violated the provision of EIA Notification dated 07.07.2004 & 14.09.2006 amended till date. Project proponent has obtained occupation certificate for Group Housing of 11.89 Acres vide letter dated 30.08.2000.

Project proponent has obtained various part completion certificate/occupation certificate from DTCP department w.r.t. residential plotted colony. Details are as under:-

Sr. No.	License No.	Year	Area in acres	Date of grant of part completion	Remarks
1.	71-75	1992	97.282	23.02.1996	Occupation certificate obtained on 10.03.2017 from DTCP for 31061.622 Sqm
2.	4-8	1993	16.08	03.05.1996	
3.	15-19	1994	10.332	03.05.1996	
4.	15-19	1994	2.94	06.06.2003	
5.	15	2008	24.681	27.09.2016	

The project proponent has obtained revised layout plan of 204.796 acres on dated 31.01.2008 from DTCP, Haryana. Part completion certificate as mentioned above has been obtained on 27.09.2016 from DTCP, Haryana and occupation certificate obtained from DTCP, Haryana for 31061.622 Sqm (Built-up area) on 10.03.2017 as mentioned above.

Whereas, as per spot inspection report 10.09.2013 of the then field officer along with Sh. Subhash Raghav, representative of M/s Malibu Estate Private Limited showing total area of the project 204 Acres.

Whereas, show cause notice for prosecution under section 15 of the Environment (Protection) Act, 1986 for violation of EIA Notification dated 14-09-2006 amended till date was issued to M/s Malibu Estate Private Limited, Malibu Town, Sohna Road, Gurugram vide this office letter No. HSPCB/GRN/2020/435-436 dated 15.07.2020 (copy enclosed), but the reply submitted by the unit is not satisfactory.

Whereas, office of M/s Malibu Estate Private Limited, Malibu Town, Sohna Road, Gurugram has not submitted list of directors alongwith their correspondence addresses and thus this office has procured list of directors/signatory of M/s Malibu Estate Private Limited, Malibu Town, Sohna Road, Gurugram & M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi - 110037 from the website of Ministry of Corporate Affairs, Govt. of India www.mca.gov.in/mcafoportal/companyLLPMasterData.do and record of this office.

In view of above you are hereby given Show Cause for 07 days as to why legal action under Section 15 read with section 19 of EP Act, 1986 may not be initiated against the unit & its directors for violations of provisions of amended EIA Notification dated 14.09.2006/07.07.2004. Your reply must reach within stipulated time period along with certified copy of MOA & List of Directors/Partners & responsible persons failing which it will be presumed that you have nothing to say in this regard and accept the status as mentioned above, which will warrant action under section 15 of EP Act, 1986 without giving any further notice.

DA/Copy of notice dated 15.07.2020.

fmsnot 38/73

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[Signature]
Regional Officer
Gurugram Region (N) 13/8

Endst. No. HSPCB/GRN/2020/770

Dated 14/8/2020

A Copy of the above is forwarded to the Chairman, Haryana State Pollution Control Board, Panchkula for information and necessary action please.

[Signature]
Regional Officer
Gurugram Region (N) 13/8



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FMS not verified
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Regional Office, Gurugram (N)
Haryana State Pollution Control Board
Vikas Sadan, Opposite- New Court, Gurugram.

No. HSPCB/GRN/2020/ 435
To

Tel: 0124-2332775, 2220523

Website: www.hspcb.gov.in
Email: hspcbrogrn@gmail.com

Dated 15/7/20

M/s Malibu Estate Pvt. Ltd.
Malibu Town, Sohna Road, Gurugram.
Address: 38 DDA, Commercial Complex, Kailash Colony Extension
(Zamrudpur), New Delhi - 110048.

Sub:

Show Cause Notice under section 15 of the Environment (Protection) Act, 1986 for violation of amended EIA Notification dated 14-09-2006.

Whereas Ministry of Environment and Forest, Govt. of India has amended Environment Impact Assessment (EIA) Notification, 1994 on 14-09-2006 making compulsory to obtain environmental clearance from Central Govt. Ministry of Environment and Forest / State Environment Impact Assessment Authority (SEIAA), for the new construction projects mentioned in Sr. No. 8 (a) & 8(b) of the above said amended notification which is as under:-

Sr. No.	Particulars		
8 (a)	Building and Construction Projects	≥ 20000 sq. mtrs and <150000 sq. mtrs. Of build up area#	#(Built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8 (b)	Townships and area development projects	Covering an area ≥ 50 ha and or built up area ≥ 150000 sq. mtrs ++	++ All projects under item 8 (b) shall be appraised as Category B1

The above said amendments in the notification have been got published from time to time by way of notices in newspapers.

And whereas, as per notification dated 14-09-2006 further amended to till date, the new construction Project, mentioned in Sr. No. 8 (a) & 8 (b) cannot start any construction activity without prior approval from the State Environment Impact Assessment Authority (SEIAA) as per the laid down procedure and any such construction being raised in violation of the notification thereof shall invite action under section 5 of the EP Act, 1986 & under section 15 read under section 19 of EP Act, 1986;

Whereas, the site of your unit was inspected by the concerned field officer on 14.07.2020 and following were observed during visit:-

The concerned site is plotted colony spread over the area of 204.796 acres developed by M/s Malibu Estate Pvt. Ltd. in sector 47 and sector 50, Gurugram against 32 Nos. of licenses (License No. 71-75 of 1992, 04-08 of 1993, 15-19 of 1994, 04-08 of 1995, 36-46 of 1997, 15 of 2008) out of which one license were obtained after EIA Notification dated 07.07.2004 & 14.09.2006 amended till date. Project proponent was required to obtain prior Environmental Clearance (EC) under provisions of EIA notification dated 14.09.2006, as last License No 15 of 2008 dated 01.02.2008 for 24.681 Acres was granted after 14.09.2006, cutoff date of requiring EC & carried out construction activity without obtaining prior environmental clearance from the concerned authorities for expansion of project. The project proponent has not obtained CTE for expansion of the said project. Thus, violated the provision of EIA Notification, dated 07.07.2004 & 14.09.2006 amended till date. Project proponent has obtained occupation certificate for Group Housing of 11.89 Acres vide letter dated 30.08.2000. Project proponent has obtained various part completion certificate from DTCP department w.r.t. residential plotted colony. Details are as under:-

Sr. No.	License No.	Year	Area in acres	Date of grant of part completion
1.	71-75	1992	97.282	23.02.1996
2.	4-8	1993	16.08	03.05.1996
3.	15-19	1994	10.332	03.05.1996
4.	15-19	1994	2.94	06.06.2003.
5.	15	2008	24.681	27.09.2016

Handwritten signature/initials



Regional Office, Gurugram (N)
Haryana State Pollution Control Board
Vikas Sadan, Opposite- New Court, Gurugram

352

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Tel: 0124-2332775, 2220523

Website: www.hspcb.gov.in

Email: hspcbrogrn@gmail.com

Dated 14/08/2020

No. HSPCB/GRN/2020/ 771-812

To

1. M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048 for the project Malibu Town, Sohna Road, Gurugram.
2. Sh. Gurbachan Singh Dhingra, Director, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
3. Sh. Sameer Kohli, Director, M/s Malibu Estate Private Limited 38 DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048 & M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi – 110037.
4. Sh. Sudershan Kumar Kohli, Director, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048 & M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi – 110037.
5. Ms. Kum Kum Kohli, Director, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048 & M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi – 110037.
6. Sh. Naveen Choudhary, Director, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
7. Sh. K Sriram, Director, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
8. Sh. Sanjay Kumar Bhargav, Vice President, M/s Malibu Estate Private Limited 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
9. M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi – 110037.
10. Sh. Sumit Garg, Director, M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi – 110037.
11. Sh. Subhash Chand, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
12. Sh. Ram Chand S/o Sh. Nand Lal C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
13. Sh. Gyani S/o Sh. Juglal, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
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30. Sh. Risal Singh, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
31. Sh. Surte, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
32. Sh. Meer Singh S/o Sh. Shri Chand C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
33. Smt. Chandro Wd/O Sh. Jile Singh C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
34. Sh. Raghu Jeet C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
35. Sh. Bajinder S/o Sh. Jile Singh C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048
36. Smt. Shakuntala D/o Sh. Jile Singh C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048.
37. Sh. Balkishan, C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110043
38. Sh. Jai Kishan S/o Sh. Ram Kumar C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi – 110048

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39. Sh. Dharama S/o Sh. Govind Ram C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
40. Sh. Rajeshwar S/o Sh. Bharat Singh C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
41. Sh. Balwant Somagi S/o Sh. Chandan Singh C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048
42. Sh. Ram Avtar S/o Sh. Jeeta C/o M/s Malibu Estate Private Limited, 38, DDA Commercial Complex, Kailash Colony Extension, Zamrudpur, New Delhi - 110048

Sub: Show cause notice for initiating legal action under section 43/44 of Water (Prevention & Control of Pollution) Act, 1974 & 37/38 of Air (Prevention & Control of Pollution) Act, 1981

Whereas, the project site was inspected by the concerned field officer on 14.07.2020 and following were observed during visit:-

The concerned site is plotted colony spread over the area of 204.796 acres developed by M/s Malibu Estate Pvt. Ltd. in sector 47 and sector 50, Gurugram against 32 Nos. of licenses (License No. 71-75 of 1992, 04-08 of 1993, 15-19 of 1994, 04-08 of 1995, 36-46 of 1997, 15 of 2008) out of which one license was obtained after EIA Notification dated 07.07.2004 & 14.09.2006 amended till date. Project proponent was required to obtain prior Environmental Clearance (EC) under provisions of EIA notification dated 14.09.2006, as last License No 15 of 2008 dated 01.02.2008 for 24.681 Acres was granted after 14.09.2006, cutoff date of requiring EC & carried out construction activity without obtaining prior environmental clearance from the concerned authorities for the project. Occupation certificate obtained on 10.03.2017 for the 31061.622 Sqm (Built-up area) from the DTCP, Haryana bearing License No. 71-75 of 1992, 4-8 of 1993 & 15-19 of 1994. The project proponent has not obtained CTE & CTO of the said project. Thus, violated the provision of EIA Notification dated 07.07.2004 & 14.09.2006 amended till date. Project proponent has obtained occupation certificate for Group Housing of 11.89 Acres vide letter dated 30.08.2000. Project proponent has obtained various part completion certificate/occupation certificate from DTCP department w.r.t. residential plotted colony. Details are as under:-

Sr. No.	License No.	Year	Area in acres	Date of grant of part completion	Remarks
1.	71-75	1992	97.282	23.02.1996	Occupation certificate obtained on 10.03.2017 from DTCP for 31061.622 Sqm
2.	4-8	1993	16.08	03.05.1996	
3.	15-19	1994	10.332	03.05.1996	
4.	15-19	1994	2.94	06.06.2003	
5.	15	2008	24.681	27.09.2016	

The project proponent has obtained revised layout plan of 204.796 acres on dated 31.01.2008 from DTCP, Haryana. Part completion certificate as mentioned above has been obtained on 27.09.2016 from DTCP, Haryana and occupation certificate obtained from DTCP, Haryana for 31061.622 Sqm (Built-up area) on 10.03.2017 as mentioned above. Whereas, as per spot inspection report 10.09.2013 of the then field officer alongwith Sh. Subhash Raghav, representative of M/s Malibu Estate Private Limited showing total area of the project 204 Acres.

Whereas, show cause notice for prosecution under Section 43/44 of Water Act, 1974 & 37/38 of Air Act, 1981 for violation of Water Act, 1974 & Air Act, 1981 was issued to M/s Malibu Estate Private Limited, Malibu Town, Sohna Road, Gurugram vide this office letter No. HSPCB/GRN/2020/439-440 dated 15.07.2020 (copy enclosed), but the reply submitted by the unit is not satisfactory.

Whereas, office of M/s Malibu Estate Private Limited, Malibu Town, Sohna Road, Gurugram has not submitted list of directors alongwith their correspondence addresses and thus this office has procured list of directors/signatory of M/s Malibu Estate Private Limited, Malibu Town, Sohna Road, Gurugram & M/s Bloom Field Properties & Holding Private Limited, 3 Shivji Marg, Westend Greens Rangpuri, New Delhi - 110037 from the website of Ministry of Corporate Affairs, Govt. of India www.mca.gov.in/mcafoportal/companyLLPMasterData.do and record of this office.

In view of above you are hereby given Show Cause for 07 days as to why prosecution action under Section 43/44 of Water Act, 1974 & 37/38 of Air Act, 1981 may not be initiated against the unit & its directors for violations of provisions of Water Act, 1974 & Air Act, 1981. Your reply must reach within stipulated time period along with certified copy of MOA & List of Directors/Partners & responsible persons failing which it will be presumed that you have nothing to say in this regard and accept the status as mentioned above, which will warrant action under section 43/44 of Water Act, 1974 & 37/38 of Air Act, 1981 for violation of Water Act, 1974 & Air Act, 1981 without giving any further notice.

DA/Copy of notice dated 15.07.2020.

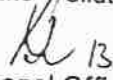
File No. 39/91
14/8/2020


Regional Officer
Gurugram Region (N)
13/8

Endst. No. HSPCB/GRN/2020/ 813

Dated 14/08/2020

A Copy of the above is forwarded to the Chairman, Haryana State Pollution Control Board, Panchkula for information and necessary action please.


Regional Officer
Gurugram Region (N)
13/8



Regional Office, Gurugram (N)
Haryana State Pollution Control Board
Vikas Sadan, Opposite- New Court, Gurugram

FTMS not working
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No. HSPCB/GRN/2020/ 439
To

Website: www.hspcb.gov.in
Email: hspcbrcgrn@gmail.com

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Dated 15/7/2020

M/s Malibu Estate Pvt. Ltd.
Malibu Town, Sohna Road, Gurugram.
Address: 38 DDA, Commercial Complex, Kailash Colony Extension
(Zamrudpur), New Delhi - 110048.

Sub: Show cause notice for initiating legal action under section 43/44 of Water (Prevention & Control of Pollution) Act, 1974 & 37/38 of A.r (Prevention & Control of Pollution) Act, 1981..

Whereas, the site of your unit was inspected by the concerned field officer on 14.07.2020 and following were observed during visit:-

The concerned site is plotted colony spread over the area of 204.795 acres developed by M/s Malibu Estate Pvt. Ltd. in sector 47 and sector 50, Gurugram against 32 Nos. of licenses (License No. 71-75 of 1992, 04-08 of 1993, 15-19 of 1994, 04-08 of 1995, 36-46 of 1997, 15 of 2008) out of which one license were obtained after EIA Notification dated 07.07.2004 & 14.09.2006 amended till date. Project proponent was required to obtain prior Environmental Clearance (EC) under provisions of EIA notification dated 14.09.2006, as last License No 15 of 2008 dated 01.02.2008 for 24.681 Acres was granted after 14.09.2006, cutoff date of requiring EC & carried out construction activity without obtaining prior environmental clearance from the concerned authorities for expansion of project. The project proponent has not obtained CTE for expansion of the said project. Thus, violated the provision of EIA Notification dated 07.07.2004 & 14.09.2006 amended till date. Project proponent has obtained occupation certificate for Group Housing of 11.89 Acres vide letter dated 30.08.2000. Project proponent has obtained various part completion certificate from DTCP department w.r.t. residential plotted colony. Details are as under:-

Sr. No.	License No.	Year	Area in acres	Date of grant of part completion
1.	71-75	1992	97.282	23.02.1996
2.	4-8	1993	16.08	03.05.1996
3.	15-19	1994	10.332	03.05.1996
4.	15-19	1994	2.94	06.06.2003.
5.	15	2008	24.681	27.09.2016

The project proponent has obtained revised layout plan for the period 01.04.2018-30.09.2020 vide letter No. No. HSPCB/Consent/ : 329962318GUNOCTO5199041 Dated:08/05/2018 an area of 204.796 acres on dated 31.01.2008. The project proponent has obtained consent to operate for built up area 128468 Sqm, whereas part completion certificate has been obtained for 151.315 Acres i.e. 612350.1 Sqm.

In view of above, you are hereby directed to show cause notice within 15 days as to prosecution action under Section 43/44 of Water Act, 1974 & 37/38 of Air Act, 1981 may not be initiated for non compliance of the above mentioned observations/incompletion/deficiencies.

In case you fail to comply with the observations/incompletion/ deficiencies mentioned within the above mentioned stipulated time period, it will be presumed that you have nothing to say in this regard and accept the status as above, which will warrant action under Section 43/44 of Water Act, 1974 & 37/38 of Air Act, 1981 without giving any further notice. *you are liable to pay*

Explanations: For the avoidance of doubts Section 43/44 of Water (Prevention & Control of Pollution) Act, 1974 & 37/38 of Air (Prevention & Control of Pollution) Act, 1981 reads as under as follows:-

"Who so ever contravenes the provisions is punishable with imprisonment or a term which shall not be less than one year and six months, but which may extend to six years and with fine".

[Signature]
Regional Officer,
Gurugram Region (N)

Endst. No. HSPCB/GRN/2020/ 440

dated: 15/7/2020

A copy of above is forwarded to the Chairman, Haryana State Pollution Control Board, Panchkula for information and further necessary action, please.

[Signature]
Metrum

[Signature]
Regional Officer,
Gurugram Region (N)



**HARYANA STATE POLLUTION CONTROL
BOARD**
**Gurgaon North Vikas Sadan, 1st Floor, Near DC
Court, Gurgaon Ph.0124-2332775 Email:-
hspcbrogan@gmail.com**



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No. HSPCB/Consent/ : 329962320GUNOCTO7846102

Dated:02/09/2020

To

M/s :Malibu Estate Pvt. Ltd.
Malibu Town, Shona Road, Gurgaon
GURGAON NORTH

Subject: Refusal of consent to operate under Water Act, 1974 and Air Act, 1981.

Please refer to your application no. 7846102 dated 2020-08-04 received in the Board for consent to operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

Your above referred application has been examined by the Board and it has been established that the application submitted by you is incomplete and not conforming to the requirement of the provisions of the Water (Prevention & Control of Pollution) Act, 1974, and Air (Prevention & Control of Pollution) Act, 1981, as per policy of the Board. Accordingly, Show Cause Notice for refusal of consent under above said Act containing the said shortcoming/ incompleteness was issued by the Board on dated **2020-08-17**. But you have failed to submit the satisfactory reply of the above said show cause notice and submit compliance of the observations. You have failed to take corrective measures the shortcomings and incompleteness in your application as per given below:-

1. Show cause notice for prosecution /revocation of CTO was issued to the unit vide this office letter No. HSPCB/GRN/2020/435-436 dated 15.07.2020, No. 437-438 dated 15.07.2020 & No. 439-440 dated 15.07.2020 against which unit has submitted reply vide letters dated 31.07.2020 but not found satisfactory.
2. Not submitted reply of Show cause notice issued vide letter No. HSPCB/GRN/2020/771-812 dated 14.08.2020 & No 728-769 dated 14.08.2020.
3. Online application for renewal of CTO on prescribed Proforma (AnnexureXI).
4. Not deposited complete CTO fee, late fee and sample testing fees.
5. Power of attorney/authority letter to sign the application.
6. Latest Copy of balance sheet duly attested by CA or CA certificate w.r.t. capital investment cost of the unit for the preceding year. (Capital investment cost should include the original cost of land, building, plant & machinery without depreciation but with upto date additions. The cost of land and building should be included in the capital investment cost even if it is on lease or rent or mortgage) and accordingly updated CTO fees if any.
7. Latest inspection report and analysis reports of effluent/ air emissions/ noise conducted by Board officer (s) for the mandatory inspection, if conducted.
8. Copy of fresh analysis reports of effluent/air emissions/ noise analyzed from Board's lab/recognized lab. (not more than 03 months old)

Environment Statement in Form V for the financial year ending on 31st March (required in compliance of Rule 14 of EP Rules, 1986). 9. In case of industries/projects/establishments handling Hazardous Chemicals having threshold quantities mentioned in schedule II and III of MSIHC, Rules, 1989 and covered under rule 10 & 13 of these Rules, proof of submission of updated safety audit report duly audited with the help of an expert, annually and up to date onsite emergency plan alongwith report of the mock drill of the same to Chief Inspector of Factories alongwith copy of the same, (Required as per instructions of MOEF & CC issued vide letter No. 14-7(382)/2010-HSMD dated 09.03.2016). 10. Permission of the concerned authorities for disposal of the effluent in to sewer/drains etc (in case not submitted earlier). 11. Detail of land in case the effluent is discharged on land for percolation or for irrigation along with copy of registered agreement made with the land owners in case the land belong to the persons other then the land of the applicant unit (in case not submitted earlier). 12. Copy of logbook for last 03 months maintained for operation of ETP/STP/APCM for the record of energy and chemical consumption, quantity of effluent at inlet and outlet of ETP/STP supported with readings of magnetic flow meters alongwith quantity of treated effluent recycled/reused in the process, utilized in the premises and discharged, mode of disposal. 13. Matter is pending before Hon'ble District and Session Court, Gurugram in which reply in-context to allegation raised is still awaited. 14. 2 Nos. of complaints have been received from Sh. Raman Sharma regarding no proper sewage treatment, uplifting of sewage, public utility earmarking in layout plan. 15. Not submitted copy of CTE obtained from the Board, if any. 16. Not submitted all copies of Occupation certificates since establishment and exact date of start of occupancy. 17. You have obtained and applied CTO for 240 KLD whereas as per inspection report dated 10.09.2013, 360 KLD effluent generated. 18. Mode of disposal of effluent /treated effluent since start of occupancy with documentary proof not submitted. 19. Permission from the concerned authority for Bore-well not submitted. 20. You have obtained and applied CTO for 180 Acres whereas as per inspection report dated 10.09.2013, 204 acre is the area.

In view of the above stated facts, the consent under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 sought vide your above referred application, is hereby refused due to the above shortcomings / incompleteness.

In future, your unit would be discharging effluent into the atmosphere at your own risk in violation of the above said Act and rendering yourself liable for legal action under section 43/44 of the Water (Prevention & Control of Pollution) Act, 1974 and section 38/39 of Air (Prevention and Control of Pollution) Act, 1981.

KULDEEP SINGH Digitally signed by KULDEEP SINGH
Date: 2020.09.02 11:07:58 +05'30'

Regional Officer, Gurgaon North
Haryana State Pollution Control Board.