

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 05 OF 2024**

IN THE MATTER OF:

Haryana State Pollution Control Board & Anr. ...Appellant (s)

-Versus-

M/s Malibu Estate Pvt. Ltd. & Anr. ...Respondent(s)

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NDOH: 26.05.2025

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
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**REPLY ON BEHALF OF RESPONDENT NO. 1, M/S MALIBU ESTATE
PVT. LTD. TO THE APPEAL NO. 05 OF 2024.**

MOST RESPECTFULLY SHOWETH:

1. That the present Appeal has been filed by the Appellant - Haryana State Pollution Control Board (hereinafter referred **HSPCB** or Appellant) assailing the Order dated 21.09.2023 (hereinafter referred **Impugned Order**) passed by the Appellate Authority constituted under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974. By the impugned order, the Appellate Authority has set aside the Closure Order dated 22/23.12.2022, along with clarification Orders dated 02.03.2023 and 19.04.2023 issued by HSPCB to Respondent No. 1 - M/s Malibu Estate Private Ltd (hereinafter referred **answering Respondent**), which included the directions to stop all construction activities related to its project among others. The Appellate Authority found the closure order and clarificatory orders to be legally unsustainable and suffering from several infirmities and therefore set aside the same. It may be noted that IA No. 63 of 2024, dated 19.12.2023, was also filed along with the Appeal seeking condonation of delay of 53 days in filing the Appeal which was condoned on 20.11.2024 and the answering Respondent was granted an opportunity to file_a Reply in the matter vide

Order dated 20.02.2025. Accordingly, the present reply is being filed by the answering Respondent.

2. That at the outset, the answering Respondent denies and disputes all the allegations and averments raised in the Appeal which is contrary to and/or inconsistent with what is stated herein. Save as otherwise admitted herein, the contents of the present Appeal are false and untrue. Nothing contained in the said Appeal shall be construed as an admission on the part of answering Respondent for want of specific traverse or otherwise, and unless expressly admitted herein.
3. That the answering Respondent seeks to place on record its Preliminary Objections and Submissions, before submitting its para wise reply on merits, which in the humble opinion are crucial for a holistic adjudication of the issues involved in the present matter.

PRELIMINARY OBJECTIONS

PRESENT APPEAL IS NOT MAINTAINABLE UNDER SECTION 16 (a), (f) AND SECTION 18 OF THE NATIONAL GREEN TRIBUNAL, 2010 R/W SECTION 33-B (A) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974, SECTION 31-B OF AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

4. Section 16. Any Person aggrieved by –

.....

(a) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the Appellate Authority under Section 28 of the Water (Prevention and control of Pollution) Act, 1974

....

(f) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the Appellate Authority under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981;

may, within a period of thirty days from the date on which the Order or Decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

As per the above stated Section 16 (a), the Appeal may be preferred against the Order of Appellate Authority passed under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974. As per Section 28 of Water Act, 1974, an Appeal before the Appellate Authority will lie from an Order passed under Section 25, 26 or 27 of the Water Act, 1974, by the State Pollution Control Board. But in the present case the Closure Order had been issued under Section 33 A of the Water Act, 1974 which is not appealable under Section 28 of the Water Act, 1974 and hence the impugned Order is not appealable before this Hon'ble Tribunal. Therefore, the present Appeal is not maintainable under Section 16 (a) of the NGT Act, 2010.

5. Similarly, an Appeal under Section 16 (f) is maintainable only if the Order or Decision made by the Appellate Authority is under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981, but the Closure Order dated 22/23.12.2022 had been issued under Section 31 A of the Air Act, 1981. However, in the present case, the impugned order dated 21.09.2023 could not be said to be an Order issued under Section 31 of the Air Act, 1981.
6. That it is humbly submitted that the impugned Order is also not appealable under Section 33-B (a) of Water Act, 1974 which read as follows: -

.....

Section 33B. Appeal to National Green Tribunal- Any Person aggrieved by,-

(a) *An order or decision of the Appellate Authority under Section 28, made on or after the commencement of the National Green Tribunal Act, 2010;*

....

May file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010 in accordance with the provisions of that Act.

The impugned Order is not an Order under Section 28 of the Water Act, 1974 therefore this Appeal is also not maintainable under Section 33B (a) of Water Act, 1974.

7. Similarly, Section 31 B of the Air Act, 1981 which read as follows:

...

Section 31B. Appeal to National Green Tribunal- Any Person aggrieved by an Order or decision of the Appellate Authority under Section 31, made on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to NGT established under Section 3 of the NGT Act, 2010 in accordance with the provisions of that Act.

As stated earlier the impugned Order is not an Order under Section 31 of the Air Act, 1981 and hence not appealable under Section 31-B of Air Act, 1981.

Therefore, this Appeal deserves to be dismissed in limine on the issue of maintainability alone.

PRELIMINARY SUBMISSIONS

A. REGARDING THE ISSUE OF REQUIREMENT OF PRIOR ENVIRONMENTAL CLEARANCE BY THE ANSWERING RESPONDENT

Issue of requirement of prior Environmental Clearance for the project of answering Respondent is pending determination of this Hon'ble Tribunal in the case of Raman Sharma vs State of Haryana & Ors. Original Application no. 68/2022 and the Judgement is reserved vide Order dated 19.03.2025.

8. That it is humbly submitted that the issue regarding the requirement of prior Environmental Clearance for the project has been extensively considered by this Hon'ble Tribunal in the case of "**Raman Sharma vs State of Haryana & Ors. Original Application no. 68/2022**" and judgment has been reserved in the matter vide Order dated 19.03.2025. Consequently, the issue of the requirement of prior Environmental Clearance, including all connected issues raised in the Appeal, is sub judice before this Hon'ble Tribunal. A true copy of the Order dated 19.03.2025 in Raman Sharma vs State of Haryana & Ors. Original Application no. 68/2022 is appended as ANNEXURE R/1. **HSPCB is not the competent authority to decide whether the answering Respondent failed to obtain Environmental Clearance for its project as it lacks jurisdiction to determine the same.**
9. That in addition, it is submitted that the Haryana State Pollution Control Board (Appellant herein) is not the competent authority to decide the issue, whether Environment Clearance is required for the project or not. It is in fact the MOEF&CC and its designated State Authorities, which have the power to decide whether a Project Proponent is liable to take EC for its project or not.
10. That it is further submitted that there exists a fine distinction between obtaining Consents from the State Pollution Control Board under the Water Act and Air Act, vis-à-vis obtaining Environmental Clearance in accordance with the procedure laid down under the EIA Notification, 2006. As per the

provisions of the EIA Notification, 2006, the competent authority for dealing with matters relating to Environmental Clearance is Central Government in the Ministry of Environment, Forest and Climate Change (hereinafter “**MoEF&CC**”) at the central level and the State Environment Impact Assessment Authority (hereinafter “**SEIAA**”) at state level based on the category of the projects in the Schedule to the EIA Notification, 2006. As a logical corollary, the competent authority for considering the issue of requirement of Environmental Clearance is either the MoEF&CC (or its Regional Offices) or SEIAA, and HSPCB had no authority to conclude that no Environmental Clearance was obtained by the answering Respondent even when the issue was looked upon by SEIAA and later on by this Hon’ble Tribunal in OA 68/2022.

11. That it is submitted that the Pollution Control Boards, being a creature of statute, cannot go de hors the function enumerated under the statutes governing them, viz. Air Act, 1981 and the Water Act, 1974. In the present case, HSPCB has made sweeping allegations regarding the construction activities being carried out without Environmental Clearance, even though it is not the competent authority to deliberate or to decide on the issue of the requirement of Environmental Clearance. As a result, HSPCB acted without jurisdiction in issuing the closure order dated 22/23.12.2022 and the clarificatory orders dated 02.03.2023 and 19.04.2023.

12. That it is significant to note that the Appellate Authority, in the impugned order, has also observed that the HSPCB is not the authority to decide the issue, whether the Environmental Clearance is required for the project of answering Respondent or not and it would be appropriate to wait for the order passed by the competent authority before taking any action against the

answering Respondent (Refer Para 24 of Impugned Order at Page 57 of Appeal).

The Issue of Environmental Clearance was never raised in the Show Cause Notice dated 16.10.2022

13. That before the Closure Order dated 22/23.12.2022, HSPCB had issued a Show Cause Notice dated 16.10.2020 to the answering Respondent noting that answering Respondent was *allegedly* discharging partially/ untreated sewage on land and into public sewer and that details of source of water supply, water consumption, mechanism of disposal, etc. was not provided during inspection. Based on these observations, answering Respondent was directed to show cause as to why closure and prosecution action may not be initiated against them.
14. That it is humbly submitted that the issue of non-obtainment of Environmental Clearance was never raised in the said Show Cause Notice 16.10.2020, and the answering Respondent was never granted any opportunity to furnish its explanation in this regard.
15. That the Appellate Authority was right in observing in its impugned order that closure order had been passed on the ground of non-obtaining of CTE/CTO and Environmental Clearance, but these issues were not raised in the Show Cause Notice dated 16.10.2020 and the appellant was not given any opportunity to give its explanation in this regard (especially on the issue of requirement of EC).
16. That it is evident that the closure order dated 22/23.12.2022, along with clarification orders dated 02.03.2023 and 19.04.2023, had been issued without serving a proper Show Cause Notice which not only defeats the entire purpose of granting a Show Cause Notice but also tantamount to a gross violation of Principles of Natural Justice of the answering Respondent.

Therefore, it is humbly submitted that the Appellate Authority was justified in setting aside the closure order and clarificatory orders on the said ground alone.

17. That the Answering Respondent and its then associate companies obtained about 31 licenses from 1992 till 1997 for an area of 180.116 acres (72.77 ha) in Sector 47, 50 carved out at Fatehpur and Tikri Villages in Gurgaon, Haryana for Plotted Development under the Haryana Development and Regulation of Urban Area Act, 1975. Subsequently, in 2008, another license No. 15 of 2008 dated 31.01.2008 admeasuring 24.681 Acres (9.97 Hectare) was added to the project. It is significant to note that no construction took place in the area as covered in the last license. Moreover, all these issues including that of various licenses, the role of DTCP, the stated position of SEIAA as well as HSPCB and especially qua requirement of EC have been raised by the Appellant and other competent Authorities in the OA No. 68 of 2022, the judgment of which is reserved, hence for the sake of brevity the factual aspect of the project is not being reiterated here. It is however surprising as to how the Appellant which is bound by the Air Act, 1981 and Water Act, 1974 has ventured into the issues such as EC, licenses which are not in their jurisdiction, and where have they procured the information which are neither relevant nor under the regulatory jurisdiction. Clearly this is a ground to discard all submission in this regard.

B. COLLECTION OF SAMPLES OF EFFLUENTS DURING INSPECTION DATED 08.09.2020 WAS DONE IN CONTRAVENTION OF THE PROVISIONS OF THE WATER ACT, 1974 AND RULES FRAMED THEREUNDER

18. That it is submitted that the answering Respondent, since the inception of the project and till the time the project was under its control i.e., when it was

handed over to Municipal Corporation of Gurugram on 15.06.2022 and on 23.05.2022 (With effect from 01.02.2021) when it was given to Resident Welfare Association, kept a regular check on the effluents being discharged by getting them tested on a regular basis in order to promote a healthy and safe environment in the township. For instance, in 2019, the STPs in the Township were tested, and all the parameters were found to be within the prescribed norms. True copy of Report dated 29.03.2019 issued by Universal Analytical Lab is annexed herewith as **ANNEXURE R/2**.

19. That it is submitted that during the inspection dated 08.09.2020, the Field Officer of the Board collected samples of domestic effluents. However, the same was done without adhering to the procedure prescribed under Section 21 of the Water Act. The various deficiencies in the procedure followed while collecting the samples are as below: -

- a. No Notice in Form A was served upon the answering Respondent to its registered address by the Board intimating its intention to take samples from the project of the answering Respondent as required under Section 21(3)(a) of the Water Act read with Section 21 of the Haryana (Prevention and Control of Water Pollution) Rules, 1978.
- b. No authorized representative of the answering Respondent, was present during the inspection, as no notice was issued. However, an employee who happened to be present informed that the samples were collected in used and unclean Plastic Bottles, which had not been properly sterilized, and which therefore is not suitable for scientific sampling process. Significantly, the plastic bottles also had stickers of another unit showing that samples were perhaps collected in used bottles.

- c. It was also informed that the sample was not sealed at the site as required under the Act.
- d. The entire process was carried out in the absence of the answering Respondent or authorized representative and therefore liable to be rejected.

20. That it is evident from above that the entire sample collection procedure was carried out in contravention of the Water Act and was marred with illegalities. Significantly, Section 21 (2) of the Water Act clearly provides that the analysis of a sample shall not be admissible as evidence in any legal proceedings unless the provisions of Section 21 have been duly complied with.

21. That it is further submitted that the findings contained in the Report of the Government Analyst, which have been relied upon by the Appellant, are also erroneous. It is submitted that on the next day of inspection; the answering Respondent collected samples from the same Sewage Treatment Plants and sent the same for independent analysis to another ISO 9001 CERTIFIED & MOEF-recognized government approved laboratory. Pertinently, as per the Report dated 14.09.2020, the samples were found to be within the permissible norms. Thereafter, the answering Respondent submitted the Reports dated 14.09.2020 to HSPCB with a request for retesting of samples, however, the said Reports were neither considered nor the samples reanalyzed. True copy of the Report dated 14.09.2020 is annexed herewith as **ANNEXURE R/3**.

22. That on 16.10.2020, a Show Cause Notice was issued by the Regional Office of the HSPCB alleging that the answering Respondent was discharging partially/untreated sewage effluents on land. In response thereto, the answering Respondent submitted its Reply dated 02.11.2020, wherein the

answering Respondent pointed out to the Authorities that the proper sampling procedure provided under the Water Act was not followed during the inspection dated 08.09.2020. Accordingly, the answering Respondent requested that the Show Cause Notice be withdrawn, and fresh samples be taken in the presence of the authorized person. True copy of the Reply dated 02.11.2020 is annexed herewith as **ANNEXURE R/4**.

23. That on the same day, the answering Respondent also submitted a Representation dated 02.11.2020 to the Chairman of the HSPCB wherein it pointed out that there were several deficiencies in the sampling process and also requested for a personal hearing. The answering Respondent also requested that a team of officers be deputed for inspection/ re-collection of samples to ascertain compliance by the unit. A true copy of the Representation dated 02.11.2020 is annexed herewith as **ANNEXURE R/5**.

24. That despite the above, no such opportunity was granted by the HSPCB. However, it is submitted that the Closure order dated 22/23.12.2022 has been issued without providing any such opportunity. It is interesting to note that the HSPCB, in its Reply dated 07.06.2023 submitted before the Appellate Authority, had stated that the answering Respondent's representation for re-sampling was duly considered and re-sampling will be carried out in due course of time by the Field Officer but no such reinspection was carried out after that. The said fact has also been considered by the Ld. Appellate Court in **Para 11** of the impugned order. True copy of the Reply dated 07.06.2023 of HSPCB filed before the Appellate Authority is annexed herewith as **ANNEXURE R/6**.

25. That, as stated earlier, on 09.05.2022, an Order was issued by the Director, Town and Country Planning Department to the answering Respondent directing it to transfer the possession of roads, open spaces, public parks, etc.

in the project to Municipal Corporation, Gurugram on “as is where is” basis. Consequently, the entire common services of the plotted area, including the said STPs, were handed over to Municipal Corporation, Gurugram on “as is where is” basis on 15.06.2022. A bare perusal of the closure order and clarificatory orders show that the said aspect was never considered by the HSPCB before issuing Closure Order against the answering Respondent. True copy of the letter dated 15.06.2022 is annexed herewith as **ANNEXURE R/7.**

26. That the Appellate Authority has also rightly observed in the impugned Order that once the STP is not in control of answering the Respondent, it does not fall within its domain to initiate any action to rectify the deficiencies. More importantly, the Appellate Authority observed that Closure Order is prospective and not retrospective, and it ought to have issued the Closure Order based on the facts and circumstances on the day of passing the Order.

27. That as per the Water sampling Test reports dated 17.02.2023, as sampled on 13.02.2023 by the Universal Analytical Laboratory, Government approved Laboratory, the results obtained by sampling the inlets and outlets for the parameters of pH, Chemical Oxygen Demand, Biological Oxygen Demand, Total Suspended Solids were found to be in the General Standard Limits for Discharge. True copy of Report dated 17.02.2023 is marked and annexed as **ANNEXURE R/8.**

28. That further, the answering Respondent on 27.03.2023 in a letter through email had submitted that it had installed four Sewerage Treatment Plants at its own cost, and has tested the samples from the plants to ensure that the effluent discharged is within the prescribed limits at certain intervals.

C. REGARDING NON-OBTAINMENT OF CONSENT TO ESTABLISH AND CONSENT TO OPERATE UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981, WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974.

29. That it is humbly submitted that the answering Respondent is a compliant entity and it has developed the present project strictly as per environmental norms, including obtaining all the requisite clearances and compliances.
30. That the Appellant has contended that answering Respondent was found established and operating without obtaining prior Consent to Establish (hereinafter “CTE”) and Consent to Operate (hereinafter “CTO”). It is submitted that the said contention is factually incorrect and baseless as the answering Respondent had been granted CTOs from time to time and the same were renewed regularly without any objections or demurr.
31. That at the outset, it is pertinent to note that while the Closure Order notes that the answering Respondent failed to obtain CTE/CTO from the HSPCB, the issue of non-obtainment of CTE/CTO has not been raised in the Show Cause Notice dated 16.10.2020. The Appellate Authority, taking note of this discrepancy, had also observed in the impugned Order that the issue of CTE/CTO was not raised in the Show Cause Notice dated 16.10.2020 and the answering Respondent was never granted any opportunity to provide his explanation in this regard, rather, the Closure Order had been passed taking into consideration several extraneous factors beyond the scope of Show Cause Notice. That the said fact had been strongly noted by the Appellate Authority and Appellate Authority was justified in setting aside the Closure Order and Clarificatory Orders on the above ground.

32. That notwithstanding the above, the details of CTE and CTO obtained by the answering Respondent are provided below: -
33. That the Answering Respondent has established the residential township, so before the start of the constructions, a CTE was required under the Water Act, 1974 and Air Act, 1981. But the Hon'ble Delhi High Court in the case titled "**Splendor Landbase Ltd. vs. Delhi Pollution Control Committee 2010 SCC OnLine Del 3466**" has held that Section 21(1) Air Act, 1981 will be applicable to the commercial shopping complex or a shopping mall but not to the residential complex. The Hon'ble Court also held that in cases where the residential complex has already been established without obtaining the Consent to Establish/Operate under Section 25(1) of the Water Act, 1974 then the remedy for such situation is mentioned in Section 25 (5) of the Water Act, 1974 wherein a time period can be provided to the project proponent to comply with the requirements as specified by the Pollution Control Board. However, no such Notice was received by the answering Respondent from the HSPCB.
34. That infact, the same HSPCB has granted the answering Respondent the Consent to Operate under the Water Act, 1974 and the Air Act, 1981 which was renewed time and again and authorization under Hazardous Waste Management Rules, 2008 has also been granted from time to time in accordance with law. True copy of the Consent to Operate granted to the answering Respondent is marked as **ANNEXURE R/9 (Colly)**.
35. That apart from the above submissions, it is important to mention that the Closure Order dated 22/23.12.2022 was issued after the lapse of about two years, which corroborate the finding of the Appellate Authority that the said Order was passed without any application of Mind and in violation of

Principle of Natural Justice. This is ground alone to reject the present Appeal on laches.

36. Further the Appellant had also instituted a case COMA-246-2024 in Gurugram District Court for alleged violations of the provision of Water Act, 1974 which is still pending for adjudication. Arguendo, the proceedings will meet its own fate and remedies thereafter to either party and those issues and arguments relating thereto need not be considered by this Hon'ble Tribunal.

PARA WISE REPLY

1. That the contents of Paragraphs 1 - 3 are admitted to the extent they are matter of records, and the rest do not merit any response.
2. That the contents of Paragraph 4(a) are a general description of the business of answering Respondent and do not merit any reply. It is, however, pertinent to mention that the Group Housing Project has been handed over to the Residents Welfare Association w.e.f. 01.02.2021, vide registered 'Handing over Deed' dated 23.05.2022 and the remaining entire common area to the Municipal Corporation Gurugram on 15.06.2022 (including roads, water supply, sewerage system, storm water drains, streetlights, electricity services, parks and STPs).
3. That the contents of Paragraph 4(b) are denied and reliance is placed on Paragraphs 8- 17 of the preliminary submissions. It is further clarified that the 32nd license, viz. license no. 15 of 2008 dated 31.01.2008, is a separate license for which a separate application dated 24.04.2008, along with a zoning plan for the said license, was submitted by the answering Respondent to DTCP. The said application was considered by DTCP and on 14.07.2008, DTCP granted its approval to the Zoning Plan for license no. 15 of 2008, which was specifically with respect to only 24.68 acres. It is reiterated that

the Appellant has no jurisdiction to get into such details which is not in their jurisdiction or a subject matter of dispute and hence may be ignored.

4. That the contents of Paragraph_4(c) to the extent they relate to issuance of EIA Notification, 1994, Amendment Notification dated 07.07.2004 and EIA Notification, 2006 are admitted and rest are denied, and reliance is placed on Paragraphs 8 – 17 of the preliminary submissions. It is significant to reiterate that the issue regarding whether Environmental Clearance is required for the project of answering Respondent has been considered in detail and reserved for judgment by this Hon'ble Tribunal in **Raman Sharma vs State of Haryana & Ors. OA No. 68/2022**. That the Appellant has no role in this regard and may be disregarded as such.
5. That the contents of the Paragraph 4 (d) are specifically denied and reliance is placed on paragraphs 8 – 17 of the preliminary submissions. It is submitted that the development of project has been undertaken in accordance with environmental norms and after obtaining all the requisite clearances. The issue of EC is sub-judice in **Raman Sharma vs State of Haryana & Ors. OA No. 68/2022** and the judgment is reserved hence no reply is warranted.
6. That with respect to contents of Paragraph 4(e) –4(i), it is submitted that the grant of Occupation Certificate and construction of buildings (mentioned therein) have no bearing on the issues involved in the Appeal. The Appellant is raising extraneous issues, bearing no relevance to the case, in order to mislead this Hon'ble Tribunal. These issues have already been considered at length by this Hon'ble Tribunal in OA No. 68/2022 (judgment reserved).
7. That the contents of Paragraph 4(j) are categorically denied and reliance is placed on Paragraphs 8 – 17 of the preliminary submissions. The issue of requirement of EC is sub-judice and hence merits no reply.

8. That with respect to the contents of Paragraph 4(k), it is pertinent to note that the findings in the Spot Inspection Report dated 14.07.2020 (annexed at Annexure A/8 of Appeal) regarding the requirement of EC is without jurisdiction of the Appellant and is sub-judice before this Hon'ble Tribunal in **Raman Sharma vs State of Haryana & Ors. OA No. 68/2022** and the judgment is reserved hence no reply is warranted. Reliance is also laid on Paragraphs 8 – 17 of the preliminary submissions. Furthermore, the allegations regarding non-obtainment of CTE and CTO are also denied and reliance is placed on para 18 to 36 of the Preliminary submissions. It is also important to note that it was peak Covid-19 period where none of the protocol as mentioned in the Water Act, 1974 was followed as explained above.
9. That the contents of Paragraph 4(l) are specifically denied as false and without any merit. It is submitted that the inspection and sampling exercise was carried out by the Board in gross contravention of the procedure for inspection under Section 21 of the Water Act without granting adequate opportunity for representation to the answering Respondent. The answering Respondent's sent a detailed Reply dated 02.11.2020 to the said Show Cause Notice dated 16.10.2020, yet the same was not considered objectively by the Board. No notice in Form A of the Haryana Water Rules, 1978 was served upon the answering Respondent before collecting the samples of the effluent and no signatures of the staff present during inspection/sample collection were taken by the Board officer. The samples were collected in used plastic bottles having stickers of the other units and the same was reflected in the results as the Chemical Oxygen Demand value of samples were near about 1000 mg/l, which is only possible in the trade effluent samples. The samples were also not preserved at the site, no proper preservative were used and the

samples were not sealed at the site and may have been tampered with after collection with mala fide intentions. The adverse findings in the reports were neither shared in a transparent manner nor verified through a fair process. The contents of Para C may also be reiterated here and not reproduced for the sake of brevity.

10. That the contents of Paragraph 4(m) are denied and reliance is placed on the Preliminary Submissions. In particular, it is submitted that the Closure Order dated 22/23.12.2022 has been issued on the ground of non-obtainment of CTE/CTO and EC whereas no such ground has been raised in the Show Cause Notice. The Appellate Authority has also observed in the impugned order that Closure Order has been issued based on extraneous considerations which were not considered in the Show Cause Notice dated 16.10.2020.
11. That with respect to Paragraph 4 (n) – 4 (p), it is submitted that the Appellant is raising issues that are extraneous and having no bearing on the issue at hand. It is submitted that the all the proceedings are based on separate cause of action and answering Respondent is duly pursuing its legal remedies in accordance with law. Furthermore, OA No. 68/2022 titled Raman Sharma vs State of Haryana & Ors. is also pending finality before this Hon'ble Tribunal (judgement reserved).
12. That with respect to Paragraph 4 (q), it is submitted that the letter dated 14.12.2022 issued by the Regional Officer, Gurgaon directing closure action against the answering Respondent is entirely frivolous and baseless. Reliance is placed on Paragraphs 18 – 36 of the Preliminary submissions.
13. That the contents of Paragraph 4(r) – 4(v) are admitted to the extent they form a matter of record and the rest are denied. The issuance of the Closure Order dated 22/23.12.2022 was unwarranted and in violation of principles of natural justice and extraneous grounds. The Clarification Orders dated

02.03.2023 and 19.04.2023 further substantiate that the Board itself recognized the excessive and sweeping nature of its original order, which was rightly set aside by the Learned Appellate Authority. The clarification recognizing third-party rights was a direct outcome of Hon'ble Tribunal's order dated 28.03.2023.

14. That with respect to the contents of Paragraph 4 (w), it is submitted that present Appeal is absolutely misconceived, constitutes a gross misuse of the process of this Hon'ble Tribunal and deserves to be set aside. Further it raises issues which are not within the jurisdiction of the Appellant.

PARA WISE REPLY TO GROUNDS

15. That the contents of Ground 'A' are vehemently denied as misleading and baseless. It is submitted that firstly, the challenge to the jurisdiction of Appellate Authority is merely an afterthought as no such challenge to the jurisdiction was raised before the Appellate Authority. No grounds/submissions/ averments challenging the jurisdiction of the Appellate Authority was raised by HSPCB in its Reply dated 07.06.2023 filed before the Appellate Authority in Appeal No. 20/2023. Secondly, it is a settled law that objections regarding the jurisdiction of a Court should be raised before the court of first instance and these typically cannot be raised for the first time in Appellate Court. In this case, the challenge to the jurisdiction by the Appellate authority merely an afterthought. Thirdly, assuming arguendo, the conduct of the Appellant in approaching this Hon'ble Tribunal prove the fact that they have accepted the Order of the Appellate Authority as valid. Moreover, the preliminary issue of jurisdiction as raised in Preliminary Objections may be read herein.

16. That the contents of Ground 'B' are denied as incorrect. It is denied that the answering Respondent was discharging untreated effluent before handing

over the common services to Municipal Corporation Gurugram. As noted above, the Field Officer of the HSPCB failed to adopt proper procedure laid down under Section 21 of Water Act, 1974 while collecting samples of effluents during inspection on 08.09.2020. The said inspection was conducted without issuing appropriate notice and in the absence of authorized representative. No opportunity of re-sampling was provided to the answering Respondent, even though HSPCB had noted in its Reply filed before Appellate Authority that re-sampling would be carried out in due course.

That further the Appellate Authority was absolutely justified in setting aside Closure Order and Clarificatory Orders since the Board had failed to consider the aspect that the answering Respondent was no longer in control of STPs and was therefore not in a position to take any appropriate action towards the same.

17. That the contents of Ground 'C' are absolutely baseless and based on an incorrect understanding of law. It is submitted that there is no question of the alleged violations being established against the answering Respondent since the final judgment in OA No. 68/2022 is still awaited. Also, the Clarificatory Orders dated 02.03.2023 and 19.04.2023 have been rightly set aside since they were issued in furtherance to the Closure Order dated 22/23.12.2022. The contents of para 35-36 of preliminary submissions may also be read here as a response.

18. That the contents of Ground 'D' are denied as false and baseless. It is submitted that the Closure Order has been issued based on allegations (viz. CTE/CTO and Environmental Clearance) which were never raised in the Show Cause Notice dated 16.10.2020. Further the allegations of effluents

not meeting prescribed standards are also frivolous as the collection of samples were marred by illegality as described in detail above.

19. That the contents of Ground 'E' are denied and reliance is placed on the preliminary submissions. It is vehemently disputed that no prejudice has been caused to the answering Respondent. As a result of the Closure Order, the answering Respondent has in fact been incurring huge financial losses and the development of the project was also stayed. The issue of EC being raised as a ground is frivolous as it is already being adjudicated by this Hon'ble Tribunal as stated above.

20. That the contents of Ground 'F' are vehemently denied as there is no merit in the same.

21. That with respect to Paragraph '5', it is submitted that the Appellant may not be permitted to raise additional grounds based on new material/ facts not raised in the Appeal as it would be prejudicial to the answering Respondent.

22. That the contents of Paragraph 6 do not merit any response as the delay of 53 days in filing the Appeal has been condoned by this Hon'ble Tribunal vide Order dated 20.11.2024.

23. That the contents of Paragraph 7 as well as the Prayer are vehemently disputed. It is submitted that the submissions raised hereinabove leave no manner of doubt that the Closure Order and the Clarificatory Orders have been passed in an arbitrary manner, based on incomplete knowledge of the facts and circumstances and without having any regard to the procedure established in law. Therefore, the Appellate Authority was absolutely justified in setting aside the said Orders in order to prevent miscarriage of justice.

24. That no comments were offered to the contents of Para 8 for want of knowledge.

In view of the above the prayers may not be granted and appeal may be dismissed with cost.

Date: 24.05.2025
Place: New Delhi

DRAWN AND FILED BY:



Shubham Upadhyay, Surya Gupta & Anukriti Bajpai
Advocates for Respondent No.1
29, LGF, Presidential Estate,
Nizamuddin East, New Delhi- 110013
Email: eldflegal@gmail.com; +91- 8851323704

SETTLED BY:
Shri Sanjay Upadhyay
(Senior Advocate)

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

APPEAL No. 05 of 2024

IN THE MATTER OF:

Haryana State Pollution Control Board & Anr. ...Applicant (s)

-Versus-

M/s Malibu Estate Pvt. Ltd. & Anr. ...Respondent (s)

AFFIDAVIT

I, Subhash Raghav S/o Shri Ompal Singh Raghav aged about 50, am the Authorized Signatory for M/s Malibu Estate Pvt. Ltd, at 38 DDA Commercial Complex, Kailash Colony Extn. (Zamrudpur), New Delhi – 110048, do hereby solemnly affirms and declares as under:

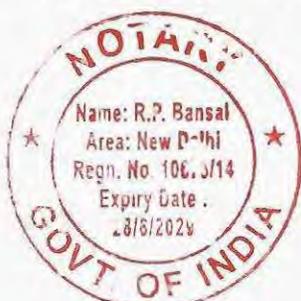
1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the Reply are true and correct to the best of my knowledge.

Shubam
IDENTIFIED BY

[Signature]
DEPONENT

VERIFICATION

Verified at New Delhi on this..... **12 1 MAY 2025** Day..... of....that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.



ATTESTED
NOTARY PUBLIC
DELHI
12 1 MAY 2025

[Signature]
DEPONENT

ANNEXURE R/1

Item No 07

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 68/2022
(I.A No. 145/2023, I.A No. 65/2025)

Raman Sharma

Applicant

Versus

State of Haryana & Ors.

Respondents

Date of hearing: 19.03.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicants: Applicant in Person.

Respondents: Mr. Rahul Khurana, Advocate for Respondents no. 1 to 4 and 6.
Ms. Noopur Singhal and Mr. Ravinder Chhabra, Advocate for Respondent
no. 5.
Ms. Radhika Gautam and Mr. Neetesh Pachwari, Advocates for
Respondent no. 7.
Mr. Sanjay Upadhyay, Senior Advocate with Mr. Shubham Upadhyay, Mr.
Surya Gupta and Ms. Anukriti Bajpai, Advocates for Respondent no.8.
Mr. Amit Khatri, IAS, DTCP (through VC), Mr. Praveen Chauhan
DTPC(Planning) and Mr. Pradeep Kumar, MS, HSPCB.

ORDER

1. Affidavit dated 24.02.2025 has been filed by Respondent No. 4-
Department of Town and Country Planning.
2. Objections dated 25.02.2025 have been filed by the Applicant.
3. Additional Reply dated 25.02.2025 has been filed by Respondent No.
8- M/s Malibu Estate Pvt. Ltd.

4. Objections dated 28.02.2025 to the Additional Reply filed by Respondent No. 8- M/s Malibu Estate Pvt. Ltd. have been filed by the Applicant.

5. Objections dated 18.03.2025 to the objections dated 25.02.2025 and 28.02.2025 filed by the applicant have been filed by respondent no. 8.

6. Arguments heard.

7. Judgment is reserved.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 19th, 2025
Original Application No. 68/2022
(I.A No. 145/2023, I.A No. 65/2025)
AB

A/7
Annexure P. 85



UNIVERSAL ANALYTICAL LAB

Plot No -77-77A, Kheval No. 222, Opposite HUDA Sector-4A, Nagarpalika, Dharuhera-123106, Dist. Rawan (Haryana)
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SYSTEM VERIFICATION SERVICES
CERTIFICATE NO. UN-16-0319

AN ISO 9001 CERTIFIED & MOEF RECOGNISED GOVERNMENT APPROVED LABORATORY

Report No: UAL/DH-893/03/19

Date: 29/03/2019

095

Issued to:
Malibu Estate Pvt. Ltd.
2nd Floor, Shopping Arcade, Malibu Towne,
Shous Road, Gurgaon-122018 (Haryana)

Party's Ref No: Verbal
Dated: 29/03/2019
Lab Job Order No: 1607-16-8-03-19
Period of Testing: 25/03/2019 to 29/03/2019

TEST CERTIFICATE

A. SAMPLE PARTICULARS:

- 1. Name of the Unit : Malibu Estate Pvt. Ltd.
- 2. Type of the Sample : Sewage Water Samples
- 3. Date of Sampling : 25/03/2019
- 4. Point of Sample Collection : From STP Inlet & STP Outlet (N=1)
- 5. Purpose of Analysis : Monitoring
- 6. Sample Collected/ Supplied by : By Customer.

B. TEST RESULTS:

Sl. No.	Parameters	Results		General Std. Limits for	
		STP Inlet	STP Outlet	Discharge	Domestic Use
1	pH	8.07	7.75	5.5-9.0	6.5-8.5
2	COD, mg/l	109	105.0	250	500
3	BOD (at 27°C for 3 days), mg/l	121.1	27.7	50	100
4	Total Suspended Solids, mg/l	226	20	100	100
5	Oil & Grease, mg/l	60.8	11	10	10
6	Ammonical Nitrogen (as N), mg/l	10.1	8.6	50	100

Anal. Sr Analyst *Ashay*

Author
ASHAY SINGH

Note: This report is valid only for the purpose mentioned above and is not to be used for any other purpose. The report should not be used in any advertising or promotional material. The report will be destroyed after 3 months unless otherwise stated. The results are subject to analytical uncertainty.



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 www.universalab.in, Mob: +91 866966518, +91-8862929181



CERTIFICATE NO. Q-1514-0450

AN ISO 9001 CERTIFIED & MOEF RECOGNISED GOVERNMENT APPROVED LABORATORY

Report No: UAL/DH/891/03/19

Date: 29/03/2019

Issued to:
 Malibu Estate Pvt. Ltd.
 2nd Floor, Shopping Arcade, Malibu Towne,
 Shona Road, Gurgaon-122018 (Haryana)

Party's Ref No: Verbal
 Dated: 23/03/2019
 Lab Job Order No: 1603-1604/19-19
 Period of Testing: 25.03.2019 to 29.03.2019

098

TEST CERTIFICATE

A. SAMPLE PARTICULARS:

1. Name of the Unit : Malibu Estate Pvt. Ltd.
2. Type of the Sample : Sewage Water Samples
3. Date of Sampling : 25/03/2019
4. Point of Sample Collection : From STP Inlet & STP Outlet (No.2)
5. Purpose of Analysis : Monitoring
6. Sample Collected/ Supplied by : By Customer

B. TEST RESULTS:

Sl. No.	Parameters	Results		General Std. Limits for	
		STP Inlet	STP Outlet	Discharge	Protected Area
1	pH	7.91	7.80	5.5-9.0	6.5-8.5
2	COD, mg/l	343.9	100	250	100
3	BOD (at 27°C for 5 days), mg/l	126.1	21.9	50	10
4	Total Suspended Solids, mg/l	205	41	150	10
5	Oil & Grease, mg/l	1.0	5.0	0	0
6	Ammonical Nitrogen (as N), mg/l	32.3	2.5	50	10

Mgr. Sr. Analyst *Ashay*



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**SYSTEM
VERIFICATION
SERVICES**

CERTIFICATE NO. 01553-0455

AN ISO 9001 CERTIFIED & MOEF RECOGNISED GOVERNMENT APPROVED LABORATORY

Report No: UAL/DH-892/03/19

Date: 29/03/2019

Issued to:

Malibu Estate Pvt. Ltd.
2nd Floor, Shopping Arcade, Malibu Towne,
Shanti Road, Gurgaon-122018 (Haryana)

Party's Ref No: Verbal

Dated: 23/03/2019

Lab Job Order No: 1605-1606-03-19

Period of Testing: 23/03/2019 to 29/03/2019

TEST CERTIFICATE

A. SAMPLE PARTICULARS:

1. Name of the Unit : Malibu Estate Pvt. Ltd.
2. Type of the Sample : Sewage Water Samples
3. Date of Sampling : 23/03/2019
4. Point of Sample Collection : From STP Inlet & STP Outlet (No.3)
5. Purpose of Analysis : Monitoring
6. Sample Collected/ Supplied by : By Customer

B. TEST RESULTS:

Sr. No.	Parameters	Results		General Std. Limits for Discharge (Inland Surface Water)	Method Used
		STP Inlet	STP Outlet		
1	pH	8.31	7.98	5.5-9.0	IS:3025 (1992)
2	COD, mg/l	295.0	95.0	250	APHA
3	BOD (at 27°C for 3 days), mg/l	171.6	20.7	50	IS:3025 (1992)
4	Total Suspended Solids, mg/l	3.8	35	100	IS:3025 (1992)
5	Oil & Grease, mg/l	13.2	4.0	10	IS:3025 (1992)
6	Ammonical Nitrogen (as N), mg/l	29.9	16.6	50	IS:3025 (1992)

Nil. S.S. Not Specified

Mgr. Sr. Analyst

Ashay



ANIL SINGH

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AN ISO 9001 CERTIFIED & MOEF RECOGNISED GOVERNMENT APPROVED LABORATORY

88

Report No: UAL/DH/890/03/19

Date: 29/03/2019

098

Issued to:
 Malibu Estate Pvt. Ltd.
 2nd Floor, Shopping Arcade, Malibu Townc.
 Shona Road, Gurgaon-122018 (Haryana)

Party's Ref No: Verbal
 Dated: 25/03/2019
 Lab Job Order No: 1601-1605 03 19
 Period of Testing: 25/03/2019 to 29/03/2019

TEST CERTIFICATE

A. SAMPLE PARTICULARS:

1. Name of the Unit : Malibu Estate Pvt. Ltd.
2. Type of the Sample : Sewage Water Samples
3. Date of Sampling : 25/03/2019
4. Point of Sample Collection : From STP Inlet & STP Outlet (No 1)
5. Purpose of Analysis : Monitoring
6. Sample Collected/ Supplied by : By Customer

B. TEST RESULTS:

Sr. No.	Parameters	Results		General Std. Limits for	Protocol Used
		STP Inlet	STP Outlet	Discharge (Inlet of Surface Water)	
1	pH	8.13	7.82	5.5-9.0	IS:5025 (Part 1)
2	COD, mg/l	126.0	98.5	250	APHA 5210
3	BOD (at 20°C for 5 days), mg/l	13.8	21.2	30	IS:5025 (Part 2)
4	Total Suspended Solids, mg/l	2.9	06	100	IS:5025 (Part 2)
5	Oil & Grease, mg/l	1.2	1.1	10	IS:5025
6	Ammonical Nitrogen (as N), mg/l	34.2	9.8	50	IS:5025 (Part 2)

Mgr. Sr. Analyst *Ashay*

Author
 AJEET SINGH

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AN ISO 9001 CERTIFIED & MOEF RECONGNISED GOVERNMENT APPROVED LABORATORY

Report No: UAL/DH/-892/03/19

Date: 29/03/2019

Issued to:

Malibu Estate Pvt. Ltd.

**2nd Floor, Shopping Arcade, Malibu Towne,
Shona Road, Gurgaon -122018 (Haryana)**

Party's Ref No: Verbal

Dated: 23/03/2019

Lab Job Order No: 1605-1606/03/19

Period of Testing: 25/03/2019 to 29/03/2019

TEST CERTIFICATE

I. SAMPLE PARTICULARS:

25. Name of the Unit	:	Malibu Estate Pvt. Ltd.
26. Type of the Sample	:	Sewage Water Samples
27. Date of Sampling	:	25/03/2019
28. Point of Sample Collection	:	From STP Index & STP Outlet (No. 3)
29. Purpose of Analysis	:	Monitoring
30. Sample Collected/ Supplied by	:	By Customer

J. TEST RESULTS:

Sr.No.	Parameters	Results		General Std. Limits for Discharge (Inland Surface Water)	Protocol
		STP Inlet	STP Outlet		
1.	Ph	8.31	7.98	5.5-9.0	IS -3025 (P-11)
2.	COD, mg/l	293.0	95.0	250	APHA 22 nd Ed.
3.	BOD (at 27 deg for 3 days), mg/l	121.6	20.7	30	IS -3025 (P-14)
4.	Total Suspended Solids, mg/l	218	37	100	IS -3025 (P-17)
5.	Oil & Grease, mg/l	12.2	4.0	10	IS -3025 (P-39)
6.	Ammonical Nitrogen (as N), mg/l	29.9	10.6	50	IS -3025 (P-34)

Mgr. /Sr. Analyst

Authorised Signatures

S/d

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AN ISO 9001 CERTIFIED & MOEF RECONGNISED GOVERNMENT APPROVED LABORATORY

Report No: UAL/DH/-893/03/19

Date: 29/03/2019

Issued to:

Malibu Estate Pvt. Ltd.

**2nd Floor, Shopping Arcade, Malibu Towne,
Shona Road, Gurgaon -122018 (Haryana)**

Party's Ref No: Verbal

Dated: 23/03/2019

Lab Job Order No: 1607-1608/03/19

Period of Testing: 25/03/2019 to 29/03/2019

TEST CERTIFICATE

K. SAMPLE PARTICULARS:

31. Name of the Unit	:	Malibu Estate Pvt. Ltd.
32. Type of the Sample	:	Sewage Water Samples
33. Date of Sampling	:	25/03/2019
34. Point of Sample Collection	:	From STP Index & STP Outlet (No. 4)
35. Purpose of Analysis	:	Monitoring
36. Sample Collected/ Supplied by	:	By Customer

L. TEST RESULTS:

Sr.No.	Parameters	Results		General Std. Limits for Discharge (Inland Surface Water)	Protocol
		STP Inlet	STP Outlet		
1.	Ph	8.07	7.73	5.5-9.0	IS -3025 (P-11)
2.	COD, mg/l	319	106.0	250	APHA 22 nd Ed.
3.	BOD (at 27 deg for 3 days), mg/l	130.1	22.7	30	IS -3025 (P-14)
4.	Total Suspended Solids, mg/l	226	39	100	IS -3025 (P-17)
5.	Oil & Grease, mg/l	10.6	4.1	10	IS -3025 (P-39)
6.	Ammonical Nitrogen (as N), mg/l	36.1	8.6	50	IS -3025 (P-34)

Mgr. /Sr. Analyst

Authorised Signatures
S/d

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AN ISO 9001 CERTIFIED & MOEF RECONGNISED GOVERNMENT APPROVED LABORATORY

Report No: UAL/DH/-891/03/19

Date: 29/03/2019

Issued to:

Malibu Estate Pvt. Ltd.

**2nd Floor, Shopping Arcade, Malibu Towne,
Shona Road, Gurgaon -122018 (Haryana)**

Party's Ref No: Verbal

Dated: 23/03/201

Lab Job Order No: 1603-1604/03/19

Period of Testing: 25/03/2019 to 29/03/2019

TEST CERTIFICATE

M. SAMPLE PARTICULARS:

37. Name of the Unit	:	Malibu Estate Pvt. Ltd.
38. Type of the Sample	:	Sewage Water Samples
39. Date of Sampling	:	25/03/2019
40. Point of Sample Collection	:	From STP Index & STP Outlet (No. 1)
41. Purpose of Analysis	:	Monitoring
42. Sample Collected/ Supplied by	:	By Customer

N. TEST RESULTS:

Sr.No.	Parameters	Results		General Std. Limits for Discharge (Inland Surface Water)	Protocol
		STP Inlet	STP Outlet		
1.	Ph	7.91	7.80	5.5-9.0	IS -3025 (P-11)
2.	COD, mg/l	301.0	104	250	APHA 22 nd Ed.
3.	BOD (at 27 deg for 3 days), mg/l	126.1	21.9	30	IS -3025 (P-14)
4.	Total Suspended Solids, mg/l	203	41	100	IS -3025 (P-17)
5.	Oil & Grease, mg/l	11.0	3.6	10	IS -3025 (P-39)
6.	Ammonical Nitrogen (as N), mg/l	32.	7.5	50	IS -3025 (P-34)

Mgr. /Sr. Analyst

Authorised Signatures

S/d

UNIVERSAL ANALYTICAL LAB

Plot No. 77-77A, Khevat No. 222, Opposite HUDA Sector-4A, Nagarpalika, Dharuhera -123106, Distt Rewari (Haryana)

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AN ISO 9001 CERTIFIED & MOEF RECONGNISED GOVERNMENT APPROVED LABORATORY

Report No: UAL/DH/-890/03/19

Date: 29/03/2019

Issued to:

Malibu Estate Pvt. Ltd.

**2nd Floor, Shopping Arcade, Malibu Towne,
Shona Road, Gurgaon -122018 (Haryana)**

Party's Ref No: Verbal

Dated: 23/03/2019

Lab Job Order No: 1601-1602/03/19

Period of Testing: 25/03/2019 to 29/03/2019

TEST CERTIFICATE

O. SAMPLE PARTICULARS:

43. Name of the Unit	:	Malibu Estate Pvt. Ltd.
44. Type of the Sample	:	Sewage Water Samples
45. Date of Sampling	:	25/03/2019
46. Point of Sample Collection	:	From STP Index & STP Outlet (No. 1)
47. Purpose of Analysis	:	Monitoring
48. Sample Collected/ Supplied by	:	By Customer

P. TEST RESULTS:

Sr.No.	Parameters	Results		General Std. Limits for Discharge (Inland Surface Water)	Protocol
		STP Inlet	STP Outlet		
1.	Ph	8.11	7.82	5.5-9.0	IS -3025 (P-11)
2.	COD, mg/l	326.0	98.5	250	APHA 22 nd Ed.
3.	BOD (at 27 deg for 3 days), mg/l	134.8	21.2	30	IS -3025 (P-14)
4.	Total Suspended Solids, mg/l	219	46	100	IS -3025 (P-17)
5.	Oil & Grease, mg/l	12.3	4.1	10	IS -3025 (P-39)
6.	Ammonical Nitrogen (as N), mg/l	35.7	9.5	50	IS -3025 (P-34)

Mgr. /Sr. Analyst

Authorised Signatures
S/d

-TYPED COPY-

A/9 89

Annexure P

UNIVERSAL ANALYTICAL LAB

Plot No. 77-77A, Khevat no. 222, Opposite HUDA Sector-4A, Nagarpalika,
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103

**AN ISO 9001 CERTIFIED & MOEF RECOGNISED GOVERNMENT
APPROVED LABORATORY**

Report No. UAL/DH/-198/09/20

Date: 14/09/2020

Issued to:	Party's Ref no. Verbal
Malibu Estate Ltd.	Dated: 07.09.2020
2 nd Floor, Shopping Areade, Malibu Towne, Shona Road, Gurgaon-122018 (Haryana)	Lab Job Order No. 257-358/09/20 Period of Testing: 09.09.2020 to 14.09.2020

TEST CERTIFICATE

A. SAMPLE PARTICULARS:-

1. Name of the Unit : Malibu Estate Pvt. Ltd.
2. Type of Sample : Sewage Water Samples
3. Date of Sampling : 09.09.2020
4. Point of Sample Collection : From STP Inlet & STP
Outlet (No. 1)
5. Purpose of Analysis : Monitoring
6. Sample Collected Supplied by : By Customer

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B. TEST RESULTS:

Sr. No.	Parameters	Result		General Std. Limits for Discharge (Inland Surface Water)	Protocol Used
		STP Inlet	STP Outlet		
1.	pH	7.85	7.71	5.5-9.0	IS-3025(P-11)
2.	COD mg/1	298.0	91.0	350	APHA 22 nd Ed.
3.	BOD (At 27 C for 3 days), mg/1	123.4	20.5	30	IS-3025(P-44)
4.	Total Suspended Solids, mg/1	205	3.7	100	IS-3025(P-17)
5.	Oil & Grease, Mg/1	10.3	3.6	10	IS-3025(P-39)
6.	Ammonical Nitrogen (as N), mg/1	32.8	8.2	50	IS-3025(P-34)

Sd/- Akshay

Sd/- Authority Signatory

Mgr./Sr. Analyst

AJEET SINGH

True Copy

Advocate

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UNIVERSAL ANALYTICAL LAB

Plot No. 77-77A, Khevat no. 222, Opposite HUDA Sector-4A, Nagarpalika,
Dharuhera-123106, District Rewari (Haryana)

Email:- info@universallab.in universalanalyticallab@gmail.com

www.universallab.in Mob:- +91-8569966516, +91-9992929181

**AN ISO 9001 CERTIFIED & MOEF RECOGNISED GOVERNMENT
APPROVED LABORATORY**

Report No. UAL/DH/-199/09/20

Date: 14/09/2020

Issued to:	Party's Ref no, Verbal
Malibu Estate Ltd.	Dated: 07.09.2020
2 nd Floor, Shopping Areade, Malibu Towne, Shona Road, Gurgaon-122018 (Haryana)	Lab Job Order No. 359-360/09/20 Period of Testing: 09.09.2020 to 14.09.2020

TEST CERTIFICATE**A. SAMPLE PARTICULARS:-**

1. Name of the Unit : Malibu Estate Pvt. Ltd.
2. Type of Sample : Sewage Water Samples
3. Date of Sampling : 09.09.2020
4. Point of Sample Collection : From STP Inlet & STP
Outlet (No. 2)
5. Purpose of Analysis : Monitoring
6. Sample Collected Supplied by : By Customer

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B. TEST RESULTS:

Sr. No.	Parameters	Result		General Std. Limits for Discharge (Inland Surface Water)	Protocol Used
		STP Inlet	STP Outlet		
1.	pH	8.21	7.91	5.5-9.0	IS-3025(P-11)
2.	COD mg/1	321.0	118.6	250	APHA 22 nd Ed.
3.	BOD (at 27 C for 3 days), mg/1	141.0	22.1	30	IS-3025(P-44)
4.	Total Suspended Solids, mg/1	226	42	100	IS-3025(P-17)
5.	Oil & Grease, Mg/1	12.9	4.6	10	IS-3025(P-39)
6.	Ammonical Nitrogen (as N), mg/1	34.1	11.5	50	IS-3025(P-34)

Sd/- Akshay

Sd/- Authority Signatory

Mgr./Sr. Analyst

AJEET SINGH

True Copy

Advocate

UNIVERSAL ANALYTICAL LAB

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Dharuhera-123106, District Rewari (Haryana)

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**AN ISO 9001 CERTIFIED & MOEF RECOGNISED GOVERNMENT
APPROVED LABORATORY**

Report No. UAL/DH/-200/09/20

Date: 14/09/2020

Issued to:	Party's Ref no, Verbal
Malibu Estate Ltd.	Dated: 07.09.2020
2 nd Floor, Shopping Areade, Malibu Towne, Shona Road, Gurgaon-122018 (Haryana)	Lab Job Order No. 361-362/09/20 Period of Testing: 09.09.2020 to 14.09.2020

TEST CERTIFICATE**A. SAMPLE PARTICULARS:-**

1. Name of the Unit : Malibu Estate Pvt. Ltd.
2. Type of Sample : Sewage Water Samples
3. Date of Sampling : 09.09.2020
4. Point of Sample Collection : From STP Inlet & STP
Outlet (No. 3)
5. Purpose of Analysis : Monitoring
6. Sample Collected Supplied by : By Customer

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B. TEST RESULTS:

Sr. No.	Parameters	Result		General Std. Limits for Discharge (Inland Surface Water)	Procc Used
		STP Inlet	STP Outlet		
1.	pH	8.06	7.84	5.5-9.0	IS-3025(P-11)
2.	COD mg/1	284.5	96.0	250	APHA 22 nd Ed.
3.	BOD (at 27 C for 3 days), mg/1	121.9	21.4	30	IS-3025(P-44)
4.	Total Suspended Solids, mg/1	193	36	100	IS-3025(P-17)
5.	Oil & Grease, Mg/1	9.5	3.2	10	IS-3025(P-39)
6.	Ammonical Nitrogen (as N), mg/1	30.4	7.5	50	IS-3025(P-34)

Sd/- Akshay

Sd/- Authority Signatory

Mgr./Sr. Analyst

AJEET SINGH

True Copy

Advocate

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95**UNIVERSAL ANALYTICAL LAB**

Plot No. 77-77A, Khevat no. 222, Opposite HUDA Sector-4A, Nagarpalika,
Dharuhera-123106, District Rewari (Haryana)

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**AN ISO 9001 CERTIFIED & MOEF RECOGNISED GOVERNMENT
APPROVED LABORATORY**

Report No. UAL/DH/-201/09/20

Date: 14/09/2020

Issued to:	Party's Ref no, Verbal
Malibu Estate Ltd.	Dated: 07.09.2020
2 nd Floor, Shopping Areade, Malibu Towne, Shona Road, Gurgaon-122018 (Haryana)	Lab Job Order No. 363-364/09/20 Period of Testing: 09.09.2020 to 14.09.2020

TEST CERTIFICATE**A. SAMPLE PARTICULARS:-**

1. Name of the Unit : Malibu Estate Pvt. Ltd.
2. Type of Sample : Sewage Water Samples
3. Date of Sampling : 09.09.2020
4. Point of Sample Collection : From STP Inlet & STP
Outlet (No. 4)
5. Purpose of Analysis : Monitoring
6. Sample Collected Supplied by : By Customer

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B. TEST RESULTS:

Sr. No.	Parameters	Result		General Std. Limits for Discharge (Inland Surface Water)	Protocol Used
		STP Inlet	STP Outlet		
1.	pH	8.28	7.80	5.5-9.0	IS-3025(P-11)
2.	COD mg/1	330.0	95.0	250	APHA 22 nd Ed.
3.	BOD (at 27 C for 3 days), mg/1	146.5	23.0	30	IS-3025(P-44)
4.	Total Suspended Solids, mg/1	229	36	100	IS-3025(P-17)
5.	Oil & Grease, Mg/1	11.7	3.2	10	IS-3025(P-39)
6.	Ammonical Nitrogen (as N), mg/1	30.9	9.3	50	IS-3025(P-34)

Sd/- Akshay

Sd/- Authority Signatory

Mgr./Sr. Analyst

AJEET SINGH

True Copy

Advocate

-TRUE COPY-

Date: 02.11.2020

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

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 ibut 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 malafide 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.

Date: 02.11.2020

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

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 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 ibut 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 malafide 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, BDA Commercial Complex,
Kailash Colony (Old), (Zamrudpur) . . .
New Delhi 110048
Phone : 41684431, Fax : 29247864
e-mail : malibu@airtmall.in
malbutowne@hotmail.com

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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/ROG/2020/278, 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, Malibu Towne also applied for the renewal of the said permission vide application No. 78464-02 dated 25th 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 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.

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GFR
2/11/2020

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- 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.

PRAAYER -

In the aforesaid premises it is humbly submitted that a personal hearing may please be granted to clarify our position before finally 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 (East)Zamrudpur
New Delhi-110048
Phone: 41633401, Fax: 29247864
email: malibu@airtelmail.in
malibutowne@hotmail.com

Date: 02.11.2020

To,
The Chairman,
Haryana State Pollution Control Board,
Vikas Sadan, Opposite – New Delhi

Subject: Appeal/Representation for Issuance of SCN for closure and under water Act 1974 of against failing the effluent sample without any valid response.

Reference: Regional Office Gurugram (N) letter No. 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 cost and obtained Consent to Operate in the year 2011. This consent to operate as valid till 30.09.2020. Further, MEPL also applied for the renewal of the said permission vide application No. 786402 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 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 signature of the staff present during inspection/sample collection were taken by the board officer.
- c) As per the Water Act Glass bottles after proper sterilisation 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 malafide 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 representative of the Company, hence the inspection and the report are vitiated as also the show cause notice that is founded there upon.

The sample collected and the Report formulated is not in accordance with law which mandated 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

S/d

Malibu Estate Pvt. Ltd. (MEPL)

Malibu Towne, Sohna Road, Gurgaon -122018

ANNEXURE R/6

BEFORE THE HON'BLE APPELLATE AUTHORITY
CONSTITUTED UNDER THE AIR ACT, 1981 AND WATER ACT,
1974, HARYANA STATE POLLUTION CONTROL BOARD,
SECTOR-6, PANCHKULA

Appeal No. 20 of 2023

M/s Malibu Estate Private Limited

...Applicant

Vs

State of Haryana and Others

.....Respondent

Written Statement of Sh. Kuldeep Singh,
Regional Officer, Haryana State Pollution
Control Board, Gurugram (North) on
behalf of Respondents

Respectfully Showeth

PRELIMINARY SUBMISSIONS

1. That respondent Board has filed complaint No. 1 of 2023 under section 15 read with section 16 of Environment Protection Act, 1986 on 03.01.2023 for not obtaining Environmental Clearance mandated under EIA Notification 14th September, 2006 before Special Environment Court, Faridabad and next date is fixed 11.07.2023 for evidence as appellant has not obtained Environmental Clearance for expansion/ modernization/ modification/change in scope of work with increase in pollution load in the existing township area of 180.296 acres and expansion area 24.681 acre as per revised building plans, revised layout plans. Copy of complaint is attached as **Annexure R-1** for perusal and it be read as part & partial of written submissions.
2. That respondent Board has filed complaint No. 50 of 2021 (**Annexure A-1**) under Water & Air Act on 16.09.2021 for not obtaining Consent to Establish, Consent to operate & failing of

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samples before Special Environment Court, Faridabad and next date is fixed on 29.08.2023 for bailable warrant to accused as project proponent has not obtained Consent to Establish, Consent to operate & failing of samples. Copy of complaint (50/2021) may be perused and it be read as part & partial of written submissions.

3. That OA No. 68 of 2022 titled as Raman Sharma Versus State of Haryana & Ors. is pending before Hon'ble National Green Tribunal, New Delhi and next date of hearing is 25.07.2023, latest order is attached as **Annexure R-2**.
4. That it is necessary to bring into the notice of this Hon'ble Court that the Director & CPIO, Ministry of Environment & Forests, Govt. of India vide letter No.J-11012/36/2011-IA-III dated 27.01.2012 has intimated to the Financial Commissioner & Principal Secretary to Govt. of Haryana, Directorate of Environment, Chandigarh that the Malibu Estate Private Limited is building Malibu Township project at Gurgaon without valid environmental clearance. State Government, is therefore, requested to initiate action as per provision of the circular of MoEF dated 16th November, 2011 at this stage against M/s Malibu Township project, Gurgaon after verifying the violation case as SEIAA is not operational at this moment in Haryana. It is apt to mention here that an application containing all the details of the project was moved by appellant being builder on behalf of appellant before Director (IA-III), MoEF on 07.04.2015 for seeking Terms of References (ToR). The Terms of Reference issued after approval of the Ministry/SEIAA is based on the recommendation of the Expert Appraisal Committee (EAC)/State Expert Appraisal Committee (SEAC). It is necessary to mention here that in response to correspondence of appellant, letter dated 19.06.2015 was also issued from Director (IA-III Section) Ministry of Environment and Forest & Climate Change whereby, accused was apprised about the consideration on his project by the Expert Appraisal Committee in its 148th meeting held on 19.05.2015 to 21.05.2015 and resultantly, directed to submit the EIA/EMP report after accreditation with Quality Council of India/National Accreditation Board of Education

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and Training (QCI/NABET) would need to include a certificate in this regard in the EIA/EP reports prepared by them and data provided by other Organization (s) /Laboratories including their status of approvals etc. vide notification of the MoEF dated 19.07.2013. Copy of letter dated 27.01.2012, 19.06.2015 & application dated 07.04.2015 alongwith documents are annexures of complaint No. 1 of 2023 before Special Environment Court, Faridabad.

5. That the minutes of 148th meeting of the expert appraisal committee for project related to infrastructure development, coastal regulation zone building/ construction and miscellaneous projects held on 19-21 may, 2015 at Conference hall, Vayu Wing, 1st floor, Ministry of Environment Forest and Climate Change, Indira Paryavaran Bhawan, Zor Bhag Road, New Delhi is having total plot area 204 Acres and built up area 6,64,412.826 Sqm, total site area for group housing informed by the accused in the presentation before EAC was 11.89 acres and total site area for plotted colony was 192.906 acres. The TOR was issued to the accused on 19.06.2015 vide file No. 21-94/2015 -1A-III. The appellant submitted to Member Secretary, SEIAA, Haryana that their application for environmental clearance has not been transferred by MOEF to SEIAA vide letter dated 08.12.2015. As per the website of SEIAA, Haryana appellant submitted another EC application on 12.01.2016 which is currently de-listed. Further as per action taken by SEAC on the list of projects to be taken up in the 105th meeting of SEIAA held on 24.07.2017 at 11.00 AM, Sr. No. 18 SEAC recommended to SEIAA on 11.03.2015 to take legal actions as per Para 5 (II) as per notification dated 14.03.2017. Copy of letter dated 08.12.2015, minutes of 148th meeting, status of EC application dated 12.01.2016 & list of projects to be taken up in the 105th meeting of SEIAA are attached in complaint No. 1 of 2023 before Special Environment Court, Faridabad.

6. That the appellant again submitted application for the Environmental Clearance of "Residential Plotted Colony along with Group Housing Component, at Village-Fatehpur, Tikri, Adampur &

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Jharsa, Sector-47 & 50, District- Gurugram, Haryana being developed by M/s Malibu Estate Pvt. Ltd." vide application dated 27.07.2017. In the letter dated 27.07.2017 the appellant admitted that they had already started construction at the project site and have violated the provisions of EIA Notification 2006.

The relevant part of the letter dated 27.07.2017 are reproduced under:

"We have already started construction at the Project site and now as per MoEF&CC Notification dated 14.03.2017 - Process for appraisal of TOR/EC projects under violation of EIA Notification, 2006, we are applying for the Environmental Clearance for the Residential Plotted Colony alongwith Group Housing Component, at Village-Fatehpur, Tikri, Adampur & Jharsa, Sector- 47&50, District-Gurugram, Haryana being developed by M/s Malibu Estate Pvt. Ltd". Copy of documents attached in complaint No. 1 of 2023 before Special Environment Court, Faridabad.

7. That as per the Minutes of the 169th Meeting of the State Expert Appraisal Committee, constituted for considering Environmental Clearance of Projects (B category) under Government of India Notification dated 14.09.2006 and amendments thereof held on 17 and 18h May, 2018 under the Chairmanship of Sh. G.R. Goyat, Chairman, SEAC at Panchkula, EC under violation notification dated 14.03.2017 for Residential Plotted Colony alongwith Group Housing Component & quot; at village Fatehpur, Tikri, Adampur & Jharsa, Sector-47 &50, Gurugram, Haryana under notification dated 14.03.2017 by M/s Malibu Estate Private Limited was considered for approval of terms of reference under violation notification dated 14.03.2017 & 08.03.2018 but the appellant requested for adjournment. Copy of documents attached in complaint No. 1 of 2023 before Special Environment Court, Faridabad.

PARA-WISE REPLY

1. That the contents of para No. 1, need no reply being matter of record.

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2. That Closure order/directions dated 22.12.2022 was issued rightly vide Head Office letter No. HSPCB/GUR/2022/INS/31601738CONCO001-004 dated 22.12.2022 on following grounds:-
- a) Not obtained Consent to Establish/ Consent to operate from the Board.
 - b) Not obtained Environmental Clearance under the provision of EIA Notification. 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.
 - c) 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.
 - d) 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.
 - e) 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

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the MEPL and Ors. and matter is under investigation.

3. That Closure order/directions dated 22.12.2022 was issued rightly vide Head Office letter No. HSPCB/GUR/2022/INS/31601738CONCO001-004 dated 22.12.2022 as briefed above in para no. 2. Moreover, it is also submitted in response to sub para no. 3 of applicant that:-

a) That the contents of para no. 3 (a) are wrong & denied as site was inspected by Ms. Neha Saharan, AEE on 14.07.2020 along with Sh. Onkar, (Manager Purchase) & Sh. Ajitesh Jha (Civil Engineer), representative of 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. The project representative were available during inspection & sampling and then willfully absent from site during documents on signing process. Smt. Neha Saharan, the then AEE who visited site and collected samples intimated that notice of intention in form XII was prepared and served to the concerned representative of unit Sh. Ajitesh Jha, Civil Engineer and Sh. Onkar, Manager Purchase present on behalf of Sh. Subhash Raghav which is visible in photographs also but he refused to give receiving/signature, reply of Smt. Neha Saharan, the then AEE is attached as **Annexure R-3**. No notice in form XIV mentioned by the applicant exist in Act.

b) That the contents of para no. 3 (b) are wrong & denied as representative of project associated during the process of inspection as explained above in para no. 3 (a). The project representative were available during inspection & sampling and then willfully absent from site during documents on signing process. Smt. Neha Saharan, the then AEE who visited site and collected samples intimated that notice of intention in form XII was prepared and served to the concerned representative of unit Sh. Ajitesh Jha, Civil Engineer and Sh. Onkar, Manager Purchase present on behalf of Sh. Subhash Raghav which is visible in photographs also but he refused to give receiving/signature. No request was made by the Project representative for taking sample.

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c) That the contents of para no. 3 (c) are wrong & denied as informed by the collecting officer that samples were collected procedurally as per law.

d) That the contents of para no. 3 (d) are wrong & denied as respondent Board has already filed complaint No. 1 of 2023 & 50 of 2021 for not obtaining Environmental Clearance, CTE, CTO & failing of samples as explained above paras.

3. That the contents of para no. 3 are wrong & denied. Reply of sub paras is as under:-

A) That the contents of para no. 3 (A) are wrong & denied. Details of grant of part occupation & remark column evident date of grant of part completion and occupation after 2003 in respect of licenses mentioned in the table 1 & 2 below:-

Table:1

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 31061.622 Sq m
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		

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B) That the contents of para No. 3 (B), need no reply being matter of record.

C) That the contents of para No. 3 (C), need no reply being matter of record.

D) That the contents of para No. 3 (D) are wrong & denied as land of license No. 15 of 2008 is a part & partial of Malibu Town Residential Plotted colony including Group Housing component speared over 204.796 acres as per revised layout of 2008 and 2016 which are attached as **Annexure R-4 & R-5**. That it is also necessary to mention here that revised layout plan of 204.796 acres on dated 31.01.2008 was obtained from DTCP, Haryana and part completion certificate as mentioned above in the preceding Para was obtained on 27.09.2016 in reference to license No. 15 of 2008 for area 24.681 acres from DTCP, Haryana and occupation certificate was issued by DTCP, Haryana for 31061.622 Sqm. (Built-up area) on 10.03.2017 in respect of other licenses mentioned therein. The revised layout plan for an area of 204.796 acres comprised of licenses in respect of Residential Plotted Colony being developed by Malibu Estate Pvt. Ltd., in Sector-47 & 50, Gurugram was approved by Town & Country Planning vide drawing No.DTCP-5626 dated 28.09.2016. The District Town Planner, Gurugram vide letter No. LC-171-JE(B)/2011/12180 dated 18.08.2011 directed appellatant to complete the construction of 8 Nos. of community sites i.e. 5 No. of Nursery School, 2 No. of Primary School and 1 No. of High School and also intimated that Accused No. 1 has constructed only a club at the Accused project. The details of Occupation Certificate obtained by the appellatant for other community buildings is given in tabular form below:-

Table:2

Sr. No.	Type of community building	Land area (Acres)	Built-up area (Sqm)	License No.	Name of company obtained Occupation certificate	Date of grant of occupation certificate by Town & Country Planning Deptt.
1.	Nursery school	0.39	2020.788	4-8 of 1995 dated 15.11.1995	Malibu Kidstop Nursery School Pvt Ltd.	11.03.2019
2.	Primary School	1.09	4395.108	4-8 of 1995 dated 15.11.1995	Malibu Flowering Birds Primary School Pvt Ltd.	13.02.2019
3.	Nursery School	0.318	1981.281		Malibu Paradise Nursery School Pvt Ltd.	27.06.2018

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4.	Primary School		5664.558		Inlead Education & Consulting Pvt Ltd.	14.06.2018
5.	Nursery School	0.467	68.84		Malibu Estate Pvt Ltd.	05.09.2018
6.	Crèche Building	0.20	70.269		Malibu Estate Pvt Ltd.	05.09.2018
7.	Primary School	1.146			Malibu Little Star Primary School Pvt Ltd.	09.02.2017
8.	High School	5.09	7590.566		Dhanpat Rai Memorial Bal Vikas Shiksha Samiti	19.05.2018
9.	Dispensary Building	1.053	9096.149		Malibu Estate Dispensary Pvt Ltd.	19.09.2018
10.	Nursery School	0.20	1259.741		Malibu Wonderland Nursery School Pvt Ltd.	15.05.2018
11.	Club Building		2833.752		Malibu Estate Pvt Ltd.	22.06.2009

E) That in response to the contents of para No. 3 (E), it is intimated that consent to operate was processed for revocation and renewal of consent to operate was refused procedurally.

F) That the contents of para No. 3 (F), need no reply being matter of record.

G) That the contents of para No. 3 (G) are wrong & denied. Field Officer has conducted inspection and found violation of EIA notification at site and respondent Board has already filed complaint as mentioned in above paras.

H) That the contents of para No. 3 (H) are wrong & denied as during previous inspection project proponent was found violating

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Environmental norms.

I) That the contents of para No. 3 (I) are wrong & denied. CTO was refused vide letter dated 02.09.2020 correctly, rightly and procedurally.

J) That the contents of para No. 3 (J) are wrong & denied and their representation for re-sampling was duly considered and re-sampling will be carried out in due course of time by the Field Officer.

H) That the contents of para No. 3 (H), need no reply being matter of record.

I) That the contents of para No. 3 (I), need no reply being matter of record.

J) That the contents of para No. 3 (J) are wrong & denied to the effect that sampling was not done procedurally. No notice in form XIV mentioned by the applicant exist in Act.

K) That the contents of para No. 3 (K), need no reply being matter of record.

L) That the contents of para No. 3 (L), need no reply being matter of record.

M) That the contents of para No. 3 (M), need no reply being matter of record.

N) That the contents of para No. 3 (N), need no reply being matter of record.

O) That the contents of para No. 3 (O) are wrong & denied as explained in the above paras.

P) That the contents of para No. 3 (P), need no reply being matter of record.

Q) That the contents of para No. 3 (Q), need no reply being matter of record.

R) That the contents of para No. 3 (R), need no reply being matter of record.

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- S) That the contents of para No. 3 (S), need no reply being matter of record.
- T) That the contents of para No. 3 (T) are wrong & denied as closure order /directions dated 22.12.2022 issued rightly. Order of Imposition of Environmental Compensation was issued rightly/procedurally after giving opportunity of being heard through show cause notice which was also replied unsatisfactorily by appellant. Copy of SCN^{copy} for imposition of Environmental Compensation is attached as **Annexure R-6** Legal opinion also taken from Ld. Advocate General, Haryana regarding including of Environmental Compensation which is enclosed as **Annexure R-7**
- U) That the contents of para No. 3 (U), need no reply being matter of record.
- V) That in response to the contents of para No. 3 (V), it is intimated that said laboratory is not authorized by the HSPCB.
- W) That the contents of para No. 3 (W), need no reply being matter of record.
- Y) That the contents of para No. 3 (Y) are wrong & denied as closure order/directions dated 22.12.2022 was passed rightly after giving opportunity of hearing to the appellant as explained in the previous paras.
- Z) That the contents of para No. 3 (Z), need no reply being matter of record.
4. That the contents of para No. 4 are wrong & denied as explained in the previous paras.
- A) That the contents of para No. 4 (A), need no reply being matter of record.
- B) That in response to the contents of para No. 4 (B), it is intimated appellant company has violated the provision of EIA notification, Water Act & Air Act for not obtaining Environmental Clearance, CTE & CTO.

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C) That the contents of para No. 4 (C), need no reply being matter of record.

D) That the contents of para No. 4 (D), need no reply being matter of record.

E) That the contents of para No. 4 (E), need no reply being matter of record.

G) That the contents of para No. 4 (G), need no reply being matter of record.

H) That the contents of para No. 4 (H), need no reply being matter of record.

I) That the contents of para No. 4 (I) are wrong & denied as explained in the previous paras.

J) That the contents of para No. 4 (J) are wrong & denied as explained in the previous paras.

K) That the contents of para No. 4 (K) are wrong & denied as Board has issued closure order/directions rightly.

L) That in response to the contents of para No. 4 (L), it is intimated that Board has issued closure order/directions rightly.

M) That the contents of para No. 4 (M) are wrong & denied as the inspecting field officer conducted inspection rightly / procedurally. Representation of appellant was considered and re-sampling will be carried out in due course of time by the filed officer.

N) That the contents of para No. 4 (N) are wrong & denied as appellant have to obtain Environmental Clearance under EIA notification from concerned authority and DTCP is not the concerned authority.

O) That the contents of para No. 4 (O) are wrong & denied as respondent Board has issued closure order/directions rightly and

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DGTCP is not the concerned authority as explained in the previous paras.

I Quid
 Regional Officer,
 HSPCB, Region Gurugram (N)
 Through Regional Officer
 Ramesh Chahal Advocate Haryana State Pollution Control Board
 GURGAON (North)
 Counsel for the Respondent

VERIFICATION:-

Verified that the contents of Para 1 to 7 of the preliminary submissions and Para No. 1 to 4 of Para-wise reply on merits are true and correct to the best of my knowledge based on information derived from Official record. No part of it is false and nothing material has been kept concealed therein.

Place: Gurugram
 Dated :07.06.2023

I Quid
 Regional Officer,
 HSPCB, Region Gurugram (N)
 Regional Officer
 Haryana State Pollution Control Board
 GURGAON (North)

BEFORE THE HON'BLE APPELLATE AUTHORITY
CONSTITUTED UNDER THE AIR ACT, 1981 AND WATER ACT,
1974, HARYANA STATE POLLUTION CONTROL BOARD,
SECTOR-6, PANCHKULA

Appeal No. 20 of 2023

M/s Malibu Estate Private Limited

...Applicant

Versus

State of Haryana and Others

...Respondent

AFFIDAVIT

I, Kuldeep Singh, Regional Officer, Gurgaon, (North), Haryana State Pollution Control Board, aged about 39 years, do hereby solemnly affirm and declare as under:-

1. That Appeal No. 20 of 2023 has been filed against the deponent. I am well conversant with the facts and circumstances of the case, hence competent to swear this affidavit.
2. That accompanying reply been drafted by the Counsel under my instructions. The contents of the accompanying reply are true and correct and the same be read as part and parcel of this affidavit which are not being repeated herein for the sake of brevity.

VERIFICATION:

Verified at Gurugram on this 07th June, 2023 that the contents of my above affidavit are true and correct to the best of my knowledge & belief and nothing has been concealed there from.

Iqbal
DEPONENT

Regional Officer
Haryana State Pollution Control Board
GURGAON (North)

Iqbal
DEPONENT

Regional Officer
Haryana State Pollution Control Board
GURGAON (North)

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Handing over/Taking over Performa

As per order of DTCP, Haryana, Chandigarh dated:09.05.2022 the below mentioned colony/builder area handed over/taking over process is carried out today i.e. 15.06.2022. The detail is as below:-

Name of Builder: Malibu Estate Private Limited

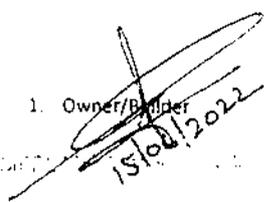
Area: 204.79 Acres

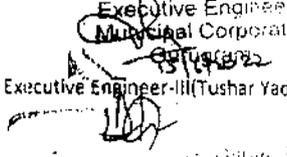
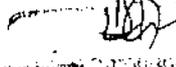
Details of Services Handed over:-

- 1. Roads - 13643 meter
 - 2. Water Supply - 14022.41 meter
 - 3. Sewerage system - 12877.04 meter
 - 4. Storm Water Drains - 13772.04 meter
- 1) The detail of above infrastructure Services Inventory is mentioned in attached annexures
 - 2) The Builder/Licence/Colonies shall provide all assistance for overall functioning of all services during the overlapping period of 15 days i.e upto 30/6/2022
 - 3) Any dues pending till 15/5/2022 will be borne by builder

Handed over by:

Taken over on behalf of

1. Owner/Builder

 15/06/2022
 Authorized Signatory

Municipal Corporation Gurugram
 Executive Engineer
 Municipal Corporation

 Executive Engineer-III (Tushar Yadav)

 Assistant Engineer (Wasim Akram)
 Municipal Corporation

 Junior Engineer (Chempoo Vohra)
 Gurugram

Handing over/ Taking over Performa

As per order of DTCP, Haryana, Chandigarh dated: 09.05.2022 the below mentioned colony/builder area handed over/taking over process is carried out today i.e. 15.06.2022. The detail is as below: -

Name of Builder: Malibu Estate Private Limited

Area: - 204.79 Acres

Details of Services Handed over: -

- | | |
|-----------------------|------------------|
| 1. Roads | - 13643 meter |
| 2. Water Supply | - 14022.41 meter |
| 3. Sewerage system | - 12877.04 meter |
| 4. Storm Water Drains | - 13772.04 meter |

1) The detail of above infrastructure Services Inventory is mentioned in attached annexures.

2)The Builder/License/Colonies shall provide all assistance for overall functioning of all services during the overlapping period of 15 days i.e. upto 30/6/2022.

3)Any dues pending till 15/5/2022 will be borne by builder.

Handed over by:

Taken over on behalf of
Municipal Corporation Gurugram

S/d

1. Owner/Builder

Executive Engineer -III (Tushar Yadav)



UNIVERSAL ANALYTICAL LAB

Plot No -77-77A, Khevat No. 222, Opposite HUDA Sector- 4A, Nagarpalika, Dharuhera-123106, Distt Rewari (Haryana)
E-mail : info@universallab.in, universalanalyticallab.com
www.universallab.in, Mob.: +91 9992929181, +91 9729948882, +91 8569966516



CERTIFICATE NO. Q-1516-0450

AN ISO 9001 CERTIFIED & GOVERNMENT APPROVED LABORATORY

Report No: UAL/DH/-354/02/23

Date: 17/02/2023

Issued to:

MT Plot RWA
1st Floor, Shopping Arcade
Malibu Towne, Shona Road Gurgaon

Party's Ref No: Verbal

Dated: 11/02/2023

Lab Job Order No: 390-391/02/23

Period of Testing: 13/02/2023 To 17/02/2023

TEST REPORT

A. SAMPLE PARTICULARS:

- | | | |
|----------------------------------|---|-----------------------------|
| 1. Name of the Unit | : | MT Plot RWA |
| 2. Type of the Sample | : | Sewage Water Samples 3 |
| 3. Date of Sampling | : | 13/02/2023 |
| 4. Point of Sample Collection | : | From STP Inlet & STP Outlet |
| 5. Purpose of Analysis | : | Monitoring |
| 6. Sample Collected/ Supplied by | : | By Lab Representative |
| 7. Sampling Procedure | : | As Per IS 3025 (P-1) |
| 8. Sampling Plan | : | 5.7 F-01 (B) |

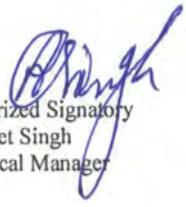
B. TEST RESULTS:

Sr. No.	Parameters	Results		General Std. Limits for Discharge (Inland Surface Water)	Test Method
		STP Inlet	STP Outlet		
1	Colour	Grayish	Colourless	N.S.	IS-3025(P-4)
2	Odour	Foul	Odourless	N.S.	IS-3025(P-5)
3	pH	6.59	7.25	5.5-9.0	IS-3025 (P-11)
4	COD, mg/l	1440.0	32.0	250	APHA 23rd Ed.5220-B
5	BOD (at 27°C for 3 days), mg/l	542.0	7.0	30	IS-3025 (P-44)
6	Total Suspended Solids, mg/l	1228	10	100	IS-3025 (P-17)
7	Oil & Grease, mg/l	16.3	<3	10	IS-3025 (P-39)
8	Sulphide,(as S) mg/l	6.2	<0.1	2	IS-3025 (P-29)

Note: N.S. Not Specified


Mgr. / Sr. Analyst
Akshay




Authorized Signatory
Ajeet Singh
Technical Manager

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2. This report should not be used in any advertising media without our special permission in writing.
3. Sample will be destroyed after retention time unless otherwise specified.
4. The results are related to the test items only.



UNIVERSAL ANALYTICAL LAB

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www.universallab.in, Mob.: +91 9992929181, +91 9729948882, +91 8569966516



CERTIFICATE NO. Q-1516-0450

AN ISO 9001 CERTIFIED & GOVERNMENT APPROVED LABORATORY

Report No: UAL/DH/-353/02/23

Date: 17/02/2023

Issued to:

MT Plot RWA
1st Floor, Shopping Arcade
Malibu Towne, Shona Road Gurgaon

Party's Ref No: Verbal

Dated: 11/02/2023

Lab Job Order No: 388-389/02/23

Period of Testing: 13/02/2023 To 17/02/2023

TEST REPORT

A. SAMPLE PARTICULARS:

- | | | |
|----------------------------------|---|-----------------------------|
| 1. Name of the Unit | : | MT Plot RWA |
| 2. Type of the Sample | : | Sewage Water Samples 2 |
| 3. Date of Sampling | : | 13/02/2023 |
| 4. Point of Sample Collection | : | From STP Inlet & STP Outlet |
| 5. Purpose of Analysis | : | Monitoring |
| 6. Sample Collected/ Supplied by | : | By Lab Representative |
| 7. Sampling Procedure | : | As Per IS 3025 (P-1) |
| 8. Sampling Plan | : | 5.7 F-01 (B) |

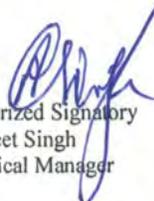
B. TEST RESULTS:

Sr. No.	Parameters	Results		General Std. Limits for Discharge (Inland Surface Water)	Test Method
		STP Inlet	STP Outlet		
1	Colour	Lt. Yellowish	Colourless	N.S.	IS-3025(P-4)
2	Odour	Foul	Odourless	N.S.	IS-3025(P-5)
3	pH	6.75	7.30	5.5-9.0	IS-3025 (P-11)
4	COD, mg/l	284.0	44.0	250	APHA 23rd Ed.5220-B
5	BOD (at 27°C for 3 days), mg/l	102.5	9.6	30	IS-3025 (P-44)
6	Total Suspended Solids, mg/l	196	13	100	IS-3025 (P-17)
7	Oil & Grease, mg/l	8.1	<3	10	IS-3025 (P-39)
8	Sulphide, (as S) mg/l	3.7	<0.1	2	IS-3025 (P-29)

Note: N.S. Not Specified


Mgr. / Sr. Analyst
Akshay




Authorized Signatory
Ajeet Singh
Technical Manager

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3. Sample will be destroyed after retention time unless otherwise specified.
4. The results are related to the test items only.

ANNEXURE R/9

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HSPCB

Haryana State Pollution Control Board,

C-11, Sector-6, Panchkula

Website - www.hspcb.gov.in

E-Mail - hspcb.pkl@sifymail.com

Tele No. - 0172-2577870-73

Regd. A. D.

No. HSPCB/2012/

2746

Dated:

20/3/2012

To

M/s Malibu Estate Pvt Ltd.
Malibu Town Sec - 47
Gurgaon

Sub:

Grant of Consent to operate for discharge of effluent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, from 01.04.2011 to 31.03.2012.

Please refer to your consent application for the year 2011-12 received through Regional Office Gurgaon Region vide letter No. 6134 dated 28/1/2011 and subsequent letter No. 822 dated 20/1/2012 received in this office on 31/1/2012 on the subject cited above.

With reference to your above application for consent for the discharge of domestic effluent into STP and trade effluent into Kanals under Water (Prevention & Control of Pollution) Act, 1974 hereinafter referred as the Act Ms. Acabme is hereby authorized by the Haryana State Pollution Control Board, to discharge their effluent arising out of their premises in accordance with the terms and conditions as mentioned below:-

1. The daily quantity of domestic effluent from the factory shall not exceed 280 KLD/day
-----Per day
2. The daily quantity of the industrial effluent (Process, floor & equipment wash, cooling and bleed water) from the factory shall not exceed Nil
KLD
3. The industry has been assessed for the purpose of Consent to operate fee with investment cost (land, building, plant and machinery) of Rs. 149.694m
-----Crore for the year 2010-11 in case the investment cost varies per the annual report for the years duly audited by the Chartered Accountant, the difference of Consent to operate /Licence fee if any, arises, the industry shall pay the same amount within one month of the receipt of notice from the Board in this regard.
4. The consent to operate shall be valid for the period upto 31.3.2012.

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-2-

5. 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 into STP & SP.
6. The industry would immediately submit the revised form 'L' 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 year 2011-12 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 form 'B' 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.

7. 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.
8. The industry shall apply for consent to operate for the year 2012-13 before one month of the date of expiry of the consent to operate.
9. The industry shall not discharge any altered quantity/quality of the trade/domestic effluent without prior permission of the Board.
10. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.
11. The industry shall pay the balance fee in case it is found due from the industry at any time later on.
12. In case the industrial unit uses the Municipal/HUDA/Industrial Estate Sewerage system for disposal of effluent for the final disposal they will submit the sewerage connection certificate.

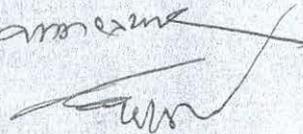
Contd.....3

M/s

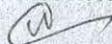
Malibu Estate on road, Sec. 4 Gurgaon

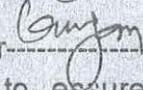
13. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall be automatically lapse.
14. The industry will plant minimum three varieties (Eucalyptus, Su Babul or any suitable variety) of trees in the vacant area.
15. The consent to operate under Air (Prevention & Control of Pollution) Act, 1981 should be obtained.
16. The consent to operate being issued provisionally only with a view to accommodate the unit to provide it an opportunity to modify its operations immediately so as to bring them in conformity with the law of the land.
17. The industry shall obtain Authorization under Hazardous Waste (Transboundary Management and Handling) Rules, 2008 as amended to date.
18. The industry shall install separate Energy Meter for ETP and also maintain log book for energy and chemical consumption.
19. The industry shall obtain permission from Irrigation Department for discharging effluent into any drain/water bodies.
20. The industry is closed temporary own its own, they shall inform the Board and obtain permission before restart the unit.
21. The industry shall provide non-leached storage facilities for storage of Hazardous Waste or dispose off same in the common facilities & will adhere to the norms laid down as per the amended notification under HWM Rules, 2008
22. The industry shall submit A/R once in 3 months in case of 17 categories and 19 categories L&M shall submit A/R once in 6 months.
23. The industry shall comply the Public Liability Insurance Rules, 1991, as amended to date.
24. The industry shall submit Environmental Audit /Report once in a year.
25. The industry shall obtain Environmental Clearance if applicable as per MOEF Notification.

- 4-
26. The industry shall inform to HO/RO office immediately by FAX in case of failure of ETP.
 27. In case of bye passing the effluent the consent to operate shall be deemed revoked.
 28. The industry shall comply all the Directions/ Rules/Instructions issue time to time by the Board.
 29. The unit will recycle/reuse treated effluent and endeavor to achieve zero discharge.
 29. Unit will operate ETP regularly & effectively.
 30. Consent so granted is without prejudice to the action to be taken in respect of past violation, if any.
 31. *Additional conditions are enclosed in annexure*


 Scientist C-I (HQ))
 for and on behalf of the Chairman
 Haryana State Pollution Control Board,
 Panchkula.

Endst. No. HSPCB/2012/

Dated : 

A copy of the above is forwarded to the Regional Officer-----  for information and necessary action please. He is also requested to ensure the compliance and report if there is any deficiency.


 Scientist C-I (HQ))
 for and on behalf of the Chairman
 Haryana State Pollution Control Board,
 Panchkula.



HARYANA STATE POLLUTION CONTROL BOARD

Plot No. C-11, Sector-6, Panchkula

Phone : 0172-2577870-73, Fax : 0172-2581201-02

e-mail: chmnhspcb@hotmail.com

REGD. Ad

No. HSPCB/Air Consent/ 2748

Dated : 27/3/2012

To,

M/s Maliba Estate Pvt Ltd
Maliba town sec 47 Gurgaon

Sub: Grant of Consent for emission of Air under section 21/22 of the Air (Prevention and control of Pollution) Act, 1981, as amended to date from 1/4/2011 to 31/3/2012

Please refer to your consent application from-1 Recd. through Regional office Gurgaon vide his letter No. 6434 Dated 28/1/2011 and subsequent clarification vide letter No. 8207 dated 27/1/2012 received in this office on 3/1/2012 on the subject noted above.

With reference to your above application for consent for the emission/continuation of emission of SPM

air pollutions into Atmosphere under the Air (Prevention and Control of pollution) Act, 1981 hereinafter referred as the Act.

M/s. As above

are authorised by the Haryana State Pollution Control Board authorised to act as the State Board for the prevention and Control of Air, Act 1981 under Section 4 to discharge their Air Pollution being emitted out of their factory premises in accordance with the conditions as mentioned below:-

1. The applicants shall maintain good house keeping both within the factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leakproof. In plant allowable pollutants levels, If specified by State Board should be met strictly.
2. Two or more ducts with different nature of exhaust gases should neither be intermixed not be passed through a common chimney.
3. Adequate facilities should be provided for sampling viz sampling holes at specified locations and dimension platform of specified size and strength fully arrangements, electric connection and also provide sampling ports in stack etc.
4. 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 this consent order.

5. The disturbed condition in any of plant/plants of the factory which is likely to result increased emission or result in violation of emission standards mentioned in condition No. 7, 9, 15, 24, toshall be forthwith reported to this Board telegraphically under intimation to the Member Secretary, Haryana State Pollution Control Board, Haryana.
6. The toxic chemicals materials should be handled with due safety. The storage of toxic chemicals should be such that incase of emergency the chemicals could be transferred to other empty tank automatically and which should be followed by an approved air pollution control equipment designed for worst conditions.
7. A green belt (having sufficient tall and dense tree) around the factory should be provided under intimation and approval of the Board.
8. All processes using toxic chemical/harmful gases should be equipped with an emergency siren system in working conditions for alarming the general public in case of any untoward incident.
9. The applicant shall furnish to all visiting officer and/or the State Board, any information regarding the construction/installation or operation of the establishment or emission control system and such other particulars as may be pertinent to prevention and control of air pollution. The industry shall also maintain and make available inspection book to the officers of the Board during their visits.
10. The air pollution control equipment of such specifications which shall keep the emissions within the emission standard as approved by the State Board from time to time shall be installed and operated in the premises where the industry in carrying on/proposed to carry on its business.
11. The existing air pollution control equipment if required shall be altered or replaced in accordance with the direction of the Board.
12. All solid wastes arising in the factory premises shall be properly graded and disposed of by :-
 - (i) Land fill case of in material, care being taken to ensure that the material does not give rise to lechate which may percolate in ground water of carried away with storm run off.
 - (ii) Composting is case of bio degradable materials.
 - (iii) If the method of incineration is used for the disposal of solid waste the consent application should be processed separately and it should be taken up which consent is granted.
13. The industry shall submit an affidavit to the effect that the above conditions shall be complied with by them duly attested by 1st class Magistrate/Notary Public/Oath Commissioner.
14. The applicant shall make ensure that the emission of the air pollutant shall remain with in emission standards as approved by the State Board from time to time.
15. The applicant shall make an application for grant of fresh consent at least 30 days before the date of expiry of this consent.
16. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant along with the consent application.
17. The applicant shall either:-
 - (a) Not later than 30 days from the date of consent order, certify in writing to the Member Secretary that the applicant had installed or provided for alternate electric power source sufficient to operate all the facilities installed by the applicant to maintain compliance with the terms and conditions of the consent.
 - (b) Not later than 30 days from the date of this consent certify in writing to the Member Secretary that upon the reduction loss or failure of one or more of the primary source of

electric power to any facilities installed by the application to maintain compliances with the term and conditions of this consent, the application shall proportionally reduce or otherwise control production and/or all emissions in order to maintain compliance with terms and conditions of this consent.

18. There should not be any fugitive emission from the premises.
19. The Liquid effluent arising out of the operation of the air pollution control equipment shall also be treated in a manner and to the standards stipulated in the consent granted under Water (Prevention and Control of Pollution Act. 1974 by this Board.)
20. If due of 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.
21. If the industry fails of adhere to any of the condition of this consent order, the consent so granted shall automatically lapse.
22. The consent under water (Prevention and control of Pollution) Act. 1974 and authorization under H.W (M & H) Rules, 1989.
23. (a) The industry shall discharge all the gases through a stack of minimum height.
(b) the height of stack shall conform to the following criteria.
(i) $H = 14.Q.0.3$ Where sulphur-dioxide is emitted.
Q = Sulphur dioxide emission as K/hr.
(ii) $h = 74 Q^{27}$ where particulate matter is emitted.
Q = particulate matter emission as tonne/hr. If by using the formula given above the stack height arrived is more than 9 m then this higher stack should be used.
(iii) The minimum stack height should not be 30 Mts.
24. Nothing is this consent shall be deemed to preclude the instruction of any legal action nor receive the applicant form any responsibility. Liabilities of penalties to which the applicant is or may be subject.
25. The industry shall maintain the following record to the satisfaction of the Board.
(a) The industries shall install seperate energy meter and maintain log books for running or all air pollution control devices or pumps/motors used for running of the same.
(b) Register showing the results of various tests conducted by industry for monitoring of stack emission and ambient air.
26. The industry shall provide adequate arrangement for fighting the accidental leakages discharge of any pollutants gas/liquids from the vessets, mechanical equipment etc. Which are likely to cause environment pollution.
27. The consent being issued by the Board as above doesn't imply that unit performance conforms to law as required.

The consent is being issued Provisionally only with a view to accommodate the unit to provide it an opportunity to modify its operation immediately so as bring them in coformity with the law of the land.
28. The industry shall provide non-leached storage facilities for proper disposal of Hazardous wastes.

29. The industry shall provide acoustic chambers QW DG sets to control noise pollution and ensure noise level with the permissible limit.
30. The industry shall submit A/R with in 3 months in case of 17 categories and once in 6 months 19 categories L & M and keep all the parameters with in limit.
31. The industry shall submit on site/off site emergency plan.
32. The industry shall comply the public liability insurance Rule, 1991 as amended to date.
33. The industry shall submit Environmental Audit report once in a year.
34. The industry shall comply noise pollution (Regulation and control) rules. 2000.
35. The industry shall install ambient Air station in case of 17 & 19 categories large & medium.
36. The industry shall obtain environmental clearance if applicable as per MOEF notification.
37. The industry shall inform to HO/ RO office immediately by FAX in case of failure. of APCM.
38. In case of by passing the emission, the consent shall be deemed revoke.
39. The industry shall comply all the direction/Rules/Instructions issue time to time by the Board.

40. Additional conditions is enclosed as annexure

Scientist C-5 (10)
 For and on behalf of the Chairman
 Haryana State Pollution Control Board
 PANCHKULA

Endst. No. HSPCB/Air Consent/

Dated : _____

A copy is forwarded to the Environment Engineer *Lawson* for the information and necessary action. It is requested to keep a watch for compliance & report if there is any deficiency.

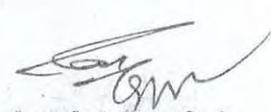
For and on behalf of the Chairman
 Haryana State Pollution Control Board
 PANCHKULA

M/s

Maliba Estate and Buyer

Annexure

1. The unit will operate its STP/ETP/APCM regularly and keep all parameters within prescribed limits and maintain non-leachate Hazardous Waste facility properly.
2. The unit will comply with provisions of all environmental laws including Water Act, Air Act, and HWM Rules etc. and comply with the directions issued by the MOEF/CPCB/State Govt./HSPCB/Hon'ble Courts from time to time.
3. The unit will plant adequate No. of trees i.e. 500 within the premises and maintain 25-30% area as green belt.
4. The unit will submit analysis report of effluent/Air emissions once in a year from the recognized laboratory of the Board
5. Unit will submit details regarding cess verification and cess amount deposit in Board within 30 days.
6. The unit will obtained clearance from Forest department & other concerned authorities, if land of project is falls under section 4 & 5 of PLPA, 1900 & other notifications of Forest Department.
7. That if the land of the unit falls under section 4 & 5 of PLPA, 1900 & is within 500 meters from Mavall Plantation and other Notification of Forest Department then consent so granted will deemed to be cancelled.
8. That the consent so granted is without prejudice to the action to be taken in respect of past violations, if any.
9. The unit will be recycle/reuse the treated Water of ETP/STP by installing RO plant based on cleaner technology to achieve zero discharge .
10. In case at any point from time the unit will violating the pollution norms and failed to adhere the conditions of the consent, the consent so granted shall become invalid and further action shall be taken as per law.

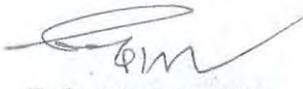

 Scientist (C-4, H-1)
 For Chairman

M/s

Malibu Estate and Buyer

Annexure

1. The unit will operate its STP/ETP/APCM regularly and keep all parameters within prescribed limits and maintain non-leachate Hazardous Waste facility properly.
2. The unit will comply with provisions of all environmental laws including Water Act, Air Act, and HWM Rules etc. and comply with the directions issued by the MOEF/CPCB/State Govt./HSPCB/Hon'ble Courts from time to time.
3. The unit will plant adequate No. of trees i.e. 500 within the premises and maintain 25-30% area as green belt.
4. The unit will submit analysis report of effluent/Air emissions once in a year from the recognized laboratory of the Board
5. Unit will submit details regarding cess verification and cess amount deposit in Board within 30 days.
6. The unit will obtained clearance from Forest department & other concerned authorities, if land of project is falls under section 4 & 5 of PLPA, 1900 & other notifications of Forest Department.
7. That if the land of the unit falls under section 4 & 5 of PLPA, 1900 & is within 500 meters from Aravali Plantation and other Notification of Forest Department then consent so granted will deemed to be cancelled.
8. That the consent so granted is without prejudice to the action to be taken in respect of past violations, if any.
9. The unit will be recycle/reuse the treated Water of ETP/STP by installing RO plant based on cleaner technology to achieve zero discharge .
10. In case at any point from time the unit will violating the pollution norms and failed to adhere the conditions of the consent, the consent so granted shall become invalid and further action shall be taken as per law.


Scientist (H.O.)
For Chairman



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR 6, PANCHKULA
PH- 2577870-73
E-mail: hspcb.pkl@sify.com

Regd.A.D.

NO.HSPCB/2011/ 2750

Dated:-

20/3/11

To

M/s Malibu State Ch Ud.
Malibu Town Sector-47
Gurgaon

Sub: Authorization for operating a facility for collection, reception, treatment, storage, transportation and disposal of hazardous wastes.

Please refer to your Authorization application form received through Regional Officer, Gurgaon vide his letter No.HSPCB/8207 dated 28/1/2011, received in this office on the subject noted above.

1. Number of authorization and date of issue as above.
2. M/s as above is hereby granted an authorization to operate a facility for collection, reception, treatment, storage, Transportation and disposal of hazardous wastes on the premises situated at as above
3. The authorization granted to operate a facility for collection, reception, treatment, storage, transportation and disposal of hazardous wastes.
4. The authorization shall be in force for a period of upto 31/3/2012
5. The authorization is subjected to the conditions stated below and such conditions as may be specified in the rules for the time being in force under the Environment (protection) Act, 1986.

TERMS AND CONDITIONS OF AUTHORIZATION

1. The authorization shall comply with the provisions of the Environment (protection) Act, 1986 and the rules made thereunder.
2. The authorization or its renewal shall be produced for inspection at the request of an officer authorized by the State Pollution Control Board.
3. The person authorized shall not rent, lend, sell transfer or otherwise transport the hazardous wastes without obtaining prior permission of the State Pollution control Board.
4. Any unauthorized change in personnel, equipment as working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorization.
5. It is the duty of the authorized person to take prior permission of the State Pollution Control Board to close down the facility.
6. An application for the renewal of an authorization shall be made as laid down in rule 5(6)(ii).
7. The unit should have the necessary facilities for collection, reception, treatment, Transport and disposal of such wastes under the rule. In case of deadly toxic wastes such as Cyanide, Chromium, Nickel, Zinc, etc., the unit shall make arrangement for the pre-treatment before dumping it in the disposal site so that the toxic element does not leach down to pollute the underground water resources.
8. Each unit shall have its own disposal at his site own costs at his own premises for the disposal of these wastes for a period of at least two years. In case he does not have any land in his premises, then shall make appropriate alternative arrangement. The site for

the disposal of hazardous waste should be developed to the extent of 10 to 15 feet deep by making pucca cemented impervious/non-leachate lining, properly guarded with branded wire alongwith display of sign board of the size 4'x5' giving clear indication of nature of toxic waste main constituents, harmful effects and remedial/antidotes for the awareness of the public.

9. The collection, reception and transportation of hazardous waste shall be carried out by the authorized person/personnel, fully trained for this purpose. The unit shall ensure the proper usage of safety measures such as providing of gloves, gum boots, face masks, goggles etc to the workers engaged in the handling of hazardous waste.
10. The authorization so granted shall be cancelled or suspended by the Board after giving an opportunity of being heard to the occupier if the unit fails to comply with any conditions of grant of authorization under these rules.
11. Used containers should be pre-cleaned by neutralizing and cleaning agents/solvents/chemicals in the presence of the Regional Officer concerned.
12. The occupier shall not sell or transfer such waste on payment or without payment to any unauthorized person who do not hold any authorization.
13. The unit shall maintain the record of hazardous wastes at the facility on Form-III submit reports regarding disposal of hazardous waste Form-IV, statement regarding accident etc and measures taken in emergencies on Form-V Notification and movement of Document of Form-VI and record of import of hazardous wastes of Form VII.
14. The occupier of the unit shall give an undertaking on the Non-judicial Stamp Paper of Rs 3.00 duly attested by the 1st Class Magistrate that the occupier shall dispose of hazardous waste only within the site developed by it and not at any place/ public place.
15. The authorization shall be subject to any conditions or instructions imposed by the Govt. of India.
16. The unit shall not dispose any Hazardous waste at any other Public Place.
17. The unit shall store the Hazardous Waste till the specified site for Hazardous Waste disposal are developed by the competent authority.
18. Unit will maintain its non-leachate pucca storage site properly.
19. The unit will comply with provisions of all Environmental laws including HWM Rules etc. and comply with the directions issued by the MOEF/CPCB/State Govt./HSPCB/Hon'ble Courts from time to time.

Endst.No.HSPCE/2011/

A copy is forwarded to the Regional Officer, _____ for information and necessary action. He will ensure compliance of above conditions.

Dated:

Burjor

[Signature]
Scientist C-I (HQ)
For Chairman

[Signature]
Scientist C-I (HQ)
For Chairman



HARYANA STATE POLLUTION CONTROL BOARD

Gurgoan 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. 5199041 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. Diesel	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.*



Service in Haryana State Pollution Control Board Vs. M/s Malibu Estate Pvt. Ltd. & Anr. [Appeal No. 05 OF 2024]

1 message

ELDF <eldflegal@gmail.com>
To: rkhuranalegal@gmail.com
Cc: Shubham Upadhyay <Shubham@eldfindia.com>

Sat, May 24, 2025 at 5:22 PM

Dear Sir,

Please find attached copy of the Reply on behalf of Respondent No. 01 M/s Malibu Estate Pvt. Ltd.

Thanks & Regards

--

Sameer Manher

Clerk

Enviro Legal Defence Firm

29, Presidential Estate LGF,

Nizamuddin East New Delhi – 110013

Ph. No. 011-40573181

**Reply on behalf of Respondent No. 1 Malibu Estate.pdf**
15473K