

**Before The Hon'ble National Green Tribunal,
Principal Bench, New Delhi**

Original Application No. 881 of 2022

IN THE MATTER OF:

Rajinder Krishan SharmaPetitioner

Versus

Union of India & OthersRespondents

**REPLY ON BEHALF OF RESPONDENT NO.4 i.e.
HARYANA STATE POLLUTION CONTROL BOARD**

MOST RESPECTFULLY SHOWETH:

1. That the present reply is being filed on behalf of answering respondent through Sh. Kuldeep Singh, Regional Officer, Haryana State Pollution Control Board, Gurgaon (North) who is authorized and competent to file the present reply.
2. That in this OA No. 881 of 2022, Hon'ble NGT has ordered that
"The applicant has submitted that the Government of Haryana notified Nathupur Bund as protected forest vide Government of Haryana notification no. S.O 251/C.A.16/27/S.29/81 dated 02.12.1981 and Nathupur drain, on which the above said bund is constructed as protected vide Government of Haryana notification No. S.O.71/C.A.16/27 /829/85 dated. 05.07.1985. Protected forest area measuring 4484 square meters of Sikanderpur- Nathupur Bund involving khasra numbers 526, 527, 528, 529 and 534 of Village Nathupur had bats no. 67, which also constituted part of Nathupur drain, was illegally diverted by Mr. Raj Singh Gehlot, Director of Ambience Island Lagoon Apartments, Gurgaon for non-forestry activity. As per the provisions of the Forest Conservation Act, 1980, prior approval of Government of

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India, Ministry of Environment, Forest & Climate Change was necessary. The Project Proponents willfully avoided to seek Forest and Environmental Clearances to avoid the process of public hearing and mandatory requirements of compensatory forestation. The damage report bearing no. 29065 dated 14.05.2008 was issued against Mr. Raj Singh Gehlot, Director of Ambience Island Lagoon Apartments, Gurgaon for violating the provisions of the Indian Forest Act 1927 and Prosecution Case no. 7G/0809 was filed against him. Mr. Raj Singh Gehlot filed CRM no. 34200 of 2012 in the High Court of Punjab and Haryana for quashing of criminal proceedings against him. Mr. Raj Singh Gehlot submitted proposal to the Forest Department of Haryana for regularization of the violations reported against him vide damage report no. 29065 dated 14.05.2008 and prosecution case no. 7G/0809 of Special Environment Court, Faridabad which was processed by the DO Gurgaon and submitted to PCCF Haryana for onward submission to Government of India for approval as per section 2 of the Forest Conservation Act, 1980. Representation on behalf of M/S Ambience Developer and Infrastructure Pvt. Ltd. was submitted to Principal Secretary Forests, Haryana. This representation sacking waiver of penal CA charges was forwarded to PCCF Haryana vide PS Forest and wildlife letter no. 2797 dated 17.09.2015. The Principal Chief Conservator of Forest, Haryana, fraudulently in collusion with the accused, decided the representation vide his office letter no. NT/D.1116381/4344 dated 16.10.2015 and cancelled damage report (DR) no. 29065 dated 14.05.2008 against Mr. Raj Singh Gehlot and directed withdrawal of the prosecution case. The PCCF Haryana also cancelled the FCA case no. FR/HR/Others/13983/2015 submitted by M/S Ambience Developer and Infrastructure Pvt. Ltd. on the ground that no forest land was involved. However, the Government of Haryana decided that letter no. NT/D-111-6381-4344 dated 16.10.2015 be withdrawn. In compliance with above orders of the Government, the PCCF Haryana vide office letter no. Admin/ D-111-6381/6164 dated 19.01.2016 issued the withdrawal of office letter no. NT/D-111-6381-4344 dated 16.10.2015 accordingly. The Government of Haryana buckled under pressure of the accused and vide Additional Chief Secretary, Forest Department letter no.

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4346-FT-52015/4852 dated 31.03.2017 directed that letter no. NT/D-111-6381/4344 dated 16.10.2015 be restored and letter no. Admn-D-111-6381/6164 dated 19.01.2016 be withdrawn. In compliance with the above orders of the Government, the PCCF, Haryana issued order no. NT/D-111-6381/81 dated 12.04.2017. On withdrawal, the prosecution case was dismissed as withdrawn by the Special Environment Court, Faridabad vide orders dated 23.05.2017. The applicants have submitted that the damage report no. DR. 29065 dated 14.05.2008 against Mr. Raj Singh Gehlot and the FCA case FR/HR/Others/ 13983/2015 submitted by M/S Ambience Developer and Infrastructure may be revived. The Project Proponents are liable to pay compensation and ensure restitution of the damaged environment. The applicants have further submitted that the forest land is still being used for non-forestry purposes and the offence is of continuing nature."

3. That by way of the present OA, the applicant has contended that Ambience Island Lagoon apartment through M/s Ambience Developers & Infrastructure Pvt. Ltd. L-4 Green Park extension New Delhi under the authority of Mr. Raj Singh Gahlot S/o Sh Nihal Singh has made diversion of notified protected forest and along SIKANDERPUR - NATHUPUR BUNDH AND NATHUPUR DRAIN by constructing large scale commercial building by diverting 4486 Sq. meter land along Sikanderpur - Nathupur Bundh & Nathupur Drain in the violation of the provision of the Indian Forest Act 1927 & The Forest Act of 1980. These contentions are solely concerned with the respondent No. 9 & 10.
4. It is submitted that short reply is being filed at present stage and liberty is being craved to file detailed para-wise reply as and when need arise with the permission of this Hon'ble Tribunal.
5. That the allegations of the applicant that the answering respondent has miserably failed to perform its duties due to financial interests of its authorities are wrong, false, fake and bogus. It is humbly submitted that the Forest

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department has to take action, in case of violation of Indian Forest Act 1927 & The Forest Act of 1980.

In view of the above stated facts & circumstances, it is humbly prayed that the present OA kindly be dismissed qua the answering respondent.


Regional Officer
Haryana State Pollution Control Board
Gurugram (North)
Regional Officer
Haryana State Pollution Control Board
GURGAON (North)

Date: 10.03.2023
Place: Gurugram

Verification:

Verified that the contents of Para no 1 to 5 of reply are true and correct to my knowledge and based on the information derived from official record. Legal submission are made on the basis of legal advice. No part of it is false and nothing material has been concealed therein.


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