

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 639/2024

IN THE MATTER OF:

SUNIL KUMAR GUPTA & ORS.

... APPLICANTS

VERSUS

DIRECTOR, DEPARTMENT OF TOWN

& COUNTRY PLANNING (DTCP)-HQ & ORS.

... RESPONDENTS

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RESPONDENT NO. 6

THROUGH

**GAURAV GUPTA
ADVOCATE**

**B-33, LOWER GROUND FLOOR,
SOUTH EXTENSION – PART II**

NEW DELHI – 110049

+91 9958444233

gaurav@gauravgupta.net.in

PLACE: DELHI

DATE: 24.07.2025

IN THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****O.A. NO. 639/2024****IN THE MATTER OF:**

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**REPLY ON BEHALF OF RESPONDENT NO. 6 – M/S. AVL
INFRASTRUCTURE PVT. LTD TO THE CAPTIONED APPLICATION*****MOST RESPECTFULLY SHOWETH:***

1. The captioned complaint has been filed in respect of the project developed by the present Respondent, but already having been handed over to the Apartment Owners Association. The Respondent has thus fulfilled all his legal and statutory obligations towards the project and is therefore not responsible for the shortcomings, if any, in the project. The present Reply is being filed by the Respondent through its Managing Director, Mr. Virender Singh Dhanda. A copy of the Board Resolution of the Reply in favour of Mr. Virender Singh Dhanda is annexed herewith and marked as **ANNEXURE – A.**

2. It is also humbly stated that the Respondent has not been provided with copies of the reports furnished by Respondents No. 1 – 5 before this Hon'ble Tribunal and therefore, the Respondent is presently only submitting this limited response. The Respondent prays that the said reports may kindly be supplied to him and it may be given an opportunity to file a more detailed response rebutting the same.

Preliminary Submissions:

3. The Applicants appear to have alleged that the mandated green cover of 23.51% has been compromised by the Project Proponent by alleged unauthorised construction of concrete and temporary/ permanent pavements/ structures within designated green areas in violation of EC/ OC & CC conditions. It has further been alleged that there has been unauthorised illegal construction in stilt areas of Tower 6, 16/17 and 4 in violation of the approved building plan, STP is not properly working and there is absence of designated and developed site for solid waste management in violation of EC/ OC & CC conditions.
4. The present Respondent was even issued a Show Cause notice dated 21.01.2025 by HSPCB wherein it was stated that during an inspection on 21.01.2025, certain deficiencies had been observed as per Section 31A of the Air (Prevention and Control of Pollution) Act, 1981/ 33A of Water (Prevention and Control of Pollution) Act, 1974. The Respondent duly replied to HSPCB vide reply dated 04.02.2025. A copy of the Show Cause Notice dated 21.01.2025 and its reply dated 04.02.2025 are annexed herewith and marked as **ANNEXURE – B (Colly)**.

5. A representation was also submitted by the present Respondent in the office of DTP (Enforcement), Department of town & Country Planning Gurugram, after they visited the site for inspection as to how there have been no deficiencies on the part of the Respondent, details of which have been discussed in detail in the present Reply. A copy of the Representation is annexed herewith and marked as ANNEXURE – C.

6. At the outset, it is submitted that the Respondent is a completely law abiding entity in the space of building group housing projects with modern technology which provide spacious and eco-friendly living comforts with aesthetic and efficient use of space as the focal point of all the Respondent's projects. The Project 'AVL36GURGAON' the project developed by the Respondent is a leading, 'State of the Art' and exemplary affordable project constructed before time under Government of Haryana's Affordable Housing Policy, 2013 at Gurugram. Not only was the project been completed in record time, but the project in fact also stands out in terms of its quality, when compared to any such other project.

7. The Director, Town and Country Planning, Chandigarh, Haryana granted group housing licenses bearing No.: 18 of 2014, Dated- 10-06-2014 & No.: 74 of 2014 Dated- 01-08-2014 to the licensee, under The Haryana Development and Regulation Urban Areas Act, 1975 and Rules made there under.

8. The project drawings were approved/ sanctioned by the Directorate, Town & Country Planning, Haryana, in accordance with the applicable parameters, vide memo no. ZP-1003/AD

(RA)/2014/20245 Dated 27-08-2014, consisting of residential, community and commercial buildings.

9. The Environmental Clearance by SEIAA Haryana was granted to the project vide No.: SEIAA/HR/2015/512 dated 24-11-2015 as per the provisions provided under the EIA Notification, 2006 subject to Specific Conditions and General conditions. A Copy of the 'Environmental Clearance' dated 24.11.2015 is enclosed herewith and marked as is annexed herewith and marked as **ANNEXURE – D**.
10. The Respondent Company, M/s. AVL Infrastructure Private Limited floated the affordable housing project for general public on the scheduled licensed Land under the name and style of 'AVL36GURGAON' in accordance with the terms and conditions of Affordable Housing Policy-2013, notified by the Town & Country Planning Department, Government of Haryana vide notification number PF-27/ 48921 dated 19.08.2013 (hereinafter referred to as the "Policy or AHP-2013").
11. In respect of the compliance with Clause: 1, Part A-Specific Conditions (Construction Phase) of the Environmental Clearance dated 24.11.2015, it is humbly submitted that the 'Consent to Establish' from Haryana State Pollution Control Board for the said Affordable Project in compliance of above mentioned Clause: 1 of the Environmental Clearance dated 24.11.2015 was obtained vide memo no.: HSPCB/Consent/: 2821216GUSOCTE2410493 dated 02-01-2016 to commence the construction at site. A Copy of 'Consent to Establish' dated 02-01-2016 is annexed herewith and marked as **ANNEXURE – E**.

12. Upon completing the construction and development of complete civic infrastructure but not limited to internal development works within the said Project, which *inter alia*, includes laying down of roads, water lines, sewer lines, electrical lines etc, before time, of the affordable group housing project as per affordable Policy and fulfilling due observance and performance of such laid down conditions and restrictions of applicable laws, approvals, Environmental Clearance, building bye-laws etc., the Respondent filed the application(s) for grant of Occupation Certificate on 18.10.2019 & for Completion Certificate on 19.11.2019 in the office of Directorate, Town & Country Planning Department Chandigarh Haryana.
13. Thereafter, the Respondent was duly granted full Occupation Certificate on 17.12.2019 & Completion Certificate on 10.11.2022 of the said Project, thus showing that no deviations of any kind were found in the project by any concerned department.
14. The relevant paragraphs of the Occupation Certificate dated 17.12.2019 regards the status of the buildings construction, internal civic infrastructure and utilities/ facilities provided in the said Project are reproduced below:

“I hereby grant permission for the occupation of the said buildings, after considering NOC from fire safety issued by Director General, Fire Services, Haryana, Panchkula, Environment Clearance issued by State Environment Impact Assessment Authority, Haryana, Structure Stability Certificate given by Er. Sharad Gupta, M. Tech.

(Structure), Public Health Functional reports received from Chief Engineer-I, HSVP, Panchkula & Certificate of Registration of lift issued by Inspector of Lifts-cum-Executive Engineer, Electrical Inspectorate, Haryana.....”

“3. That you shall apply for the connection for disposal of sewage, drainage & water supply from HUDA as and when the services are made available, within 15 days from its availability.....”

15. Thus, it is only upon various certification, NOCs granted, the Directorate Town & Country Planning granted Full Occupation Certificate to the said Project vide Memo No.: ZP-1003/JD (NC)/2019/31173 Dated 17.12.2019. A Copy of ‘Occupation Certificate’ dated 17.12.2019 is annexed herewith and marked as **ANNEXURE – F.**

16. Furthermore, Clause No.: 2, of the Completion Certificate granted by Directorate Town and Country Planning Haryana is reproduced below:

“Whereas Chief Engineer, HSVP, Panchkula vide memo no.: 229334 dated 24.11.2019 has confirmed that the services with respect to above said colony have been got checked and found that all the public health services have been laid as per approved services plan estimates and are operational/ functional. Senior Town Planner, Gurugram vide memo no.: 6466 dated 23.12.2019 has also confirmed about laying of the colony as per approved plans.”

17. Thus, it is stated that upon complete satisfaction of competent departments regarding status of development works in the aforesaid project, as indicated on the 'As Built Drawings', which is duly signed by the Director Town & Country Planning, full Completion Certificate vide Memo No.: LC-3036/Asst. (MS)/2022/33759 Dated 10.11.2022 was granted to the Respondent. A Copy of 'Completion Certificate' dated 10.11.2022 is annexed herewith and marked as ANNEXURE – G.

18. In this regard, it is relevant to refer to Clause: 32, Part A-Specific Conditions (Construction Phase) of the Environmental Clearance dated 24.11.2015. In compliance of clause 32 (not limited to development of complete civic infrastructure in terms of the Environmental Clearance dated 24-11- 2015), upon receipt of full Occupation Certificate on 17-12-2019, the possession of all approved Flats in the said Project was offered to respective allottees by the Respondent on 24.12.2019 as per The Real Estate (Regulation and Development) Act 2016, Flat Buyer's Agreement(s) executed with respective allottees, the Haryana Apartment Ownership Act, 1983, The Haryana Development and Regulation Urban Areas Act, 1975 and Rules made there under.

19. The Respondent is also in due compliance with Clause: [a], Part A-Specific Conditions (Operational Phase) of the Environmental Clearance dated 24.11.2015, it is relevant to mention that to obtain Consent to Operate, the Respondent applied in the office of Haryana State Pollution Control Board (HSPCB) on 06.01.2020. Upon through inspection of installed STP, equipment thereof not limited to verification(s) of compliances of Part A-Specific Conditions

(Construction Phase), submission of six monthly compliance report as per stipulated conditions of Environmental Clearance dated 24.11.2015, the Haryana State Pollution Control Board(HSBC) granted the 'Consent to Operate' vide memo no.: HSPCB/Consent/: 329962320GUSOCTO7138223 on 04-02-2020. A Copy of the 'Consent to Operate' dated 04.02.2020 is annexed herewith and marked as ANNEXURE – H.

20. As per mandatory conditions under the Real Estate (Regulation and Development) Act 2016 and rules thereunder, the said Project is registered with the Haryana Real Estate Regulatory Authority being its registration No.-106 of 2017 vide Memo No.- RERA (Reg.) 517/2017/793 Dated 24-08-2017. It is submitted that the Real Estate (Regulation and Development) Act, 2016 (RERA Act) enacted by Parliament of India confers several rights & obligations upon Developers, Allottees & Association of Allottees. A Copy of Haryana Real Estate Regulatory Authority 'Registration Certificate' dated 24-08-2017 of the Respondent is annexed herewith and marked as ANNEXURE – I.
21. After obtaining the occupancy certificate on 17-12-2019 and handing over physical possession to the allottees on 24-12-2019, as per law, the Respondent handed over the necessary documents and plans, including common areas, to the association of the allottees in compliance of the Real Estate (Regulation and Development) Act 2016 and Flat Buyer's Agreement(s) executed with respective allottees.
22. It is submitted that upon registration of Association by apartment owners in the month of May, 2020 vide Reg. No.: HR-018-2020- 02481, the said

Association requested under sub section 19(4) of the RERA Act to the Developer to handover the day-to-day running and operation of services and utilities, common area etc. along with necessary approvals/ NOCs granted to the said Project by competent Departments/ Authorities/ Boards. It is stated that upon satisfaction of the Association regards common areas and facilities, provided by the Developer in the said Project, the Association requested the Developer to proceed and complete the formalities of Handing- over Taking-over of the Common areas and Facilities to the Association. A Copy of the 'Association Letter' dated 27-05-2020 is annexed herewith and marked as ANNEXURE – J.

23. Upon completion of formalities of Handing-over Taking-over, the Handing- over Taking-over document was signed on 01.06.2020 with the Association. The said document dated 01.06.2020 contained the following recital/disclosure:

“AND WHEREAS the Developer offered the Association to Hand-Over the common areas & facilities subject to the association undertaking that it shall be solely responsible and liable for violations, if any, of the provisions of the law of the land and applicable rule, regulation or direction by the competent authority and that the Association shall indemnify the Developer for any liability and/or penalty in that behalf. Upon confirmation by the Association that it is fully satisfied with the common areas & facilities provided in the project vis-à-vis declared in the registered Deed of Declaration (subject to amendments(s) therein) executed and duly registered by the Developer. The Developer initiated the completion of formalities of handing over taking over of common areas and facilities provided in the project to fulfill its

obligations and responsibilities under the Haryana Apartment Ownership Act, 1983 and/or under any law(s) applicable on the Project.”

By handing-over the common areas and facilities of the Project for day-to-day running and operations to the said Association falling under Allottee(s)/ Association scope as per Flat’s Buyer Agreement, the Respondent has also complied with Sections 11(4)(e) & 17 (2) of the Real Estate (Regulation and Development) Act, 2016. A Copy of the ‘Handing-over Taking-over dated 01.06.2020 is annexed herewith and marked as **ANNEXURE – K.**

24. In light of the above, it is respectfully reiterated that the affordable Group Housing Project “AVL36GURGAON”, developed along with complete civic infrastructure is a leading, ‘*State of the Art*’ and exemplary affordable group housing project constructed before time under Government of Haryana’s Affordable Housing Policy AHP-2013 in Gurugram Haryana.
25. The said Project has been developed & completed in consonance with applicable laws. The internal civic infrastructure/ services were developed & completed as per approval by competent departments/ authorities/ boards. The necessary NOCs/ Consents are granted to the said Project under applicable laws upon inspection and verification of fully functional internal civic infrastructure of the colony by competent departments/ authorities/ boards etc. All compliances under the granted licenses have been fully complied, and there is nothing due on part of the Developer.

26. The External Development Charges (EDC) to develop external infrastructure in the surroundings of the project, i.e. for main public health services, roads etc., was duly deposited in full with the Government well within time.
27. DTCP Haryana has grant full Occupation Certificate & Completion Certificate to the Project. The responsibility to develop External Development Infrastructure in the periphery of the Project lies with the competent Departments/ Authorities of the Haryana Government.
28. For development of external main public health services, roads, public amenities, the Respondent has been requesting & reminding regularly to the Competent Authorities/ Departments to develop the External Development Infrastructure in the periphery of the fully occupied by needy beneficiaries of the affordable housing Project.
29. Therefore, it is respectfully reiterated that the Handing-over Taking-over of common areas and facilities provided in the said affordable Project have been completed on 01.06.2020 by signing the documents in respect thereof under applicable laws. The day- to- day running and operation of services and utilities, common area etc. of the said Project is being managed by the Association of the allottees itself. The terms and conditions of the licenses and compliances there under, terms and conditions of flat buyer's agreements are duly complied.
30. It is pertinent to note that the complainant(s) have mischievously merged the violations alleged against Apartment Owners Association & the Developer.

31. Regarding the alleged violations, it is respectfully submitted that the said affordable project has been developed in compliance with all applicable laws and there is no violation / breach of any law / regulation whatsoever that has been committed in relation to this project by the Respondent.
32. On completion of construction of the project, including execution of internal development works at site, as per approved building plans and in accordance with the 'use' defined in the approved zoning regulations/ zoning plan, building bye-laws and regulations, terms & conditions of the licenses and in accordance to the National Building Code in regard with structural safety, fire safety, sanitary requirements and circulation i.e. vertical as well as horizontal circulation, the Respondent duly applied to the concerned department seeking issuance of occupation certificate on 18.10.2019.
33. It is submitted that it was only after a detailed and thorough inspection of the entire completed construction as also of the execution of the internal development works, development of open spaces including carrying out landscaping in accordance with the 'use' defined in the approved zoning regulations/ zoning plan and only upon being fully satisfied that the development of the project was carried out strictly in terms of approvals granted, 'as Built Drawings' submitted, the Director granted full Occupation Certificate to the project on 17.12.2019 only after considering in detail NOC from fire safety issued by Director General Fire Services Haryana, Public Health Functional reports received from Chief Engineer-I HSVP & Certificate of Registration of Lifts issued by Inspector of Lifts-cum-Executive Engineer, field reports received from town and country planning department circle office Gurugram.

34. Further, it is stated that the terms & conditions of license granted & bilateral agreements executed under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 and Rules, 1976 made thereunder, have all been duly complied with in their entirety including making arrangements of service utilities, water supply. The required CTO/ clearances/ approvals post receipt of full Occupation Certificate were also obtained and informed to competent authorities as per terms and conditions of occupation certificate and in accordance with the instructions/ guidelines of competent authorities/departments.
35. Thus, the allegations of land use violations with regard to organized open space/ green cover is completely baseless.
36. In this regard, it is important to refer to certain definitions under the Haryana Building Code and the approved Zoning Plan of the site, which are being extracted hereinafter:
- a. The Haryana Building Code provides the followings definition of ‘Open Space’ and ‘Zoning Plan’:
- ‘Open Space’**: *“a space forming an integral part of the plot left open to sky.”*
- ‘Zoning Plan’**: *“the detailed layout plan of the sector or municipal area or a part thereof or of individual sites to whom permission for CLU has been granted, maintained in the office of the Competent Authority showing the sub-division of plots, open spaces, streets and other features and in respect of each plot, permitted land use, building lines and restrictions with regard to use and development of each plot in addition to those laid down in the building code, further same can also be prepared/maintained for industrial plots, if need arises.”*

- b. The Zoning plan approved vide Dwg. No.: DG,TCP 4756 dated 01.08.2014 specifically for the said Affordable Project provides the detailed explanation at point no 12 under ‘OPEN SPACE’, the relevant part is reproduced for ready ref. below:

‘12. OPEN SPACE’: “.....*At least 15% of the net planned area shall be developed as organised open space i.e. tot lots and play ground*”

- c. **The Chapter 12 – ‘Environmental Clearance’ of The Haryana Building Code at Clause 12.1(2) Environmental conditions for Category C buildings at serial no 2a provides the following:**

“(2a) The unpaved area shall be more than or equal to 20% of the recreational open spaces.”

37. It is further submitted that the approved Zoning Plan is the actual detailed Plan of individual site showing permitted land use, building lines and restrictions with regard to use and development of each site in addition to those laid down in the building code.
38. It is also humbly submitted that the development of open spaces as per the Haryana Building Code, The Chapter 12 – ‘Environmental Clearance’ of The Haryana Building Code and as per the approved Zoning Regulations/ Zoning Plan of the site, National Building Code with regard to ‘**Landscaping**’ refers to development of both ‘**Hard Landscape**’ as well as ‘**Soft Landscape**’.
39. The ‘**Hardscape or Hard Landscape**’ refers to the heavy elements of a Landscape design like pavement, street furniture stone, rocks or driveways etc. and on the other hand, Softscape or Soft Landscape refers

to the lighter elements of a Landscape design like soil, plants, flower or even color combination of a garden.

40. In the Haryana Building Code, the definition of Open Space is clearly defined, which interprets the Open Space as “*a space forming an integral part of the plot left open to sky.*” The Open Space is further additionally detailed with regard to use and development of individual site in its approved Zoning Regulations/ Zoning Plan.
41. Therefore, it is humbly submitted that under the heading ‘**OPEN SPACES**’ in the approved Zoning Regulations/ Zoning Plan of the subjected site/project, it is provided that at least **15%** of the net planned area shall be developed as organised open space i.e. **“tot lots and play ground”**.
42. It is respectfully stated that the **Soft Landscape** (i.e. parks/ lawns/ gardens etc.) in the present project has been developed in conformity with the approved Zoning Regulations/ Zoning Plan of the project. As per said approved Zoning Plan, a minimum 15% of net planned area of the project is required to be developed as organized open space i.e. ‘**tot-lots and play ground**’, whereas, in the present case, the colonizer has provisioned and developed far more than the required 15% of the net planned area of the project as organized Open Space under Soft Landscape i.e. tot-lots and play ground, parks/ lawns/ gardens etc.
43. It is also further stated that there is no additional construction, erection, re-erection being carried in illegal manner in the Open Spaces of the sanctioned Building Plan by the Respondent, as incorrectly alleged violations. In fact, the whole construction including development of Open

Spaces is duly carried, equipped and landscaped (i.e. Hard Landscape as well as Soft Landscape) in accordance with the 'use' permitted in the approved Zoning Regulations/ Zoning Plan of the project and as per instructions/guidelines/requirements of the relevant competent authorities/departments i/c fire department.

44. It is stated that the locations of **Hard Landscape** (i.e. civil work component of landscape architecture such as pavement, walkways, roads, retaining walls and other built environment etc.) and Soft Landscape (i.e. the natural elements in landscape design, such as plants, materials and the soil itself) are duly developed in the project as specifically directed by the landscape architect/ project architect/engineer-in-charge in consultation with the fire consultant.
45. The provided Hardscape surface in the project are capable of taking mass of fire engine and are kept free of obstructions to provide clear access to fire fighting vehicles, ambulance, service utilities, sanitation vehicles etc. under the provisions/requirements of the applicable laws and rules therein.
46. The project has been also granted full Occupation Certificate as well as Completion Certificate upon meeting all required compliances of the licenses & only after thorough inspection of the entire completed construction including development of open spaces including carrying out landscaping in accordance with the 'use' defined in the approved zoning regulations/ zoning plan and only upon being fully satisfied that the development of the project was carried out strictly in terms of approvals granted, Haryana Building Code, as Built Drawings submitted, the Director granted full Completion Certificate. The landscaped areas (i.e.

Hardscape as well as Softscape) allows safe movement for users with duly defined point of egress and ingress including their location, levels in the project etc. It is humbly submitted that the beautifully developed landscaped (i.e. Hard Landscape as well as Soft Landscape) areas in the project were inspected and certified before granting full full Occupation Certificate as well as Completion Certificate of the project by the department.

47. It is thus respectfully stated that no terms and conditions of the licenses bearing nos. 18 & 74 of 2014, sanctioned Layout Plans and/or terms and conditions of Occupation Certificate or any other laws for that matter, have been violated as incorrectly alleged in the original Application No.: 639/2024.
48. It is reiterated that there is no additional construction, erection, and re-erection being carried by the Respondent in illegal manner in the open spaces of the sanctioned drawings, as wrongly or mischievously reported.
49. In fact, the whole construction, including open spaces in the project was duly developed equipped and landscaped (i.e. hardscape as well as soft scape) in accordance with the uses permitted in the approved Zoning Regulations/ Zoning Plan of the site and in accordance to instructions/ guidelines of the competent authorities/departments, Haryana Building Code and no terms & conditions of the licenses were violated as alleged in the original Application No.: 639/2024.
50. It is humbly submitted that these violation allegation complaints were filed against the Respondent on various previous occasions & other platforms, which were already decided and filed by competent

departments. The Hon'ble HRERA Authority Gurugram also dismissed the Complaint bearing no. 355/2022 alleging similar violations by same group of complainants, it is important to mention that Department of Town and Country Planning was also one of the Respondents in said HRERA Complaint, which was dismissed by Hon'ble HRERA Gurugram. The Hon'ble HRERA Authority Observed that only upon through inspection of the completion of all buildings, open spaces i/c organized green area(s), internal services and utilities etc. i/c upon grant of various competent department(s) NOC(s) to the project, the Directorate of town and country planning, Chandigarh Haryana has granted full Occupation Certificate & full Completion Certificate to the Project under applicable laws.

51. Several frivolous complaints have been filed against the present Respondent which were dismissed as they didn't have any merits. Details of some are as follows:
 - i. A Complaint-dated 03.06.2022 in the office of Deputy Commissioner (DC) by few mischievous allottees , the DC Gurugram constituted a committee on the same day to examine various allegation of violations alleged in the complaint, wherein SDM Badashapur and District Town Planner (P), Town & Country Planning Gurugram were its constituent members of the enquiry committee. A copy of the Complaint dated 03.06.2022 is annexed herewith and marked as **ANNEXURE – L**.
 - ii. The Enquiry Committee called multiple meetings of the complainants and the developer, the committee conducted site visits. The enquiry committee concluded in its submitted enquiry report that the said affordable Project is being developed as per 'As Built Drawings.' under applicable laws and the violations alleged in the complaint are baseless.

- iii. The Deputy Commissioner Gurugram constituted committee's RTI copy of findings of Enquiry Report dated 10.10.2022 was duly submitted on 24.02.2023 with the department. A copy of the RTI Copy of committee findings, the Report, dated 10.10.2022 and letter dated 24.02.2023 is annexed herewith and marked as **ANNEXURE – M.**
- iv. It is pertinent to note that the above Complaint dated 03.06.2022 was filed, when, a Case/ Complaint alleging similar violations were already filed by same group of complainants against the developer in Hon'ble HRERA Gurugram, which they never disclosed in the complaints and/or during the enquiry.
- v. The Complaint no. 355/2022 alleging various violations i/c mentioned above and sought relief to direct the developer to provide for the entry/exit to the complex as per the approved dwgs and as per plans shown, was filed with The Hon'ble HRERA Authority Gurugram , in which department of town and country planning was also made one of the Respondents in the Complaint. A copy of the Complaint no. 355/2022 is annexed herewith and marked as **ANNEXURE – N.**
- vi. The Hon'ble HRERA Authority Observed at serial no 48,49 & 50 in the Order dated 01.08.2023 that "...the occupation certificate and completion certificate of the project has already been obtained. Such certificates are granted by the competent authorities after assuring the compliance of many parameters including but not limited to construction as per the approved building plans...". A copy of the order dated 01.08.2023 is annexed herewith and marked as **ANNEXURE – O.**
- vii. Therefor it is humbly submitted that only upon through inspection of the Completion of all buildings, open spaces i/c organized green area(s), services and utilities etc. i/c upon issuing of various competent department(s) NOC(s) to the project, Directorate of department of town

and country planning, Chandigarh Haryana has granted full Occupation Certificate & Completion Certificate to the Project under applicable law(s) on the project.

- viii. The Hon'ble HRERA Order dated 01.08.2023 dismissing the HRERA Complaint no. 355/2022 dated 03.02.2022 was duly submitted on 07.09.2023 with DTP for kind records and needful information. A copy of the letter dated 07.09.2023 is annexed herewith and marked as **ANNEXURE – P.**
- ix. A complaint on similar grounds by same group of litigants without disclosing the above under going enquiries/ investigation/ litigations, filed with DTP(E) Gurugram. As the alleged mischievous allegation of violations in the Project were already under investigation by a committee constituted by DC Gurguram by order dated 03.06.2022 and were also under litigation under Hon'ble HRERA Gurugram in the Complaint bearing Complaint no. 355/2022 since 03.02.2022.
- x. Upon receipt of the Complaint, the DTP (E) issued a showcase notice dated 14.09.2022 to which the Respondent submitted its reply vide Letter Ref. no.: AVL/AGHS/2022/194 on 07.10.2022. A copy of the letter dated 07.10.2022 is annexed herewith and marked as **ANNEXURE – Q.**
- xi. Again a Letter dated 24.11.2022 was issued by DTP (E) and conducted site inspection on 02.02.2023, to which the present Respondent submitted a detailed reply vide Letter Ref. no.: AVL/AGHS/2023/194-A dated 06.02.2023 with a request to drop the proceedings initiated on mischievous alleged violations, since the allegations have been made with ulterior motif any basis and alleged violations are under litigation in Hon'ble HRERA Gurugram. A copy of the letter dated 06.02.2023 is annexed herewith and marked as **ANNEXURE – R.**

52. The various relevant clauses, of the Environment Clearance dated 24.11.2015 and Hon'ble Authority observation at serial no 51 in its order dated 01.08.2023 that “.....where the similar issue has already been taken before CM Window and OC & CC of the project has already been obtained , no direction to this effect.” , are reproduced below:

Relevant Clauses of the Environment Clearance dated 24.11. 2015 of the project:

- a. “Clause [16] of “The Construction Phase”:

‘The approval of the competent authority shall be obtained for structural safety of the building on account of earthquake, adequacy of fire fighting equipments,etc. as per national building code....’

- b. Clause [19] of “The Construction Phase”:

“The project proponent shall provide for adequate fire safety measures and equipments as required by Haryana Fire Service Act, 2009 and instructions issued by the local Authority/Directorate of fire from time to time. Further the project proponent shall take necessary permission regarding Fire Safety scheme/NOC from competent Authority as required.”

- c. Clause [h] of ‘The Operational Phase’ of the Environment Clearance dated 24.11.2015:

“The project proponent shall strive to minimize water in irrigation of landscape by minimising grass area.....”

- d. Clause [p] of ‘The Operational Phase’ of the Environment Clearance dated 24.11.2015:

“[p] The traffic plan and the parking plan produced by the Project Proponent should be adhered to meticulously with further scope of additional parking for future requirement. There should be no traffic congestion near the entry and exit points from the

roads adjoining the proposed project site. Parking should be fully internalized and no public space should be used.”

- e. Clause [q] of ‘The Operational Phase’ of the Environment Clearance dated 24.11.2024:

“[q] The project shall be operationalized only when HUDA/local authority will provide domestic water supply system in the area.”

53. It is stated that the Respondent has taken necessary care and precaution, under applicable laws, in planning and execution of the project completion by ensuring the compliance of Environment Safeguards/ conditions imposed in the Environment Clearance granted to the project. The conditions and provisions with regards to the clauses mentioned in Part A (Specific Conditions of Construction & Operational Phase) and Part B (General Conditions) of EC dated 24.11.2015 but not limited to only the Clauses mentioned above, have been duly adhered.
54. Further it is stated that enough parking space of permitted vehicles have been planned inside the affordable project. All planning measures under applicable laws, Haryana Building Code have been ensured, so that there is no traffic congestion near the entry and exit points from the roads adjoining the fully occupied by more than 5000 people of the affordable housing project during peak hours. Same has been duly checked, verified and approved by competent Departments/Authorities in “As Built/ Completion Drawings.” before grant of full OC and Full CC to the project.
55. Even after completing the project before time as per terms and conditions of granted licenses including depositing whole EDC with the concerned department amounting to in crores of rupees, the competent govt. department(s)/authorities have not developed master external

development services in the periphery of the project even after grant of occupation certificate more than five years back.

56. It is rather unfortunate that even after following up for so long with various Government Departments including for needful action to develop the external services/infrastructure, unfortunately, there is hardly any initiative till date on the part of the concerned Authorities/Departments of Government of Haryana except exchanging correspondence with each other.
57. As such it is a Herculean task to make such a mass affordable housing complex sustainable itself without availability of basic master external public health services/ infrastructure, service road etc. in the periphery of the project, which is developed as the state of the art project, completed before time more than five (5) years back (i.e. in December, 2019), which is even as on date is extremely in good functional condition due to the Respondent's delicate planning, workmanships and development of robust internal common infrastructure, public health services etc. It is extra ordinary achievement, even in such a adverse circumstances, the said affordable project is sustaining for last five years and more than 5000 needy beneficiaries [equivalent to 3 to 4 villages population] are staying happily. The project is a state of the art project and exemplary affordable project in the country, which was built before time and fully complianced under applicable laws.
58. The allegations regarding impact on air circulation and blockage of approved air ventilation system, in the affordable project have been alleged by the complainants against their own apartment owners

association & DTP department & association have also exchanged correspondence with each other.

59. Further it is stated that as discussed above, it is humbly reiterated that upon completing the construction before time including internal development works within the said Project, which inter alia, includes laying down of roads, water lines, sewer lines, electrical lines etc. of whole project well within predefined period as per Policy and fulfilling due observance and performance of such laid down conditions and restrictions, the Respondent filed the application(s) in the office of Directorate, Town & Country Planning Department for grant of Full Occupation & Completion Certificate of the said Affordable Housing Project and thereafter granted full OC & CC to the project.

60. The arrangement for water supply in the affordable project as per terms and conditions of granted licenses on part of the developer was made in the project from the date of grant of Occupation Certificate to till date under applicable norms. Initially the said arrangement of water supply was made through tankers from Basai Water Treatment Plant and thereafter permission of Ground water extraction was duly obtained from HWRA. The ground water extraction is duly metered and monitored on line by Haryana Water Resource Authority (HWRA) as on date. A copy of permission of Ground water extraction was duly obtained from HWRA is annexed herewith and marked as ANNEXURE – S.

61. It is stated that the Respondent does not have any mandatory requirement under granted licenses and/or Haryana Building Code to install individual water meter in respective flats nor ever it has ever had agreed in the Flat

Buyer's Agreement executed with the allottees for installation of individual meters nor it has ever charged any amount on account of installation of individual meters in respective flats nor ever it charged any amount on account of arrangement water supply in the project.

62. With regards to cost of water supply and/or water consumption charges from individual allottees is administered & decided independently by apartment owners association itself under their registered bye laws.
63. Whereas it is pertinent to note that even before Commencement of the said affordable Project, the competent department/ authority 'HUDA' had assured Respondent / developer vide its Letter memo no. 22342 dater 11.08.2014 that HUDA will be able to supply adequate water supply for the project within 1-2 years for the project but the competent department/ authority has not laid down the master water supply line till date in the area till date.
64. It is humbly submitted that the Renewable Energy Department of Government of Haryana through its Order dated 14.03.2016 omitted instructions of 'Mandatory use of Solar Water Heating Systems' due to space scarcity in the buildings. A Copy of the Renewable Energy Department of Government of Haryana through its Order dated 14.03.2016 omitted instructions of 'Mandatory use of Solar Water Heating Systems' is annexed herewith and marked as **ANNEXURE – T.**
65. However, under sustainable measures as per Haryana Building Code, the Respondent has installed Rooftop Solar Photo Voltaic Power Plant in the said affordable project as per Renewable Energy Department norms.

66. The competent department officials had duly inspected it before granting Occupation Certificate to the project, which is also duly functional as on date & is duly connected to grid.
67. The Applicants/ Complainants have mischievously alleged that the Project has an Inefficient Sewage Treatment Plant (STP) & there is Untreated Wastewater Disposal. It is submitted the STP of required capacity was developed even before grant of full Occupation Certificate of the project.
68. Upon receipt of Occupation Certificate on 17.12.2019, the present Respondent had applied for grant of ‘consent to Operate’ in compliance of Part –A. Specific Conditions (Operational Phase) i.e. Clause [a] ”Consent to Operate” shall be obtained from Haryana State Pollution Control Board under Air and Water Act and a copy shall be submitted to the SEIAA, Haryana.”
69. The Haryana State Pollution Control Board granted the CTO to the project only after thorough inspection by officials of HSPCB and same was submitted with department of town and country planning department, Haryana vide Letter Ref. No.: AVL/AGHC/2020/157 Dated 05.02.2020.
70. With regards to untreated wastewater disposal, it is stated that internal public health services are developed & completed in all respect before grant of full OC to the project and the same was checked and verified by competent officials of competent department and upon being reported satisfactory in their all internal reports to Director town and country

planning department ,Chandigarh, granted OC to the project. The separation of grey and black water is done by the use of dual plumbing line laid in the project. Treatment of 100% grey water by STP is done ensuring that the re-circulated water would have required BOD level. The treated water is re-circulated for flushing, gardening etc. as per approvals.

71. Further as stated above on 01.06.2020, the Respondent facilitated the formalities of physically Handing –Over Taking-Over Common Areas and Facilities for day-to-day running and operations of services and utilities falling under the association’s scope, for maintenance, along with copy of approval documents, NOCs, OC and As Built Dwgs. duly checked and verified by department of town and country planning Haryana, to the Association.
72. Further in compliance of Par-B. (General Conditions) Clause [ii] i.e. “The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e mail) to the northern Regional Office of MOEF, the respective Zonal Office of CPCB, HSPCB and SEIAA Haryana.” it is submitted that the Respondent has duly complied with the condition of clause [ii] by submitting six monthly reports till date.
73. That in response to the allegation regarding the unsafe storage of inflammable materials, it is humbly submitted that the provision of refuelling of generator(s) installed for power back up only for common area and for back up of mandatory common services, utilities in the project. are filled directly through a vendor fuel tanker, who fills directly the fuel tanks of the generators installed from the fuel tanker.

74. That regarding the allegation of Improper Waste Management it is submitted that management of all waste streams for BWG-Wet, Dry and Domestic Hazardous is managed through MCG empanelled service provider at site.
75. That in response to the allegation regarding 'Pollution under Control' it is submitted that it pertains to the Association since the physically Handing –Over Taking-Over Common Areas and Facilities for day-to-day running and operations of services and utilities falling under the Association's scope, for maintenance, was completed on 01.06.2020 and the Respondant nor any of its associates never ever charged any maintenance, whatsoever, from the homebuyers in the project. The maintenance is directly administered & decided independently by apartment owners association itself under their registered bye laws.
76. It is pertinent to note that the Applicant no. 2 is not even flat owner/ allottee nor he is staying in the society. Similarly, Applicant no. 2, is also not an original allottee, nor the flat he allegedly claims as his own in the society, was taken over from original allottee Mr Sachin Rastogi. The said flat is in the name of Mr. Sachin Rastogi as per the company records. It is thus apparent that Applicant no. 1 was holding the said flat under a proxy name, 'Sachin Rastogi' as benamy, as he claims to own other flats in other affordable group housing projects, however, as per applicable laws under AHP-2013, one cannot become a allottee of more than one flat in affordable projects as per AHP-2013 .
77. It should further be noted that Applicant no. 1 does not stay in the society, however he keeps filing complaints with all the departments against not

only the present Respondent but against other projects as well which seems like a blackmailing tactic.

78. All the above shows and leaves no manner of doubt that the Respondent has always been compliant with all applicable laws and have always acted in accordance with the law, therefore, it is humbly stated that Respondent is not liable for deficiencies as alleged in the OA.

Para-wise Reply to deficiencies as alleged in the OA:

79. The contents of Para 1 merit no reply.
80. The contents of Para 2 are wrong and denied. As already discussed above The Hon'ble HRERA Authority Gurugram also dismissed the Complaint bearing no. 355/2022 alleging similar violations by same group of complainants, it is important to mention that Town and Country Planning was also one of the Respondents in said HRERA Complaint, which was dismissed by Hon'ble HRERA Gurugram. The Hon'ble HRERA Authority Observed that *"only upon through inspection of the completion of all buildings, open spaces i/c organized green area(s), internal services and utilities etc. i.e., upon grant of various competent department(s) NOC(s) to the project, the Directorate of town and country planning, Chandigarh Haryana has granted full Occupation Certificate on & full Completion Certificate to the Project under applicable laws"*. It is submitted that the conditions and provisions with regards to the clauses mentioned in Part A (Specific Conditions of Construction & Operational Phase) and Part B (General Conditions) of EC dated 24.11.2015 but not limited to only the

Clauses mentioned above, compliances of various competent departments/ authorities, have been duly adhered under applicable laws.

81. The contents of Para 3 and 4 are wrong and denied. It is submitted that upon completing the construction before time including internal development works within the said Project, which inter alia, includes laying down of roads, water lines, sewer lines, electrical lines etc. of whole project well within predefined period as per Policy and fulfilling due observance and performance of such laid down conditions and restrictions, the Directorate, Town & Country Planning granted (i) Full Occupation Certificate vide Memo No.: ZP-1003/JD (NC)/2019/31173 Dated 17.12.2019 (ii) Full Completion Certificate of the said Affordable Housing Project vide Memo No.: LC-3036/Asst.(MS)/2022/33759 Dated 10.11.2022 as per duly verified on site by competent departments & certified 'As Built/ Completion drawings of the project. Corresponding paragraphs of the present reply are reiterated herein.

Further more, The above said both allegations of violations in the affordable project have been alleged by the complainants mischievously against the Respondant and their own apartment owners association. In fact unauthorised alleged construction and installation of additional lifts one each in each block is installed by its own association on request of their members not by us by spending their own association money itself. The competent department & association have also exchanged correspondence with each other regarding the same of which complaint(d) are well aware of.

82. The contents of para 5 are wrong and denied. The arrangement for water supply in the affordable project as per terms and conditions of granted licenses on part of the developer was made in the project from the

date of grant of Occupation Certificate to till date under applicable norms. Initially the said arrangement of water supply was made through tankers from Basai Water Treatment Plant and thereafter permission of Ground water extraction was duly obtained from HWRA. The ground water extraction was duly metered and monitored on line by Haryana Water Resource Authority (HWRA) as on date. The Respondent does not have any mandatory requirement under granted licenses and/or Haryana Building Code to install individual water meter in respective flats nor ever it has ever had agreed in the Flat Buyer's Agreement executed with the allottees for installation of individual meters nor it has ever charged any amount on account of installation of individual meters in respective flats nor ever it charged any amount on account of arrangement water supply in the project. Upon completion of formalities of Handing-over Taking-over, the Handing- over Taking-over document was signed on 01.06.2020 with the Association. It is important to mention here that the maintenance charges, what so ever, for day-to- day running and operation of services and utilities, common area etc., are being paid by the Allottees directly to their own Association i.e. 'AVL36GURGAON Apartment Owners Association'. The Association is spending independently the said collected amount as per the provisions provided in its registered byelaws. We, nor by any of our associate company, ever charged and/or collected any amount, what so ever, from any allottees on account of providing maintenance services in the Project. The maintenance is directly demanded, administered & decided independently by apartment owners association itself. Corresponding paragraphs of the present reply are reiterated herein

83. The contents of para 6 are wrong and denied. It is submitted that the Renewable Energy Department of Government of Haryana

through its Order dated 14.03.2016 omitted instructions of **‘Mandatory use of Solar Water Heating Systems’** due to space scarcity in the buildings as per department own observations. However, under sustainable measures as per Haryana Building Code, Respondent installed Rooftop Solar Photo Voltaic Power Plant in the said affordable project as per Renewable Energy Department norms. The competent department officials had duly inspected it before granting Occupation Certificate to the project, which is also duly functional as on date & is duly connected to grid from day one of the date of grant of OC to the project.

84. The contents of para 7 and 8 are wrong and denied. With regards to untreated wastewater disposal, it is stated that internal public health services are developed & completed in all respect before grant of full OC to the project and the same was checked and verified by competent officials of competent department and upon being reported satisfactory in their all internal reports to Director town and country planning department Chandigarh, granted OC to the project. The separation of grey and black water is done by the use of dual plumbing line laid in the project. Treatment of 100% grey water by STP is done ensuring that the re-circulated water would have required BOD level. The treated water is re-circulated for flushing, gardening etc. as per approvals. The required CTO dated 04-02-2020 / clearances/ approvals post receipt of full Occupation Certificate were also obtained and informed to competent authorities as per terms and conditions of occupation certificate and in accordance with the instructions/ guidelines of competent authorities/departments. Which is directly administered & decided independently by apartment owners association itself.

It is submitted that the External Development Charges (EDC) to develop external infrastructure in the surroundings of the project, i.e. for main public health services, roads etc., was duly deposited in full with the Government well within time by the Respondant. Therefore, the responsibility of providing Public Health Services/ Infrastructure in the surrounding of the fully developed affordable project more than five years back is of the competent Departments/ authorities of The Government. The corresponding paragraphs of the present reply are reiterated herein.

85. The contents of para 9 are wrong and denied. It is submitted that the provision of refuelling of generator(s) installed for power back up for common area and for back up of mandatory common services, utilities in the project are filled directly through a vendor fuel tanker, who fills directly the fuel tanks of the generators installed from the fuel tanker, which is directly administered & decided independently by apartment owners association itself under their registered bye laws.

86. The contents of paras 10 - 11 are wrong and denied. It is submitted that management of all waste streams for BWG-Wet, Dry and Domestic Hazardous is managed through MCG empanelled service provider at site and the provision of refueling of generator(s) installed for power back up for common area and for back up of mandatory common services, utilities in the project. are filled directly through a vendor fuel tanker, who fills directly the fuel tanks of the generators installed from the fuel tanker. Which is directly administered & decided independently by apartment owners association itself under their registered bye laws. Corresponding paragraphs of the present reply are reiterated herein.

87. The contents of paras A to E in the Interim Relief are wrong and denied. It is submitted that as discussed above, the Respondent have not violated any Environmental Laws. The Respondent has not only abided by all the environmental laws and regulations but has also obtained all the required certificates and clearances. This Application is an afterthought and just a means to harass the Respondent. The Applicant has failed to prove any loss or injury caused to the residents due to the alleged violations.
88. In view of the submissions made above the captioned Application and the prayers made therein are bound to be dismissed with exemplary costs.



RESPONDENT NO. 6

THROUGH



GAURAV GUPTA
ADVOCATE

**B-33, LOWER GROUND FLOOR,
SOUTH EXTENSION – PART II
NEW DELHI – 110049
+91 9958444233
gaurav@gauravgupta.net.in**

PLACE: DELHI

DATE: 24.07.2025

IN THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****O.A. NO. 639/2024****IN THE MATTER OF:****SUNIL KUMAR GUPTA & ORS.****... APPLICANTS****VERSUS****DIRECTOR, DEPARTMENT OF TOWN****& COUNTRY PLANNING (DTCP)-HQ & ORS.****... RESPONDENTS****AFFIDAVIT**

I, Virender Singh Dhanda, S/o. Sh. Late Chander Bhan Dhanda, aged about 54 years, having office at Office At H. No.-01 Green Park Main, New Delhi-110016, do hereby solemnly affirm and declare as under:-

1. That I am the Authorised Representative of the Respondent and being fully conversant with the facts and circumstances of the present case, I am competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying Reply and state that the same are true to the best of my knowledge based on the records of the case and the submissions made therein are based on legal advice received, which is believed to be true and correct.
3. That the annexures attached with the Reply true copy of the respective original.





VERIFICATION

Verified at New Delhi on 24 JUL 2025 that the contents mentioned in my aforesaid reply are true and correct to my personal knowledge. No part of it is false or wrong and nothing has been kept concealed there from.



lc
02/07/2025
I identify the Deponent who has signed this
thumb impression in my presence

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE
DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY TO
UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI

Geom gus
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS
SIGNED IN MY PRESENCE
VINOD KUMAR TIWARI, Advocate, Reg. No. 21416/2020
NOTARY PUBLIC (NEW DELHI)



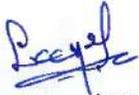
24 JUL 2025

ANNEXURE - A

Board Resolution

Resolved on this **26th day of April, 2024** that Mr. Virender Singh Dhanda, Managing Director of AVL Infrastructure Pvt. Ltd. is hereby authorised to act on behalf of the Company in order to sign and file Pleading, Replies, Petitions, Appeals, Caveats, Complaints, Affidavits etc. and also to submit to the Arbitration to settle the case inside or outside the court and to do in all manner necessary to approach Government Authorities any Judicial or Quasi Judicial Authority or any other Courts that may be necessary.

He is further authorised to engage Pleaders, give instructions, sign Vakalatnamas on behalf of the Company. He is authorised to take all such action as may be necessary in the above matters and all acts done by him on behalf of the Company shall be binding on the Company.



Signature Attested
 Leena Dhanda
 Director
 DIN: 00632652

Signature(s).....
Virender Singh Dhanda
 Managing Director
 DIN: 00632607

For or on behalf of Board of Directors




Leena Dhanda
 Director
 DIN: 00632652

Date: **26th April, 2024**
 Place: New Delhi

AVL Infrastructure (Pvt.) Ltd.
 PROMOTER • BUILDER • DEVELOPER

01, Green Park Main, New Delhi – 110016

Phone: 011-41326868; 41681515 | e-mail: info@avlinfra.com | Website: www.avlinfra.com



HARYANA STATE POLLUTION CONTROL BOARD
Haryana State Pollution Control Board, 3rd Floor, HSIIDC Office Complex,
IMT Manesar, Gurugram Email:- hspcbrogrs@gmail.com

No: HSPCB/GUR/2025/INS/91354596SCNCC001

Dated: 21-01-2025

To

AVL Infrastructure Pvt Ltd
AVL 36 Gurgaon village Sihi, Sector 36A

Sub: Show cause notice for closure 31-A of Air (Prevention & Control of Pollution) Act, 1981/ 33-A of Water (Prevention & Control of Pollution) Act, 1974

Whereas your unit has been inspected on 21-01-2025 regarding and during the inspection following deficiencies has been observed as per provisions of section 31A of Air (Prevention & Control of Pollution) Act, 1981/ 33A of Water (Prevention & Control of Pollution) Act, 1974) :

1. Unit not obtained authorization under HWM rules. 2. Unit provided tanker Collection point via portable pipe within society creating possibility of discharging effluents in odd hours need to clarify it 3. Logbook of Water consumption and water treatment not maintained. 4. Flow meters at outlet and inlet of STP not provided. 5. ph meter not provided. 6. Unit need to clarify mode of discharge after treatment from STP. 7. Not submitted compliance of conditions mentioned in EC. 8. Used oil disposal record not maintained. 9. Unit installed 2 nos. of DG set while obtained CTO for 1 nos. need to clarify it. 10. Not provided separate meter on STP. 11. Parameters found exceeding the permissible limit i.e. BOD-62 mg/l, COD-254.5 mg/l, O & G-12.4 Fecal Coliform-580 MPN/100 ml & TSS-150 mg/l, BOD-88 mg/l, COD-446.2 mg/l, Fecal Coliform-5800 MPN/100 ml & TSS-230 mg/l, BOD-175 mg/l, COD-685.2 mg/l, Fecal Coliform-8400 MPN/100 ml & TSS-470 mg/l.

In view of the above, you are hereby directed to show cause within 15 days as to why closure action against your unit may not be taken under section 31A of Air (Prevention & Control of Pollution) Act, 1981/ 33A of Water (Prevention & Control of Pollution) Act, 1974), for non compliance of the above mentioned / deficiencies

In case you fail to comply with the / deficiencies mentioned above within the above mentioned stipulated time period, it will be presumed that you have nothing to say in this regard and accept the status as above, which will warrant action under section / 31-A of Air (Prevention & Control of Pollution) Act, 1981/ 33-A of Water (Prevention & Control of Pollution) Act, 1974

In addition to above it is also intimated that non compliance of direction issued under section / 33-A of Water (Prevention & Control of Pollution) Act, 1974/ 31-A of Air (Prevention & Control of Pollution) Act, 1981 is an offence punishable under respective Acts

**** Note:-**

1. Reply of SCN submitted to concerned RO offices shall only be considered and in case unit submitted their reply to other offices of the Board , the same is not liable for consideration on any legal forum.
2. Representatives of the units may also come in person at the concerned Regional office to represent against the proposed action communicated through show cause notice, within the stipulated time period mentioned in show cause notice.

VIJAY
CHAUDHARY
Vijay Chaudhary , Regional Officer

Digitally signed by VIJAY
CHAUDHARY
Date: 2025.01.21 14:12:32 +05'30'

Regional Office Gurgaon South



Ref. No.: AVL/AGHC/2025/221

Date: 04.02.2025

To

Regional Officer

Haryana State Pollution Control Board,
3rd Floor, HSIIDC Office, Complex,
IMT Manesar, Gurugram, Haryana
Mail id: hspcbrogrs@gmail.com

Subject- Reply of Show Cause Notice No: HSPCB/GUR/2025/INS/91354596SCNCC001 dated 21.01.2025 for closure 31-A of Air (Prevention & Control of Pollution) Act, 1981/33-A of Water (Prevention & Control of Pollution) Act, 1974.

Sir

We have received the aforesaid Show Cause Notice (SCN) on 22.01.2025 through mail, issued u/s 31-A of Air (Prevention & Control of Pollution) Act, 1981/33-A of Water (Prevention & Control of Pollution) Act, 1974 and have perused the said SCN in detail and understood it fully.

[Copy of Show Cause Notice dated 21.01.2025 is enclosed as '**Annexure: A**'].

We beg to make the following submissions in reply thereof. It is respectfully stated that:

- i. The Director, Town and Country Planning, Chandigarh, Haryana granted group housing licenses bearing No.: 18 of 2014, Dated- 10-06-2014 & No.: 74 of 2014 Dated- 01-08-2014 to the licensee, under The Haryana Development and Regulation Urban Areas Act, 1975 and Rules made there under.

The project drawings were approved/ sanctioned by the Directorate, Town & Country Planning, Haryana, in accordance with the applicable parameters, vide memo no. ZP-1003/AD (RA)/2014/20245 Dated 27-08-2014, consisting of residential, community and commercial buildings.

The Environmental Clearance by SEIAA Haryana was granted to the project vide No.: SEIAA/HR/2015/512 dated 24-11-2015 as per the provisions provided under the EIA Notification, 2006 subject to Specific Conditions and General conditions.

[Copy of 'Environmental Clearance' dated 24.11.2015 is enclosed as '**Annexure: B**'].

- ii. We, the Developer Company, M/s. AVL Infrastructure Private Limited floated the affordable housing project for general public on the scheduled licensed Land under the name and style of 'AVL36GURGAON' (hereinafter referred to as the "**said Project/ said Affordable Project**") in accordance with the terms and conditions of Affordable Housing Policy-2013, notified by the Town & Country Planning Department, Government of Haryana vide notification number PF-27/ 48921 dated 19.08.2013 (hereinafter referred to as the "**Policy or AHP-2013**").
- iii. Compliance of Clause: 1, Part A-Specific Conditions (Construction Phase) of the Environmental Clearance dated 24.11.2015:

It is kindly submitted that the '**Consent to Establish**' from Haryana State Pollution Control Board for the said Affordable Project in compliance of above mentioned Clause: 1 of the Environmental Clearance dated 24.11.2015 was obtained vide memo no.: HSPCB/Consent/: 2821216GUSOCTE2410493 dated 02-01-2016 to commence the construction at site.

[Copy of 'Consent to Establish' dated 02-01-2016 is enclosed as '**Annexure: C**'].

- iv. Upon completing the construction and development of complete civic infrastructure but not limited to internal development works within the said Project, which inter alia, includes laying down of roads, water lines, sewer lines, electrical lines etc, before time, of the affordable group housing project as per affordable Policy and fulfilling due observance and performance of such laid down conditions and restrictions of applicable laws, approvals, Environmental Clearance, building bye-laws etc., we filed the application(s) for grant of Occupation Certificate on 18.10.2019 & for Completion Certificate on 19.11.2019 in the office of Directorate, Town & Country Planning Department Chandigarh Haryana.
- v. Grant of full Occupation Certificate & Completion Certificate of the said Project:

The relevant paragraphs of the Occupation Certificate regards the status of the buildings construction, internal civic infrastructure and utilities/ facilities provided in the said Project is reproduced below:

“I hereby grant permission for the occupation of the said buildings, after considering NOC from fire safety issued by Director General, Fire Services, Haryana, Panchkula, Environment Clearance issued by State Environment Impact Assessment Authority, Haryana, Structure Stability Certificate given by Er. Sharad Gupta, M. Tech. (Structure), Public Health Functional reports received from Chief Engineer-I, HSVP, Panchkula & Certificate of Registration of lift issued by Inspector of Lifts-cum-Executive Engineer, Electrical Inspectorate, Haryana.....”

“3. That you shall apply for the connection for disposal of sewage, drainage & water supply from HUDA as and when the services are made available, within 15 days from its availability.....”

It is only upon various certification, NOCs granted, the Directorate Town & Country Planning granted Full Occupation Certificate to the said Project vide Memo No.: ZP-1003/JD (NC)/2019/31173 Dated 17.12.2019.

[Copy of ‘Occupation Certificate’ dated 17.12.2019 is enclosed as ‘**Annexure: D**’].

Clause No.: 2, of the Completion Certificate granted by Directorate Town and Country Planning Haryana is reproduced below:

“Whereas Chief Engineer,HSVP, Panchkula vide memo no.: 229334 dated 24.11.2019 has confirmed that the services with respect to above said colony have been got checked and found that all the public health services have been laid as per approved services plan estimates and are operational/ functional. Senior Town Planner, Gurugram vide memo no.: 6466 dated 23.12.2019 has also confirmed about laying of the colony as per approved plans.”

It is stated that upon complete satisfaction of competent departments regards status of development works in the aforesaid project, as indicated on the As Built Dwgs, which is duly signed by the Director Town & Country Planning, granted full Completion Certificate vide Memo No.: LC-3036/Asst. (MS)/2022/33759 Dated 10.11.2022.

[Copy of ‘Completion Certificate’ dated 10.11.2022 is enclosed as ‘**Annexure: E**’].

- vi. Compliance of Clause: 32, Part A-Specific Conditions (Construction Phase) of the Environmental Clearance dated 24.11.2015:

In compliance of clause: 32 but not limited to development of complete civic infrastructure in terms of the Environmental Clearance dated 24-1- 2015, the possession of all approved Flats in the said Project was offered to respective allottees by the Developer on 24.12.2019 as per The Real Estate (Regulation and Development) Act 2016, Flat Buyer’s Agreement(s) executed with respective allottees, the Haryana Apartment Ownership Act, 1983, The Haryana Development and Regulation Urban Areas Act, 1975 and Rules made there under.

- vii. Compliance of Clause: [a], Part A-Specific Conditions (Operational Phase) of the Environmental Clearance dated 24.11.2015:

To obtain Consent to Operate, we applied in the office of Haryana State Pollution Control

Board (HSPCB) on 06.01.2020. Upon through inspection of installed STP, equipment thereof not limited to verification(s) of compliances of Part A-Specific Conditions (Construction Phase), submission of six monthly compliance report as per stipulated conditions of Environmental Clearance dated 24.11.2015, the Haryana State Pollution Control Board (HSBC) granted the 'Consent to Operate' vide memo no.: HSPCB/Consent/: 329962320GUSOCTO7138223 on 04-02-2020.

[Copy of 'Consent to Operate' dated 04-02-2020 is enclosed as 'Annexure: F'].

- viii. As per mandatory conditions under the Real Estate (Regulation and Development) Act 2016 and rules thereunder, the said Project is registered with the Haryana Real Estate Regulatory Authority being its registration No.-106 of 2017 vide Memo No.- RERA (Reg.) 517/2017/793 Dated 24-08-2017. It is submitted that the Real Estate (Regulation and Development) Act, 2016 (RERA Act) enacted by Parliament of India confers several rights & obligations upon Developers, Allottees & Association of Allottees.

[Copy of Haryana Real Estate Regulatory Authority 'Registration Certificate' dated 24-08-2017 is enclosed as 'Annexure: G'].

Some of the relevant rights & obligations under RERA Act are reproduced below:

- a) Formation of Association by Allottees:

The relevant portions of Sub Section 11(4)(e), 17(2) & 19(9) of The Real Estate (Regulation and Development) Act, 2016 (RERA Act) are reproduced:

“11(4)(e)

(e) enable the formation of an association or society or co-operative society, as the case may be, of the allottees, or a federation of the same, under the laws applicable.”

“17. ...

(2) After obtaining the occupancy certificate and handing over physical possession to the allottees in terms of sub-section (1), it shall be the responsibility of the promoter to handover the necessary documents and plans, including common areas, to the association of the allottees or the competent authority, as the case may be, as per the local laws”.

“Sub Section 19(9)

Every allottee of the apartment, ..., shall participate towards the formation of an association ...of the allottee...”

As per the Sub Section 11(4)(e), 17(2) & 19(9) provisions of the RERA Act, it is a joint obligation of the developer as well as allottees to form an association. Therefore, in terms of the Sub Section 11(4)(e) of RERA Act and under the applicable provisions of The Haryana Apartment Ownership Act, 1983, we, the Developer, facilitated the allottees of the said Project for formation & registration of association of the allottees.

The allottees also in terms of the Sub Section 19(9)(e) of The Real Estate (Regulation and Development) Act, 2016 and under the applicable provisions of The Haryana Apartment Ownership Act, 1983 registered their association in the name and style of 'AVL36GURGAON Apartment Owners Association' with the competent Govt. department in the month of May, 2020 vide Reg. No.: HR-018-2020- 02481 (hereinafter referred as "*Association*").

- b) Handing- Over the Common Areas and Facilities to the Association of the allottees.

Sub Section 19(4) of the RERA Act

“the association of allottees shall be entitled to claim the possession of the common areas...”

Clause No. 16 of Flat Buyer Agreement executed between the Developer & the Allottee(s):

“It is duly clarified that it shall be the responsibility of the allottees to manage & bear day to day running expenditure and cost of consumptions of utilities by whatever name called, in respect of

any utilities, manpower, consumables, common areas and services/facilities, water & electricity consumption charges, general incidental expenses, licence's renewal fee(s) and any other Govt. fees/ Statutory taxes, insurance of the said Building/ said Project etc. from the date of offer of possession of said Flat by the Company. The Allottees may simultaneously form Association of Apartment Owners while taking over possession of the said Flat to carry out and manage their above-mentioned day-to-day affairs."

It is submitted that upon registration of Association by apartment owners in the month of May, 2020 vide Reg. No.: HR-018-2020- 02481, the said Association requested under sub section 19(4) of the RERA Act to the Developer to handover the day-to-day running and operation of services and utilities, common area etc. along with necessary approvals/ NOCs granted to the said Project by competent Departments/ Authorities/ Boards. It is stated that upon satisfaction of the Association regards common areas and facilities, provided by the Developer in the said Project, the Association requested the Developer to proceed and complete the formalities of Handing- over Taking-over of the Common areas and Facilities to the Association.

[Copy of 'Association Letter' dated 27-05-2020 is enclosed as 'Annexure: H'].

Consequent to the satisfaction and confirmation thereof regards the receipt of relevant approval documents & common areas, we initiated the formalities of Handing-Over Taking-Over of the Common areas and Facilities subject to the recitals and details of infrastructure, disclosures etc.

Upon completion of formalities of Handing-over Taking-over, the HOTO document was signed on 01- 06- 2020 with the Association. The said document dated 01.06.2020 contained the following recital/disclosure:

"AND WHEREAS the Developer offered the Association to Hand-Over the common areas & facilities subject to the association undertaking that it shall be solely responsible and liable for violations, if any, of the provisions of the law of the land and applicable rule, regulation or direction by the competent authority and that the Association shall indemnify the Developer for any liability and/or penalty in that behalf. Upon confirmation by the Association that it is fully satisfied with the common areas & facilities provided in the project vis-à-vis declared in the registered Deed of Declaration (subject to amendments(s) therein) executed and duly registered by the Developer. The Developer initiated the completion of formalities of handing over taking over of common areas and facilities provided in the project to fulfill its obligations and responsibilities under the Haryana Apartment Ownership Act, 1983 and/or under any law(s) applicable on the Project."

By handing-over the common areas and facilities of the Project for day-to-day running and operations to the said Association falling under Allottee(s)/ Association scope as per Flat's Buyer Agreement has also complied with Sections 11(4)(e) & 17 (2) of the Real Estate (Regulation and Development) Act, 2016.

[Copy of 'Handing-over Taking-over dated 01-06- 2020 is enclosed as 'Annexure: J'].

- c) No Maintenance charge, what so ever, collected by the Developer from the allottees in the said Project.

The 'Handing-Over Taking-Over' document dated 01.06.2020 contained the following disclosure regards the day-to-day running expenditure:

"AND WHEREAS it is explicitly made clear that the Developer has not taken any amount whatsoever on maintenance from any of the allottee of the project"

"AND WHEREAS it is informed & further clarified in terms of clause 16 of flat buyer agreement that it shall be the responsibility of the allottees to manage & bear day to day running expenditure and cost of consumptions of utilities by whatever name called, in respect of any utilities, manpower, consumables, common areas and services/facilities, water & electricity consumption charges, general incidental expenses, licence's renewal fee(s) and any other Govt. fees/Statutory taxes, insurance of the said Building/ said Project etc. from the date of offer of possession of said Flat by the Company. The Allottees may simultaneously form "Association of Apartment Owners" while taking over possession of the said Flat to carry out and manage their above-mentioned day-

to-day affairs.”

It is humbly stated that we, nor by any of our associate company, ever charged and/or collected any amount, what so ever, from any allottees on account of maintenance services. The maintenance charges, what so ever, for the day- to- day running and operation of services and utilities, common area etc., in the said Project are being collected by the Association directly from the allottees as per the terms and conditions of its registered bye-laws. The said charges collected by the Association for day- to- day running and operation of services and utilities, common area etc. are spent directly & independently by the Association itself as per its own decisions.

Further, it is also stated that we complied to our obligation under Clause-4 (v) of the affordable Policy by providing services, free of cost, regards maintenance & upkeep of all internal roads, pavements, open spaces and periphery main sewer/water lines, falling under our scope as per Clause No. 15 of flat buyer’s agreement executed with the allottees from the date of grant of OC i.e. from 17.12.2019 to 16.12.2024 under applicable laws.

The said obligation under Clause-4 (v) of the affordable Policy on part of the Developer also got accomplished on 16.12.2024, which was duly informed to the Association and Directorate town and country planning Haryana Chandigarh vide Letter Ref. No. AVL/AGHC/2024/218 dated 16-12-2024.

[Copy of our ‘Letter Ref. No. AVL/AGHC/2024/218 dated 16-12-2024’ is enclosed as ‘Annexure: K’].

In light of the above, it is respectfully submitted that the affordable Group Housing Project “AVL36GURGAON”, developed along with complete civic infrastructure is a leading, ‘*State of the Art*’ and exemplary affordable group housing project constructed under Government of Haryana’s Affordable Housing Policy AHP-2013 in Gurugram Haryana.

The said Project has been developed & completed in consonance with applicable laws. The internal civic infrastructure/ services were developed & completed as per approval by competent departments/ authorities/ boards. The necessary NOCs/ Consents are granted to the said Project under applicable laws upon inspection and verification of fully functional internal civic infrastructure of the colony by competent departments/ authorities/ boards etc. All compliances under the granted licenses have been fully complied, there is nothing due on opart of the Developer.

The External Development Charges (EDC) to develop external infrastructure, main public health services, roads etc., was duly deposited in full with the Government well within time.

DTCP Haryana has grant full Occupation Certificate & Completion Certificate to the Project. The responsibility to develop External Development Infrastructure in the periphery of the Project lies with the competent Departments/ Authorities of the Haryana Government.

For development of external main public health services, roads, public amenities, we have been requesting & reminding regularly to the Competent Authorities/ Departments to develop the External Development Infrastructure in the periphery of the fully occupied affordable housing Project.

It is submitted that in compliance of applicable laws, on request of the Association the Handing-over Taking-over of the day-to-day running and operation of services and utilities, common area etc. was completed on 01-06-2020. The true copies of approvals/ NOCs but not limited to copy of OC, As Built Dwgs, Environmental Clearance, Consent to Operate etc were also handed- over to the Association of allottees.

The maintenance charges, what so ever, for day-to- day running and operation of services and utilities, common area etc., are being paid by the Allottees directly to their own Association i.e. ‘AVL36GURGAON Apartment Owners Association’. The Association is spending independently the said collected amount as per the provisions provided in its registered byelaws. We, nor by any of our associate company, ever charged and/or collected any amount, what so ever, from any allottees on account of providing maintenance services in the Project.

The said Project was completed before time and handed over to the needy in accordance with the bye-laws such as Haryana building code, FAR, density norms, provisions prescribed, approved plans, terms and

conditions of the licenses, flat buyer's agreements, HARERA registration certificate etc.

All provisions and norms prescribed by the licensee department/ authority have been complied by the Developer and the Project in fact stands out in terms of its quality, when compared to any such other Project developed under affordable Policy AHP-2013. The allottees were offered possession on 24.12.2019 & the respective Conveyance Deeds have been duly registered & conveyed.

Therefor, it is respectfully submitted that the Handing-over Taking-over of common areas and facilities provided in the said Project have been completed on 01.06.2020 by signing the documents in respect thereof under applicable laws. The day- to- day running and operation of services and utilities, common area etc. of the said Project is being managed by the Association of the allottees itself. The terms and conditions of the licenses and compliances there under, terms and conditions of flat buyer's agreements are duly complied.

All the above shows and leaves no manner of doubt that we have always been compliant with all applicable laws and have always acted in accordance with the law, therefor, it is humbly stated that we are not liable for deficiencies observed by your officials during inspection on 21.01.2025 the provisions of section 31A of Air (Prevention & Control of Pollution) Act, 1981/33A of water (Prevention & Control of Pollution) Act, 1974. It is respectfully urged that your good self may be pleased to consider the explanation provided above and withdraw the subject cited Show Cause Notice issued to us, M/s. AVL Infrastructure Private Ltd.

Should you need any other clarification, please let us know we shall submit the same at the earliest.

Thanking you
Yours truly

Virender Singh Dhanda
Managing Director DIN: 00632607
For AVL Infrastructure Pvt. Ltd.

Enclosed: All above-mentioned 'Annexure-A to Annexure-K' is attached/ enclosed.

Ref. No.: AVL/AGHC/2025/220

Date: 14.01.2025

To

DTP(Enforcement)

HUDA Complex, Secor-14 Gurugram
 Mail id: dtpenf5.gurugram.tcp@gmail.com

Subject- Representation along with relevant documents / record as supporting proofs regarding the issue of site visit by your department officials / Committee constituted by Hon'ble NGT in Original Application No.: 639/2024 for verification of alleged violations.

Sir,

I am submitting the below mentioned facts regarding the 'Affordable Housing Project', 'AVL36GURGAON', licensed under AHP-2013 Policy, developed before time & fully occupied for more than last five (5) years by more than 5000 occupants/beneficiaries under the Affordable Housing Policy 2013.

The affordable housing project under question has been granted full Occupation as well as Completion Certificate by competent department and no violation has been found by the concerned departments in the project.

As required under applicable acts and on request of apartment owners association, we have transferred on 01.06.2020 the Administration of the affordable housing colony to the Association for maintenance after the grant of full Occupation Certificate (17.12.2019).

Please note that we have never charged any amount from the allottees on account of maintenance of the project.

The services required to be maintained free of cost, on part of the developer, for five years from the date of grant of occupation certificate have been maintained by us, free of cost, during the said period and the said 5 years period also got over on 16.12.2024.

We have complied with all terms and conditions of the granted licenses, and there is nothing pending/left on our part.

We are submitting below the summarized facts/ milestones regards to the said project for your ready ref.

In light of the above, it is submitted that:

1. The Director, Town and Country Planning, Chandigarh, Haryana granted affordable Group Housing licenses bearing No.:18 of 2014, Dated- 10-06-2014 & No.: 74 of 2014, Dated- 01-08-2014 under The Haryana Development and Regulation Urban Areas Act, 1975 and Rules made there under.



AVL Infrastructure (Pvt.) Ltd.

PROMOTER • BUILDER • DEVELOPER

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01, Green Park Main, New Delhi – 110016

Phone: 011-41326868; 41681515 | e-mail: info@avlinfra.com | Website: www.avlinfra.com

2. We, the Developer Company, floated the affordable housing project for general public on the scheduled licensed Land under the name and style of 'AVL36GURGAON' (hereinafter referred to as the "said Project") in accordance with the terms and conditions of Affordable Housing Policy-2013, notified by the Town & Country Planning Department, Government of Haryana vide notification number PF-27/ 48921 dated 19.08.2013 (hereinafter referred to as the "Policy or AHP-2013").
3. The said Project drawings were approved and sanctioned by the Directorate, Town & Country Planning, Haryana, in accordance with the parameters laid down in the AHP-2013 vide memo no. ZP-1003/AD (RA)/2014/20245 Dated 27-08-2014, consisting of residential, community and commercial building.
4. The Consent to Establish from Haryana State Pollution Control Board was granted to the said Project vide memo no.: HSPCB/Consent/: 2821216GUSOCTE2410493 dated 02-01-2016 to commence the construction at site.
5. The said Project was registered under the provisions of the Real Estate (Regulation and Development) Act 2016 and rules thereunder, with the Haryana Real Estate Regulatory Authority at Panchkula as registration No.-106 of 2017 vide Memo No.-RERA (Reg.) 517/2017/793 Dated 24-08-2017 as per applicable law.
6. Upon completing the construction, which was completed / constructed before time including internal development works within the said Project, which inter alia, include laying down of roads, water lines, sewer lines, electrical lines etc. of whole project well within predefined period as per Policy and fulfilling due observance and performance of such laid down conditions and restrictions, we filed the application(s) in the office of Directorate, Town & Country Planning Department for (i) on 18.10.2019 for grant of Full Occupation Certificate (ii) on 19.11.2019 for grant of Full Completion Certificate of the said Affordable Housing Project.
7. The Directorate, Town & Country Planning granted (i) Full Occupation Certificate vide Memo No.: ZP-1003/JD (NC)/2019/31173 Dated 17.12.2019 and (ii) Full Completion Certificate of the said Affordable Housing Project vide Memo No.: LC-3036/Asst.(MS)/2022/33759 Dated 10.11.2022.
8. The Deed of Declaration of the said Project, in compliance of the Haryana Apartment Ownership Act, 1983, was filed subject to amendment(s) therein from time to time by the Developer Company and duly registered vide Vasika No.-12007 Dated 20-03-2020 with the office of Sub-Registrar Manesar, District-Gurugram, Haryana.
9. The possession of all Units in the said Project were offered to the respective allottees by the Developer Company on 24.12.2019 in terms of the Policy AHP-2013 and the Haryana Apartment Ownership Act, 1983.
10. Thereafter Developer Company facilitated for the benefit of the allottees of the Project, the formation & registration of Association of the allottees of the project as per applicable HRERA Act. The allottees registered their association in the name of 'AVL36GURGAON Apartment Owners Association' with the competent Govt. department in the month of May, 2020 vide Reg. No.: HR-018-2020- 02481.
11. The Developer Company, M/s. AVL Infrastructure Private Limited, provided [from the date of grant of full Occupation Certificate of the Project 17.12.2019 till 16.12.2024], free of cost, Maintenance & Upkeep of all internal roads, pavements, open spaces and periphery main sewer/water lines duly mentioned under sub-section 3(3)(a)(iii) of the ACT,1975 and as per terms of documents executed with project allottees.

12. It is stated that the said compliance of the period of Five Years (5) free maintenance under Clause 4(v) of AHP 2013 was duly accomplished on 16.12.2024 and the responsibility for maintenance and upkeep of all internal roads, pavements, open spaces and periphery main sewer/water lines provided under sub-section 3(3)(a)(iii) of the ACT, 1975 stood transferred in terms of AHP 2013 on 17.12.2024 to the Association i.e. 'AVL36GURGAON Apartment Owners Association' registered and constituted under applicable laws, vide Reg. No.: HR-018-2020- 02481, for maintenance.
13. Further, it is stated that all the said Services are Operational/ Functional as per approved scheme as on 17.12.2024. Further, engaging any agency for maintenance and upkeep of said services [i.e. all internal roads, pavements, open spaces and periphery main sewer/water lines] is at the sole discretion and terms and conditions finalised by the Association i.e. 'AVL36GURGAON Apartment Owners Association' Reg. No.: HR-018-2020- 02481 constituted under the Apartment Ownership Act 1983.
14. Regarding the alleged violations, It is respectfully stated that the said affordable project has been developed in compliance with all applicable laws and there is no violation / breach of any law / regulation whatsoever that has been committed in relation to this project by us.
15. On completion of construction of the project, including execution of internal development works at site, as per approved building plans and in accordance with the 'use' defined in the approved zoning regulations/ zoning plan, building bye-laws and regulations, terms & conditions of the licenses and in accordance to the National Building Code in regard with structural safety, fire safety, sanitary requirements and circulation i.e. vertical as well as horizontal circulation, we duly applied to the concerned department seeking issuance of occupation certificate on 18.10.2019.
16. It is submitted that it was only after a detailed and thorough inspection of the entire completed construction as also of the execution of the internal development works, development of open spaces including carrying out landscaping in accordance with the 'use' defined in the approved zoning regulations/ zoning plan and only upon being fully satisfied that the development of the project was carried out strictly in terms of approvals granted, as Built Drawings submitted, the Director granted full Occupation Certificate to the project on 17.12.2019 after considering NOC from fire safety issued by Director General Fire Services, Haryana, Public Health Functional reports received from Chief Engineer-I, HSVP & Certificate of Registration of Lifts issued by Inspector of Lifts-cum-Executive Engineer, field reports received from town and country planning department circle office.
17. Further, it is stated that the terms & conditions of license granted & bilateral agreements executed under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 and Rules, 1976 made thereunder, have all been duly complied with in their entirety including making arrangements of service utilities, water supply. The required CTO/ clearances/ approvals post receipt of full Occupation Certificate were also obtained and informed to competent authorities as per terms and conditions of occupation certificate and in accordance with the instructions/ guidelines of competent authorities/departments.
18. Thus, the allegations of land use violations with regard to organized open space/ green cover is completely baseless.
19. In this regard, it is important to refer to certain definitions under the Haryana Building Code and the approved Zoning Plan of the site, which are being extracted hereinafter:

The Haryana Building Code provides the followings definition of 'Open Space' and

'Zoning Plan'.

'Open Space': "a space forming an integral part of the plot left open to sky."

'Zoning Plan': "the detailed layout plan of the sector or municipal area or a part thereof or of individual sites to whom permission for CLU has been granted, maintained in the office of the Competent Authority showing the sub-division of plots, open spaces, streets and other features and in respect of each plot, permitted land use, building lines and restrictions with regard to use and development of each plot in addition to those laid down in the building code, further same can also be prepared/maintained for industrial plots, if need arises."

The Zoning plan approved vide Dwg. No.: DG,TCP 4756 dated 01.08.2014 specifically for the said Affordable Project by your department provides the detailed explanation at point no 12 under 'OPEN SPACE', the relevant part is reproduced for ready ref. below:

12. OPEN SPACE: ".....At least 15% of the net planned area shall be developed as organised open space i.e. tot lots and play ground"

The Chapter 12 – 'Environmental Clearance' of The Haryana Building Code at Clause 12.1(2) Environmental conditions for Category C buildings at serial no 2a provides the following:

"(2a) The unpaved area shall be more than or equal to 20% of the recreational open spaces."

20. It is further submitted that the approved Zoning Plan is the actual detailed Plan of individual site showing permitted land use, building lines and restrictions with regard to use and development of each site in addition to those laid down in the building code.
21. It is also kindly submitted that the development of open spaces as per the Haryana Building Code, The Chapter 12 – '**Environmental Clearance**' of The Haryana Building Code and as per the approved Zoning Regulations/ Zoning Plan of the site, National Building Code with regard to 'Landscaping' refers to development of both 'Hard Landscape as well as Soft Landscape'.
22. The Hardscape or Hard Landscape refers to the heavy elements of a Landscape design like pavement, street furniture stone, rocks or driveways etc. and on the other hand, Softscape or Soft Landscape refers to the lighter elements of a Landscape design like soil, plants, flower or even color combination of a garden.
23. In the Haryana Building Code, the definition of Open Space is clearly defined, which interprets the Open Space as "a space forming an integral part of the plot left open to sky." The Open Space is further additionally detailed with regard to use and development of individual site in its approved Zoning Regulations/ Zoning Plan.
24. Therefore, it is kindly submitted that under the heading 'OPEN SPACES' in the approved Zoning Regulations/ Zoning Plan of the subjected site/project, it is provided that at least 15% of the net planned area shall be developed as organised open space i.e. "tot lots and play ground".
25. It is respectfully stated that the Soft Landscape (i.e. parks/ lawns/ gardens etc.) in the present project has been developed in conformity with the approved Zoning Regulations/ Zoning Plan of the project. As per said approved Zoning Plan, a minimum 15% of the net

planned area of the project is required to be developed as organized open space i.e. tot-lots and play ground, whereas, in the present case, the colonizer has provisioned and developed far more than the required 15% of the net planned area of the project as organized Open Space under Soft Landscape i.e. tot-lots and play ground, parks/ lawns/ gardens etc.

26. It is also further stated that there is no additional construction, erection, re-erection being carried in illegal manner in the Open Spaces of the sanctioned Building Plan by us, as incorrectly alleged violations. In fact, the whole construction including development of Open Spaces is duly carried, equipped and landscaped (i.e. Hard Landscape as well as Soft Landscape) in accordance with the 'use' permitted in the approved Zoning Regulations/ Zoning Plan of the project and as per instructions/guidelines/requirements of the relevant competent authorities/departments i/c fire department.
27. It is stated that the locations of Hard Landscape (i.e. civil work component of landscape architecture such as pavement, walkways, roads, retaining walls and other built environment etc.) and Soft Landscape (i.e. the natural elements in landscape design, such as plants, materials and the soil itself) are duly developed in the project as specifically directed by the landscape architect/ project architect/engineer-in-charge in consultation with the fire consultant.
28. The provided Hardscape surface in the project are capable of taking mass of fire engine and are kept free of obstructions to provide clear access to fire fighting vehicles, ambulance, service utilities, sanitation vehicles etc. under the provisions/requirements of the applicable laws and rules therein.
29. The project has been also granted full Completion Certificate upon meeting all required compliances of the licenses & only after thorough inspection of the entire completed construction including development of open spaces including carrying out landscaping in accordance with the 'use' defined in the approved zoning regulations/ zoning plan and only upon being fully satisfied that the development of the project was carried out strictly in terms of approvals granted, as Built Drawings submitted, the Director granted full Completion Certificate. The landscaped areas (i.e. Hardscape as well as Softscape) allows safe movement for users with duly defined point of egress and ingress including their location, levels in the project etc. It is kindly stated that the beautifully developed landscaped (i.e. Hard Landscape as well as Soft Landscape) areas in the project were inspected and certified before granting full Completion Certificate of the project by the department.
30. It is thus respectfully stated that no terms and conditions of the licenses bearing nos. 18 & 74 of 2014, sanctioned Layout Plans and/or terms and conditions of Occupation Certificate or any other laws for that matter, have been violated as incorrectly reported to you.
31. It is reiterated that there is no additional construction, erection, and re-erection being carried by us in illegal manner in the open spaces of the sanctioned drawings, as wrongly or mischievously reported.
32. In fact, the whole construction, including open spaces in the project was duly developed equipped and landscaped (i.e. hardscape as well as soft cape) in accordance with the uses permitted in the approved Zoning Regulations/ Zoning Plan of the site and in accordance to instructions/ guidelines of the competent authorities/departments and no terms & conditions of the licenses were violated as alleged in the original Application No.: 639/2024.

Regarding the violations alleged in the Original Application No.: 639/2024 filed in the Hon'ble NGT.

33. At the outset it is important to state that the complainant(s) have mischievously merged the violations alleged against Apartment Owners Association & the Developer (us).
34. To clarify the facts it is humbly stated that upon completing the construction before time including internal development works within the said Affordable Project, which inter alia, includes laying down of roads, water lines, sewer lines, electrical lines etc. of whole project as per Policy and fulfilling due observance and performance of such laid down conditions and restrictions in the licenses granted, we (Developer) filed the application(s) in the office of Directorate, Town & Country Planning Department for grant of Full Occupation Certificate on 18.10.2019 & for grant of Full Completion Certificate on 19.11.2019 of the said Affordable Housing Project.
35. The Directorate, Town & Country Planning granted Full Occupation Certificate vide Memo No.: ZP-1003/JD (NC)/2019/31173 on 17.12.2019 & Full Completion Certificate vide Memo No.: LC-3036/Asst.(MS)/2022/33759 on 10.11.2022 of the said Affordable Housing Project.
36. The possession of all Units/flats in the said Project was offered to the respective allottees by the Developer Company on 24.12.2019 in terms of the Policy AHP-2013 and as per the Haryana Apartment Ownership Act, 1983.
37. We facilitated the allottees of the Project in formation & registration of Association of the allottees of the Project as per applicable HRERA Act and as per the Haryana Apartment Ownership Act, 1983.
38. The allottees registered their association in the name of 'AVL36GURGAON Apartment Owners Association' with the competent Govt. department in the month of May, 2020 vide Reg. No.: HR-018-2020- 02481.
39. Upon registration of Association by Apartment Owners, the Association requested us vide its letter dated 26.05.2020 to handover the day to day running and operation of services and utilities, common area etc. falling under their scope along with copy of necessary approvals/NOCs to 'AVL36GURGAON Apartment Owners Association', legally constituted for maintenance.
40. On 01.06.2020, we facilitated the formalities of physically Handing –Over Taking-Over Common Areas and Facilities for day-to-day running and operations of services and utilities falling under their scope, for maintenance, along with copy of approval documents, NOCs, OC and As Built Dwgs. duly checked and verified by department of town and country planning Haryana, to the Association.
41. Further, it is important to state that in compliance of Clause 4(v) of AHP 2013 under which affordable housing licenses were granted, we, M/s. AVL Infrastructure Private Limited, provided, free of cost, maintenance & upkeep of all internal roads, pavements, open spaces and periphery main sewer/water lines, falling under our scope, and as per applicable laws from the date of grant of full Occupation Certificate [i.e.17.12.2019] of the Project till 16.12.2024.
42. We never ever charged from any allottee any amount on account of maintenance charges, maintenance charges for the services falling under the scope of Association were collected and spent independently by the Association itself as per the provisions provided in their registered bye laws.
43. The said Five Years (5) compliance period on part of the developer company, under Clause 4(v) of AHP 2013, also got accomplished on 16.12.2024 and the responsibility for

maintenance and upkeep of said services i.e. all internal roads, pavements, open spaces and periphery main sewer/water lines, also stood transferred in terms of AHP 2013 on 17.12.2024 to the Association i.e. 'AVL36GURGAON Apartment Owners Association' registered and constituted under applicable laws, vide Reg. No.: HR-018-2020- 02481, for maintenance.

44. Further, engaging any agency for maintenance and upkeep of said part services [i.e. all internal roads, pavements, open spaces and periphery main sewer/water lines] is the sole discretion according to terms and conditions finalized by the Association from 17.12.2024 onwards.
45. In fact, we have complied with all the terms and conditions/ obligations of the affordable housing licenses granted to us, there is nothing left which needs to be complied on our part as on date.

Point Wise reply with documentary proof(s) regarding the alleged violations

46. 2. Non-compliance with green cover requirements as per EC...[2(a), 2(b),2(c),2(d),2(e)&2(f)].
47. It is kindly stated that these violation allegation complaints were filed against us on various previous occasions & other platforms, which were already decided and filed by competent departments. The Hon'ble HRERA Authority Gurugram also dismissed the Complaint bearing no. 355/2022 alleging similar violations by same group of complainants, it is important to mention that your department (i.e. town and country planning) was also one of the Respondents in said HRERA Complaint, which was dismissed by Hon'ble HRERA Gurugram. The Hon'ble HRERA Authority Observed that only upon through inspection of the completion of all buildings, open spaces i/c organized green area(s), internal services and utilities etc. i/c upon grant of various competent department(s) NOC(s) to the project, the Directorate of town and country planning, Chandigarh Haryana has granted full Occupation Certificate & full Completion Certificate to the Project under applicable laws.
48. Please find below brief details of various complaints filed along with the documentary proofs of disposal.
- i. A Complaint-dated 03.06.2022 in the office of Deputy Commissioner (DC) by few mischievous allottees , the DC Gurugram constituted a committee on the same day to examine various allegation of violations alleged in the complaint, wherein SDM Badasahpur and District Town Planner (P), Town & Country Planning Gurugram were its constituent members of the enquiry committee.
 - ii. The Enquiry Committee called multiple meetings of the complainants and the developer, the committee conducted site visits. The enquiry committee concluded in its submitted enquiry report that the said affordable Project is being developed as per 'AS Built Dwgs.' under applicable laws and the violations alleged in the complaint are baseless.
 - iii. The Deputy Commissioner Gurugram constituted committee's RTI copy of findings of Enquiry Report dated 10.10.2022 was duly submitted on 24.02.2023 with the department.
 - iv. It is important to inform you that the above Complaint dated 03.06.2022 was filed, when, a Case/ Complaint alleging similar violations were already filed by same group of complainants against the developer in Hon'ble HRERA Gurugram, which they never disclosed in the complaints and/or during the enquiry.

[Copy of the complaint filed in the office of DC Office dated 03.06.2022 is enclosed as
Doc.-01]

[RTI Copy of committee findings, the Report, dated 10.10.2022 is enclosed as Doc.-02]

[Copy of Letter dated 24.02.2023 regarding submission of RTI Copy of DC Constituted committee's findings of the Enquiry Report is enclosed as Doc.-05]

- v. The Complaint no. 355/2022 alleging various violations i/c mentioned above and sought relief to direct the developer to provide for the entry/exit to the complex as per the approved dwgs and as per plans shown, was filed with The Hon'ble HRERA Authority Gurugram, in which department of town and country planning was also made one of the Respondents in the Complaint.
- vi. The Hon'ble HRERA Authority Observed at serial no 48,49 & 50 in the Order dated 01.08.2023 that "...the occupation certificate and completion certificate of the project has already been obtained. Such certificates are granted by the competent authorities after assuring the compliance of many parameters including but not limited to construction as per the approved building plans...".
- vii. Therefor it is kindly submitted that only upon through inspection of the Completion of all buildings, open spaces i/c organized green area(s), services and utilities etc. i/c upon issuing of various competent department(s) NOC(s) to the project, Directorate of department of town and country planning, Chandigarh Haryana has granted full Occupation Certificate & Completion Certificate to the Project under applicable law(s) on the project.
- viii. The Hon'ble HRERA Order dated 01.08.2023 dismissing the HRERA Complaint no. 355/2022 dated 03.02.2022 was duly submitted on 07.09.2023 with your department for kind records and needful information.

[Copy of the Hon'ble HRERA Notice regards to Complaint no. 355/2022 dated 03.02.2022 is enclosed as Doc.-03]

[Copy of the HRERA Order dated 01.08.2023 is enclosed as Doc.-04]

[Copy of Letter dated 07.09.2023 regards to submission of information of dismissal of HRERA Complaint no. 355/2022 dated 03.02.2022 vide Order Dated 01.08.2023 is enclosed as Doc.-06]

- ix. A third complaint on similar grounds by same group of litigants without disclosing the above under going enquiries/ investigation/ litigations, filed with DTP(E) Gurugram. As the alleged mischievous allegation of violations in the Project were already under investigation by a committee constituted by DC Gurguram by order dated 03.06.2022 and were also under litigation under Hon'ble HRERA Gurugram in the Complaint bearing Complaint no. 355/2022 since 03.02.2022.
- x. Upon receipt of the Complaint, the DTP (E) issued a showcase notice dated 14.09.2022 to which we submitted our reply vide our Letter Ref. no.: AVL/AGHS/2022/194 on 07.10.2022.
- xi. Again a Letter dated 24.11.2022 was issued by DTP (E) and conducted site inspection on 02.02.2023, to which we submitted detailed reply vide our Letter Ref. no.: AVL/AGHS/2023/194-A dated 06.02.2023 with a request to drop the proceedings initiated on mischievous alleged violations, since the allegations with ulterior motif reported to you is without any basis and alleged violations are under litigation in Hon'ble HRERA Gurugram.

[Copy of our reply vide Letter Ref. no.: AVL/AGHS/2022/194 dated 07.10.2022 is enclosed as Doc.-07]

[Copy of our reply vide Letter Ref. no.: AVL/AGHS/2022/194-A dated 06.02.2023 is enclosed as Doc.-08].

- xii. We are also enclosing copy of Policy of your department bearing Memo No.: Misc-504/7/16/2006-2TCP dated 24.01.2011 regarding existing approach to the applied area

for license under the provisions of The Haryana Development and Regulation of Urban Areas Act, 1975 and Rules thereafter for your ready ref., since the above is relevant to the alleged violations and duly observed by Hon'ble HRERA Authority in its Order dated 01.08.2023 that "...the occupation certificate and completion certificate of the project has already been obtained. Such certificates are granted by the competent authorities after assuring the compliance of many parameters including but not limited to construction as per the approved building plans...".

[Copy of Policy of your department bearing Memo No.: Misc-504/7/16/2006-2TCP dated 24.01.2011 is enclosed as Doc.-09]

- xiii. The various relevant clauses, of the Environment Clearance dated 24.11.2024 and Hon'ble Authority observation at serial no 51 in its order dated 01.08.2023 that ".....where the similar issue has already been taken before CM Window and OC & CC of the project has already been obtained, no direction to this effect.", are reproduced below for your ready ref.

Relevant Clauses of the Environment Clearance dated 24.11.2024 of the project:

Clause [16] of "The Construction Phase" page 15

"The approval of the competent authority shall be obtained for structural safety of the building on account of earthquake, adequacy of fire fighting equipments, etc. as per national building code...."

Clause [19] of "The Construction Phase" page 16

"The project proponent shall provide for adequate fire safety measures and equipments as required by Haryana Fire Service Act, 2009 and instructions issued by the local Authority/Directorate of fire from time to time. Further the project proponent shall take necessary permission regarding Fire Safety scheme/NOC from competent Authority as required."

Clause [h] of 'The Operational Phase' of the Environment Clearance dated 24.11.2024, page 19

"The project proponent shall strive to minimize water in irrigation of landscape by minimising grass area....."

Clause [p] of 'The Operational Phase' of the Environment Clearance dated 24.11.2024, page 19,20

"[p] The traffic plan and the parking plan produced by the Project Proponent should be adhered to meticulously with further scope of additional parking for future requirement. There should be no traffic congestion near the entry and exit points from the roads adjoining the proposed project site. Parking should be fully internalized and no public space should be used."

Clause [q] of 'The Operational Phase' of the Environment Clearance dated 24.11.2024, page 20

"[q] The project shall be operationalized only when HUDA/local authority will provide domestic water supply system in the area."

[Copy of EC dated 24.11.2015 granted to the project is enclosed as Doc.-10]

49. It is stated that we have taken necessary care and precaution in planning and execution of the project completion by ensuring the compliance of Environment Safeguards/ conditions imposed in the Environment Clearance granted to the project. The conditions and provisions with regards to the clauses mentioned in Part A (Specific Conditions of Construction & Operational Phase) and Part B (General Conditions) of EC dated 24.11.2015 but not limited to only the Clauses mentioned above, have been duly adhered.
50. Further it is stated that enough parking space of permitted vehicles have been planned inside the affordable project. All planning measures under applicable laws, Haryana Building Code have been ensured, so that there is no traffic congestion near the entry and exit points from the roads adjoining the fully occupied by more than 5000 people of the affordable housing project during peak hours. Same has been duly checked, verified and approved by competent Departments/Authorities in "As Built/ Completion Dwgs." before grant of full OC and Full CC to the project.
51. Even after completing the project before time as per terms and conditions of granted licenses including depositing whole EDC with your department amounting to in crores of rupees, the competent govt. department(s)/authorities have not developed master external development services in the periphery of the project even after grant of occupation certificate more than five years back.
52. It is rather unfortunate that even after following up for so long with various Government Departments including your Department for needful action to develop the external services/infrastructure, unfortunately, there is hardly any initiative till date on the part of the concerned Authorities/Departments of Government of Haryana except exchanging correspondence with each other.
53. As such it is a Herculean task to make such a mass affordable housing complex sustainable itself without availability of basic master external public health services/ infrastructure, service road etc. in the periphery of the project, which is developed as the state of the art project, completed before time more than five (5) years back (i.e. in December, 2019), which is even as on date is extremely in good functional condition due to our delicate planning, workmanships and development of robust internal common infrastructure, public health services etc. It is extra ordinary achievement, even in such a adverse circumstances, the said affordable project is sustaining for last five years and more than 5000 needy beneficiaries [equivalent to 3 to 4 villages population] are staying happily. The project is a state of the art project and exemplary affordable project in the country, which was built before time and fully complianced under applicable laws.

[Copy of Action Taken Report [ATR] on CM Window Complaint Registered dated 05.07.2021 is enclosed as Doc.-11]

[Copy of HWRA Permission Certificate for Water Extraction is enclosed as Doc.-12]

3. Impacting Air circulation through violation in approved building plan- [3(a),3(b)]
4. Blockage of Approved Air Ventilation Systems / Shaft- [4(a),4(b),4(c),4(d) &4(e)]

54. The above said both allegations of violations in the affordable project have been alleged by the complainants against their own apartment owners association & your department & association have also exchanged correspondence with each other as per complainant's attached annexures.
55. Further it is stated that we have already explained in detail in our reply for alleged violation no. (2) above, it is repeated that upon completing the construction before

time including internal development works within the said Project, which inter alia, includes laying down of roads, water lines, sewer lines, electrical lines etc. of whole project well within predefined period as per Policy and fulfilling due observance and performance of such laid down conditions and restrictions, we filed the application(s) in the office of Directorate, Town & Country Planning Department for (i) on 18.10.2019 for grant of Full Occupation Certificate (ii) on 19.11.2019 for grant of Full Completion Certificate of the said Affordable Housing Project.

56. The Directorate, Town & Country Planning granted (i) Full Occupation Certificate vide Memo No.: ZP-1003/JD (NC)/2019/31173 Dated 17.12.2019 (ii) Full Completion Certificate of the said Affordable Housing Project vide Memo No.: LC-3036/Asst.(MS)/2022/33759 Dated 10.11.2022.
57. The possession of all Units in the said Project was offered to the respective allottees by the Developer Company on 24.12.2019 in terms of the Policy AHP-2013 and the Haryana Apartment Ownership Act, 1983.
58. Thereafter Developer Company facilitated the allottees of the Project for formation & registration of Association of the allottees of the project as per applicable HRERA Act. The allottees registered their association in the name and style of 'AVL36GURGAON Apartment Owners Association' with the competent Govt. department in the month of May, 2020 vide Reg. No.: HR-018-2020- 02481.
59. Upon registration of Association by Apartment Owners, the Association of the project requested us vide its letter dated 26.05.2020 to handover of day to day running and operation of services and utilities, common area etc. falling under their scope along with copy of necessary approvals/NOCs to 'AVL36GURGAON Apartment Owners Association', legally constituted for maintenance.
60. On 01.06.2020, we facilitated the formalities of physically Handing –Over Taking-Over Common Areas and Facilities for day-to-day running and operations of services and utilities falling under their scope, for maintenance, along with copy of approval documents, NOCs, OC and As Built Dwgs. duly checked and verified by department of town and country planning Haryana, to the Association.
61. Further, it is important to inform here that in compliance of Clause 4(v) of AHP 2013 under which affordable housing licenses were granted, we, M/s. AVL Infrastructure Private Limited, provided, free of cost, maintenance & upkeep of all internal roads, pavements, open spaces and periphery main sewer/water lines, falling under our scope, and as per applicable laws from the date of grant of full Occupation Certificate [i.e.17.12.2019] of the Project till 16.12.2024.
62. We never ever charged from any allottee any amount on account of maintenance charges, the maintenance charges for the services falling under the scope of association and provided by them to the allottees, were collected and spent independently by the association itself as per the provisions provided in their registered byelaws. The same are the findings in the enquiry report submitted by enquiry committee constituted by DC Gurugram itself.
63. It is also important to state that the said Five Years (5) compliance period on part of the developer company (us), under Clause 4(v) of AHP 2013, got accomplished on 16.12.2024 and the responsibility for maintenance and upkeep of said limited services i.e. all internal roads, pavements, open spaces and periphery main sewer/water lines, also stood transferred in terms of AHP 2013 on 17.12.2024 to the Association i.e. 'AVL36GURGAON Apartment Owners Association' registered and constituted under applicable laws, vide Reg. No.: HR-018-2020- 02481, for maintenance.

[Submission of CTO vide Letter dated 05.02.2020 is enclosed as Doc.-17]

[Copy of Association Letter dated 27.05.2020 is enclosed as Doc.-15]

[Copy of Handing-Over Taking-Over to Association Dated 01.06.2020 is enclosed as Doc.-16]

5. Non-metered water supply

64. The arrangement for water supply in the affordable project as per terms and conditions of granted licenses on part of the developer was made in the project from the date of grant of Occupation Certificate to till date under applicable norms. Initially the said arrangement of water supply was made through tankers from Basai Water Treatment Plant and thereafter permission of Ground water extraction was duly obtained from HWRA. The ground water extraction is duly metered and monitored on line by Haryana Water Resource Authority (HWRA) as on date.
65. We do not have any mandatory requirement under granted licenses and/or Haryana Building Code to install individual water meter in respective flats nor ever we ever had agreed in the Flat Buyer's Agreement executed with the allottees for installation of individual meters nor we have ever charged any amount on account of installation of individual meters in respective flats nor ever we charged on account of arrangement water supply in the project.
66. With regards to cost of water supply and/or water consumption charges from individual allottees is administered & decided independently by apartment owners association itself under their registered bye laws.
67. Whereas it is important to state that even before Commencement of the said affordable Project, the competent department/ authority 'HUDA' had assured us/ developer vide its **Letter memo no. 22342 dater 11.08.2014** that HUDA will be able to supply adequate water supply for the project within 1-2 years for the project but the competent department/ authority has not laid down the master water supply line till date in the area till date.
68. The attached documents bearing Docs. nos. 11, 12 , 13 & 18 are self-explanatory regards to said allegations of violations and require no further explanation and the required compliance regards to arrangement of water supply were made as per terms and conditions of licenses and as per applicable laws.

[Copy of HUDA Letter dated 11.08.2014 is enclosed as Doc.-18]

[Copy of Action Taken Report [ATR] on CM Window Complaint Registered dated 05.07.2021 is enclosed as Doc.-11]

[Copy of HWRA Permission Certificate for Water Extraction is enclosed as Doc.-12]

[Copy of GMDA Letter dated 23.12.2024 is enclosed as Doc.-13]

6. Non-implementation of Solar Water Heating System

69. It is kindly state that the Renewable Energy Department of Government of Haryana through its Order dated 14.03.2016 omitted instructions of '**Mandatory use of Solar Water Heating Systems**' due to space scarcity in the buildings.

70. However, under sustainable measures as per Haryana Building Code , we have installed Rooftop Solar Photo Voltaic Power Plant in the said affordable project as per Renewable Energy Department norms.
71. The competent department officials had duly inspected it before granting Occupation Certificate to the project, which is also duly functional as on date & is duly connected to grid.

[Copy of the Renewable Energy Department Order dated 14.03.2016-is enclosed as Doc.-
14]

7. **Untreated wastewater disposal and Inefficient Sewage Treatment Plant (STP):**

72. The complainant(s) mischievous allegations with ulterior motif alleging Inefficient Sewage Treatment Plant (STP) & Untreated Wastewater Disposal are denied and without any basis. Had the above issues been to be true in the said affordable Project, then how come the said affordable project is 100% occupied and more than 5000 needy beneficiaries under affordable policy AHP 2013 are residing happily in the project since five years and the affordable project is rated one of the best developed among similar projects completed under AHP-2013 policy.
73. Rather, it's the delicate planning, sincere & high quality of workmanship in execution leading to completion of the affordable project before time and at the same time ensuring timely all applicable compliances including Environment Safeguards/ conditions imposed in the Environment Clearance granted to the project, the affordable project is sustaining in such a adverse circumstances, where competent departments have not developed and failed to develop the external public health services, master plan service roads etc. in the periphery of the project.
74. With regards to Inefficient Sewage Treatment Plant (STP), it is stated the STP of required capacity was developed even before grant of full Occupation Certificate of the project.
75. Upon receipt of Occupation Certificate on 17.12.2019, we applied for grant of 'consent to Operate" in compliance of Part -A. Specific Conditions (Operational Phase) i.e. Clause [a] "Consent to Operate" shall be obtained from Haryana State Pollution Control Board under Air and Water Act and a copy shall be submitted to the SEIAA, Haryana."
76. The Haryana State Pollution Control Board granted the CTO to the project only after through inspection by officials of HSPCB and same was submitted with department of town and country planning department, Haryana vide our Letter Ref. No.: AVL/AGHC/2020/157 Dated 05.02.2020.
77. With regards to untreated wastewater disposal, it is stated that internal public health services are developed & completed in all respect before grant of full OC to the project , same was checked and verified by competent officials of competent department and upon being reported satisfactory in their internal reports to Director town and country planning department ,Chandigarh, your department granted OC to the project, same is duly confirmed in the OC. The separation of grey and black water is done by the use of dual plumbing line laid in the project. Treatment of 100% grey water by STP is done ensuring that the re-circulated water would have required BOD level. The treated water is re-circulated for flushing, gardening etc. as per approvals.

78. Further as stated above On 01.06.2020, we facilitated the formalities of physically Handing –Over Taking-Over Common Areas and Facilities for day-to-day running and operations of services and utilities falling under the association’s scope, for maintenance, along with copy of approval documents, NOCs, OC and As Built Dwgs. duly checked and verified by department of town and country planning Haryana, to the Association.
79. Whereas in compliance of Clause 4(v) of AHP 2013 under which affordable housing licenses were granted, we, M/s. AVL Infrastructure Private Limited, provided, free of cost, maintenance & upkeep of all internal roads, pavements, open spaces and periphery main sewer/water lines, falling under our scope, and as per applicable laws from the date of grant of full Occupation Certificate [i.e.17.12.2019] of the Project till 16.12.2024.
80. The above is duly acknowledged in the finding of enquiry report of the committee constituted by DC Gurugram at page no. 11, Serial No: 6, the external services like sewage, drainage & water supply are not laid down till date by the concerned authorities i.e. HSVP/GMDA etc. even then. Colonizer has made temporary arrangements.
81. Even Hon’ble HRERA Authority in its Order dated 01.08.2023 duly observed that “...the occupation certificate and completion certificate of the project has already been obtained. Such certificates are granted by the competent authorities after assuring the compliance of many parameters including but not limited to construction as per the approved building plans...”.
82. Further in compliance of Par-B. (General Conditions) Clause [ii] i.e. “The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e mail) to the northern Regional Office of MOEF, the respective Zonal Office of CPCB, HSPCB and SEIAA Haryana.” It is kindly stated that we have duly complied the condition of clause [ii] by submitting six monthly reports till date. The proof of submission of submission is enclosed as Doc.-19.

[Copy of Proof of Half Year Compliance from the date of grant of OC dated 17.12.2019 to till date of Project EC Dated 24.11.2015 is enclosed as Doc.-19]

[Copy of Drinking water Test Report _Oct.-2024 is enclosed as Doc.-20]

[Copy of STP water Test Report _Oct.-2024 is enclosed as Doc.-20A]

[Copy of Six Monthly Compliance Report _Dec.-2024 is enclosed as Doc.-21]

[Copy of Receiving of Six Monthly Compliance Report _Dec.-2024 is enclosed as Doc.-21A]

8. Unsafe storage of inflammable materials:

83. It is kindly stated that the provision of refueling of generator(s) installed for power back up for common area and for back up of mandatory common services, utilities in the project. are filled directly through a vendor fuel tanker, who fills directly the fuel tanks of the generators installed from the fuel tanker.

9. Improper Waste Management

84. It is submitted that management of all waste streams for BWG-Wet, Dry and Domestic Hazarduous is managed through MCG empanelled service provider at site.

10. 'Pollution under control' certificate

85. It is stated that it pertains to the Association since the physically Handing –Over Taking-Over Common Areas and Facilities for day-to-day running and operations of services and utilities falling under the Association's scope, for maintenance, was completed on 01.06.2020.

Therefore, as apparent from our submissions, it is humbly stated that we have always fully complied with all the terms and conditions/ obligations of the license granted to us, and there is nothing left on our part as on date, therefore, you are humbly requested to take our submission on records regards the issue of the site visit by your department officials being members of the committee constituted by Hon'ble NGT in Original Application No.: 639/2024 in answer to the so-called / alleged violations.

Thanking you
Yours truly

Virender Singh Dhanda
Managing Director DIN: 00632607
For AVL Infrastructure Pvt. Ltd.



Enclosed: All above enclosures [Doc.-01 to Doc.-21A] have been mailed at Mail id: dtpenf5.gurugram.tcp@gmail.com.

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

No. SEIAA/HR/2015/512

Dated: 24-11-2015

To

M/s AVL Infrastructure Pvt. Ltd,
Plot No. 1, Green Park Main,
New Delhi-110016.

Subject: Environmental Clearance for construction of Affordable Group Housing Colony Project at Village Sihi, Sector-36-A, Distt Gurgaon, Haryana.

Dear Sir,

This letter is in reference to your application no. nil dated 13.11.2014 addressed to M.S. SEIAA, Haryana received on 04.12.2014 and subsequent letter dated 14.10.2014 & 02.03.2015 seeking prior Environmental Clearance for the above project under the EIA Notification, 2006. The proposal was transferred to MoEF&CC, GoI on 27.03.2015. No action was taken and the case was returned to SEIAA on 31.08.2015 after its constitution. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 on the basis of the mandatory documents enclosed with the application viz., Form-1, Form1-A, Conceptual Plan and additional clarifications furnished in response to the observations of the State Expert Appraisal Committee (SEAC) constituted by MOEF, GOI vide their Notification 23.3.2012, in its meeting held on 04.03.2015 awarded "Gold" grading to the project.

[2] It is inter-alia, noted that the project involves the construction of Affordable Group Housing Colony Project at Village Sihi, Sector-36-A, Distt Gurgaon, Haryana on a total plot area of 36582.512 sqm (9.03975 acres). The total built up area shall be 99573.631 sqm. The Group Housing project shall have 5 Blocks (Stilt + 10 Floors). The proposed project shall have 1480 Dwelling Units (1BHK & 2BHK), Commercial, Community Center and Anganwadi-cum-creche. The maximum height of the building shall be 38.85 meter. The total water requirement shall be 1071 KLD. The fresh water requirement shall be 677 KLD. The waste water generation shall be 893 KLD, which will be treated in the two STPs of 600 KLD + 500 KLD capacity. The total power requirement shall be 6700 KW which will be supplied by DHBVN. The Project Proponent has proposed to develop green belt on 23.151% of project area (12.645% tree plantation + 10.505% landscaping). The Project Proponent proposed to construct 09 rain water harvesting pits. The solid waste generation will be 3959 kg/day. The bio-degradable waste will be treated in the project area by adopting appropriate technology. The total parking spaces proposed are 740 ECS.

[3] The State Expert Appraisal Committee, Haryana after due consideration of the relevant documents submitted by the project proponent and additional clarification

furnished in response to its observations, have recommended the grant of environmental clearance for the project mentioned above, subject to compliance with the stipulated conditions. Accordingly, the State Environment Impact Assessment Authority in its meeting held on 29.10.2015 decided to agree with the recommendations of SEAC to accord necessary environmental clearance for the project under Category 8(a) of EIA Notification 2006 subject to the strict compliance with the specific and general conditions mentioned below:-

PART A-

SPECIFIC CONDITIONS:-

Construction Phase:-

- [1] "Consent for Establish" shall be obtained from Haryana State Pollution Control Board under Air and Water Act and a copy shall be submitted to the SEIAA, Haryana before the start of any construction work at site.
- [2] A first aid room as proposed in the project report shall be provided both during construction and operational phase of the project.
- [3] Adequate drinking water and sanitary facilities shall be provided for construction workers at the site. Provision should be made for mobile toilets. Open defecation by the labourers is strictly prohibited. The safe disposal of waste water and solid wastes generated during the construction phase should be ensured.
- [4] All the topsoil excavated during construction activities shall be stored for use in horticulture/landscape development within the project site.
- [5] The project proponent shall ensure that the building material required during construction phase is properly stored within the project area and disposal of construction waste should not create any adverse effect on the neighboring communities and should be disposed of after taking necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- [6] Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water and any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms with necessary approval of the Haryana State Pollution Control Board.
- [7] The diesel generator sets to be used during construction phase shall be of ultra low sulphur diesel type and should conform to Environment (Protection) Rules prescribed for air and noise emission standards.
- [8] The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.

- [9] Ambient noise levels shall conform to the residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be taken to reduce ambient air pollution and noise level during construction phase, so as to conform to the stipulated residential standards of CPCB/MoEF.
- [10] Fly ash shall be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and as amended on 27th August 2003.
- [11] Storm water control and its re-use as per CGWB and BIS standards for various applications should be ensured.
- [12] Water demand during construction shall be reduced by use of pre-mixed concrete, curing agents and other best practices.
- [13] In view of the severe constrains in water supply augmentation in the region and sustainability of water resources, the developer will submit the NOC from CGWA specifying water extraction quantities and assurance from HUDA/ utility provider indicating source of water supply and quantity of water with details of intended use of water – potable and non-potable. Assurance is required for both construction and operation stages separately. It shall be submitted to the SEIAA and RO, MOEF, Chandigarh before the start of construction.
- [14] Roof must meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material.
- [15] Opaque wall must meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all air conditioned spaces while it is desirable for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
- [16] The approval of the competent authority shall be obtained for structural safety of the building on account of earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightening etc. If any forest land is involved in the proposed site, clearance under Forest Conservation Act shall be obtained from the competent Authority.
- [17] Overexploited groundwater and impending severe shortage of water supply in the region requires the developer to redraw the water and energy conservation plan. Developer shall reduce the overall footprint of the proposed development. Project proponent shall incorporate water efficiency /savings measures as well as water reuse/recycling within 3 months and before start of construction to the SEIAA, Haryana and RO, MOEF, GOI, Chandigarh.
- [18] The Project Proponent as stated in the proposal shall construct total 09 rain water harvesting pits for recharging the ground water within the project premises. Rain water harvesting pits shall be designed to make provisions for silting chamber and removal of floating matter before entering harvesting pit. Maintenance budget and

persons responsible for maintenance must be provided. Care shall also be taken that contaminated water do not enter any RWH pit.

- [19] The project proponent shall provide for adequate fire safety measures and equipments as required by Haryana Fire Service Act, 2009 and instructions issued by the local Authority/Directorate of fire from time to time. Further the project proponent shall take necessary permission regarding fire safety scheme/NOC from competent Authority as required.
- [20] The Project Proponent shall obtain assurance from the DHBVN for supply of 6700 KW of power supply before the start of construction. In no case project will be operational solely on generators without any power supply from any external power utility.
- [21] Detail calculation of power load and ultimate power load of the project shall be submitted to DHBVN under intimation to SEIAA Haryana before the start of construction. Provisions shall be made for electrical infrastructure in the project area.
- [22] The Project Proponent shall not raise any construction in the natural land depression / Nallah/water course and shall ensure that the natural flow from the Nallah/water course is not obstructed.
- [23] The Project Proponent shall keep the plinth level of the building blocks sufficiently above the level of the approach road to the Project. Levels of the other areas in the Projects shall also be kept suitably so as to avoid flooding.
- [24] Construction shall be carried out so that density of population does not exceed norms approved by Director General Town and Country Department Haryana.
- [25] The Project Proponent shall submit an affidavit with the declaration that ground water will not be used for construction and only treated water should be used for construction.
- [26] The project proponent shall not cut any existing tree and project landscaping plan should be modified to include those trees in green area.
- [27] The project proponent shall provide 3 meter high barricade around the project area, dust screen for every floor above the ground, proper sprinkling and covering of stored material to restrict dust and air pollution during construction.
- [28] The project proponent shall construct a sedimentation basin in the lower level of the project site to trap pollutant and other wastes during rains.
- [29] The project proponent shall provide proper rasta of proper width and proper strength for the project before the start of construction.
- [30] The project proponent shall ensure that the U-value of the glass is less than 3.177 and maximum solar heat gain co-efficient is 0.25 for vertical fenestration.

- [31] The project proponent shall adequately control construction dusts like silica dust, non-silica dust and wood dust. Such dusts shall not spread outside project premises. Project Proponent shall provide respiratory protective equipment to all construction workers.
- [32] The project proponent shall develop complete civic infrastructure of the Group Housing colony including internal roads, green belt development, sewerage line, Rain Water recharge arrangements, Storm water drainage system, Solid waste management site and provision for treatment of bio-degradable waste, STP, water supply line, dual plumbing line, electric supply lines etc. and shall offer possession of the units/flats thereafter.
- [33] The project proponent shall provide one refuge area till 24 meter and one till 39 meter each, as per National Building Code. The project proponent shall not convert any refuse area in the habitable space and it should not be sold out/commercialized.
- [34] The project proponent shall provide fire control room and fire officer for building above 30 meter as per National Building Code.
- [35] The project proponent shall obtain permission of Mines and Geology Department for excavation of soil before the start of construction.
- [36] The project proponent shall seek specific prior approval from concerned local Authority/HUDA regarding provision of storm drainage and sewerage system including their integration with external services of HUDA/ Local authorities beside other required services before taking up any construction activity.
- [37] The site for solid waste management plant be earmarked on the layout plan and the detailed project for setting up the solid waste management plant shall be submitted to the Authority within one month.
- [38] The project proponent shall submit the copy of fire safety plan duly approved by Fire Department before the start of construction.
- [39] The project proponent shall discharge excess of treated waste water/storm water in the public drainage system and shall seek permission of HUDA before the start of construction.
- [40] The project proponent shall maintain the distance between STP and water supply line.
- [41] The project proponent shall ensure that the stack height is 6 meter more than the highest tower.
- [42] The project proponent shall ensure that structural stability to withstand earthquake of magnitude 8.5 on Richter scale.
- [43] The project proponent shall not raise any construction activity in the ROW reserved/acquired for High Tension Wire passing through the project area and

shall maintain horizontal and vertical ROW as required under Indian Electricity Rules, 1956/DHBMVN latest instructions.

Operational Phase:

- [a] "Consent to Operate" shall be obtained from Haryana State Pollution Control Board under Air and Water Act and a copy shall be submitted to the SEIAA, Haryana.
- [b] The Sewage Treatment Plant (STP) shall be installed for the treatment of the sewage to the prescribed standards including odour and treated effluent will be recycled to achieve zero exit discharge. The installation of STP shall be certified by an independent expert and a report in this regard shall be submitted to the SEIAA, Haryana before the project is commissioned for operation. Tertiary treatment of waste water is mandatory. The project proponent shall remove not only Ortho-Phosphorus but total Phosphorus to the extent of less than 2mg/liter. Similarly total Nitrogen level shall be less than 2mg/liter in tertiary treated waste water. Discharge of treated sewage shall conform to the norms and standards of CPCB/ HSPCB, whichever is environmentally better. Project Proponent shall implement such STP technology which does not require filter backwash. The project proponent shall essentially provide two numbers of STPs preferably equivalent to 50% of total capacity or depending upon the initial occupancy as the case may be.
- [c] Separation of the grey and black water should be done by the use of dual plumbing line. Treatment of 100% grey water by decentralized treatment should be done ensuring that the re-circulated water should have BOD level less than 5 mg/litre and the recycled water will be used for flushing, gardening and DG set cooling etc. to achieve zero exit discharge.
- [d] For disinfection of the treated wastewater ultra-violet radiation or ozonation process should be used.
- [e] Diesel power generating sets proposed as source of back-up power for lifts, common area illumination and for domestic use should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The location of the DG sets shall be in the open as promised by the project proponent with appropriate stack height above the highest roof level of the project as per the CPCB norms. The diesel used for DG sets shall be ultra low sulphur diesel (35 ppm sulphur), instead of low sulphur diesel.
- [f] Ambient Noise level should be controlled to ensure that it does not exceed the prescribed standards both within and at the boundary of the Proposed Affordable Group Housing Project.
- [g] The project proponent as stated in the proposal should maintain at least 23.151% as green cover area for tree plantation especially all around the periphery of the

project and on the road sides preferably with local species which can provide protection against noise and suspended particulate matter. The open spaces inside the project shall be preferably landscaped and covered with vegetation/grass, herbs & shrubs. Only locally available plant species shall be used.

- [h] The project proponent shall strive to minimize water in irrigation of landscape by minimizing grass area, using native variety, xeriscaping and mulching, utilizing efficient irrigation system, scheduling irrigation only after checking evapo-transpiration data.
- [i] Rain water harvesting for roof run-off and surface run-off, as per plan submitted should be implemented. Before recharging the surface run off, pre-treatment through sedimentation tanks must be done to remove suspended matter, oil and grease. The bore well for rainwater recharging shall be kept at least 5 mts. above the highest ground water table. Care shall be taken that contaminated water do not enter any RWH pit. The project proponent shall avoid Rain Water Harvesting of first 10 minutes of rain fall. Roof top of the building shall be without any toxic material or paint which can contaminate rain water. Wire mesh and filters should be used wherever required.
- [j] The ground water level and its quality should be monitored regularly in consultation with Central Ground Water Authority.
- [k] A report on the energy conservation measures conforming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R & U Factors etc and submitted to the SEIAA, Haryana in three months time.
- [l] Energy conservation measures like installation of LED only for lighting the areas outside the building and inside the building should be integral part of the project design and should be in place before project commissioning. Use of solar panels must be adapted to the maximum energy conservation.
- [m] The Project Proponent shall use zero ozone depleting potential material in insulation, refrigeration, air-conditioning and adhesive. Project Proponent shall also provide Halon free fire suppression system.
- [n] The solid waste generated should be properly collected and segregated as per the requirement of the MSW Rules, 2000 and as amended from time to time. The bio-degradable waste should be treated by appropriate technology at the site ear-marked within the project area and dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
- [o] The provision of the solar water heating system shall be as per norms specified by HAREDA and shall be made operational in each building block.
- [p] The traffic plan and the parking plan proposed by the Project Proponent should be adhered to meticulously with further scope of additional parking for future

requirement. There should be no traffic congestion near the entry and exit points from the roads adjoining the proposed project site. Parking should be fully internalized and no public space should be used.

- [q] The Project shall be operationalized only when HUDA/local authority will provide domestic water supply system in the area.
- [r] Operation and maintenance of STP, solid waste management and electrical Infrastructure, pollution control measures shall be ensured even after the completion of project.
- [s] Different type of wastes should be disposed off as per provisions of municipal solid waste, biomedical waste, hazardous waste, e-waste, batteries & plastic rules made under Environment Protection Act, 1986. Particularly E-waste and Battery waste shall be disposed of as per existing E-waste Management Rules 2011 and Batteries Management Rules 2001. The project proponent should maintain a collection center for E-waste and it shall be disposed of to only registered and authorized dismantler / recycler.
- [t] Standards for discharge of environmental pollutants as enshrined in various schedules of rule 3 of Environment Protection Rule 1986 shall be strictly complied with.
- [u] Water supply shall be metered among different users and different utilities.
- [v] The project proponent shall ensure that the of DG sets is more than the highest tower and also ensure that the emission standards of noise and air are within the CPCB latest prescribed limits. Noise and Emission level of DG sets greater than 800 KVA shall be as per CPCB latest standards for high capacity DG sets.
- [w] All electric supply exceeding 100 amp, 3 phase shall maintain the power factor between 0.98 lag to 1 at the point of connection.
- [x] The project proponent shall not use fresh water for HVAC and DG cooling. Air based HVAC system should be adopted and only treated water shall be used by project proponent for cooling, if it is at all needed. The Project Proponent shall also use evaporative cooling technology and double stage cooling system for HVAC in order to reduce water consumption. Further temperature, relative humidity during summer and winter seasons should be kept at optimal level. Variable speed drive, best Co-efficient of Performance (CoP), as well as optimal Integrated Point Load Value and minimum outside fresh air supply may be resorted for conservation of power and water. Coil type cooling DG Sets shall be used for saving cooling water consumption for water cooled DG Sets.
- [y] The project proponent shall ensure that the transformer is constructed with high quality grain oriented, low loss silicon steel and virgin electrolyte grade copper. The project proponent shall obtain manufacturer's certificate also for that.

- [z] The project proponent shall ensure that exit velocity from the stack should be sufficiently high. Stack shall be designed in such a way that there is no stack down-wash under any meteorological conditions.
- [aa] The project proponent shall provide water sprinkling system in the project area to suppress the dust in addition to the already suggested mitigation measures in the Air Environment Chapter of EMP.
- [ab] The project proponent shall ensure proper Air Ventilation and light system in the basements area for comfortable living of human being and shall ensure that number of Air Changes per hour/(ACH) in basement never falls below 15. In case of emergency capacity for increasing ACH to the extent of 30 must be provided by the project proponent.
- [ac] The project proponent shall ensure drinking/ domestic water supply as per prescribed standards till treated water supply is made available by HUDA.
- [ad] The project proponent shall provide green area on terrace and roof top.
- [ae] The project proponent shall install solar panel for energy conservation.

PART-B. GENERAL CONDITIONS:

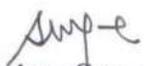
- [i] The Project Proponent shall ensure the commitments made in Form-1, Form-1A, EIA/EMP and other documents submitted to the SEIAA for the protection of environment and proposed environmental safeguards are complied with in letter and spirit. In case of contradiction between two or more documents on any point, the most environmentally friendly commitment on the point shall be taken as commitment by project proponent.
- [ii] The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the northern Regional Office of MoEF, the respective Zonal Office of CPCB, HSPCB and SEIAA Haryana.
- [iii] STP outlet after stabilization and stack emission shall be monitored monthly. Other environmental parameters and green belt shall be monitored on quarterly basis. After every 3 (three) months, the project proponent shall conduct environmental audit and shall take corrective measure, if required, without delay.
- [iv] The SEIAA, Haryana reserves the right to add additional safeguard measures subsequently, if found necessary. Environmental Clearance granted will be revoked if it is found that false information has been given for getting approval of this project. SEIAA reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF.
- [v] The Project proponent shall not violate any judicial orders/pronouncements issued by any Court/Tribunal.
- [vi] All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest

Conservation Act, 1980 and Wildlife (Protection) Act, 1972, Forest Act, 1927, PLPA 1900, etc. shall be obtained, as applicable by project proponents from the respective authorities prior to construction of the project.

- [vii] The Project proponent should inform the public that the project has been accorded Environment Clearance by the SEIAA and copies of the clearance letter are available with the Haryana State Pollution Control Board & SEIAA. This should be advertised within 7 days from the date of issue of the clearance letter at least in two local newspapers that are widely circulated in the region and the copy of the same should be forwarded to SEIAA Haryana. A copy of Environment Clearance conditions shall also be put on project proponent's web site for public awareness.
- [viii] Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the Project Proponent if it was found that construction of the project has been started before obtaining prior Environmental Clearance.
- [ix] Any appeal against the this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
- [x] The project proponent shall put in place Corporate Environment Policy as mentioned in MoEF, GoI OM No. J-11013/41/2006-IA II (I) dated 26.4.2012 within 3 months period. Latest Corporate Environment Policy should be submitted to SEIAA within 3 months of issuance of this letter.
- [xi] The fund ear-marked for environment protection measures should be kept in separate account and should not be diverted for other purposes and year wise expenditure shall be reported to the SEIAA/RO MOEF GOI under rules prescribed for Environment Audit.
- [xii] The project proponent shall ensure the compliance of Forest Department, Haryana Notification no. S.O.121/PA2/1900/S.4/97 dated 28.11.1997.
- [xiii] The Project Proponent shall ensure that no vehicle during construction/operation phase enter the project premises without valid 'Pollution Under Control' certificate from competent Authority.
- [xiv] The project proponent is responsible for compliance of all conditions in Environmental Clearance letter and project proponent can not absolve himself /herself of the responsibility by shifting it to any contractor engaged by project proponent.
- [xv] The project proponent shall seek fresh Environmental clearance if at any stage there is change in the planning of the proposed project.
- [xvi] Besides the developer/applicant, the responsibility to ensure the compliance of Environmental Safeguards/ conditions imposed in the Environmental Clearance letter shall also lie on the licensee/licensees in whose name/names the

license/CLU has been granted by the Town & Country Planning Department, Haryana.

- [xvii] The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; PM_{2.5}, PM₁₀, SO_x NO_x, Ozone, Lead, CO, Benzene, Ammonia, Benzopyrine, arsenic and Nickel. (Ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
- [xviii] The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the HSPCB Panchkula as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of the EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
- [xix] The project proponent shall conduct environment audit at every three months interval and thereafter corrected measures shall be taken without any delay. Details of environmental audit and corrective measures shall be submitted in the monitoring report.
- [xx] Corporate Environment and Social Responsibility (CSER) shall be laid down by the project proponent (2% shall be earmarked) as per guidelines of MoEF, GoI Office Memorandum No. J-11013/41/2006-IA.II(I) dated 18.05.2012 and Ministry of Corporate Affairs, GoI Notification Dated 27.02.2014. A separate audit statement shall be submitted in the compliance. Environment related work proposed to be executed under this responsibility shall be undertaken simultaneously. The project proponent shall select and prepare the list of the work for implementation of CSER of its own choice and shall submit the same before the start of construction.


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



Endst. No. SEIAA/HR/2015/

Dated:.....

A copy of the above is forwarded to the following:

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


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

ANNEXURE-E

Ref. No. : AVL/AGHC/2016/61

Date : 30th Jan., 2016

To

The Director General
Town & Country Planning, Haryana
SCO No.-71 to 75, (1st to 3rd Floor)
Sector-71C, Chandigarh,

Sub.: Information of Receipt of Consent to Establish from Pollution Angle to Start the Construction & submission of Authenticated copy of Flat Buyers Agreement.

Ref.: LC No-3036 – Licence No. 18 of 2014 dated 10-06-2014 & Licence No. 74 of 2014 dated 01-08-2014.

Sir

This is to inform that we have been issued consent to establish from Pollution Angle to start the construction vide Memo no. : HSPCB/consent/2821216 GUSOCTE 2410493 dated 02-01-2016 from Haryana State Pollution Board, Panchkula in compliance of the specific condition No. : 01, Part 'A' of Environment Clearance received vide memo No. : SEIAA/HR/2015/512 dated 24-11-2015 of our Affordable Housing Project (copy enclosed).

Find enclosed authenticated copy of Flat Buyer's Agreement for your reference and records, in compliance of rule 24 of Haryana Development and Regulation of Urban Area Rules 1976.

Thanking you

Yours truly

For AVL Infrastructure Pvt. Ltd.


Virender Singh Dhanda
Managing Director



EXES:RSZLWVXTRAF: UN WWW:JRUJAKUSLQUVJIT??



SP S J BLAVE <110029>
ED982560216111
Counter No:20P-Codes:KKI
To:THE TOWN & COUNTRY PLANNING
Sector 19 (Chandigarh), PIN:160019
From:AVL INFRASTR P LTD , G F PHO 110016
Wt:225grams.
Amt:69.00 ,05/02/2016 ,13:03
Taxes:Rs. 0.00/Total:rs.69.00/Postage:rs.0.00

Encl. :

- (i) Consent to establish from Pollution Angle Memo No. HSPCB/consent/2821216 GUSOCTE 2410493 dated 02-01-2016.
- (ii) Environment Clearance Memo No. : SEIAA/HR/2015/512 dated 24-11-2015
- (iii) Authenticated copy of Flat Buyer's Agreement.

-- A copy of this letter is forwarded to the following for information.

1. Senior Town Planner, Gurgaon
Town & Country Planning Department, Sector-14, Gurgaon, Haryana
2. District Town Planner, Gurgaon
Town & Country Planning Department, Sector-14, Gurgaon, Haryana

AVL Infrastructure (Pvt.) Ltd.
P R O M O T E R • B U I L D E R • D E V E L O P E R

01, Green Park Main, New Delhi – 110016

Phone: 011- 41326868; 41681515 | e-mail: info@avlinfra.com | website: www.avlinfra.com



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

Website – www.hspcb.gov.in E-Mail - hspcb.pkl@sifymail.com

Telephone No. – 0172-2577870-73

No. HSPCB/Consent/ : 2821216GUSOCTE2410493

Dated:02/01/2016

To

**M/s : AVL Infrastructure Pvt Ltd
AVL 36 Gurgaon village Sihi, Sector 36A
GURGAON
122004**

Sub. : Issue of Consent to Establish from pollution angle .

Please refer to your Consent to Establish application received in this office on the subject noted above. Under the Authority of the Haryana State Pollution Control Board vide its agenda Item No. 47.8 dated 28.04.83 sanction to the issue of "Consent to Establish" with respect to pollution control of Water and Air is hereby accorded to the unit AVL Infrastructure Pvt Ltd, for manufacturing of **Group Housing project** with the following terms and conditions:-

1. The industry has declared that the quantity of effluent shall be 893 KL/Day i.e 0KL/Day for Trade Effluent, 0 KL/Day for Cooling, 893 KL/Day for Domestic and the same should not exceed .
2. The above "Consent to Establish" is valid for 24 months from the date of its issue to be extended for another one year at the discretion of the Board or till the time the unit starts its trial production whichever is earlier. The unit will have to set up the plant and obtain consent during this period.
3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery. The effluent should conform the effluent standards as applicable
4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.
5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 as amended to-date-even before starting trial production
6. The above Consent to Establish is further subject to the conditions that the unit complies with all the laws/rules/decisions and competent directions of the Board/Government and its functionaries in all respects before commissioning of the operation and during its actual working strictly.
7. No in-process or post-process objectionable emission or the effluent will be allowed, if the scheme furnished by the unit turns out to be defective in any actual experience
8. The Electricity Department will give only temporary connection and permanent connection to the unit will be given after verifying the consent granted by the Board, both under Water Act and Air Act.
9. Unit will raise the stack height of DG Set/Boiler as per Board's norms.
10. Unit will maintain proper logbook of Water meter/sub meter before/after commissioning.

ANNEXURE-F

REGD.

FORM BR-VII
(See Code 4.10(2), (4) and (5))
Form of Occupation Certificate

From

Director,
Town & Country Planning Department,
Haryana, SCO-71-75, Sector-17-C, Chandigarh.
Tele-Fax: 0172-2548475; Tel.: 0172-2549851,
E-mail: tcpharyana7@gmail.com, Website www.tcpharyana.gov.in

To

Sh. Birpal & others, C/o AVL Infrastructure Pvt. Ltd.,
Plot No. 01, Green Park Main,
New Delhi-110016.

Memo No. ZP-1003/JD(NC)/2019/ 31173Dated: - 17-12-2019

Whereas Sh. Birpal & others, C/o AVL Infrastructure Pvt. Ltd. has applied for the issue of an occupation certificate on 18.10.2019 in respect of the buildings described below: -

DESCRIPTION OF BUILDING

City: Gurugram: -

- Licence No. 18 of 2014 dated 10.06.2014 & Licence No. 74 of 2014 dated 01.08.2014.
- Total area of the Affordable Group Housing Colony measuring 9.06875 acres.
- Sector-36-A, Gurugram Manesar Urban Complex.
- Indicating description of building, covered area, towers, nature of building etc.

Tower/ Block No.	No. of Dwelling Units sanctioned	No. of Dwelling Units constructed	No. of Floors	FAR Sanctioned		FAR Achieved	
				Area in Sq.m.	%	Area in Sq.m.	%
Tower-1	80	80	Stilt/Ground Floor to 10th Floor	4151.404	11.348	4022.234	10.99
Tower-2	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.37
Tower-3	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	10.995
Tower-4	80	80	Stilt/Ground Floor to 10th Floor	4151.404	11.348	4164.989	11.379
Tower-5	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-6	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.385
Tower-7	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-8	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-9	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-10	80	80	Stilt/Ground Floor to 10th Floor	4332.334	11.843	4205.854	11.379
Tower-11	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-12	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.497
Tower-13	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-14	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-15	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-16	40	40	Stilt/Ground Floor to 10th Floor	1842.186	5.036	1724.846	11.379
Tower-17	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-18	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379

Tower-19	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Total	1480 Dwelling Units			78875.658	215.615	76559.833	215.543
Commercial Building			Ground Floor to 2 nd Floor	2475.359	6.76	2512.188	6.86
Non-FAR Area in Sqm.							
				Sanctioned		Achieved	
Community Building				186.957		212.426	
Anganwadi				191.407		191.006	
Guard Room				--		25.14	
HT Room				--		6.30	

I hereby grant permission for the occupation of the said buildings, after considering NOC from fire safety issued by Director General, Fire Services, Haryana, Panchkula, Environment Clearance issued by State Environment Impact Assessment Authority, Haryana, Structure Stability Certificate given by Er. Sharad Gupta, M.Tech. (Structure), Public Health Functional reports received from Chief Engineer-I, HSVP, Panchkula & Certificate of Registration of lift issued by Inspector of Lifts-cum-Executive Engineer, Electrical Inspectorate, Haryana and after charging the composition charges amount of ₹ 27,29,879/- for the variations vis-à-vis approved building plans with following conditions: -

1. The building shall be used for the purposes for which the occupation certificate is being granted and in accordance with the uses defined in the approved Zoning Regulations/Zoning Plan and terms and conditions of the licence.
2. That you shall abide by the provisions of Haryana Apartment Ownership Act, 1983 and Rules framed thereunder. All the flats for which occupation certificate is being granted shall have to be compulsorily registered and a deed of declaration will have to be filed by you within the time schedule as prescribed under the Haryana Apartment Ownership Act 1983. Failure to do so shall invite legal proceedings under the statute.
3. That you shall apply for the connection for disposal of sewerage, drainage & water supply from HUDA as and when the services are made available, within 15 days from its availability. You shall also maintain the internal services to the satisfaction of the Director till the colony is handed over after granting final completion.
4. That you shall be fully responsible for supply of water, disposal of sewerage and storm water of your colony till these services are made available by HUDA/State Government as per their scheme.
5. That in case some additional structures are required to be constructed as decided by HUDA at later stage, the same will be binding upon you.
6. That you shall maintain roof top rain water harvesting system properly and keep it operational all the time as per the provisions of Haryana Building Code, 2017.
7. The basements and stilt shall be used as per provisions of approved zoning plan and building plans.
8. That the outer facade of the buildings shall not be used for the purposes of advertisement and placement of hoardings.
9. That you shall neither erect nor allow the erection of any Communication and Transmission Tower on top of the building blocks.
10. That you shall comply with all the stipulations mentioned in the Environment Clearances issued by State Environment Impact Assessment Authority, Haryana Vide No. SEIAA/HR/2015/512 dated 24.11.2015.
11. That you shall comply with all conditions laid down in the Memo. No. FS/2019/275 dated 22.11.2019 of the Director General, Fire Services, Haryana, Panchkula with regard to fire safety measures.
12. You shall comply with all the conditions laid down in Form-D issued by Inspector of Lifts-cum-Executive Engineer, Electrical Inspectorate, Haryana, HUDA Primary School Building, Block-C-2, Sushant Lok-I, Gurugram.
13. The day & night marking shall be maintained and operated as per provision of International Civil Aviation Organization (ICAO) standard.
14. That you shall use Light-Emitting Diode lamps (LED) in the building as well as street lighting.
15. That you shall impose a condition in the allotment/possession letter that the allottee shall use Light-Emitting Diode lamps (LED) for internal lighting, so as to conserve energy.
16. That you shall apply for connection of Electricity within 15 days from the date of issuance of occupation certificate and shall submit the proof of submission thereof to this office. In case the electricity is supplied through Generators then the tariff charges should not exceed the tariff being charged by DHBVN.
17. That provision of parking shall be made within the area earmarked/designated for parking in the colony and no vehicle shall be allowed to park outside the premises.

18. Any violation of the above said conditions shall render this occupation certificate null and void.



(K. Makrand Pandurang, IAS)
Director, Town and Country Planning,
Haryana, Chandigarh.

Endst. No. ZP-1003/JD(NC)/2019/_____ Dated: - _____

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

1. The Director General, Fire Services, Haryana, Panchkula with reference to his office Memo. No. FS/2019/275 dated 22.11.2019 vide which no objection certificate for occupation of the above-referred buildings have been granted. It is requested to ensure compliance of the conditions imposed by your letter under reference. Further in case of any lapse by the owner, necessary action as per rules should be ensured. In addition to the above, you are requested to ensure that adequate fire fighting infrastructure is created at Gurugram for the high-rise buildings and concerned Fire Officer will be personally responsible for any lapse/violation.
2. Chief Engineer-I, HSVP, Panchkula with reference to his office memo no. 208248 dated 21.11.2019 & memo no. 208267 dated 21.11.2019.
3. Senior Town Planner, Gurugram with reference to his office memo. No. 5733 dated 19.11.2019.
4. District Town Planner, Gurugram with reference to his office Endst. No. 11085 dated 18.11.2019.
5. District Town Planner (Enf.), Gurugram.
6. Nodal Officer, website updation.



(Narender Kumar),
District Town Planner (HQ),
For Director, Town and Country Planning,
Haryana, Chandigarh.

ANNEXURE-G

Directorate of Town & Country Planning, Haryana

Nagar Yojana Bhavan, Plot No. 3, Sector 18 A, Madhya Marg, Chandigarh
 Phone: 0172-2549349 e-mail: tcepharyana7@gmail.com
 website:-http://tcepharyana.gov.in

LC-IX
 (See Rule 16 (2))

To

AVL Infrastructure Pvt. Ltd.
 Plot No. 1, Green Park Main,
 New Delhi.

Memo No. LC-3036/ Asstt. (MS)/2022/ 33759 Dated: 10-11-2022

Subject: Grant of completion certificate for the Affordable Group Housing Colony being developed over an area 9.06875 acres bearing licence no. 18 of 2014 dated 10.06.2014 and 74 of 2014 dated 10.08.2014 in Sector-36A, Gurugram.

Please refer to your application dated 19.11.2019 and subsequent letters on the subject cited above.

2. Whereas, Chief Engineer, HSVP, Panchkula vide memo no. 229334 dated 24.12.2019 has confirmed that the services with respect to above said colony have been got checked and found that all the public health services have been laid as per approved service plan estimates and are operational/functional. Senior Town Planner, Gurugram vide memo no. 6466 dated 23.12.2019 has also confirmed about laying of the colony as per approved plans.

3. In view of above said reports, it is hereby certified that the required development works in the aforesaid colony having area measuring 9.06875 acres, as indicated on the enclosed plans duly signed by me, read in conjunction with the following terms and conditions, have been completed to my satisfaction. The development works are water supply, sewerage, storm water drainage, roads and horticulture. The completion certificate is granted on the following terms and conditions:-

1. The services will be laid by the colonizer upto alignment of proposed external services of the town and connection with the HSVP system will be done with the prior approval of the competent authority. In case pumping is required, the same will be done by the colonizer at its own cost. The services will be provided as per provision in the EDC of Gurugram.
2. That the colonizer will be solely responsible for making arrangement of water supply and disposal of sewage and storm water of colony as per requirement/guidelines of HSPCB/Environment Department till such time, the external services are provided by HSVP/State Government as per their scheme.
3. Level/Extent of the services to be provided by HSVP i.e. water supply sewerage, SWD, roads etc. will be proportionate of EDC provisions.

Goal

4. That you shall maintain a roof top rain water harvesting system properly and shall keep it operational all the time.
5. That in case some additional structures are required to be constructed and decided by HSVP at a later stage, the same will be binding upon you. Flow control valves will be installed, preferably of automatic type on water supply connection with HSVP water supply line.
6. That the NSL formation level of roads have been verified and are correct. You shall be responsible in case of any mistake in levels etc.
7. That you shall be fully responsible for operation, upkeep and maintenance of all roads, open spaces, public parks and public health services like water supply, sewerage and drainage etc. for a period as approved in the service plan estimates of your colony from the date of issuance of final completion certificate or earlier relieved of said responsibility and thereupon transfer all such roads open spaces, public parks and public health services like water supply, sewerage and drainage etc. free of cost to the Government or the Local Authority as directed.
8. That you shall neither erect nor allow the erection of any communication and transmission Tower with in colony without prior approval of competent authority.
9. That you shall comply with the conditions of Service Plan/Estimates approved by the Department vide memo dated ~~26-04-19~~ and the conditions imposed by CE- HSVP, Panchkula.
10. That audit of books shall be carried out by independent agency appointed for the same and you shall provide requisite documents in this regard to them. Further, you are liable to pay excess amount, if any found beyond 15% profit margin after conducting audit of books by said agency.
11. That you shall comply with the terms and conditions as approved from the concerned DISCOM.

This completion certificate shall be void-ab-initio, if any of the conditions mentioned above is not complied with. Further, this approval will not provide any immunity from any other Act/Rules/Regulations applicable to the land in question.

DA:As above.


 (T. L. Satyaprakash, IAS)
 Director General,
 Town & Country Planning,
 Haryana, Chandigarh
 Dated:

Endst. No. LC-3036-Asstt. (MS)-2022/

A copy is forwarded to the following for information and necessary action.

1. Chief Engineer, HSVP, Panchkula.
2. Senior Town Planner, Gurugram.

3. District Town Planner, Gurugram.
4. Chief Accounts Officer O/o Director, Town and Country Planning, Haryana, Chandigarh.
5. PM(IT) O/o DTCP with the request to update the status on Departmental website.



(Rajesh Kaushik)
District Town Planner (HQ)
For Director General, Town & Country Planning,
Haryana, Chandigarh

ANNEXURE-H


HARYANA STATE POLLUTION CONTROL BOARD

Haryana State Pollution Control Board, 3rd Floor, HSIIDC Office Complex, IMT Manesar, Gurugram Email:- hspcbrogrs@gmail.com
E-mail: hspcb.pkl@sify.com



No. HSPCB/Consent/ : 329962320GUSOCTO7138223

Dated:04/02/2020

To.

M/s :AVL Infrastructure Pvt Ltd
AVL 36 Gurgaon village Sihi, Sector 36A

Subject: Grant of consent to operate to M/s AVL Infrastructure Pvt Ltd.

Please refer to your application no. 7138223 received on dated 2020-01-06 in regional office Gurgaon South. With reference to your above application for consent to operate, M/s AVL Infrastructure Pvt Ltd is here by granted consent as per following specification/Terms and conditions.

Consent Under	BOTH
Period of consent	01/01/2020 - 30/09/2020
Industry Type	Building and construction project having waste water generation more than 100 KLD
Category	RED
Investment(In Lakh)	26900.0
Total Land Area(Sq. meter)	36582.51
Total Builtup Area(Sq. meter)	99573.63
Quantity of effluent	
1. Trade	0.0 KL/Day
2. Domestic	893.0 KL/Day
Number of outlets	1.0
Mode of discharge	
1. Domestic	Recycling/reusing in horticulture
2. Trade	0
Domestic Effluent Parameters	
1. BOD	30 mg/l
2. COD	250 mg/l
3. TSS	100 mg/l
4. Oil & Grease	10 mg/l
5. pH	5.5-9.0
Trade Effluent Parameters	
1. NA	
Number of stacks	1
Height of stack	

1. Attached to D G Sers above roof level	4 meter
Emission parameters	
1. NA	
Product Details	
1. Group Housing Society	Numbers/ day
Capacity of boiler	
1. N.A.	Ton/hr
Type of Furnace	
1. N.A.	
Type of Fuel	
1. Diesel	0.18 KL/day
Raw Material Details	
N.A.	Metric Tonnes/Day

*Regional Officer, Gurgaon South
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 inspection of the unit will be carried out by HSPCB within a period of 03 months of grant of this first Consent to Operate / Authorization for collection of samples of effluent/air emission/noise as applicable.

2. In case the analysis report of samples of Air/effluent/noise so collected are found complying the standards prescribed under EP Rules, 1986, the 1st CTO so granted will remain valid for the period of CTO for which it has been granted based upon the category of the unit or as was demanded by the unit in case of failure of sample the 1st CTO so granted will be revoked.

Shakti Singh Digitally signed by Shakti Singh
Date: 2020.02.04 16:57:20
+0530
Regional Officer, Gurgaon South

Haryana State Pollution Control Board.

ANNEXURE-I

**HARYANA REAL ESTATE REGULATORY AUTHORITY,
HUDA COMPLEX, SECTOR- 6, PANCHKULA-134109**

**FORM 'REP-III'
[See rule 5(1)]**

**REGISTRATION CERTIFICATE OF PROJECT
(Regd. No. 106 of 2017 dated 24.08.2017)**

To

AVL Infrastructure Pvt. Ltd.
Plot No. 1, Green Park Main,
New Delhi 110016

Memo No. HRERA(Reg.)517/2017/193

Dated 24.08.2017

Subject: Registration of Real Estate Project Area 9.06875 Acres Affordable Group Housing Colony ("AVL 36 Gurgaon") situated in Sector 36-A, District Gurugram, Haryana by AVL Infrastructure Pvt. Ltd. under RERA Act, 2016 and HRERA Rules, 2017

Ref: Your application dated 31.07.2017

Your request for registration of Affordable Group Housing Colony for Area 9.06875 Acres, situated in Sector 36-A, District Gurugram, Haryana with regard to License no. 18 of 2014 dated 10.06.2014 & License No. 74 of 2014 dated 01.08.2014 issued by the Director, Town and Country Planning Department, Haryana, has been examined vis-a-vis the provisions of the Real Estate (Regulation and Development) Act, 2016 and HRERA Rules, 2017 and accordingly a registration certificate is herewith issued with following terms and conditions:-

- (i) The Promoter shall comply with the provisions of the Act and the rules and regulations made there under;
- (ii) The Promoter shall deposit seventy percent of the amount to be realized from the allottees by the Promoter in a separate account to be maintained in a schedule bank to meet exclusively the cost of land and construction purpose as per provision of Section 4 (2) (L) (D);
- (iii) The registration shall be valid for a period commencing from 24.08.2017 to 31.12.2019;
- (iv) The Promoter shall enter into an agreement for sale with the allottees as prescribed in the Act and Rules made thereunder;
- (v) The Promoter shall offer to execute and register a conveyance deed in favour of the allottees or the association of the allottees, as the case may be, of the apartment, plot or building as the case may be, or on the common areas as per provision of section 17 of the Act;

- (vi) The Promoter shall take all the pending approvals from various competent authorities on time
- (vii) The Promoter shall pay all outstanding payment i.e. land cost, construction cost, ground rent, municipal or other local taxes, charges for water or electricity, maintenance charges, including mortgage loan and interest on mortgages or other encumbrances and such other liabilities payable to competent authorities, bank and financial institutions which are related to the project until he transfers the physical possession of the real estate project to the allottees or the associations of allottees, as the case may be;
- (viii) The Promoter shall be responsible for providing and maintaining the essential services, on reasonable charges, till the taking over of the maintenance of the project by the Municipal Corporation, Gurugram or any other local authority/Association of the Allottees, as the case may be;
- (ix) The Promoter shall not accept a sum more than ten percent of the cost of the apartment, plot or building as the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale with such person and register the said agreement for sale, under any law for the time being in force;
- (x) The Promoter shall adhere all the terms and conditions of this registration and license, sanctioned plans and other permissions issued by Competent Authorities. In case any deficiency in fee is found at later stage and the same shall be recoverable from the promoter/owner accordingly.
- (xi) The Promoter shall, upon receiving his Login Id and password under clause(a) of sub-section (1) or under sub-section (2) of section 5, as the case may be, create his web page on the website of the Authority and enter all details of the proposed project as provided under sub-section (2) of section 4, including the followings:-
 - a) details of the registration granted by the authority;
 - b) quarterly up-to-date list of number and type of apartments for plots, as the case may be, booked;
 - c) quarterly up-to-date the list of number of garages/covered parking lot booked;
 - d) quarterly up-to-date the list of approvals taken and the approvals which are pending subsequent to commencement certificate;
 - e) quarterly up-to-date status of the project; and

- f) such other information and documents as may be specified by the regulations made by the authority.
- (xii) The Promoter shall be responsible to make available to the allottees, the following information at the time of the booking and issue of allotment letter:-
- a) sanctioned plans, layout, along with specifications, approved by the competent authority, by display at the site or such other place as may be specified by the regulations made by the Authority;
 - b) the stage wise time schedule of completion of the project, including the provisions for civic infrastructure like water, sanitation and electricity.
- (xiii) This registration is subject to following conditions:-
- a) The promoter shall submit the detail of development work plan as provided in Rule 14 (1) (a)(b)(c) VII of the Rules, 2017 HRERA within one month time.
 - b) The promoter shall submit the estimates of cost of project within one month time.



Executive Director
HARYANA REAL ESTATE REGULATORY AUTHORITY

Date : 27th May, 2020

To,
M/s. AVL Infrastructure Pvt. Ltd.
148, Vipul Trade Center,
Sector – 48, Gurugram-122018

Subject: Intimation regarding completion of registration formalities of Association & copy of Budget Estimate for day-to-day Running & Operational expenses/cost for common areas and facilities.

Dear Sir,

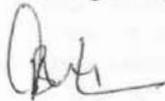
Please find enclosed Registration Certificate/Documents of Association for your reference & records along with copy of Budget Estimate for day-to-day Running & Operational expenses/cost for the period beginning 1st of June, 2020 to 31st March 2021 for necessary intimation/action with the request to take Association Clearance in respect of each Apartment in terms of the Haryana Apartment Ownership Act, 1983.

We have also intimated the same to all allottees vide letter memo no.: AAOA/2020/01 dated 27-05-2020 informing regarding completion of registration formalities of Association along with copy of Registration Certificate, Budget Estimate and Membership Form etc. for completing necessary compliances under applicable act(s).

We would also like to proceed to schedule the Handing Over Taking Over of Common Areas and Facilities with your officials at the earliest.

Thanking you again for your continuous support and cooperation in this regard. Hope you shall extend necessary support in future.

Thanking You,



Balraj Singh
President
AVL36GURGAON APARTMENT OWNERS ASSOCIATION

Enclosed:

- Copy of Letter Dated 27-05-2020 with registration documents of the Association.

AVL36GURGAON Apartment Owners Association

AVL36GURGAON, Sector-36A, Gurgaon – Manesar Urban Complex, Gurugram, Haryana – 122004

Registration Number: 02481 Email: avl.uoa@gmail.com Phone No.: +91-9667768755

ANNEXURE-K

Handing-Over Taking-Over Common Areas & Facilities

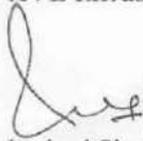
Affordable Project- AVL36GURGAON, License Nos. 18 & 74 of 2014 granted under the Haryana Development and Regulation of Urban Area Act, 1975.

Handing Over- Common Areas & Facilities declared under Deed of Declaration executed and duly registered vide Vasika No: 12007 dated 20.03.2020.

I, Suresh Kumar GM Operations authorized by M/s. AVL Infrastructure Private Limited through its board resolution dated 13.03.2020, do hereby Hand-Over Common Areas & Facilities declared under registered Deed of Declaration, for maintenance, in affordable group housing Complex AVL36GURGAON, Sector- 36A, Gurgaon-Manesar Urban Complex Gurugram, Haryana-122004 to the following Association.

Name of Association- AVL36GURGAON Apartment Owners Association
 Registration No.- HR-018-2020-02481

For AVL Infrastructure Pvt. Ltd.

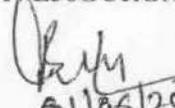

 (Authorised Signatory)
 Place: Gurugram Haryana
 Date : 01 June 2020



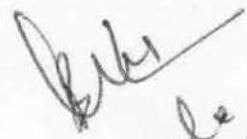
ACCEPTANCE

I/We, Shri Balraj Singh, President of AVL36GURGAON Apartment Owners Association through its resolution dated 27.05.2020, do hereby take-over Common Areas & Facilities declared under registered Deed of Declaration, for maintenance in group housing Complex 'AVL36GURGAON', Sector- 36A, Gurgaon- Manesar Urban Complex, Gurugram, Haryana-122004 and confirm that I /We have inspected the approvals, NOCs and the common areas & facilities in the project and am/are completely satisfied in respect of documents and common areas & facilities provided in the project in terms of its registered Deed of Declaration, area, location, dimensions, quality of workmanship / construction, materials, specifications. There is no issue whatsoever and have no claim in this regard.

For AVL36GURGAON Apartment Owners Association


 01/06/2020
 Shri Balraj Singh
 President
 Place: Gurugram Haryana
 Date:




 Received
 01/06/2020

Enclosed: Annexure-01, the completion of handing-over taking-over formalities of common areas & facilities is subject to the disclosures enclosed.

AVL Infrastructure (Pvt.) Ltd.
 PROMOTER • BUILDER • DEVELOPER

01, Green Park Main, New Delhi – 110016

Phone: 011- 41326868; 41681515 | e-mail: info@avlinfra.com | website: www.avlinfra.com

ANNEXURE-01

Project- AVL36GURGAON, License Nos. 18 & 74 of 2014 granted under the Haryana Development and Regulation of Urban Area Act, 1975.

Handing-Over Taking-Over of Common Areas & Facilities declared under Deed of Declaration, for maintenance to Association formed & registered under the provisions of the Haryana Apartment Ownership Act, 1983.

Pursuant to claiming of common areas & facilities of the project by the association and offer to hand over by the developer, the completion of Handing-Over Taking- Over formalities of the Common Areas & Facilities declared in the Deed of Declaration under the provisions of the Haryana Apartment Ownership Act, 1983 is subject to the following recitals, information/ details of infrastructure, disclosures made by the developer.

RECITALS:

That the Director, Town and Country Planning, Chandigarh, Haryana granted affordable Group Housing licenses bearing No.: 18 of 2014, Dated- 10-06-2014 & No.: 74 of 2014, Dated- 01-08-2014 under The Haryana Development and Regulation Urban Areas Act, 1975 and Rules made there under.

WHEREAS the Developer Company floated the affordable housing Project for general public on the said scheduled Land under the name and style of 'AVL36GURGAON' (hereinafter referred to as the "said Project" or "AVL36GURGAON"), in accordance with the terms and conditions of Affordable Housing Policy-2013, notified by the Town & Country Planning Department, Government of Haryana vide notification number PF-27/ 48921 dated 19-08-2013 and amendments thereon from time to time (hereinafter referred to as the "Policy or AHP-2013").

AND WHEREAS the Developer got the drawings approved and sanctioned from the Directorate, Town & Country Planning, Haryana, in accordance with the parameters laid down in the AHP-2013 and from other competent authority the layout plans, elevations, sections and details of the said Project vide memo no. ZP-1003/AD (RA)/2014/20245 Dated 27-08-2014, consisting of residential, community and commercial building. The Consent to Establish from Haryana State Pollution Control Board was granted to the project vide memo no.: HSPCB/Consent/: 2821216GUSOCTE2410493 dated 02-01-2016 to commence the construction of the Project at site.

AND WHEREAS the Developer got registered the said Project under the provisions of the Real Estate (Regulation and Development) Act 2016 and rules thereunder, with the Haryana Real Estate Regulatory Authority at Panchkula as registration No.-106 of 2017 vide Memo No.- RERA (Reg.) 517/2017/793 Dated 24-08-2017.

AND WHEREAS upon completing the construction including internal development works within the Project, which inter alia, includes laying down of roads, water lines, sewer lines, electrical lines etc. of whole project well within predefined period as per Policy and fulfilling due observance and performance of such laid down conditions and restrictions, the Developer filed the application to Directorate, Town & Country Planning Department on 18-10-2019 for grant of Occupation Certificate of the said Project. Thereafter, Directorate, Town & Country Planning granted Full Occupation Certificate of the said Project vide Memo No.: ZP-1003/JD (NC)/2019/31173 Dated 17-12-2019. However, the external linkages for internal services beyond the periphery of the Project, such as water lines, sewer lines, storm water drains, roads, electricity, and other such integral services are to be provided by the Government Department and/or the Competent Authority and the Developer is dependent on the appropriate Government Department or Competent Authority for providing such external linkages, therefor the Developer shall bear no responsibility for such unfinished work of appropriate Government Department or Competent Authority.



AND WHEREAS as per the Applicable Laws, some services and facilities have been made available at a single point for utilization from thereon for residential, community and commercial buildings of the said Project, which would be on sharing basis and meant to be used jointly by occupants of residential, community and commercial buildings of said Project. Such shared services and facilities i.e. electricity connection, underground water storage tank, solar power station, rain water harvesting pits, sewage treatment plant, domestic/ storm water and sewerage connections etc. (hereinafter called said "shared Services and Facilities"). The said shared services and facilities are provided /developed on the said Project and notwithstanding their location, all the said shared services and facilities would be available for use of occupants of residential, community as well as owners of commercial buildings. The allottees of the project shall use the said shared services and facilities including Common Areas and Facilities strictly in accordance with the declaration filed by the Developer under the Haryana Apartment Ownership Act, 1983 and applicable laws.

AND WHEREAS the Project, in its entirety, is in accordance with the provisions of the Haryana Apartment Ownership Act, 1983 and rules framed thereunder. The Deed of Declaration of said Project, in compliance of the Haryana Apartment Ownership Act, 1983, has been filed (subject to amendment(s) therein from time to time) by the Developer and duly registered vide Vasika No.-12007 Dated 20-03-2020 with the office of Sub-Registrar Manesar, District-Gurugram, Haryana.

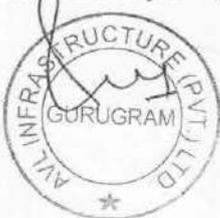
AND WHEREAS it is explicitly made clear that the Developer has not taken any amount whatsoever on account of maintenance from any of the allottee of the project and the developer reiterates that in terms of clause 15 of flat buyer agreement, the Developer will provide free of cost Maintenance of the Services mentioned under sub-section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975, for a period of five years from the date of grant of the Occupation Certificate to comply with Clause 4(v) of the AHP-2013.

AND WHEREAS it is informed & further clarified in terms of clause 16 of flat buyer agreement that it shall be the responsibility of the allottees to manage & bear day to day running expenditure and cost of consumptions of utilities by whatever name called, in respect of any utilities, manpower, consumables, common areas and services/facilities, water & electricity consumption charges, general incidental expenses, licence's renewal fee(s) and any other Govt. fees/Statutory taxes, insurance of the said Building/ said Project etc. from the date of offer of possession of said Flat by the Company. The Allottees may simultaneously form "Association of Apartment Owners" while taking over possession of the said Flat to carry out and manage their above-mentioned day-to-day affairs.

AND WHEREAS the Developer offered the possession of Units in the said Project to all allottees on 24-12-2019 as per policy subject to provisions of the Haryana Apartment Ownership Act, 1983 and facilitated the allottees for formation of association and provided 'No Objection Certificate' for use of address and premises of the project by allottees association. The Developer also organised at its project as well as at site office, copy of Deed of Declaration executed & registered, pertinent information, documents approvals & NOCs granted to the Project by competent authorities/ Government departments for perusal by all stakeholders in the Project.

AND WHEREAS the allottees formed & got registered the association namely 'AVL36GURGAON Apartment Owners Association' bearing reg. no.: HR-018-2020- 02481 as per laws applicable and immediately upon registration of the Association, the office bearer of the association intimated the Developer to hand over Common Areas & Facilities provided in the project for day to day running & operations by itself.

AND WHEREAS the Developer offered the Association to Hand-Over the common areas & facilities subject to the association undertaking that it shall be solely responsible and liable for violations, if any, of the provisions of the law of the land and applicable rule, regulation or direction by the competent authority and that the Association shall indemnify the Developer for any liability and/or penalty in that behalf. Upon confirmation by the Association that it is fully satisfied with the common areas & facilities provided in the project vis-à-vis declared in the registered Deed of Declaration (subject to amendment(s) therein) executed and duly registered by the Developer. The Developer initiated the completion of formalities of handing over taking over of common areas and facilities provided in the project to fulfill its obligations and responsibilities under the Haryana Apartment Ownership Act, 1983 and/or under any law(s) applicable on the Project.



Regarding- APPROVALS, NOCs, DRAWINGS AND DEED OF DECLARATION OF THE PROJECT.

The following relevant approvals, NOCs, drawings along with copy of Deed of Declaration have been provided to the Association. The Association have received the same and have duly inspected common areas and facilities provided at site. The association is completely satisfied in respect to the documents received and common areas & facilities provided in the project by the Developer.

The copy of relevant documents, approvals & NOCs handed over to association is listed below for records.

- i. License copy bearing number 18 of 2014 dated 10-06-2014 & 74 of 2014 dated 01-08-2014
- ii. Approval of Building Plans-BR III: Memo No.- ZP-1003/AD(RA)2014/20245 dated 27-08-2014
- iii. NOC for Height Clearance from Airport Authority of India dated 30-09-2014
- iv. Recommendation for Environmental Clearance from State Environment Impact Assessment Authority (SEIAA) dated 24-11-2015
- v. Consent to Establish granted by HSPCB to start construction at site vide Memo No: HSPCB/Consent/:2821216GUSOCTE2410493 dated 02-01-2016
- vi. HRERA Registration Certificate: Certificate No: 106 of 2017 dated 24-08-2017
- vii. Approval of Service Plan Estimate from DTCP, Haryana dated 26-04-2019
- viii. Approval of Electrification Plan from DHBVN dated 12-06-2019
- ix. Approval of Single Line Diagram from O/o Chief Electrical Inspector dated 24-09-2019
- x. Approval for energisation of Independent Feeder by office of Executive Engineer/Electrical Inspectorate vide memo no 2278 dated 31-01-2020
- xi. Approval of Sanction of Load for Common Area Electricity in the project
- xii. Inspection and Approval of HT installation (ESS) T/F at site by O/o Chief Electrical Inspector dated 30-10-2019
- xiii. Inspection and Approval of DG installation at site by O/o Chief Electrical Inspector dated 30-10-2019
- xiv. Copy of Lifts NOC/ Registration from office of Electrical Inspectorate
- xv. Fire NOC from Fire Department
- xvi. Copy of Occupation Certificate of whole Project vide Memo No: ZP-1003/JD(NC)2019/31173 dated 17-12-2019
- xvii. STP -Permission/ Consent to Operate granted by pollution control board vide memo no.: HSPCB/Consent/: 329962320GUSOCTO7138223 dated 04-02-2020
- xviii. Drawings of Equipment's and Machinery Installed in the project.
 - Electric Sub Station
 - Underground Water Tank with WTP
 - Sewerage Treatment Plant
 - Solar Power Station – Layout plan
 - Relevant other drawings and details of the project.
- xix. Copy of Registered Deed of Declaration dated 20-03-2020 along with the following documents.
 - Copy of Certified As-Built Drawings
 - Copy of Registered Collaboration Agreement dated 07-08-2013
 - Copy of Registered Special Power of Attorney dated 07-08-2013
 - Copy of Independent Units Numbering Plan



INFORMATION REGARDING INFRASTRUCTURE FACILITIES PROVIDED IN THE PROJECT.

- i. **Electric Sub Station**
A state-of-the-art electric substation has been installed in the project as per approved layout and drawings. The electric substation comprises of 5x1000 KVA, 1x400KVA and 1 x 250 KVA Transformers, 2x125 KVA and 1x62.5 KVA Diesel Generator sets, HT Panel with VCB's, LT Panels, Capacitor Panels, HT/LT Cables of desired sizes and lengths, Ring Main Unit, Meter Room for Common electricity connection, H Poles along with all related accessories. The electricity is supplied to each Tower through desired size of LT Cables as per system design. Each Tower has a*separate Tower Panel with breakers and Individual Meter Boards with rising mains for each dwelling unit.
- ii. **Fire Fighting System**
The firefighting scheme is installed as per NBC 1983 Part IV revised 2005/Guidelines from the fire safety point of view. The firefighting system for each tower comprises of required Overhead Water tank, 1 No. Pump at Terrace of each tower to maintain min. pressure, 150 dia down comer, 1 No. hydrant at each floor, 1 No. First Aid Hose reels on each floor, Shut off Type Nozel, 2 No. RRL type Delivery Hose of 63mm dia & 15 Mtr in length, 1 No. MCB at each floor, a public address system with speakers at each floor, 2 ISI marked fire extinguishers at each floor, Fire Check Doors of 2 Hours Rating for fire escape stairs at each floor along with exit signs and other related accessories as per requirement and related approvals. Required systems are also installed in community hall , aganwadi and Commercial building as per requirement and approvals.
- iii. **Solar Power Station**
40 KW Solar power system comprising of 122 nos. - 330KW Vikram Solar Panels, Delta Solar Inverter, GI structure and complete Solar Accessories installed on Terrace of Block 1 to 4 with on Grid Connection to Common area electricity LT panel located in Electric Sub-station.
- iv. **Sewage and Grey Water Treatment Plant**
The Sewage Treatment Plant (STP) is based on MBBR Technology and envisaged as state-of-the-art plant, on the basis of an advanced biological treatment process followed by disinfection, so that the treated wastewater is rendered safe for use in irrigation.
The Grey Water Treatment Plant is envisaged as state-of-the-art plant, on the basis of an advanced chemical and Physical Filtration process followed by disinfection, so that the treated wastewater is rendered safe for use in Flushing.
- v. **Water Supply Scheme**
Two separate distribution systems independent to each other are provided in the project. One for Portable water Supply for Domestic use and second of recycled water which is safe for use in Flushing.
The Domestic Portable water system is supplied from Underground tanks of approved size and capacity located in central park area. A Water Treatment plant is installed in the Pump Room and comprises of Dual Media Filter, Activated Media Filter, Transfer Pumps, Pipe & various Fittings. The water from Raw Water tank is treated through water treatment plant and transferred to Domestic Treated Water tanks. The water is then supplied through pumps via water supply lines to Overhead tanks of Individual Towers. The treated wastewater from Grey water treatment Plant is supplied to separate Overhead Flushing tanks of Individual Towers/Blocks.
- vi. **Stormwater Lines**
A stormwater system is installed underground with RCC Hume pipes and Manhole network in the project as per approved drawings. The storm water from Terrace, Balconies, roads and common areas is channelised through Storm water lines to Rain Water Harvesting Pits. A total of nine (9) Rain water Harvesting Pits have been installed as per approved drawings to cater to storm water discharge requirements.



- vii. Sewage waste Line and Waste water Lines
A dual waste water system is installed underground with RCC Hume pipes and Manhole network in the project as per approved drawings. The Soil Waste water from water closet of each Bathroom and Kitchen waste water flows to sewerage system lines to black water Equalisation tank of Sewerage treatment plant. The black water is treated and used for irrigation purposes. The bathroom waste water flows to waste water system lines to Grey Water Equalisation tank of Sewerage treatment plant. The Grey water is treated and resupplied to each household for flushing requirement.
- viii. Lifts and Staircases
There are two nos. staircases & one number lift sanctioned in each residential block, accordingly the same has been installed. Each passenger lift has been installed in conformity of provisions of Haryana Lift and Escalators Act 2008, of reputed make and model along with Ventilation Fan for each lift. The capacity of each Lift is 884 kg/ 13 Passenger lift.
- ix. Community Hall and Anganwadi Cum Creche
Anganwadi cum Creche of area 191.006 Sqmt and a community hall of area 212.426 Sqmt is provided complete in all respect as per requirement of AHP-2013.
- x. Green Landscape areas and Lawns
Beautiful Landscaped green/hard green areas with grass and variety of trees and plantations have been provided in the project at various locations as per As- Built drawings duly certified by competent department and in conformity as per requirement of applicable laws.
- xi. Roads and Driveway area
Paved Driveway with Concrete pavers/ PCC/Grass pavers with firm substrate & proper line and levels has been provided along with common area lightings.

NOW, THEREFORE, THIS DOCUMENT WITNESSETH AND IT IS HEREBY AGREED BY
PARTIES AS FOLLOWS

The Association being fully satisfied in all respect and has no claim or grievances of any nature, whatsoever. It does not have any claim against the Developer in respect of any item or work in the Common Areas & Facilities declared under Deed of Declaration, including (without limitation) all issues in relation to its design, specifications, materials used, construction quality, finishing, workmanship, measurement of areas or for any other matter whatsoever and the Association shall not hold the developer responsible and/or liable in respect of the Common Areas & Facilities provided in the project vis-à-vis declared under Deed of Declaration for any defect, if any thereto, for any reason whatsoever.

The Association affirms that upon completion of handing over taking over formalities of common areas and facilities, it alone shall be responsible for day to day running and operations of the Common Areas & Facilities declared under Deed of Declaration subject to the condition that the Developer will provide free of cost Maintenance of the services mentioned under sub-section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975, for a period of five years from the date of grant of the Occupation Certificate to comply with Clause 4(v) of the AHP-2013.

- 0 -





93 ANNEXURE-L
Sub Divisional Officer (C) Badshahpur

227

Add:- Sector -57, Near Rail Vihar, Wazirabad, Gurugram
Contact: - 0124-2570029 E-Mail:- sdmbadshahpur@gmail.com

प्रेषक,

जिला नगर योजनाकार (प्लानिंग)
गुरुग्राम।

क्रमांक 311 /स्टैनो

दिनांक 13/6/22

विषय:- Major Violation or provision of Lsw (Affordable Housing Policy 2013) by AVL Infrastructure Private Limited at Project named "AVL 36 Gurugram."

उपरोक्त विषय पर उपायुक्त महोदय के कार्यालय के पत्र क्रमांक 1450/परिवाद, दिनांक 03.06.2022 के सन्दर्भ में।

विषयोक्ता मामलें में उक्त बारे एक शिकायत (प्रति संलग्न) उपायुक्त महोदय के माध्यम से श्री ललीत कुमार, सचिव AVL 36-A, Welfare Society, Flat No. 208 Block No- 9, Sector-36 A Gurugram.नें M/s AVL Infrastructure Private Limited at Project named "AVL 36 Gurugram." के विरुद्ध की गई है। जिसकी प्रति आपको भी सम्बोधित है। अतः आपसे अनुरोध है कि उक्त शिकायत के सम्बंध में आप दिनांक 27.06.2022 को सुबह प्रातः 11:00 बजे उक्त शिकायत से सम्बन्धित पूर्ण रिपोर्ट तथ्यों सहित स्वयं या अपने किसी प्रतिनिधी को भेजकर अधोहस्ताक्षरी के सम्मुख पेश होवें ताकि मामले की जांच की जा सके।

जांच अधिकारी एवं-
उप-मण्डल मजिस्ट्रेट,
बादशाहपुर, गुरुग्राम।

क्रमांक 312 /स्टैनो

दिनांक 13/6/22

इसकी एक प्रति निम्नलिखित को भेजकर लिखा जाता है कि आप उक्त तिथि व समय पर शिकायत से सम्बन्धित सभी दस्तावेज मय सबूत लेकर अधोहस्ताक्षरी के सम्मुख पेश होवे ताकि मामले में जांच की जा सके।

1. M/s AVL Infrastructure Private Limited at Project named "AVL 36 Gurugram." 148 Vipul Trade Center, Sohna Road, Sector-48, Gurugram. Ph. 0124-4296868.
2. Sh. Lalit Kumar, Sachiv AVL 36-A, Welfare Society, Flat No. 208 Block No- 9, Sector-36 A Gurugram.

जांच अधिकारी एवं-
उप-मण्डल मजिस्ट्रेट,
बादशाहपुर, गुरुग्राम।

विषय:— Major Violation of provision of Law (Affordable Housing Policy, 2013) by AVL Infrastructure Private Limited at project named “AVL 36 Gurugaon.”

यह शिकायत उपायुक्त गुरुग्राम के पत्र क्रमांक 1450/परिवाद दिनांक 03.06.2022 के द्वारा इस कार्यालय में प्राप्त हुई। शिकायत पर गौर किया गया। सम्बन्धित पक्षों को दिनांक 29.06.2022 को जांच के लिए तलब किया जाये।

जांच अधिकारी एवम
उप-मण्डल अधिकारी (ना०),
बादशाहपुर। 13.06.2022

Dairy No..... 811

95

229

Dated..... 8/6/22

कार्यालय उपायुक्त, लघु सचिवालय गुरुग्राम।

फोन 0124..2325500 फैक्स नं० 0124. 2321144, (कार्यालय)

फोन 0124. 2303333, फैक्स नं० 0124 2320508 (आवास)

Email- dcgrg@hry.nic.in, Website: <http://gurgaon.gov.in>

DSR/Reader/MRC/DLC/MC/Steno/DC

SDO (C), Badshahpur

अति आवश्यक / तिथि बद्ध-

प्रेषक

उपायुक्त, गुरुग्राम।

सेवा में

1. उपमण्डल अधिकारी (ना०) बादशाहपुर।
2. जिला नगर योजनाकार (पी०) गुरुग्राम।

क्रमांक 1450 / परिवाद

दिनांक: 03/06/22

विषय:-

Major Violation of provisions of Law (Affordable Housing Policy, 2013) by AVL Infrastructure Private Limited at project named "AVL36 Gurgaon."

उपरोक्त विषय के संदर्भ में।

विषयोक्त मामले में AVL 36A Social Welfare Society, Mob.No- 9599975831

9717905100 से प्राप्त शिकायत दिनांक 03.06.2022 की प्रति आपको भेजकर लिखा जाता है कि इस केस में उपायुक्त महोदय ने एक जांच समिति गठित की है अतः आपसे अनुरोध है कि उक्त शिकायत पर अपना जांच रिपोर्ट 15 दिन के अन्दर-2 इस कार्यालय में शीघ्र भिजवाने का कष्ट करे, ताकि रिपोर्ट उपायुक्त महोदय के समक्ष प्रस्तुत की जा सके।

सलगनः उक्त ।

पृ० क्रमांक

/ परिवाद

दिनांक-

कृते: उपायुक्त, गुरुग्राम।

03/06/22

इसकी एक प्रति AVL 36A Social Welfare Society, Mob.No- 9599975831, 9717905100 को उनकी शिकायत दिनांक 03.06.2022 के संदर्भ में सूचनार्थ प्रेषित है।

कृते: उपायुक्त, गुरुग्राम।

AVL 36A SOCIAL WELFARE SOCIETY

Registration No: - 02631 , Contact Number:- 91-9599975831, 91-9717905100,
Email-ID avlresidents@gmail.com

2047

Date: 03.06.2022

To,

CTM/CEA - An enquiry committee of
SDOC) Badshahpur & DTP(R)
to be formed.

The Deputy Commissioner,
Mini Secretariat, Gurugram
Haryana-122001.

.....for n/a
as per rules

DC, Ggm

Major Violation of provisions of Law (Affordable Housing Policy, 2013)
by AVL Infrastructure Private Limited at project named
"AVL36GURGAON"

Builder/Developer:- "AVL Infrastructure Private Limited"

AOA:- "AVL36GURGAON Apartment owners Association"

Project Name:- "AVL36GURGAON" having licence number 18 & 74 of
2014"

Address of the Project: - "Sector 36A Gurgaon"

Mail ID of Builder:- "customercare@avlinfra.com"

Dear Sir,

We are AVL36 Social Welfare Society, Firstly, we would like to thanks for inviting our organisation in Conclave scheduled on 29.04.2022 wherein most of the officials such as DTP from TCP, HARERA representatives, prominent advocates, member of government official, News Channels, Media etc. would be present and respond to the genuine grievances of home buyers. We shall be highly grateful if the concerned official department resolves the issues of our affordable society AVL36Gurgaon. The issues raised in past at various department have not been resolved.

Address:- Flat No. 208, Block-09, AVL36GURGAON, Sector-36A, Gurugram, Haryana,
122004.



Registration No: - 02631 , Contact Number:- 91-9599975831, 91-9717905100,

Email-ID avlresidents@gmail.com

Our Hon'ble Prime Minister envisioned "Housing for economic weaker section". To achieve this objective, the Central Government launched a comprehensive mission "Pradhan Mantri Awas Yojana (Urban)". The "Affordable Housing Policy", 2013 , of Government of Haryana was also a step in the same direction. The policy provides opportunity to people from 'Economic weaker section' of society to fulfil their dream of owning a house in cities at affordable price. This has put affordable homebuyers in distress, we have already made various representations to DTCP, DR office, and other public authorities but we are sufferings remain ignored by all, giving free hand to developers to exploit the affordable buyers.

We, therefore, request for urgent attention by your good-self office on following points of Affordable AVL36Gurgaon Society:-

1. Road connectivity Issues
2. High Maintenance Issues
3. Illegal Parking issues
4. Illegal AOA forced by builder on innocent buyer
5. In-sufficient electricity load (11KV) provided by builder inside said project, which is required 33KV.
6. Basic amenities not provide by builder
7. Builder has charged extra amount more than specified rate (4,000 Sq feet) as per the AHP-2013, at the time of selling of affordable flats.

Brief Problems:-

1. The above said project (AVL36GURGAON) got occupation certificate in Dec 2019 without having road to connect with outside world. We are 1480 flat owner are suffering and travelling on routine basis without having any road. Most of school are not reaching us due non-availability of road. Furthermore, the emergency services like ambulance, Fire Bridge, etc. are not able to provide service within stipulated time lines, and it may result into loss of life and property.

Address:- Flat No. 208, Block-09, AVL36GURGAON, Sector-36A, Gurugram, Haryana,

122004.

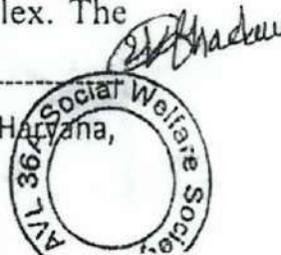


AVL 36A SOCIAL WELFARE SOCIETY

Registration No: - 02631 , Contact Number:- 91-9599975831, 91-9717905100,
Email-ID avlresidents@gmail.com

2. In above said affordable society, we are paying huge day-to-day running maintenance of Rs 3.75 per/sq feet in the name of common area maintenance. Moreover, we are also paying huge reserve fund of Rs 20,000 every year. As per the **Clause 4(v) of Affordable Housing Policy, 2013, 'Maintenance of Affordable Housing Complex'** for first five years after getting OC of said project, is a sole obligation of developer and no charges are to be paid by buyers of the project in this regard during this period. However, the AVL Infrastructure Private limited collecting maintenance huge Charges in the name of fraud operational charges. It is important to note here that as per the policy, for free maintenance obligation of affordable housing complex for first 5 years, developers are given added incentive to build 4% of project area as 'commercial' with 175 FAR, against general norms of 0.5% area with 100 FAR in residential projects.
3. The builder has allotted illegal 4-wheeler parking space to few buyer for his financial benefit. Due to this illegality of parking, the peace and harmony of society were got effected. The matter has reported to the local police station and various authorities for this illegal parking issue, but there is no solution provided by concerned department.
4. The builder has formed their own association naming "AVL36GURGAON Apartment owners Association" deliberately and does not recognise as RWA formed by owners' initiative, as legitimate RWA. Instead, he only recognise RWA formed by them with their preferred people on board. This attempts to scuttle any effort of owners coming together and deal collectively with them. They are not ready to hand over the management of "Operational Services/ Maintenance" to RWA formed by owners, as it would curtail their income source and control over housing complex. The

Address:- Flat No. 208, Block-09, AVL36GURGAON, Sector-36A, Gurugram, Haryana,
122004.



Registration No: - 02631 , Contact Number:- 91-9599975831, 91-9717905100,

Email-ID avlresidents@gmail.com

formed AOA members are their employee and their immediate relative. We would like to draw your urgent attention to this issue on priority basis.

5. The developer taken supply of power with 11 KV connection, mostly from rural feeder, instead of mandatory 33 KV connection with sub-station etc. The builder have saved money to not setting-up 33 KV supply infrastructure. The builder is reluctant to provide necessary land and erect sub-station as stipulated by DHBVN and violating the instructions issued in this regard. This results in frequent power-cut in summer in all such housing complex. The guidelines issued vide DHBVN Sales Circular No. D-17 dated 6.8.2020 **have been grossly violated by developers in collusion of DHBVN officials / staff.**
6. In our affordable housing projects, there is no proper connectivity of roads and essential services such as sewer, water, street light etc.
7. **The most important point of this application**, the builder has sold affordable flat more than the specified rate of Rs 4000 Per sq feet, which is completely violation of affordable policy 2013. The builder has charged approx 7 to 8 lakh extra amount in the name of **equalisation amount** from maximum affordable allottees. The builder is making fool of the owner and blow away of the provisions of the affordable housing policy, 2013. You are requested, please issue strict direction to the builder on this issue and direct to refund the extra amount to allottees.

However, we have made various complaints via e-mails, letters, representation, legal notices, RTI etc. sent to Director, Town & County Planning remained, un-replied and no action is being taken. Several amendments have been made in policy which have prospective effect but implemented retrospectively that gives benefit only to developers at the cost of Affordable Home Buyers. Developers

Address:- Flat No. 208, Block-09, AVL36GURGAON, Sector-36A, Gurugram, Haryana, 122004.



AVL 36A SOCIAL WELFARE SOCIETY

234

100

Registration No:- 02681; Contact Number:- 91-9599975831, 91-9717905100,

Email-ID avlresidents@gmail.com

have been exploiting the buyers using their might of money and muscles.

We humble request you to please take cognizance in this matter and take appropriate action against the defaulter builder for such act. We are also requesting you to, please direct and provide clarification/circular to the concern department on maintenance issue (free cost to cost) and extra amount charged by builder at time of sale of flat.

We hope that the Haryana government is stand with affordable flats owners and will have a better look on the above issues and demand of the owners and we also hoping for positive outcome/resolution from your office. We would very grateful to you ever and it would be highly appreciated.



Sh. Anand Kumar

Mr Lalit Kumar (Secretary)
Phone Number:- 9717905100

Address:- Flat No. 208, Block-09, AVL36GURGAON, Sector-36A, Gurugram, Haryana,
122004.

ANNEXURE-M

प्रेषक

राज्य जन सूचना अधिकारी
कार्यालय उपायुक्त गुरुग्राम
—कम—नगराधीश, गुरुग्राम।

सेवा में

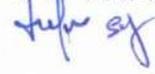
AVL Infrastructure (Pvt) Ltd.
01, Green Park Main, New Delhi-110016

क्रमांक 1599 /रीडर दिनांक 31/10/22

विषय:— सूचना का अधिकार अधिनियम-2005 के तहत सूचना उपलब्ध कराने बारे।

उपरोक्त विषय पर आपके आवेदन पत्र के संदर्भ में सूचना का अधिकार अधिनियम-2005 के तहत मांगी गई सूचना कार्यभारी अधिकारी, शिकायत शाखा द्वारा उनके कार्यालय के पत्र क्रमांक 67/आर0टी0आई0/परिवाद दिनांक 31.10.2022 द्वारा दी गई। जिसकी प्रति आपको वितरित की जाती है।

राज्य जन सूचना अधिकारी
कार्यालय उपायुक्त गुरुग्राम
—कम—नगराधीश, गुरुग्राम।



कार्यालय उपायुक्त, लघु सचिवालय गुरुग्राम
 फोन 0124..2326500 फैक्स न० 0124. 2321144, (काय
 फोन 0124. 2303333, फैक्स न० 0124 2320508 (आ
 Email- dcgrg@hry.nic.in, Website: <http://gurugram.go>

अति आवश्यक / तिथि बद्ध-

प्रेषक

उपायुक्त, गुरुग्राम।

सेवा में

1. उपमण्डल अधिकारी (ना०) बादशाहपुर।
2. जिला नगर योजनाकार (पी०) गुरुग्राम।

क्रमांक 1450 / परिवाद

दिनांक: 03/06/22

विषय:-

Major Violation of provisions of Law (Affordable Housing Policy, 2013) by AVL Infrastructure Private Limited at project named "AVL36 Gurgaon."

उपरोक्त विषय के संदर्भ में।

विषयोक्त मामले में AVL 36A Social Welfare Society, Mob.No- 9599975831, 9717905100 से प्राप्त शिकायत दिनांक 03.06.2022 की प्रति आपको भेजकर लिखा जाता है कि इस केस में उपायुक्त महोदय ने एक जांच समिति गठित की है अतः आपसे अनुरोध है कि उक्त शिकायत पर अपनी जांच रिपोर्ट 15 दिन के अन्दर-2 इस कार्यालय में शीघ्र भिजवाने का कष्ट करे, ताकि रिपोर्ट उपायुक्त महोदय के समक्ष प्रस्तुत की जा सके।

सलगनः उक्त ।

कृते: उपायुक्त, गुरुग्राम।
 03/06/22

पृ० क्रमांक

/ परिवाद

दिनांक-

इसकी एक प्रति AVL 36A Social Welfare Society, Mob.No- 9599975831, 9717905100 को उनकी शिकायत दिनांक 03.06.2022 के संदर्भ में सुचनार्थ प्रेषित है।

कृते: उपायुक्त, गुरुग्राम।

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 For Deputy Commissioner
 GURUGRAM

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प्रेषक

E-2402259
11110mCTM/CEA
Anup
From DC
10/10/20जांच अधिकारी एवम
उपमण्डल अधिकारी (ना०),
बादशाहपुर।

सेवा में,

उपायुक्त, गुरुग्राम।

क्रमांक 539 / स्टैनों दिनांक 20.09.2022

विषय:-

Major Violation of provision of Law (Affordable Housing Policy, by AVL Infrastructure Private Limited at project named "AVL 36 Gurugaon."

उपरोक्त विषय पर आपके पत्र क्रमांक 1450 / परिवाद दिनांक 03.06.2022 के सन्दर्भ में।

शिकायतकर्ता की शिकायत अनुसार We are AVL 36 Social Welfare Society . Firstly , we would like to thanks for inviting our organisation in Conelave scheduled on 29-04-2022 where in most of the advocates , member of government official , News Channels, Media etc. World be present and respond to the genuine grievances of home buyers. We shall be highly grateful if the concerned official department resolves, the issues of our affordable society AVL 36 Gurgaon. The issues raised in past at various department have not been resolved. Our Hon'ble prime Minister envisioned " Housing for economic weaker section " To achieve this objective, the central Governement launched a comprehencisve mission "Pradhan Mantri Awas Youjna (Urban)" The "Afordable Housing Policy", 2013, of Government of Haryana was also a step in the same direction. The policy provides opportunity to people from ' Economic weaker section' of society to fulfil their dream of owning a house in cities at affordable price. This has put affordable homebuyers in distress, we have already made various representations to DTCP, DR office , and other public authorities but we are sufferings remain ignored by all, giving free hand to developers to exploit the affordable buyers.

We, therefore request for urgent attention by your good self office on following points of Affordable AVL36 Gurgaon Society:-

1. Road connectivity Issues
2. High Maintenance Issues
3. Illegal parking issue
4. Illegal AOA forced by builder on innocent buyer
5. In -sufficient electricity load (11KV) provided by builder inside said project. which is required 33 KV,
6. Basic amenities not provide by builder
7. Builder has charged extra amount more than specified rate (4,000 Sq. Feet) as per the AHP-2013, at the time of selling of affordable flats.

Sd/-
For Deputy Commissioner
GURUGRAM

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Brief Problems:-

1. The above said project (AVL36Gurgaon) got occupation certificate in Dec. 2019 without having road to connect with outside world. We are 1480 flat owner are suffering and travelling on routine basis without having any road. Most of school are not reaching us due non- availability of road, Furthermore, the emergency services like ambulance, Fire Brigade, etc are not able to provide service within stipulated time lines, and it may result into loss of life and property.
2. In above said affordable society we are paying huge day-to-day running maintenance of Rs. 3.75 per/sq feet in the name of common area maintenance. Moreover, we are also paying huge reserve fund of Rs 20,000 every ear. As per the Clause 4(v) of Affordable Housing Policy, 2013, ' Maintenance of Affordable Housing Complex' for first five years after getting OC of said project, is a sole obligation of developer and no charges are to be paid by buyers of the project in this regard during this period. However, the AVL infrastructure private limited collecting maintenance huge Charges in the name of fraud operational charges. It is important to note here that as per the policy, for free maintenance obligations of affordable housing complex for first 5 years, developers are given added incentive to build 4% of project area as ' commercial' with 175 FAR, against general norms of 0.5% area with 100 FAR in residential projects.
3. The builder has allotted illegal 4-wheeler parking space to few buyer for his financial benefit. Due to this illegality of parking, the peace and harmony of society were got effected. The matter has reported to the local police station and various authorities for this illegal parking issue, but there if no solution provided by concerned department.
4. The builder has formed their own association naming "AVL36Gurugaon Apartment owners Association" deliberately and does not recognise as RWA formed by owners; initiative, as legitimate RWA. Instead, he only recognise RWA formed by theme with their preferred people on board. This attempts to scuttle any effort of owners coming together and deal collectively with them. They are not ready to hand over the management of " Operational Services/ Maintenance" to RWA formed by owners, as it would curtail their income source and control over housing complex. The formed AOA members are their employee and their immediate relative. We would like to draw your urgent attention to this issue on priority basis.
5. The developer taken supply of power with 11 KV connection, mostly from rural feeder, instead of mandatory 33 KV connection with sub- station etc. The builder have saved money to not setting -up 33 KV supply infrastructure. The builder is reluctant to provide necessary land and erect sub -station as stipulated by DHBVN and violating the instructions issued in this regard. The results in frequent power-cut in summer in all such housing complex. The guidelines issued vide DHBVN Sales Circular No. D-17 dated 06-08-2020 have been grossly violated by developers in collusion of DHBVN official/ staff.
6. In our affordable housing projects, there in no prpper connectivity of roads and essential services such as sewer, water, street lights etc.
7. The most important point of this application, the builder has sold affordable flat more than the specified reate of Rs. 4000 per sq feet, which is completely violation of affordable policy 2013. The builder has charged approx 7 to 8 lakh extra amount in the name of equalisation amount from maximum affordable allottees. The builder is making fool of the owner and blow away of the provisions of the affordable housing policy, 2013. You are requested, please issue strict direction to the builder on this issue and direct to refund the extra amount to allottees.
8. However, we have mad various complaint via e-mails, letters, representation, legal notices, RTI etc, sent to Director, Town & Country Planning remained, un-replied and no action is being taken. Several amendments have been made in policy which have prospective effect but implemented retrospectively that gives benefit only to developers at the cost of Affordable Home Buyers, Developers have been exploiting the buyers using their might of money and muscles.
9. We humble request you to please take cognizance in this matter and take appropriate action against the defaulter builder for such act. We are also requesting you to, please direct and provide

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For Deputy Commissioner
GURUGRAM

Completed Copy. [Signature]

[Signature]

clarification/ circular to the concern department on maintenance issue (free cost to cost) and extra amount charged by builder at time of sale of flat.

10. We hope that the Haryana government is stand with affordable flats owners and will have a better look on the above issues and demand of the owners and we also hoping fro positive outcome/resolution from your office. We would very grateful to you ever and it would be highly appreciated.

उक्त शिकायत की जांच में शिकायतकर्ता श्री ललीत कुमार, सचिव AVL 36A Gurugaon Welfare Society Gurugram , मैसर्ज ए0वी0एल0 इन्फ्रास्ट्रैक्चर प्रा0लि0 , गुरुग्राम व जिला नगर योजनाकार (पी0) , गुरुग्राम को नियमानुसार कार्यालय के पत्र क्रमांक 311/स्टैनों दिनांक 13.06.2022 व पत्र क्रमांक 361/स्टैनों दिनांक 04.07.2022 द्वारा तलब किया गया। शिकायत से सम्बंधित दोनों पक्ष जांच में उपस्थित आये।

1. शिकायतकर्ता श्री मनोज यादव व श्री ललीत यादव ने लिखित ब्यान दर्ज कराने से मना कर दिया। मौखिक तौर पर कहा की हमारी शिकायत को ही हमारे ब्यान में पढ़ा जावे।
2. मैसर्ज ए0वी0एल0 इन्फ्रास्ट्रैक्चर प्रा0लि0 की ओर से श्री रोहित पुत्र श्री गोपाल, मुख्य प्रबन्धक ने शिकायत से सम्बंधित अपना जवाब प्रस्तुत करते हुए कहा की प्रस्तुत दस्तावेज व लिखित जवाब को ही मेरे ब्यान में पढ़ा जावे।

The Project "AVL36GURGAON", i.e. the project in question, developed by Developer is a leading, 'State of the Art' and exemplary affordable project constructed under Government of Haryana's Affordable Housing Policy (hereinafter **AHP-2013**) in Gurugram. Not only has the project been completed well before time, the project in fact stands out in terms of its quality, when compared to any such other project. The project has been developed in complete consonance with the AHP-2013 and all other applicable laws.

The present Complaint is liable to be dismissed and strict action should be taken against the Complainant, as it has been improperly instituted with an ulterior motive. In fact, this so-called Complainant is complete eyewash and comprises of a handful of ill motivated and mischievous troublemakers, whose sole agenda is to try and pressurise the coloniser, in order to arm twist it and seek to extract undue benefits.

Allegations regarding Road connectivity and Basic amenities

1. The Complainant has grossly concealed the fact that the development of external infrastructure/services i.e. water supply, electricity, sewage/storm

main line and roads etc. in the periphery of the project are under the ambit of Govt. of Haryana and completion of the same is also entirely within the domain of the government authorities & as on date colony is fully accessible as per terms and conditions of licenses granted & applicable norms and the developer has paid all the 'External Development Charges' (EDC) fully with the Govt., thus being fully compliant with all laws in this regard.

Allegations regarding parking issues

2. It is categorically made clear here that there **has** been no change whatsoever in the parking norms/provisions approved and/or provided in the project, as is sought to be falsely alleged by the Complainant. Vide Memo No. DTP(G)/2022/5458 dated 16.05.2022, the issue regarding parking was closed by the DTP, Gurugram; wherein it was observed that site was inspected by the concerned officials on 05.05.2022 and it was found that duly marked parking of 0.8MX2.5M two wheelers for each dwelling unit had been provided in consonance with the AHP, 2013.

Allegations regarding high maintenance being charged by Developer

3. It is completely wrong to suggest that the Developer has been charging any maintenance whatsoever from the homebuyers. But it is important to mention that the copy of the internal file noting of the Department, obtained through RTI, which are already submitted with earlier replies, clearly state that the provision of Section 3(3)(iii) of Haryana Development and Regulation of Urban Area Act, 1975 is very clear and duly define the services to be maintained by the Developer for a period of 5 years. Therefore, the Government of the unequivocal view that since the said provision is so clear, it does not even require any further clarification. Therefore, it is an acknowledged position by the Government itself that the position of law is clear and the scope of free services liable to be provided by the Developer are clearly defined & which are being duly provided by developer from the date of occupation certificate granted to the project.

Allegations regarding setting up a parallel owners' association

4. The detail submissions to this allegation have already been mentioned in earlier replies. However, it is reiterated that the Complainant has deliberately suppressed the fact that the main organisation, actually representing the interests of the apartment owners under the Haryana

Apartment Ownership Act, 1963 and Rules made thereunder, is "AVL36GURGAON APARTMENT OWNERS ASSOCIATION" and not this imposter Complainant Society.

Allegation regarding charging extra amount more than specified rate as per the Policy

5. The issue regarding levy of 'equalisation amount/ interest as per policy' by Developer is no longer res integra. The said position has already been decided in favour of Developer by the Hon'ble RERA, in a recent proceeding involving Developer, wherein the Hon'ble Authority was pleased to hold that the levy of equalisation amount by Developer for the present project is a completely legal and justified levy and was not violative of the AHP-2013 in any manner whatsoever. This Hon'ble Authority, vide order dated 17.05.2022 in the case **CR/6427/4325/2019 titled Charan Singh vs AVL Infrastructure Private Limited**. A copy of the order has been allready submitted.

Allegation of supply of insufficient power load of 11KV provided by the Developer

6. It is most respectfully submitted that to decide whether a connection of a load between 2000 kVA to 5000 kVA should be released at 11 kV or 33 kV voltage, is decided by DHBVN in terms of Regulation 3.2.1 of the Supply Code, 2014. The correct facts are that in the case of the present project, the approval of Electrification Plan with ultimate load of 3908 KW or 4342 KVA was accorded to the Developer as per DHBVN norms and accordingly, supply of Electricity at 11KV level was recommended from existing 66 KV S/Station Harsaru Gurugram on newly proposed 11KV AVL Independent Feeder. Hence the approval and development of electrical infra has been done as per DHBVN norms and the question of insufficient electrical infra does not arise as is falsely alleged in the Complaint.

जिला नगर योजनाकार (पी०), गुरुग्राम ने अपने कार्यालय के पत्र क्रमांक डी०टी०पी०जी०/2022/11202 दिनांक 13.09.2022 को शिकायतकर्ता की शिकायत का बिन्दुवार निम्न लिखित जवाब अधोहस्ताक्षरी को प्रस्तुत किया है। जो निम्न प्रकार है :-

With reference to subject cited above, it is intimated that the issues raised vide above referred complaint dated 03.06.2022 filed by Sh. Lalit Kumar (Secretary, AVL 36 Social Welfare Society), Sector-36, Gurugram as well as the point-wise reply dated 04.07.2022 of

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For Deputy Commissioner
GURUGRAM

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the colonizer w.r.t. the same have been examined by this office vis-à-vis the site inspection and record available in this office. Accordingly, the point-wise reply on each & every issue is given below:-

1. Road Connectivity Issues:

The complainant has alleged about grant/issuance of Occupation Certificate to the Affordable Group Housing Colony namely "AVL 36, Gurgaon" by the Directorate in December, 2011/19 without having road connectivey with the outside world, due to which the emergency service like Ambulance and Fire Brigade etc. alongwith school buses are not able to provide the services in stipulated timeline which may result in loss of life and property.

However, the colonizer vide above referred reply dated 04.07.2022 has informed that the development of external infrastructure/external roads are within the domain of the competent government authorities and the colonizer has done best efforts before the concenred authorities for needful action but, still no progress upon the same. Moreover, the colonizer has also submitted that a 5 Karam wide revenue rasta (Pucca) is already functional at site, which not only satisfies the requirement of grant of license/occupation certificate, but is also being used conveniently by all the residents.

In this regard, it is intimated that the official record of this office has been examined and found that the field office report regarding grant of license to the subjected group housing colony was sent to the Senior Town Planner, Gurugram office as well as the Directorate vide this office Memo Nos. 3896-97 dated 17.09.2013 (copy enclosed) wherein, it has been reported at Sr. No. 3 (i) that *"the sie of the applicant presently have approach from 2 Karama & 5 Karam wide revenue rasta, as shown on the site plan (Annexure-C) and sector plan (Annexure-B)"*. Further, it has also been reported at Sr. No. 4 (ii) of the said report that *"no per sectoral plan, the applied site would be approachable from the 12 Mtr. wide service road proposed along 30 Mtr. wide green belt along 90 Mtr. wide road"*. Thereafter, considering the policy parameters (approach/access) under the Affordable Housing Policy (AHP) dated 19.08.2013 (copy enclosed), the Directorate granted License No. 18 of 2014 dated 10.06.2014 & License No. 74 of 2014 dated 01.08.2014 (copies enclosed) for developing the subjected Affordable Group Housing Colony over an aea measuring 9.068 Acres in the revenue estate of village-Sihi, Sector-36A, GMUC under the Haryana Development and Regulations of Urban Area Act, 1975 and rules made thereunder.

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For Deputy Commissioner
GURUGRAM

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Further, while reporting for the grant of Occupation Certificate for aforesaid Group Housing Colony bearing License No. 18 of 2014 dated 10.06.2014 & 74 of 2014 dated 01.08.2014, it has been reported at Sr. No. 9 of the report sent to Senior Town Planner, Gurugram office alongwith an endorsement to the Directorate vide this office Memo No. 11084-85 dated 18.11.2019 (copy enclosed) that *"the applied site having approach from 5 Karam wide revenue rasta (Pucca). It is also mentioned that the applied site would be approachable from 12 Mtr. wide service road along Central Peripheral Road (CPR)"*. Accordingly, the Directorate vide Memo No. 31173 dated 17.12.2019 (copy enclosed) granted the Occupation Certificate for the subjected Affordable Group Housing Colony.

Moreover, during the field inspection dated 23.08.2022 by the field official of this office, it is found that the 5 Karam wide revenue rasta (Pucca) provide access/approach to the aforesaid colony (as mentioned in the aforementioned reports sent to the higher authorities, while reporting for grant of license and issuance of occupation certificate) exists at site. Further, it is also pertinent to mention here that taking cognizance of the various complaints received earlier also from Sh. Lalit Kumar, (Secretary, AVL 36A, Gurugram, Social Welfare Society), this office vide Memo No. 7052 dated 26.07.2021 (copy enclosed) has already informed the Directorate about the correspondences held with different officies like Municipal Corporation, Gurugram; Project Director, (Project Implementation Unit, Dwarka, New Delhi); GM-cum-Project Co-ordinator, GMDA, Gurugram & Chief Administrator, HSVP, Panchkula to take necessary action for providing access/approach to the said Group Housing Colony in large public interest. Copies of the said correspondences are enclosed herewith for your kind perusal and ready reference however, no more action is pending/required to be taken by this office on the aforesaid issue.

2. High Maintenance Issues:-

The complainant has alleged about collection of day to day huge maintenance charges by the colonizer in the name of Common Area Maintenance (CAM) charges in violation of Clause 4 (v) of Affordable Housing Policy (AHP)-2013 wherein, it is sole obligation of the colonizer for free maintenance of the Affordable Group Housing Complex for first 5 years.

However, the colonizer vide above referred reply dated 04.07.2022 has submitted that although the aforesaid clause 4 (v) of Affordable Housing Policy (AHP)-

-Sd/-
For Deputy Commissioner
GURUGRAM

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2013 states that "A commercial component of 4% is being allowed in the project to enable the coloniser to maintain the colony free-of-cost for a period of five years from the date of grant of occupation certificate, after which the colony shall stand transferred to the "association of apartment owners" constituted under the Haryana Apartment Ownership Act 1983, for maintenance. The coloniser shall not be allowed to retain the maintenance of the colony either directly or indirectly (through any of its agencies) after the end of the said five years period. Engaging any agency for such maintenance works shall be at the sole discretion and terms and conditions finalised by the "association of apartment owners" constituted under the Apartment Ownership Act 1983". However, the scope and ambit of such maintenance by the developer has been defined in Section 3(3) (a)(iii) of Haryana Development and Regulations of Urban Area Act, 1975 under which the "maintenance of colony" covers only upkeep of all roads, open space, public parks and public health services.

Further, the colonizer has also submitted that the said Common Area Maintenance (CAM) charges are not collected by the colonizer, instead the same is collected by the AVL 36, Gurgaon Apartment Owners Association (Regn. No. 02481 - constituted under the Apartment Ownership Act, 1983) which is collecting Rs. 3.75 per Sq.Ft. on carpet area basis for rendering additional services (expenditure on security services, electricity consumption of street lights, maintenance of Electric Sub-Station, Sweeping of roads, door to door garbage collection & its disposal, water consumption charges and administrative charges thereof in employing staff for maintaining the same) which are not covered under Section 3 (3)(a)(iii) of Haryana Development and Regulations of Urban Area Act, 1975.

In view of the above, it seems that the colonizer is not charging the Common Area Maintenance (CAM) charges in any manner, as per the details given by the residents hence, the said allegation stands baseless and contain no merits, as the colonizer is maintaining the services (upkeep of all roads, open space, public parks and public health services) in the subjected Affordable Group Housing Colony free of cost since the date of issuance of Occupation Certificate i.e. 17.12.2019 by the Department and maintaining the sanctity of aforesaid Clause 4 (v) of the Affordable Housing Policy-2013.

3. Illegal Parking issues:-

The complainant has alleged that the colonizer has illegally allotted four-wheeler parking space to a few buyers for the colonizer's financial benefits, due to which the peace & harmony of the society are affected.

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For Deputy Commissioner
GURUGRAM
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However, the colonizer vide above referred reply dated 04.07.2022 has submitted that no four-wheeler parking space has been allotted to any individual allottee, as the Affordable Housing Policy-2013 does not allow the same and allows only 0.5 Equivilant Car Space (ECS) to each allottee for parking two-wheelers in a licensed Affordable Group Housing Colony. Further, the colonizer has informed that some of the allottees/residents forcefully brings four-wheelers/cars inside the colony by violating the parking parameters of AHP-2013.

In this regard, it is intimated that several CM Window grievances bearing No. CMOFF/N/2021/105108 dated 12.11.2021 filed by Sh. Manoj Kumar, CMOFF/N/2021/119349 dated 21.12.2021 & CMOFF/N/2022/025645 dated 10.03.2022 filed by Sh. Lokesh Kumar and CMOFF/N/2021/119945 dated 22.12.2021 filed by Sh. Vijay Kumar have already been received on portal of Hon'ble Chief Minister, Haryana. All the aforesaid 4 nos. of grievances are filed by the residents/allottees of the subjected Affordable Group Housing Colony and contained the issues of illegal allotment of car parking alongwith lack of requisite fire tender movement path (as per fire norms). Taking cognizance of the aforesaid 4 nos. of grievances, several hearing dated 21.12.2021, 25.04.2022, 19.05.2022 & 08.08.2022 were convened in this office and the subjected colony was inspected by the concerned field official/officer of this office wherein, the allegations regarding lack of fire tender movement path (as per norms) and lack of 0.5 ECS for two-wheeler parking as per Affordable Housing Policy-2013 and its earmarking at the designated space (as per sanctioned Building Plan) were found baseless. The factual report regarding the same is provided there in this office Memo No. 5458 dated 16.05.2022 (copy enclosed) addressed to the colonizer with the direction to comply with all the provisions including parking parameters of Affordable Housing Policy-2013 in the subjected colony to bring the same in conformity with the policy. However, considering the colonizer's inability for implementation of parking norms/parameters for non-allowance of four-wheeler/car parking in the subjected colony as per policy, the DTP (Enforcement), Gurugram has been requested vide this office Memo No. 9677 dated 08.08.2022 (copy enclosed) for taking necessary action to implement the provisions/guidelines regarding parking parameters of Affordable Housing Policy-2013 in the colony and to approach concerned Police Station for loding an FIR against the violators (if any resident/allottee refuses/obstructs the same) to enforce the policy guidelines at site in order to bring the licensed colony in conformity with the provisions of aforesaid policy in large public

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Sd/-
For Deputy Commissioner
GURUGRAM

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interest. Thereafter, the Action Taken Reports of this office were uploaded on the portal with the request to dispose off the complaints accordingly.

4. Illegal AOA forced by Builder on innocent Buyers

The complainant has alleged that the colonizer has formed its own association namely "AVL36 Gurgaon Apartment Owners Association" formed by the employees of the colonizer instead of the allottees and the colonizer is not ready to handover the management of operational services/maintenance of the subjected colony to RWA namely "AVL 36 Social Welfare Society" formed by owners/allottees, as it would curtail their income source and control over Housing Complex.

However, the colonizer vide above referred reply dated 04.07.2022 has submitted that the association namely "AVL36 Gurgaon Apartment Owners Association" is a registered society bearing Regn. No. 02481 registered under Section 9 (1) of the Haryana Registration & Regulations of Societies Act, 2012. Moreover, the colonizer has also submitted that the colonizer has complied with the obligatory term/condition of license for forming a residents association of allottees/flat owners in the project and on the other hand the complainant has not placed any relevant documents on record to shown its existence through registration/membership documents.

In this regard, it is intimated that this office has no territorial jurisdiction to intervene in the Act namely Haryana Registration & Regulations of Societies Act, 2012 and concerned District Registrar, Firms & Societies or Industries & Commerce is the competent authority for dealing the matter regarding registration of Residents/Owners Welfare Association/Society and conducting the elections of the associations as per applicable Rule/Law. Moreover, taking cognizance of the the aforementioned 4 nos of CM Window Complaints (mentioned at Sr. No. 3 above), the same issue was also discussed/deliberated in the hearing dated 19.05.2022 held in this office wherein, the citizen(s) informed that the RWA of the society namely "AVL36 Gurgaon Apartment Owners Association" is formulated by the colonizer and is not properly working and has also sold the parking to some of the allottees under Stilt. Accordingly, the citizen(s) desired that the elections may be conducted in the society and elected RWA may take over the charge (maintenance) of the society. Considering the request, the citizen(s) were advised to follow-up the matter with District Registrar, Firms & Societies, Gurugram and to file a separate complaint before the competent authority for execution of elections in the society. The copy of ATR dated 19.05.2022 duly signed and verified by the Eminent Citizen alongwith the

Page 10 of 13

- Sd -
For Deputy Commissioner
GURUGRAM

certified copy

recommendation to file a separate grievance regarding instant issue, is enclosed herewith for your kind perusal and ready reference please.

5. **Insufficient electricity load (11KV against required 33KV) provided by builder inside project**

The complainant has alleged that the colonizer has taken 11 KV electricity power connection from rural feeder instead of setting up a mandatory 33 KV Sub-Station at site within the colony complex and thus violated the instructions/guidelines issued vide Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL) sales circulation no. D-17 dated 06.08.2020 in collusion of DHBVN officials/staff, which results in frequent power-cuts during summers.

However, the colonizer vide above referred reply dated 04.07.2022 has submitted the copies of DHBVN approval letter dated 12.06.2019 for the Electrification Plan with ultimate load of 3908 KW or 4342 KVA and further informed that the DHBVN has recommended for supply of 11 KV electricity from existing 66 KV station i.e. Harsaru, Gurugram for newly proposed 11 KV AVI independent feeder.

Since, no condition regarding the supply of specified electricity load has been imposed by this Department during the grant of license and issuance of Occupation Certificate, as only the condition no. 16 of the Occupation Certificate granted for the subjected colony vide Directorate Memo No. 31173 dated 17.12.2019 (copy enclosed) directs the colonizer *"that you shall apply for connection of electricity within 15 days from the date of issuance of Occupation Certificate and shall submit the proof of submission thereof to this office. In case, the electricity is supplied through generators then, the tariff charges should not exceed the tariff being charges by DHBVN"*. Moreover, the compliance of DHBVN Sale Circular No. D-17 dated 06.08.2020 (as mentioned by the complainant) is to be complied by the colonizer and the competent authority for enforcing the implementation/compliance of the said Circular is DHBVN itself. Hence, the detailed report may on this issue may be sought from DHBVN being the competent authority for electricity matter and no action is required/pending to be taken by this Department.

6. **Basic amenities not provided by builder**

The complainant has alleged that there is no proper connectivity of roads and essential services such as sewer, water, street lights etc.

However, the colonizer vide above referred reply dated 04.07.2022 has submitted that the colonier has already deposited the entire EDC and duly discharged its

obligations; now the responsibilities of laying the services like road, sewerage, drainage & water supply lies with the competent authorities i.e. GMDA & HSVP.

In this regard, it is informed that while issuance of Occupation Certificate vide Directorate Memo No. 31173 dated 17.12.2019 (copy enclosed) for the subjected colony, the condition no. 3 & 4 directs the colonizer *"that you shall apply for connection for disposal of sewerage, drainage & water supply from HUDA as and when the services are made available, within 15 days from its availability. You shall also maintain the internal services to the satisfaction of the Director till the colony is handed over after granting final completion. That you shall be fully responsible for supply of water, disposal of sewerage and storm water of your colony till these services are made available by HUDA/State Govt. as per their scheme"*.

Regarding the aforementioned conditions, it is submitted that the colonizer has not been granted final completion of the subjected colony till date by the Directorate. Further to inform, the external services like sewerage, drainage & water supply are not laid down till date by the concerned authorities i.e. HSVP/GMDA etc. even then, the colonizer has made temporary arrangements for drinking water supply through 2 nos. of bore-wells after obtaining necessary permission from Haryana Water Resources Authority and disposal of sewage into the nearby village sewerage line. The copies of the necessary permissions of concerned authorities as submitted by the colonizer alongwith the reply dated 04.07.2022 are enclosed herewith. Moreover, regarding the issue of connectivity of the subjected colony from approach road, the submissions made at para no. 1 above are reiterated to avoid repetition.

7. Builder has charged extra amount more than specified rate (4000 sq. feet) as per AHP-2013, at the time of selling of affordable flats.

The complainant has alleged that the colonizer has charged approximately Rs. 7-8 Lakhs extra in the name of equalization amount (more than the specified rate of Rs. 4,000/- per Sq.Ft.) per unit, in violation of AHP-2013 and thus requested for directing the colonizer to refund the extra amount to the allottees.

However, the colonizer vide above referred reply dated 04.07.2022 has submitted a copy of Orders dated 23.12.2021 (copy enclosed) passed by Haryana Real Estate Regulatory Authority, Gurugram in the Complaint No. CR/6427/4325/2019 titled as "Charan Singh Vs. AVL Infrastrucutre Pvt. Ltd." wherein, the Hon'ble Authority has considered the said equilization charges as perfectly legal and justified.

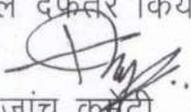
Sd/-
For Deputy Commissioner
GURUGRAM

Certified Copy

In this regard, it is apprised that the aforesaid Orders dated 23.12.2021 (copy enclosed) passed by Haryana Real Estate Regulaory Authority, Gurugram in the Complaint No. CR/6427/4325/2019 titled as "Charan Singh Vs. AVL Infrastrucutre Pvt. Ltd." are self explanatory and the compliance of the same shall be made by all the stake holders i.e. colonizer as well as the allottees of units in the subjected Affordable Group Housing Colony. In case of grievance w.r.t. the issue, the complainants may file their appeal before H-RERA, Gurugram.

The above report alongwith requisite supported documents/enclosures is being sent herewith for your kind perusal and further necessary action please.

उक्त शिकायत में शिकायतकर्ता द्वारा लगाये गये आरोप, प्रतिपक्ष व जिला नगर योजनाकार (पी0), गुरुग्राम द्वारा प्रस्तुत जवाब व सबुतों का अवलोकन किया गया। अवलोकन उपरान्त मै उक्त जांच में इस निष्कर्ष पर पहुचा हूँ कि जिला नगर योजनाकार प्लानिंग, गुरुग्राम द्वारा बिन्दूवार प्रस्तुत जवाब से सहमत हूँ। यदि शिकायतकर्ता को सम्बधित बिल्डर्स के साथ कोई विवाद है तो इस बारे माननीय हरेरा, गुरुग्राम के कार्यालय में शिकायत कर सकता है। अतः शिकायतकर्ता की शिकायत को उक्त बिन्दुओं के आधार पर दाखिल दफ्तर किया जाना उचित होगा।


सदस्य, जांच कमीटी,
जिला नगर योजनाकार (पी0), गुरुग्राम।


जांच अधिकारी एवम
उप-मण्डल अधिकारी (ना0),
बादशाहपुर।


For Deputy Commissioner
GURUGRAM

Certified copy 

District Town Planner, Gurugram (Planning)
DEPARTMENT OF TOWN AND COUNTRY PLANNING
 HUDA Office Complex, Sector-14, Gurugram,
 Tel No.: 0124-2320573,
 E-mail: ntp6.gurugram.tcp@gmail.com

Memo No: DTP(G)/2022/5458

Dated: 16-05-2022

To

AVL Infrastructure Pvt. Ltd.,
 Plot No. 01, Green Park Main,
 New Delhi-110016.

Subject:- CM Window Grievance raising the issue regarding illegal allotment of parking by builder in AVL36 Gurgaon Society, Affordable Housing Society at Sector-36A, under License No. 18 & 74 of 2014 being built by M/s AVL Infrastructure Pvt. Ltd..

Reference:- Complaint received on Grievance Portal of Hon'ble Chief Minister, Haryana bearing No. CMOFF/N/2021/105108 filed by Mr. Manoj Kumar, CMOFF/N/2021/119349 filed by Mr. Lokesh Kumar, CMOFF/N/2021/119945 filed by Mr. Vijay Kumar and CMOFF/N/2022/025645 filed by Mr. Lokesh Kumar.

With reference to subject cited above, it is intimated that taking cognizance of the above referred complaint no. CMOFF/N/2021/105108 filed by Mr. Manoj Kumar, a hearing dated 21.12.2021 was convened in this office, which was attended by the complainant as well as Sh. Rohit Jagnani (representative of your company). After detailed deliberation, it was decided to get the subjected site been inspected by this office in the presence of the complainant as well as colonizer's representative for verifying whether the colonizer has altered/changed the position of two wheeler parking by way of encroaching 6 Mtr. wide fire tender movement path.

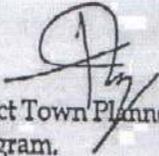
Thereafter, the field official of this office inspected the subjected site and reported that the duly marked 0.8 M x 2.5 M two wheelers parking space for each dwelling unit of the project has been provided at site, as per the parking parameters/requirement of Affordable Group Housing Policy dated 13.08.2013 and the duly marked clear 6 Mtr. wide fire tender movement path has also been provided at site.

Further, taking cognizance of the other 3 nos. of above referred complaints containing similar issues, bearing No. CMOFF/N/2021/119349 filed by Mr. Lokesh Kumar, CMOFF/N/2021/119945 filed by Mr. Vijay Kumar and CMOFF/N/2022/025645 filed by Mr. Lokesh Kumar, a joint hearing dated 25.04.2022 for the above referred 4 nos. of complaints was convened in this office, which was attended by all the complainants as well as Sh. Suresh Dhanda & Sh. Rohit Jagnani (representative of your company). After detail deliberation, it was observed that apart from the above mentioned issues raised by Sh. Manoj Kumar, the aforesaid complainants were aggrieved for allocation of stilt parkings with reservation rights provided to some of the unit holders and open surface parking provided to the others. For verifying the same alongwith the

issues raised by Sh. Manoj Kumar, it was decided to inspect the subjected site again and to take necessary action accordingly.

Thereafter, the subjected site was again inspected by the concerned officer of this office on 05.05.2022 and found that the duly marked 0.8 M x 2.5 M two wheelers parking space for each dwelling unit of the project has been provided at site in consonance with the provisions of Affordable Group Housing Policy dated 13.08.2013 and maintained the sanctity of 6 Mtr. wide fire tender movement path at site, as per sanctioned Layout/Building Plans. In reference to the allegation regarding allocation of stilt car parking with reservation rights to some of the unit holders, it was also observed that hundreds of cars were parked in the duly marked two wheelers parking space under stilt as well as open surface area of the subjected Group Housing Colony, which is a violation of parking parameters of Affordable Group Housing Policy dated 13.08.2013, as only the balance available parking space, if any, beyond the allocated two wheeler parking space, can be earmarked as free visitor car parking space, according to the aforesaid policy dated 13.08.2013.

In view of above, you are hereby directed to comply with all the provisions including parking parameters of Affordable Group Housing Policy dated 13.08.2013 at the subjected site and bring the licensed colony in conformity with the provisions of aforesaid policy immediately. Further, if any allottee / resident of the colony refuses/obstructs the same, the concerned Police Station may be approached for lodging an FIR against the violator to enforce the policy guidelines at site.

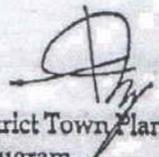

o/c District Town Planner,
Gurugram.

Endst. No. 5459-5461

Dated: 16/05/2022

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

1. Director, Town & Country Planning, Haryana.
2. Senior Town Planner, Gurugram Circle, Gurugram.
3. District Town Planner (Enforcement), Gurugram.


o/c District Town Planner,
Gurugram.

Date: 24.02.2023

Ref. No.: AVL/AGHC/2023/194-B

To

District Town Planner (E)

Town & Country Planning Department Gurugram Haryana.

Subject: - Submission of Findings of the Enquiry conducted by a Committee constituted by Deputy Commissioner (DC) Gurugram having (1) District Town Planner (P), Department of Town & Country Planning Gurugram & (2) Sub Divisional Magistrate (SDM) Badshahpur Gurugram, its constituting members.

Sir

In continuation to our replies submitted in your office bearing Ref. No.: AVL/AGHC/2022/194 dated 07-10-2022 & Ref. No.: AVL/AGHC/2023/194-A dated 06-02-2023.

We are submitting a copy of the findings of the enquiry conducted by a Committee constituted by Deputy Commissioner (DC) Gurugram having similar allegations. The said Committee's findings have been obtained by us through RTI from Deputy Commissioner Gurugram office. A Copy of the findings of the enquiry conducted by the Committee having District Town Planner (P), Department of Town & Country Planning Gurugram & Sub Divisional Magistrate (SDM) Badshahpur Gurugram, its constituting members is annexed herewith as Annexure - 01 for your ready ref. & kind records.

In fact, it is also important to mention that identical complainants have been already filed before the Hon'ble Haryana RERA Authority, being C.R.R. 355/2022 titled '*AVL 36 A Social Welfare Society vs. AVL Infrastructure Pvt. Ltd.*' wherein, your Department of Town & Country has been made a respondent number-2 in the said HRERA complaint. The Developer Company has already entered appearance in the said proceedings and has even filed a detailed reply to the Complaint & to all other parties in the complaint. Thus, the said Complaint, filed on exactly identical grounds is presently sub-judice and pending adjudication before the Hon'ble Haryana RERA Authority. A copy of the HRERA Notice on the Complaint filed before the Hon'ble Haryana RERA Authority, being C.R.R. 355/2022 titled '*AVL 36 A Social Welfare Society vs. AVL Infrastructure Pvt. Ltd.*', is annexed herewith as Annexure - 02.

Thus, all above mentioned various Complaints are nothing but an attempt to overreach the authority and proceedings before the Hon'ble Haryana RERA Authority, which is highly condemnable and contemptuous in nature. Therefore, in light of the above mentioned facts and circumstances the present Complaint is therefore liable to be dismissed on this ground alone & the complaints of the Complainants must be dismissed with exemplary costs.

Thanking you
Yours truly



Authorised Signatory

For AVL Infrastructure Pvt. Ltd.



Enclosed:

1. A Copy of final findings of the enquiry conducted by the Committee constituted by Deputy Commissioner (DC) Gurugram is annexed herewith as Annexure - 01.
2. A copy of the HRERA Notice on the Complaint filed before the Hon'ble Haryana RERA Authority, being C.R.R. 355/2022 titled '*AVL 36 A Social Welfare Society vs. AVL Infrastructure Pvt. Ltd.*', wherein, your Department Town & Country has been made a respondent number-2 is annexed herewith as Annexure - 02.



AVL Infrastructure (Pvt.) Ltd.

PROMOTER • BUILDER • DEVELOPER

Corporate Office : A-305 & 306 URBAN SQUARE 3rd Floor Golf Course Extension Road Sector-62 Gurugram-122101 Haryana.
Phone: 0124-4296868, 4031515, 9811650084, E-mail: info@avlinfra.com, Website: www.avlinfra.com
Regd. Office : 01 Green Park Main New Delhi-110016

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ANNEXURE-N

Speed post

Notice

Before the Haryana Real Estate Regulatory Authority, Gurugram

(Notice under Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 28 of the Haryana Real Estate (Regulation and Development) Rules, 2017 as amended & compliance of obligation of the promoters under section 34(f) of the Act)

No.	HRR/GGM/CRN/355/2022	Date:	03.02.2022
From	To		
Secretary, Haryana Real Estate Regulatory Authority, New PWD Rest House, Civil Lines, Gurugram	1. AVL INFRASTRUCTURE PRIVATE LIMITED Registered Office At: - PLOT NO.1, GREEN PARK MAIN, NEW DELHI-110016		
	2. THE DEPARTMENT OF TOWN AND COUNTRY PLANNING Registered Office At: - HUDA COMPLEX, SECTOR 14, GURUGRAM		
	3. COMMISSIONER MUNICIPAL CORPORATION Registered Office At: - C1 HERO HONDA CHOWK, FLYOVER INFO TECHNOLOGY PARK, SECTOR 34, GURUGRAM		

Subject: Complaint titled as AVL 36A SOCIAL WELFARE SOCIETY VS AVL INFRASTRUCTURE PRIVATE LIMITED.

1. You are hereby informed that the above-mentioned complaint has been received against you in this Authority. In this regard this notice along with the copy of the complaint and annexures are being sent herewith through Speed Post and on your e-mail address. Details of Notice may also be seen on the website of the Authority. A copy of the complaint has already been sent by the complainant to your address through Speed Post as well as through e-mail address and copy of tracking report as a proof of having delivered the complaint through Speed Post as well as delivery confirmation report by e-mail has also been submitted by the complainant.
2. You are hereby directed to submit your written reply (in two copies) with soft copy as per the prescribed proforma available on the website **haryanarera.gov.in** of this Authority duly supported by all the relevant documents in your defence within 10 days from the date of receipt of this notice the registry of the HARERA Gurugram.

3. You may present your case before the Authority on the date fixed given above personally or through an authorized representative or through an advocate as per the provisions of Section 56 of the Real Estate (Regulation and Development) Act, 2016.
4. In case your reply is not received by stipulated period, then no further opportunity would be given to you & your defence shall be liable to be struck off and the complaint shall be heard by the Authority in the absence of your defence on merit and matter shall be proceeded ex-parte as per law.

Date of Hearing	23.02.2022
Time	10:30 AM
Venue	Court Room, New PWD Rest House, Civil Lines, Gurugram

5. Issued as per the order and the seal of the Authority on this 03rd day of February, 2022.



For Secretary

HARERA, Gurugram

CC to complainant: Intimated to be present on the next date of hearing.



ANNEXURE-O

Complaint no. 355 of 2022

**BEFORE THE HARYANA REAL ESTATE REGULATORY
AUTHORITY, GURUGRAM**

Complaint no.	:	355 of 2022
Date of filing	:	31.01.2022
First date of hearing:		23.02.2022
Order reserved on	:	02.03.2023
Order pronounced	:	01.08.2023

AVL 36A Social Welfare Society R/o: House no. 208, Block-9, AVL 36 Gurugram, Sector 36aA, Gurugram- 122004	Complainant
Versus	
1. AVL Infrastructure Private Limited Regd. office: Plot no.1, Green Park Main, New Delhi-110016 2. The Department of Town and Country Planning Regd. office: Huda Complex, Sector 14 3. Commissioner Municipal Corporation, Gurugram Regd. office: C1- Hero Honda Chowk Flyover, Info Technology Park, Sector 34	Respondents

CORAM:	
Shri Vijay Kumar Goyal	Member
Shri Ashok Sangwan	Member
Shri Sanjeev Kumar Arora	Member

APPEARANCE WHEN ARGUED:	
Shri. K.K. Kohli (Advocate)	Complainant
Shri. Gaurav Gupta (Advocate)	Respondent no. 01
None	Respondent no. 02
Shri Sachin Bhardwaj proxy counsel	Respondent no. 03

ORDER

- The present complaint has been filed by the complainant-association under section 31 of the Real Estate (Regulation and Development) Act, 2016 (in

short, the Act) read with rule 28 of the Haryana Real Estate (Regulation and Development) Rules, 2017 (in short, the Rules) for violation of section 11(4)(a) and 14 of the Act wherein it is inter alia prescribed that the promoter shall be responsible for all obligations, responsibilities and functions under the provision of the Act or the rules and regulations made there under or to the allottee as per the agreement for sale executed inter se and adherence to lay out plans.

A. Unit and project related details

2. The particulars of unit details, sale consideration, the amount paid by the complainant, date of proposed handing over the possession, delay period, if any, have been detailed in the following tabular form:

S.no.	Heads	Information	
1.	Project name and location	"AVL 36 Gurgaon", Sector-36A, District- Gurugram, Haryana	
2.	Project area	9,06875 acres	
3.	Nature of the project	Affordable Group Housing Project	
4.	DTCP license no. and validity status	18 of 2014 dated 10.06.2014	
		Valid up to	23.11.2019
		74 of 2014 dated 01.08.2014	
		Valid up to	23.11.2019
5.	Name of licensee	Birpal and others	
6.	HRERA registered/ not registered	Registered	
		Vide registration no. 106 of 2017 dated 24.08.2017	
		Valid up to	31.12.2019
7.	Unit no.	1003 on 10th floor, block-13 (Category-A1)	

		[As per page no. 45 of the complaint]
8.	Building plan approvals	27.08.2014 [As per project details]
9.	Environment clearance	24.11.2015 [As per project details]
10.	Consent to establish granted by HSPCB on	02.01.2016
11.	Occupation certificate	17.12.2019 [As per project details]
12.	Completion certificate	10.11.2022 (As per site of DTCP)

B. Facts of the complaint

3. That the members of the complainant-association ("AVL-Society"), despite having taken the possession, binding themselves as per the said policy and having signed the sale deed, are being perpetually harassed by the AVL Infrastructure Private Limited. It has not only failed to adhere to the terms and conditions of the flat buyer's agreement ("FBA") but have also illegally extracted money from the members of the AVL-Society under many pretext details violating the policy laid by the respondent no. 2.
4. That the members of the AVL-Society being the allottees as per the third re-draw are filing this petition mainly for the issues such as equalization amount, entry/exit road into and from the complex -innocent owners cheated by the builder, changing the definition of carpet area and then charging of

extra amount for increase in the carpet area by 14 sq. ft. for 2 BHK homes at from 606 sq. ft. to 620 sq. ft. from time of booking to the time of sale deed with no communication at all in violation of the car parking policy for the affordable housing project, violating fire corridor norms risking the lives of thousands of residents and changing of the plan without the approval of the 2/3rd of the allottees as is required under Section 14 of Act, 2016 and the rules framed thereunder.

5. The complainant was made to believe at the time of filling up the application form being addendum-3 to application form, for the re-draw for the units in Affordable Housing Project namely "AVL36Gurgaon" Sector 36A, Gurgaon, pursuant to arising of vacancy(ies) in the project due to withdrawal/ surrender by applicant(s)/allottee (s) that as per the Affordable Housing Policy, the complainant has to pay an equalization amount (interest as per policy) @ 15% p.a. to rank pari-passu with the original applicants in the project for the period from 02.01.2016 i.e. the commencement date of the project till the date of subsequent allotment.
6. However, the emphasis as would be noticed is on "interest as per policy", a condition which does not find a mention at all in the entire Policy of 2013 or the amendments to the said Policy. This amounts to extraction of amount illegally and also a fit case to be referred to the Economic Offence Wing of the Haryana Police.

7. That a clarification was sought regarding schedule of payment with interest from subsequent allottees out of the re-draws, by AVL Society, from the office of Senior Town Planner to which, it was replied and the Directorate of Town & Country Planning, Haryana vide letter dated 30.01.2019 clarified that the dues may be demanded strictly in accordance with the provisions of Affordable Policy dated 19.08.2013. That since as per Affordable policy dated 19.08.2013, there is no clause to charge the overdue interest from the subsequent allottees of the project to rank pari-passu with the original allottees, it is therefore prayed that the AVL Infrastructure Pvt. Ltd. may be ordered to refund the amount collected towards the equalization amount with interest till date.
8. That as evident from the approved maps for the said project dated 25.08.2014, the entry and the exit point to and from the complex has been shown from a 12-meter-wide road by the respondent-builder. Subsequently, the respondent-builder submitted a map, while getting the registration done with the Authority, wherein keeping the entry/exit at the same point, an additional entry/exit point has been shown, through green belt, connecting to a Kacha road being the revenue rasta, which is at the back of the complex, absolutely 180 degrees opposite to the approval/ sanctioned entry/exit into and from the complex.

9. This therefore means that the respondent-builder has not been able to provide access to the society, from the main road, as was assured at the time of selling the apartment. It is a major issue which was brought to the notice of the respondent no. 2 but no action, has been taken by the respondent no. 2 against respondent-builder. As on the date of filing this complaint there is no access available from the point as approved by the respondent no. 2 and same is being informed to respondent-builder and its team members. Hence, by falsely ensuring a smooth and proper access for the entrance to the Society, which factually is not there on the ground, the members of the complainant society have been subjected to unethical/unfair trade practice as well as subjected to harassment. All such act and omissions on the part of the respondent has caused an immeasurable mental stress and agony to the members of the complainant-society apart from no entry/access to the complex. The builder therefore has misrepresented to the innocent buyers and is still misrepresenting resulting in the buyers being cheated by the builder, an offence punishable under Indian Penal Code.
10. That the office of Town & Country Planning, Government of Haryana being the respondent no. 2, also knew very well that because of the upcoming Dwarka Express Way, the exit of the complex on the service lane as per Town & Country Planning approvals, would not be possible as the land where the service lane was proposed by the builder does not belong to him. In spite of

having known the fact, respondent no. 2 still issued the occupation certificate to the license are left in the lurch and have been provided and exit/entry from back side of the complex through a "Kaccha Road" making the owners travel approx. 4-5 km through very congested village road before connecting the main road.

11. The complainants are the owners of different units and the details of the names of the owners, their unit no.s, their area at the time of booking and the area charged at the time of sale deed and the additional amount collected by the respondent-builder are also provided. It is submitted that the members of the complainant-society have accordingly been asked to pay an additional amount as per the statement. The definition of "carpet area" has been defined under the Affordable Housing Policy 2013. Hence, charging for an additional area is absolutely illegal and unjustified and against the law and the guidelines laid in the Affordable Housing Policy. If there is an increase in the area, the same has to be approved by the relevant authorities for getting the revised lay out plans sanctioned. The fact is that the revised plans were neither submit nor approved.
12. That due to such increase the members of the complainant-society has also suffered additional financial losses such as additional cost, additional taxes to both centre & state, government levies, additional stamp duty, additional maintenance to the society. In view of above, the additional amount collected

by the respondent-builder without any approvals from respondent no. 2 and without any intimation to the complainant-society, may kindly be refunded with interest.

13. That the Principal Secretary to Govt. Haryana, Town and Country Planning Department through its letter to DTCP vide Memo No. PF-27(VOL-III)/2020/2-TCP/41 dated: 04.01.2021 informed about the amendment in the Affordable Housing Policy-2013 dated 19.08.2013. In the present case, the respondent-builder is allotting car parking at his own whims and fancies without following the policy. Moreover, the colonizer as per the policy cannot provide car parking in the stilt area but unfortunately this is being done by the respondent-builder and despite of the repeated complaints on this issue to the office of DTCP as well as the CM Window, no action has been taken as yet against this sale of illegal car parking, by the respondent without following the norms. Car parking has been sold/allotted to an owner against the policy and similarly marking specific car numbers in the stilt area is also evidence to the fact that the car parking are being given in total violation of the car parking policy in the affordable housing projects. Our humble submission here, kindly give direction for fair allotment of these parking by draw system

14. That the National Building Code from time to time has been laying down clear safety rules more specifically for the fire safety and fire fighting vehicles and their movements.
15. That the width of means of access shall be 6m for residential occupancy and not less than 12m for other occupancies depending on the length of the means of access. In addition, the road shall not terminate in a dead-end. The respondent-builder, as evident from the two sets of maps has changed the entire parking from the outskirts of building to the inner lanes of the complex, which in fact is supposed to be fire corridor for the movement of the fire tenders, which needs a minimum width of 6 m with no obstructions at all. The said maps is the one which has been approved by the office of DTCP, Haryana and the one which has been submitted to this Authority at the time of registration of the project.
16. This change of parking from the outskirts not only has been done without the permission of the office of DTCP, Haryana but subsequent to this change, even the parking of two wheelers has been brought to the centre of the entire fire corridor area resulting in the fire corridor being reduced to approximately five meters.
17. The members of the complainant-association have been regularly complaining to the concerned authorities about the gross violation of the fire safety norms by the respondent no. 2 and this has been repeatedly brought

to the notice of the respondent no. 3 being the Commissioner, Municipal Commissioner, Gurugram, but unfortunately no action has been taken by it against the respondent-builder. It should have in fact taken immediate action against the respondent-builder as it is about safety and security of lives of the persons living in and around these buildings.

18. Their attitude fortifies apprehensions of corruption in selectively applying the fire norms and issuance of no objection certificate and using or not using the powers of disconnecting water and electricity to the buildings who did not comply with the fire safety norms. It is the duty of the respondent-builder and respondent no. 3 to clear the apprehensions that complainant is being victimized. Thus, immediate action may kindly be ordered to rectify the illegal changes made by it in the parking plan for the two wheelers and respondent no. 3 may be ordered to act against the respondent no. 3.
19. That as per Section 14(3), in case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale relating to such development is brought to the notice of the promoter within a period of five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within thirty days, and in the event of promoter's failure to rectify such defects within such time,

the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Act.

20. That the respondent-builder has not only changed the entire access ingress and egress but has also changed the entire two-wheeler parking and hence, may kindly be ordered to reinstate to the original parking plans as approved and original ingress and egress as approved.
21. The respondent-builder has reduced the size of front park on ground level. The park size is not existing as per the approved plan. The office of DTCP has also issued a show cause notice on 24.11.2022 to the respondent. However, it has not taken any corrective action till date as per our knowledge. The play area of small kids and also area for relaxation of senior citizens has been decreased due this reason.
22. That it is charging maintenance against the AHP-2013 policy, which is illegal and against the interest of Affordable Housing Project. The complainant humbly request this Court to kindly direct to the respondent to refund/reimburse the amount collected for maintenance and reserve fund with interest, which is against the AHP-2013 policy. It has been charging a maintenance amount of Rs 3.50 per sq. ft in addition to a reserve fund of Rs. 20,000 +7500 per house per flat.

C. Relief sought by the complainant-association:

23. The complainant has sought following relief(s):

- (i) Direct the respondent no.1 to refund the equalization amount collected from the complainant, together with the interest from the date of such payment till the date of refund.
- (ii) Direct the respondent no. 1 to refund the additional amount collected from the complainant, towards the carpet area together with the interest from the date of such payment till the date of refund.
- (iii) Direct the respondent no. 1 to submit the correct sanctioned plan for registration with the Authority, based on the approval granted by the DTCP vide approval dated 26.08.2014.
- (iv) Direct the respondent no. 1 to keep the two-wheeler parking as was approved by the DTCP vide approval dated 26.08.2014 ensuring free movement of the fire tender. However, if it wishes to make any alterations to the existing sanctioned plan the same may only be permitted, after following the rules and regulations laid down in Section 14 of the Act of 2016.
- (v) Direct the respondent no. 1 to provide for the entry/exit to the complex as per the approved plans and as per the plans shown at the time of offer of the flats based on which the complainant agreed to be a part of the project and hence applied for the re draw, signed the flat buyer's agreement and executed the sale deed.
- (vi) Direct the respondent no. 1 to rectify the changes made on account of the increased carpet area, changes in the parking policy, changes in the fire corridor route, changes in the parking of the two wheelers which are all violative of Section 14 of the Act of 2016 and to be restored as per the laws.
- (vii) Direct the respondent no. 1 to pay exemplary costs for committing fraud to the complainant.

24. On the date of hearing, the authority explained to the respondent/promoter about the contraventions as alleged to have been committed in relation to section 11(4) (a) & 14 of the Act to plead guilty or not to plead guilty.
25. Reply has been filed by respondent no. 3 i.e. Commissioner Municipal Corporation, Gurugram wherein stating that stating that the matter pertains to license granted where necessary actions are to be taken up by DTCP (respondent no. 2) and no action on behalf of respondent no. 3 is required. It is observed by the Authority that the reliefs sought by the complainant are not against respondent no. 03. Further, neither any written reply not any appearance has been made on behalf by respondent no. 2.

D. Reply by the respondent no. 1

26. The respondent has contested the complaint on the following grounds.
- i. That the project "AVL36GURGAON", i.e. the project in question, developed by respondent no. 1 is a leading, 'State of the Art' and exemplary affordable project constructed under Government of Haryana's Affordable Housing Policy ("AHP-2013") at Gurugram, which is in excellent shape. Not only has the project been completed well before time, the project in fact stands out in terms of its quality, when compared to any such other project. Further, due to the exemplary quality of the project developed by it, all the units in the project, totalling 1480 in number have been completely sold out and as on date, there is not even a single unit available/vacant in the project.
 - ii. That the affordable housing has been constructed as per the approved/sanctioned drawings by the Department of Town & Country Planning (DTCP).

Out of total 1,480 flats, more than 1,380 flats have been registered in the name of their respective flat-allottees. Approximately, 1,350 families are presently living in the project. There are more than 5,000 persons living happily and peacefully in the project. It is important to state that the building is a model project under the AHP-2013. The project is also most cost beneficial, when compared to any other project under AHP-2013. Even, the complainant, having duly satisfied itself, about the quality and all the amenities of the project decided to purchase the same and entered into a contract with open eyes. It is only now that the complainant having purchased a flat in this model project, and derived all benefits, thereof, is now, in a completely mala fide manner, has filed this present complaint to pressurise respondent no. 1 into acceding to its illegal demands.

- iii. That the respondent no. 1 is a highly responsible, exemplary and law-abiding coloniser. No department/authority has ever pointed out any irregularity or violation of law on its part with regard to the development and construction of the present project. Not just all existing laws, but also specifically the AHP-2013 has never been violated by the colonizer ever. The project therefore has been developed in complete consonance with the AHP-2013 and all other applicable laws.
- iv. That the complaint is liable to be dismissed with heavy costs as it has been improperly instituted with an ulterior motive. The complaint has been filed by an imposter /fraud entity, claiming to be an organisation. However, this so-called organisation is neither registered nor has any legal existence. It has been repeatedly held that any proceedings initiated by an entity, having no

legal existence or improper existence cannot be sustained at all and must be dismissed at the threshold.

- v. That the complainant has tried to create a false impression that it is the actual residents' association of the project, which is aggrieved of respondent no. 1 and has approached the Authority. However, it is pertinent to mention here that the complainant has deliberately suppressed the fact that the main organisation, actually representing the interests of the apartment owners under the Haryana Apartment Ownership Act, 1983 and rules made thereunder, is actually "AVL36GURGAON APARTMENT OWNERS ASSOCIATION" and not this imposter complainant society.
- vi. That it is a settled position of law that once there is a validly constituted and subsisting society formed for a project, under the Haryana Apartment Ownership Act, 1983 and Rules made thereunder, then any other ancillary bodies, misrepresenting and claiming themselves to the residents' association should not be permitted to do so and file any proceedings claiming to be the same, as they have no locus or legal validity/existence in the eyes of law.
- vii. That the complainant has deliberately not disclosed as to who are members of this so-called organisation. In fact, they has not even placed on record any proper resolution or authority in favour of Mr. Ishwar Singh Yadav by any such so called aggrieved person(s) authorising him to institute the present proceedings on their behalf. The present complaint is liable to be dismissed on this ground alone.

- viii. That the complainant deliberately keeps mentioning throughout the complaint, in a completely vague and non-specific manner that certain persons are purportedly aggrieved by the alleged actions of the respondent.
- ix. That the complainant have deliberately failed to disclose the fact that almost all the issues raised in the present complaint have already been agitated before various authorities, that too, repeatedly and such complaints have been duly rejected by all of such authorities. Some of the instances where complaints were raised by the complainant and other such similar mischief makers, unsuccessfully against the developer are:
- a. Reply sent by respondent no. 1 to the email received on 14.02.2020 from DTP Gurugram (AVL/AGHC/2020/159) that the grievances of certain persons pertained to external development infrastructure i.e. road connectivity, water supply line, electricity, storm water and sewage main line in the periphery of the project, and stated that the developer has completed the project before time and obtained the occupation certificate on 17.12.2019. Moreover, the development of external infrastructure /services i.e. water supply, electricity, sewage/storm main line and roads etc. in the periphery are under the ambit of Govt. of Haryana/competent authorities and completion of the same is entirely within the domain of the government authorities.
- b. On 15.06.2020, (AVL/AGHC/2020/159-A), a reply was given by respondent no. 1 to the complaint ticket raised on 12.06.2020. Respondent no. 1 replied that the concern raised by certain persons with respect to external developmental infrastructure has been raised by the developer

- company with various govt. authorities on multiple occasions with needful reminders and follow ups, right from the commencement of the project, but all such issues are within the exclusive domain of the authorities and not respondent no. 1. The respondent also duly mentioned that it had paid all the 'External Development Charges' (EDC) fully with the Govt., thus being fully compliant with all laws in this regard.
- c. On 03.07.2020 (AVL/AGHC/2020/159-A1), a reply was given to the complaint ticket raised on 03.07.2020. The developer duly informed the authority that the project is approachable from the 5 karam wide revenue rasta, which is duly verified and certified by the competent department(s), while granting full occupation certificate to the project. In fact, the developer has no alternative other than to use the revenue rasta at the moment. It was pointed out that in the front side of the project, there is the central periphery road (CPR) which is 150 mtr. wide planned road in the approved master plan of Gurugram with 18-meter green belt and 12-meter service road on both side of CPR. Unfortunately, the Govt. did not acquire the land falling under 18-meter green belt and 12-meter service road and only balance central part there of (i.e. 90 meters) has been acquired by the State Govt. However, the State Govt. eventually left out 30-meter width falling on either side of CPR under service road and green belt, from the ambit of acquisition, citing lack of funds. The said central portion of land falling under 90 meters wide was thereafter handed over to NHAI by the State Govt. As a result, the service road, external development works in the

periphery of the project has not been developed by the authorities despite having received the full EDC for this purpose.

- d. The respondent-builder relied to various other tickets raised on various dates such as 03.07.2020, 08.07.2020, 31.07.2020, 09.09.2020, 16.11.2020, 08.03.2021, 29.04.2021, 21.05.2021, 21.06.2021, 05.07.2021 12.11.2021, 13.12.2021, 01.03.2022 and 03.03.2021.
- e. On 08.12.2020 (AVL/AGHC/2020/159-A6), a reply was given by respondent no. 1 to the complaint ticket raised on 08.12.2020. The Developer informed herein that the department has granted full occupation certificate of the whole project and all the requisite compliances have also been done, including depositing of whole EDC with the competent authority/department. All the internal development works/services of the project are complete, duly functional and the project is fully occupied. Thus, there is nothing pending on the part of the developer.
- f. On 02.08.2021 (AVL/AGHC/2021/171), a reply was given by respondent no. 1 to the complaint ticket on CM portal raised on 05.07.2021. Respondent No. 1 reiterated all its previous requests to the authorities and mentioned that despite completing one of the best affordable projects, that too before time, and putting best efforts for sustaining the colony even in such a difficult time of Covid without availability of external infrastructure. Respondent no. 1 is being abused/harassed/ misbehaved with/ and being made subject of false propaganda for no fault of its, only due to non-development/ availability

of external public health services/facilities, which is completely the responsibility of department of Government of Haryana and not the Developer.

- x. This shows the systematic abuse, harassment and identical complaints being filed by such groups in connivance with each other, which respondent no. 1 is having to endure for such a long time. Even the authorities, being duly satisfied about the replies furnished by respondent no. 1, have been either rejecting these complaints or duly treating them as closed. Despite having made many of such above-mentioned attempts to harass the developer, the complainant has deliberately concealed the factum of dismissal of these complaints.
- xi. That vide order dated 05.07.2021 of the CM Window Action Taken Report, it was duly held that with regard to the issue of supply of water, GMDA has to supply the water and it has already applied for this purpose. Further, while replying complaint ticket on CM Portal raised on 12.11.2021 vide letter dated 20.12.2021 (AVL/AGHC/2021/177), it was submitted to the authority highlighting the fact that 6-meter road for the fire tender movement is very much present and the demarcation of the two-wheeler parking has been done in complete consonance with the "As Built Drawings" duly, certified by DTCP before issuing the occupation certificate. Only after due and through inspection the fire department, it issued NOC for the project. If there had been any irregularity with the project, as alleged, the concerned departments would have never given any necessary permission, occupation certificate etc. to it. Moreover, the respondent also highlighted that there has been no-

alteration in the two-wheeler parking demarcation and the same has been done as per the 'As-Built Drawings'. On the contrary, majority of residents are having cars and bringing them forcefully inside the colony, parking here and there, including right at the 6-meter road for the fire-tender. It has requested the department to direct that the association should permit only two-wheelers of the residents at the earmarked places and restrict the entry of four wheelers within the colony, which is not in accordance with the policy. Pursuant thereto, vide order dated 21.12.2021 the relevant authority also directed the president RWA not to allow any car entry/car parking in the project, as the same is not permitted under the Affordable Housing Policy, 2013.

- xii. That vide letter dated 27.04.2022, the respondent no. 1 even provided photos/videos showing availability of required turning radius for fire tender movement and also the photos/videos of cars being parked inside the colony.
- xiii. That the respondent no. 1 wrote to DTP Gurugram w.r.t levy of equalization charges & marked a copy to Director General, Chandigarh Haryana on 27.12.2017 highlighting that advertisement for third re-draw for subsequent allottees had been given to fill vacancies which arose from surrender/withdrawal of successful allottee. Thereafter, it wrote a letter dated 22.01.2018 and 09.04.2018 bearing reference number AVL/AGHC/2017/094 to seek confirmation that the levy of equalization amount (interest as per policy) is a valid levy and is being charged as per AHP-2013. The department agreed to consider the matter and issued a necessary clarification after assessing the complete position. In fact, being the

bona fide entity that respondent no. 1 is, despite there being no stay on collection of applicable interest as per policy by any authority, it voluntarily agreed to submit an undertaking dated 02.05.2018, wherein it stated that till the time a necessary clarification is issued respondent no.1 will not charge any equalization levy (interest as per policy).

- xiv. Subsequently, Vide Memo No. LC-3036-JE(BR)-2018/2715 dated 30.01.2019, the DTCP gave clarification to STP, Gurugram and marked a copy to respondent no. 1 that it can charge the amounts as per the policy. The issue was treated closed as no further communication/clarification was issued by the department.
- xv. In any event, the issue regarding levy of 'equalisation amount/ interest as per policy' by respondent no. 1 is no longer res integra. The said position has already been decided in favour of respondent no. 1 by the Authority, in a recent proceeding involving respondent no. 1, wherein this Authority was pleased to hold that the levy of equalisation amount by respondent no. 1 for the present project is a completely legal and justified levy and was not violative of the AHP-2013 in any manner whatsoever.
- xvi. It is necessary to mention that the advertisements/public notices clearly stipulated that the subsequent allottees would have to pay equalisation charges (interest as per policy). Even the application form where the complainant has signed on the agreed terms, mentions that such equalization charges (interest as per policy) need to be paid, in order to rank pari-passu with the original applicants. The schedule of payment applicable to the complainant categorically states that equalisation charges will be applicable

in case of subsequent allotment. More specifically, clause 4 of the flat allotment letter dated 04.08.2018, read with addendum-4 of the application form, issued in favour of the complainant, categorically states that the allottee, i.e., the complainant, will have to pay the equalisation charges. Therefore, the contention of the complainant that it is not liable to pay any equalisation charges is incorrect. The advertisement/public notice for the draw of lots, as well as the flat allotment letter and the application form duly filled by the complainant and signed, categorically state that equalisation charges(interest as per policy) are to be paid and it had expressly agreed for payment of the same.

- xvii. The complainant was completely aware of the situation before buying the said flats, infact when the complainant bought the flats in 2018, the project was at an advanced stage of construction and complainant knew at that time that external development infrastructure including service road has not been developed in the periphery of the project, which was to be developed by concerned government departments/authorities only.
- xviii. Additionally, it is important to mention that vide letter dated 06.06.2017 bearing reference No. AVL/AGHC/2017/078, it wrote to the Chief Administrator HUDA, Panchkula, highlighting the fact that the competent department has processed the award only for strip of land falling under 90-meter-wide central portion of 150 mtr. road/width of the Central Periphery Road (CPR), leaving both sides green belt and service road of CPR notified in Gurgaon-Manesar Urban Complex Master Plan. Whereas, the land acquisition notice published in the newspaper dated 10.08.2013 for acquiring land was

for 150 -meter-wide V2(e) type road including 18 mtr. wide green belt and 12 mtr. service road on both side (CPR). Moreover, it was specifically requested to the concerned authority/department to acquire and award the land falling under service road and green belt along with 90-meter-wide road of CPR. The said letter dated 06.06.2017 was forwarded vide memo no.: STP/PW/17/10749 DATED 21.07.2017 to DTP and Land Acquisition officer, Gurugram by the Zonal Administrator to examine respondent no. 1's representation & send a report on the same as early as possible.

- xix. Vide letter memo no.: CTP/STP(S)/AM/194954 dated 27.09.2018, the said letter dated 06.09.2018 was sent by the Chief Town Planner HSVP, Panchkula to Administrator HSVP, Gurugram. Thereafter, vide memo dated 07.03.2019 bearing no. DTP(G)/2019/2163, the DTP acknowledged that the service road and green belt were not acquired.
- xx. Thereafter, vide letter dated 04.04.2019 bearing no. AVL/AGHC/2019/115, it wrote to zonal administrator that the service road and green belt have not been acquired and the 90m road acquired has been handed over to NHAI. It even requested to connect the colony with the NHAI service road till the time sectoral service road is acquired and built by the competent authority/department.
- xxi. Thereafter, multiple correspondences were exchanged between the authorities and respondent no. 1 till 10.03.2022. It is pertinent to mention that till date, respondent no. 1 continues to write to concerned authorities/departments for development of public health services, service road etc. in the periphery of the project and the same being a public property

- cannot be developed by it, but has to be developed by the public authorities/departments.
- xxii. Moreover, the complainant itself admits that the 12-meter service road does not belong to respondent no. 1. Infact, during the site visit and while signing the flat buyer agreement, the complainant was well aware that due to no fault of respondent no. 1, the development of external infrastructure including service road has been delayed.
- xxiii. It is relevant to mention at the outset that vide Memo No. Misc-504/7/16/2006-2TCP dated 24.01.2011, Principal Secretary to Govt. Haryana, clarified to DTCP that minimum 4 Karam (22-feet) wide rasta linking to higher order road/public rasta is sufficient to grant licence to colonisers, as it would enable the colonizers to undertake development, as also the occupants would also be able to access the project till the sectoral service roads/ internal circulation roads are developed, since there is no time frame to develop sectoral service roads/ internal circulation roads of the notified master plan of the city. Moreover, respondent no. 1 got the OC only after completion of project as per sanctioned drawings & submitting the 'As-Built Drawings' in consonance with the office order dated 04.03.2014. The fact that the occupancy certificate has been granted to respondent no. 1 by the authorities/departments, shows that there was no irregularity in any document submitted by it.
- xxiv. The issue regarding the allegation of change in carpet area in the present project of respondent no. 1 is also no longer res integra and has been duly

clarified recently by the Authority in case CR/6427/4325/2019 titled Charan Singh vs AVL Infrastructure Private Limited.

- xxv. Another issue raised by the complainant is that it has violated the car parking and fire corridor norms for the affordable housing. Since the OC had been granted already on 17.12.2019 to respondent no. 1's project, therefore, the aforesaid notification which came subsequently on 04.01.2021 is not applicable to respondent no. 1 and/or its project.
- xxvi. The complainant has categorically agreed to the two-wheeler parking of the respondent in the application form, FBA. Moreover, vide clause 17 (xviii) of approval/sanction letter of the project bearing memo. no. ZP-1003/AD(RA)/2014/20245 dated 27.08.2014 issued by DTCP, it was duly mentioned that the provision of parking means utilising the earmarked/designated area for parking as per already sanctioned drawings. It is submitted that it is the prerogative of the developer to plan/earmark the parking in the designated/approved area of parking, as long as the same is in accordance with the policy and all applicable laws.
- xxvii. It is categorically made clear here that there has been no change whatsoever in the parking norms/provisions approved and/or provided in the project, as is sought to be falsely alleged by the complainant with a deliberate view to mislead the Authority. The developer has duly demarcated the fire corridor, which is 6 (six) mtr. wide on the site as per provisions proposed for fire safety and fire-fighting measures by competent fire department, which are also duly verified and certified by DTCP through the 'As Built Drawings' before granting occupation certificate. It is no fault of respondent no. 1, that the

residents, including the complainant illegally park their cars inside the colony, whereas the policy only allows for 2-wheeler parking.

- xxviii. However, it may be clarified at this stage that, without prejudice to the contentions of respondent no. 1, that although the aforesaid submissions make it amply clear that even as per the policy, the allottees in the project are only entitled to two-wheeler parking at the moment, however, if the allottees want to take benefit of the amended parking provisions of AHP-2013, and approach respondent no. 1 formally, for making an application with the competent authorities for permission to implement the amended parking provisions of AHP-2013 in the colony, it would certainly consider the same within the parameters of law, for the collective goods of all.
- xxix. Not just this, with respect to the above mentioned issues, it is important to note that on 11.11.2021 & 13.12.2021, three identical complaints were filed before the CM window alleging due to change in earmarking of two wheelers parking sites from the approved/sanctioned parking plan, there is no space for the fire tender to move and in case of an untoward incident, there will be loss of life and property, purportedly due to the builder. Further, it was alleged that the plans submitted by the builder to RERA are different from the ones implemented actually which were replied by the respondent vide letter dated 20.12.2021 wherein submitting that there is no change in the fire tender route of the project. The earmarking and allocation of the parking sites has been done as per the 'As Built Drawings' submitted and duly certified by DTCP. Further, the fire NOC and occupancy certificate were only granted after thorough inspection at site in terms of 'As Built Drawings'. Only due to

forceful and unauthorized car parking by the residents/occupants, the route of the fire tender had been blocked and even till date continues to be blocked. Therefore, vide order dated 21.12.2021, the DTCP disposed of the complaint dated 11.11.2021 wherein RWA was directed to not allow any car parking in the affordable housing colony.

- xxx. The complainant, at page 51 of the complaint has alleged that it has changed the entire parking from the outskirts of the building to the inner lanes of the complex. Moreover, it is further alleged that one map was approved by the DTCP but another map was submitted to the authority while obtaining the registration. It is submitted that the allegations are completely false and baseless. The Developer submitted the approved sanctioned drawings only for registration of project with the authority.
- xxxi. The fact that there has been no change in any plan/drawings submitted by respondent no. 1 can be further ascertained from the fact that it was only after due deliberation and consideration of the 'As Built Drawings', which the authorities found completely in order, that the concerned authority/department granted the occupation certificate. Had there been any change in the plan/drawings, the OC would not have been granted. The grant of OC proves that the aforesaid allegations of the complainant are completely false.
- xxxii. There has been no alteration in the two-wheeler demarcation at site as alleged by the complainant. Marking of the two-wheeler parking had been done as per the duly certified 'As Built Drawings' for the residents/occupants. Only after due verification and inspection of the fire provisions

provided in the project, fire department had issued NOC for the project before DTCP issued occupation certificate.

xxxiii. Neither the flat buyer agreement, nor the allotment letter nor the policy states that any specific location in the project has to be given for the said two-wheeler parking. The policy merely provides that the developer has to earmark and allocate only one two-wheeler parking space of 0.80Mtr X 2.50 Mtr. anywhere in the project for the allottee. In consonance with this, respondent no. 1 has adequately provided one two-wheeler parking space of 0.80mtr x 2.50 mtr. for each allottee, as per the policy. Consequently, there has been no change in the parking space. The complainant seems to harbour some misconception that they are entitled to some specific location of parking under the policy, which is completely wrong and misleading and the same is not borne out from any document whatsoever, much less from the AHP-2013. Had there been any change in the sanctioned plans and/or as built drawings, the department itself would have never granted the OC. Furthermore, it is a settled position of law, that grant of valid OC, is itself a presumption under law that the building has been duly completed in accordance with approved/sanctioned drawings and specifications.

xxxiv. Further, as and when the 150 mtr. wide road (CPR) is built by the authorities (for which respondent no. 1 is repeatedly making pleas even as on date), till then the present 5 karam is being treated as the alternate access to the colony by the department itself. Thus, there is no change in the access also, as is sought to be falsely projected by the complainant as a violation of Section 14.

27. All other averments made in the complaint were denied in total.

28. Copies of all the relevant documents have been filed and placed on the record. Their authenticity is not in dispute. Hence, the complaint can be decided based on these undisputed documents.
29. Both the parties also filed written submissions to substantiate their averments made in the pleadings as well as in the documents and the same were taken on record and have been perused.

E. Jurisdiction of the authority

30. The Authority observes that it has territorial as well as subject matter jurisdiction to adjudicate the present complaint for the reasons given below.

E.I Territorial jurisdiction

31. As per notification no. 1/92/2017-1TCP dated 14.12.2017 issued by Town and Country Planning Department, the jurisdiction of Real Estate Regulatory Authority, Gurugram shall be entire Gurugram District for all purpose with offices situated in Gurugram. In the present case, the project in question is situated within the planning area of Gurugram District. Therefore, this authority has complete territorial jurisdiction to deal with the present complaint.

E.II Subject matter jurisdiction

32. Section 11(4)(a) of the Act, 2016 provides that the promoter shall be responsible to the allottee as per agreement for sale. Section 11(4)(a) is reproduced as hereunder:

Section 11(4)(a)

Be responsible for all obligations, responsibilities and functions under the provisions of this Act or the rules and regulations made thereunder or to the allottee as per the agreement for sale, or to the association of allottee, as the

case may be, till the conveyance of all the apartments, plots or buildings, as the case may be, to the allottee, or the common areas to the association of allottee or the competent authority, as the case may be;

Section 34-Functions of the Authority:

34(f) of the Act provides to ensure compliance of the obligations cast upon the promoters, the allottee and the real estate agents under this Act and the rules and regulations made thereunder.

33. So, in view of the provisions of the Act of 2016 quoted above, the authority has complete jurisdiction to decide the complaint regarding non-compliance of obligations by the promoter leaving aside compensation, which is to be decided by the adjudicating officer, if pursued, by the complainant at a later stage.

F. Findings on objections raised by the respondent.

F.1 Issue w.r.t maintainability of complaint on ground that the said complainant is not a registered association.

34. The respondent-builder raised an objection that the complainant has tried to create a false impression that it is the actual residents' association of the project, which is aggrieved. However, it is pertinent to mention here that the complainant has deliberately suppressed the fact that the main organisation, actually representing the interests of the apartment owners under the Haryana Apartment Ownership Act, 1983 and rules made thereunder, is actually "AVL36GURGAON APARTMENT OWNERS ASSOCIATION" and not this imposter complainant society. The complainant on the other hand submitted that it is a society duly registered under the Haryana Registration and Regulation of Societies Act, 2012 (Haryana Act No. 1 of 2012) and is

legally entitled to represent the allottees of the residential group housing colony project "AVL 36".

35. The Authority observes that the issues involved in the present complaint can either be raised by individual apartment owner or by an association of apartment owners. There are 1480 flats in the project and after receipt of OC, possession of the same has been handed over to them on different dates. However, the present complaint is filed by some of the apartment-owners (numbering 30 as per board resolution on page no. 70 of complaint). Now the issue arises before the Authority that whether an association or group of persons or even society can approach the Authority seeking relief(s) under the Act of 2016.
36. As per Section 31 of Act of 2016 which provides filing of complaint before Authority, enumerates "any aggrieved person" may file a complaint against the allottee/ promoter or agent before the Authority for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder. Precisely, any "aggrieved person" can file a complaint before the Authority against three categories- allottee/ promoter / agent. However, the term "person" has been further detailed under Section 2(zg) of Act. The relevant sections of the Act is reproduced hereunder: -

31. Filing of complaints with the Authority or the adjudicating officer.—(1)
Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder, against any promoter, allottee or real estate agent, as the case may be.

Explanation.—For the purpose of this sub-section "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.

Section 2: Definitions

(zg) "Person" includes,—

(i) an individual;

(ii) a Hindu undivided family;

(iii) a company;

(iv) a firm under the Indian Partnership Act, 1932 (9 of 1932) or the Limited Liability Partnership Act, 2008 (6 of 2009), as the case may be;

(v) a competent authority;

(vi) an association of persons or a body of individuals whether incorporated or not;

(vii) a co-operative society registered under any law relating to co-operative societies;

(viii) any such other entity as the appropriate Government may, by notification, specify in this behalf;

37. The Authority observes that as per point (vi) & (vii) of Section 2 (zg) which provides "an association of persons or a body of individuals whether incorporated or not" and "a co-operative society registered under any law relating to co-operative societies;" i.e. which means that the Act nowhere mandates that only a registered or incorporated group of persons/association/society can fall under definition of "person". Therefore, the plea taken by respondent in this regard that the complaint is liable to be dismissed in ground of existence of officially registered association is devoid of merits and hence, not tenable.

G. Findings on the reliefs sought by the complainant

G.1 Direct the respondent no.1 to refund the equalization amount collected from the complainant, together with the interest from the date of such payment till the date of refund.

- a. The complainant submitted that at the time of filling up the application form for the re-draw for the units in Affordable Housing Project namely

"AVL36Gurgaon" Sector 36A, Gurgaon, pursuant to arising of vacancy (ies) in the project due to withdrawal/ surrender by applicant(s)/ allottee (s) that as per the Affordable Housing Policy, the complainant has to pay an equalization amount (interest as per policy) @ 15% p.a. to rank pari-passu with the original applicants in the project for the period from 02.01.2016 i.e. the commencement date of the project till the date of subsequent allotment. On the other hand, the respondent submitted that vide memo no. LC-3036-JE(BR)-2018/2715 dated 30.01.2019, the DTCP gave clarification to STP, Gurugram wherein providing that it can charge the amounts as per the policy.

38. The Authority observes that the aforesaid issue has been deliberated at length in complaint bearing no. **CR/6427/2019** titled as **Charan Singh Vs AVL Infrastructure Private Limited** wherein upholding the levy of 15% interest by the name of equalization charges as per Clause 5(iii)(b) of Affordable Group Housing Policy, 2013 and taking into account the fact that the timeline of delivery of the project is fixed for everyone, i.e. 4 years from the date of commencement, therefore it is essential to charge this interest so that no one exploits this policy by entering into the project very late and does not make full payments even after getting ready possession immediately. The relevant para of the same is reproduced hereunder: -

"33..... Equalisation/ Interest as per policy amount was therefore levied in order to rank the complainant pari passu with the original allottees. The complainant has concealed documents and has made false averments that equalisation amount was never explained to him. The requirement of equalisation amount/ interest as per policy was duly explained to the

complainant at all stages i.e., at the time of issuing advertisement/ inviting applications on 21.09.2017/ 26.10.2017 providing payment terms inclusive of "Equalisation Amount (Interest as per policy) calculated at 15% p.a. from the Commencement date of Project, i.e., 2nd January 2016, up to the date of Subsequent (present) Allotment" for re-draw of lots of the left-over units, intimating vide letter dated 22.12.2017 result of 2nd draw(re-draw) of flats held on 21.12.2017, raising demand vide letter dated 01.01.2018 and also at the time of executing flat buyer's agreement dated 24.01.2018 in annexure 03 of schedule of payment respectively. The complainant accepted the equalisation amount with open eyes and without any compulsion or pressure. Thus, the plea of complainant that he is not liable to pay equalization amount demanded by the respondent is untenable and that demand was raised as per the policy of 2013"

39. Keeping in view the finding of Authority in **CR/6427/2019 titled as Charan Singh Vs AVL Infrastructure Private Limited**, the respondent-builder is entitled to charge equalization charges. However, it is further clarified that the respondent cannot deny providing calculation of same to the respective complainant.

G.II Direct the respondent no. 1 to refund the additional amount collected from the complainant, towards the carpet area together with the interest from the date of such payment till the date of refund.

G.III Direct the respondent no. 1 to submit the correct sanctioned plan for registration with the Authority, based on the approval granted by the DTCP vide approval dated 26.08.2014.

40. The aforesaid reliefs are being taken together being inter-connected.
41. The complainant submitted that there is an increase in the area of the unit as it was at the time of booking and that of at the time of sale deed. They have been charged additional amount by the respondent-builder despite of the fact that the definition of "carpet area" has been defined under the Affordable Housing Policy 2013. Even the revised plans were neither submit nor approved and it is a move by the respondent-builder to collect an additional

amount from the innocent members of the society. The respondent on the other hand submitted that there has been no change in building plans and occupancy certificate were only granted after thorough inspection at site in terms of 'As Built Drawings'.

42. The Authority observes that on the face of it, one of the objective of the Policy was to provide supply of affordable housing with pre-defined rates, timelines and area. The relevant portion of the policy is reproduced hereunder:

2. ii) *This policy is intended to encourage the planning and completion of „Group Housing Projects“ wherein apartments of „pre-defined size“ are made available at „pre-defined rates“ within a „Targeted time-frame“ as prescribed under the present policy to ensure increased supply of „Affordable Housing“ in the urban housing market to the deserving beneficiaries.*

4. (ii)

b. *The carpet area of the apartments shall range from 28sqm to 60sqm in size.*
 c. *The term "carpet area" shall mean the net usable covered floor area bound within the walls of the apartment but excluding the area covered by the walls and any balcony which is approved free-of-FAR, but including the area forming part of kitchen, toilet, bathroom, store and built-in cupboard/almirah/ shelf, which being usable covered area shall form part of the carpet area.*

Not only this, the policy also provides clear demarcation for area to be covered under purview of "carpet area" under Section 4(iii)(b) and (c) and the same is reproduced above. Further, it has been the submissions of the respondent-builder that there has been no change in the carpet area of the unit and made reference to order of Authority dated 17.05.2022 in **complaint bearing no.6427 of 2019 titled as Charan Singh Vs AVL Infrastructure Private Limited**. The Authority observes that as per the submission of

respondent, that this project was one of the initial projects sanctioned by the department on carpet area basis and at that time the internal walls area was excluded from the carpet area calculations. Later, the department corrected its mistake and without change of any drawings at the time of occupation certificate, resulting in such increase. Though there has been no actual increase in the carpet area of the unit. The Authority made reference to definition of carpet area as defined under Section 2(k) of Act of 2016, which clearly provides that the same shall include internal partition walls. The relevant portion of the Act is reproduced hereunder: -

*2 (k) "carpet area" means the net usable floor area of an apartment, excluding the area covered by the external walls, areas under services shafts, exclusive balcony or verandah area and exclusive open terrace area, **but includes the area covered by the internal partition walls of the apartment**.*

Thus, the plea of the respondent is valid. Furthermore, the occupation certificate and completion certificate for the said project has already been obtained on 17.12.2019 and 10.11.2022 respectively. An occupation certificate has been granted after taking into various aspects such as building plans, etc. Thus, at this stage where the OC and CC of the project has already been obtained from the competent Authority, it is safe to conclude that the project has been constructed as per approved buildings plan. Thus, no finding to this effect.

G.IV Direct the respondent no. 1 to keep the two-wheeler parking as was approved by the DTCP vide approval dated 26.08.2014 ensuring free movement of the fire tender. However, if it wishes to make any alterations to

the existing sanctioned plan the same may only be permitted, after following the rules and regulations laid down in Section 14 of the Act of 2016.

G.VI Direct the respondent no. 1 to rectify the changes made on account of the increased carpet area, changes in the parking policy, changes in the fire corridor route, changes in the parking of the two wheelers which are all violative of Section 14 of the Act of 2016 and to be restored as per the laws.

43. Since issues No. iv and vi are inter-connected, so the same are being taken up together.
44. That complainant submitted that Director, Town and Country Planning Department, Haryana, Chandigarh vide Memo No. PF-27(VOL-III)/2020/2-TCP/41 dated: 04.01.2021 informed about the amendment in the Affordable Housing Policy-2013 dated 19.08.2013 and as per same the respondent-builder is allotting car parking at his own whims and fancies without following the policy. The complainant further alleged that the colonizer as per the policy cannot provide car parking in the stilt area but unfortunately this is being done by the respondent-builder and despite of the repeated complaints on this issue to the office of District Town & Country Planning, Gurugram as well as the CM Window, no action has been taken as yet against this sale of illegal car parking, by the it without following the norms. Further, as per National Building Code, the width of means of access shall be 6m for residential occupancy and not less than 12m for other occupancies depending on the length of the means of access. In addition, the road shall not terminate in a dead-end. This change of parking from the outskirts not only has been done without the permission of the office of DTCP, Haryana but subsequent to this change, even the parking of two wheelers has been brought to the centre of the entire fire corridor area resulting in the fire

corridor being reduced to approximately five meters. The members of the complainant-association have been regularly complaining to the concerned authorities about the gross violation of the fire safety norms by the respondent no. 2 and this has been repeatedly brought to the notice of the respondent no. 3 being the Commissioner, Municipal Commissioner, Gurugram, but unfortunately no action has been taken against the respondent-builder, by it

45. The respondent-builder on the other hand submitted that the developer has duly demarcated the fire corridor, which is 6 (six) mtr. wide on the site as per provisions proposed for fire safety and fire-fighting measures by competent fire department, which are also duly verified and certified by DTCP through the 'As Built Drawings' before granting occupation certificate. Further, the policy only allows for 2-wheeler parking. The complainant and other allottees of the project are forcible parking the cars instead of two wheelers.
46. The Authority observes that the Policy of 2013 in its clause 4(iii) provides for availability of two-wheelers parking and the same is reproduced hereunder:

4(iii)

- a. *The Parking space shall be provided at the rate of half Equivalent Car Space (ECS) for each dwelling unit.*
- b. *Only one two-wheeler parking site shall be earmarked for each flat, which shall be allotted only to the flat owners. The Parking bay of the two wheelers shall be 0.8mx2.5m unless otherwise specified in the zoning plan.*
- c. *No car parking shall be allotted to any apartment owner in such projects.*
- d. *The balance available parking space, if any, beyond the allocated two wheeler parking sites, can be earmarked as free visitor car parking space.*
- e. *Additional parking norms and parameters, if any, can be specified in the zoning plan.*

The aforesaid provision of Policy makes it very clear that no car parking shall be allotted to any of the owner i.e. successful allottees and balance available parking space, if any, beyond the allocated two-wheeler parking sites, can be earmarked as free visitor car parking space. Further, the said issue with regards to two-wheelers parking has already been dealt by DTCP vide its order dated 21.12.2021 wherein directing the association/RWA to not to allow any car entry/car parking in the affordable group housing colony. Further, the fact cannot be ignored that the occupation certificate has already been obtained by the competent authority on 17.12.2019 which is only granted when the construction has been made as per the approved building plans under the Policy and after grant of NOC from fire department. Therefore, in view of matrix of present complaint, the Authority directs respondent no. 1 as well the RWA to adhere to the parking norms as provided under clause 4(iii) of Affordable Housing Policy, 2013.

47. The complainant has sought the relief under Section 14 of Act of 2016, the *Hon'ble Supreme Court of India in civil appeal nos. 6745-6749 of 2021 titled as M/s Newtech Promoters and Developers Pvt. Ltd. V/s State of Up & Ors.*, has held that an allottee is entitled to claim compensation & litigation charges under sections 12,14,18 and section 19 which is to be decided by the adjudicating officer as per section 71 and 72. Therefore, for claiming compensation under sections 12, 14, 18 and section 19 of the Act, the complainant may file a separate complaint before Adjudicating Officer under section 31 read with section 71 of the Act and rule 29 of the rules.

- G.V Direct the respondent no. 1 to provide for the entry/exit to the complex as per the approved plans and as per the plans shown at the time of offer of the flats based on which the complainants agreed to be a part of the project and hence applied for the re draw, signed the flat buyer's agreement and executed the sale deed.
48. The complainant submitted that as per the approval dated 25.08.2014, the entry and the exit point to and from the complex has been shown from a 12-meter-wide road by the respondent-builder. Further, in the layout plan of the colony, as annexed with the flat buyer agreement, the entry/exit has been shown at the same point as in the sanctioned plan. Unfortunately, this has been the only entry/exit available to the residents and the one being shown as the earlier approved/sanctioned entry/exit is not available to the residents at all as it has no access to the road outside. It is a major issue which was brought to the notice of the respondent no. 2 but no action, has been taken by the respondent no. 2 against respondent-builder. As on the date of filing this complaint there is no access available from the point as approved by the respondent no. 2 and same is being informed to respondent-builder and its team members. The builder therefore has misrepresented to the innocent buyers and is still misrepresenting resulting in the buyers being cheated by the builder, an offence punishable under Indian Penal Code.
49. The respondent submitted that they were completely aware of the situation before buying the said flats, the project was at an advanced stage of construction and complainant knew at that time that external development infrastructure including service road has not been developed in the periphery of the project, which was to be developed by concerned government departments/authorities only. Yet, they voluntarily chose to enter into flat buyer agreements respectively which are binding on them. Additionally, it is important to mention that vide letter dated 06.06.2017 bearing reference No. AVL/AGHC/2017/078, it wrote to the Chief Administrator HUDA, Panchkula,

highlighting the fact that the competent department has processed the award only for strip of land falling under 90-meter-wide central portion of 150 mtr. road/width of the Central Periphery Road (CPR), leaving both sides green belt and service road of CPR notified in Gurgaon-Manesar Urban Complex Master Plan. Whereas, the land acquisition notice published in the newspaper dated 10.08.2013 for acquiring land was for 150 -meter-wide V2(e) type road including 18 mtr. wide green belt and 12 mtr. service road on both side (CPR). It has also highlighted that requisite external development charges (EDC) which were deposited with the Government and if service road is not made by the department, it would lead to lot of legal issues. Moreover, it was specifically requested to the concerned authority/department to acquire and award the land falling under service road and green belt along with 90-meter-wide road of CPR. The said letter dated 06.06.2017 was forwarded vide memo no.: STP/PW/17/10749 DATED 21.07.2017 to DTP and Land Acquisition officer, Gurugram by the Zonal Administrator to examine respondent no. 1's representation & send a report on the same as early as possible. Thereafter, multiple correspondences were exchanged between the authorities and respondent no. 1 till 10.03.2022. It is pertinent to mention that till date, respondent no. 1 continues to write to concerned authorities/departments for development of public health services, service road etc. in the periphery of the project and the same being a public property cannot be developed by it, but has to be developed by the public authorities/departments.

50. The Authority observes that there has been scenario where the respondent seeks exemption for reason of delay on account to lack of proper services such as road provided by the governmental services. Further, the fact that the completion certificate for any project has been given keeping in mind that the project is complete in all aspect including connectivity to roads as per the

approved plans. Moreover, in the instant matter, the occupation certificate and completion certificate of the project has already been obtained. Such certificates are granted by the competent authorities after assuring the compliance of many parameters including but not limited to construction as per the approved building plans. Thus, at this stage, where the similar issue has already been taken before CM Window and OC & CC of the project has already been obtained, no direction to this effect.

G.VII Direct the respondent no. 1 to pay exemplary costs for committing fraud to the complainant

51. The complainant is seeking relief w.r.t. compensation in the above-mentioned reliefs. *Hon'ble Supreme Court of India in civil appeal nos. 6745-6749 of 2021 titled as M/s Newtech Promoters and Developers Pvt. Ltd. V/s State of Up & Ors.*, has held that an allottee is entitled to claim compensation & litigation charges under sections 12,14,18 and section 19 which is to be decided by the adjudicating officer as per section 71 and the quantum of compensation & litigation expense shall be adjudged by the adjudicating officer having due regard to the factors mentioned in section 72. The adjudicating officer has exclusive jurisdiction to deal with the complaints in respect of compensation & legal expenses. Therefore, for claiming compensation under sections 12, 14, 18 and section 19 of the Act, the complainant may file a separate complaint before Adjudicating Officer under section 31 read with section 71 of the Act and rule 29 of the rules.

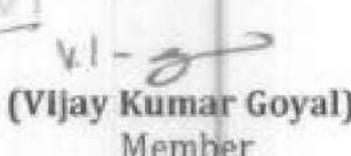
H. Directions of the authority

52. Hence, the Authority hereby passes this order and issues the following directions under section 37 of the Act to ensure compliance of obligations cast upon the promoter as per the function entrusted to the authority under section 34(f):

- a. The respondent no. 1 and RWA are directed to not to allow car parking and allotment of car parking in the said project as per the provision of clause 4(iii) of Affordable Housing Policy, 2013. Further, if any revision in parking plan is required, the RWA of the complex may approach DGTCP being the competent Authority before any allocation in parking is affected/altered.
- b. The issue of free maintenance of the colony in terms of section 4(v) of Affordable Housing Policy stands referred to the Government by the authority and clarification would be issued by DTCP, Haryana as and when the approval is received from the Government and hence, the issue of maintenance charges of the colony would be regulated in terms of the orders of the Government.
- c. Keeping in view the factual and legal position that occupation as well as completion certificate of project concerned has been obtained on 17.12.2019 and 10.11.2022 respectively; no directions are being issued w.r.t other reliefs to be governed by other departments/competent Authorities.
53. Complaint stands disposed of.
54. File be consigned to registry.


 (Sanjeev Kumar Arora)
 Member


 (Ashok Sangwan)
 Member


 (Vijay Kumar Goyal)
 Member

Haryana Real Estate Regulatory Authority, Gurugram

Dated: 01.08.2023

ANNEXURE-P

Date: 07.09.2023

Ref. No.: AVL/AGHC/2023/209

To

Director General

Department of Town & Country Planning Haryana

Nagar Yojana Bhavan, Plot No. 3, Sector 18A, Madhya Marg, Chandigarh

Subject: - Submission of information regarding disposing of allottees Complaint bearing No. 355 of 2022, filed against developer company before the Haryana Real estate Regulatory Authority, Gurugram Haryana - Ref.: LC No. -3036.

Sir

It is kindly informed that the subject cited complainant was filed in the HRERA Gurugram by few allottees of the affordable housing colony namely AVL36GURGAON (License Nos. 18 & 74 of 2014) located in Sector-36A, Gurugram District, alleging various allegations against the developer company M/s. AVL Infrastructure Private Limited (Respondent No. 01). It is pertinent to mention here that the department of town & country planning Haryana & Commissioner, Municipal Commissioner Gurugram were also made Respondent no. 02 & 03 respectively by complainant in the case.

The various allegations alleged in the Complaint against the developer Company M/s. AVL Infrastructure Private Limited was found baseless, hence the complaint was disposed of by Honorable Authority.

Therefor you are kindly informed that the detailed Order was pronounced on 01.08.2023 & was uploaded on the portal of the Haryana Real Estate Regulatory Authority (HRERA) on 06.09.2023, thereby disposing of the Complainant, bearing No. 355 of 2022, filed of few disgruntled allottees of the project, the said affordable project is fully completed and granted full OC as well as CC by the department. More than 5000 occupants are staying in the colony at present.

You are kindly requested to take the above in your kind records please.

Thanking you

Yours truly


Authorized Signatory**M/s. AVL Infrastructure Pvt. Ltd.**

Copy to the following: for necessary information & kind records and necessary action, if any.

- i. STP(E) Town & Country Planning Department Haryana, Chandigarh.
- ii. STP (Gurugram Circle), Town & Country Planning Department Gurugram Haryana.
- iii. DTP (P) Gurugram, Town & Country Planning Department Gurugram Haryana.
- iv. DTP (E) Gurugram, Town & Country Planning Department Gurugram Haryana.
- v. ✓ President Shri Balraj Singh, AVL36GURGAON Apartment Owners Association, AVL36GURGAON, Sector- 36A, Gurugram Haryana.

AVL Infrastructure (Pvt.) Ltd.

PROMOTER • BUILDER • DEVELOPER

01, Green Park Main, New Delhi – 110016

Phone: 011-41326868; 41681515 | e-mail: info@avlinfra.com | Website: www.avlinfra.com

Date: 07.10.2022

Ref. No.: AVL/AGHC/2022/194

To
District Town Planner (E)
Town & Country Planning Department Gurugram Haryana.

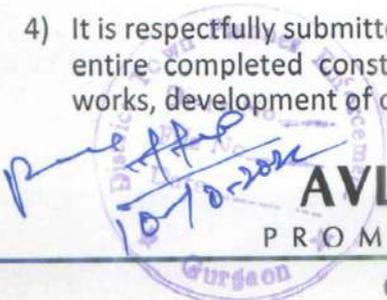
Subject: - Reply to the Show Cause Notice bearing Memo No. 10136 Dated 14.09.2022 issued u/s 10(2) of The Haryana Development and Regulations of Urban Areas Act, 1975.

Reference: License Nos.- 18 & 74 of 2014 granted under AHP-2013.

Sir

We have received the aforesaid Show Cause Notice (SCN) on 23.09.2022 bearing Memo No.: 10136 dated 14.09.2022 issued u/s 10(2) of the Haryana Development and Regulations of Urban Areas Act, 1975. We have perused the SCN in detail and understood it fully. It is respectfully stated that we hereby deny the allegations made therein and beg to make the following submissions in reply thereof.

- 1) At the outset, it may be humbly mentioned that it has been wrongly or mischievously reported to you, as mentioned in your SCN dated 14.09.2022 that we have violated the terms and conditions of license nos. 18 & 74 of 2014, sanctioned layout plan as well as occupation certificate. The said Show Cause Notice (copy of SCN dated 14.09.2022 is enclosed as 'Annexure-01') mentions that "you have reduced the size of park near front gate and near rear gate by way of constructing a internal circulation road, after issuance of occupation certificate, resulting change in the approved layout plan".
- 2) We humbly state that the affordable housing project AVL36GURGAON, i.e. the project in question, has been developed strictly and completely in accordance with the terms and condition of the licenses granted under the Haryana Development and Regulation of Urban Areas Act, 1975 and rules made thereunder in conformity to the Haryana Building Code, FAR/density norms, approved Zoning Regulations/ Zoning Plan of the site/project. It is also added here that the present project has been developed with all applicable laws in force at present and there is no violation / breach of any law / regulation whatsoever that has been committed in relation to this project.
- 3) On completion of construction of the project, including execution of internal development works at site, as per approved building plans and in accordance with the 'use' defined in the approved zoning regulations/ zoning plan, building bye-laws and regulations, terms & conditions of the licenses and in accordance to the National Building Code in regard with structural safety, fire safety, sanitary requirements and circulation i.e. vertical as well as horizontal circulation, we duly applied to the concerned department seeking issuance of occupation certificate of the project as per defined procedure.
- 4) It is respectfully submitted that it was only after a detailed and thorough inspection of the entire completed construction as also of the execution of the internal development works, development of open spaces including carrying out landscaping in accordance with



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the 'use' defined in the approved zoning regulations/ zoning plan and only upon being fully satisfied that the development of the project was carried out strictly in terms of approvals granted, as Built Drawings submitted, the Director granted full Occupation Certificate to the project on 17.12.2019 after considering NOC from fire safety issued by Director General Fire Services, Haryana, Public Health Functional reports received from Chief Engineer-I, HSVP & Certificate of Registration of Lifts issued by Inspector of Lifts-cum-Executive Engineer, field reports received from town and country planning department circle office (copy of Occupation Certificate dated 17.12.2019 is enclosed as 'Annexure-02').

- 5) Further, it is stated that the terms & conditions of license granted & bilateral agreements executed under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 and Rules, 1976 made thereunder, have all been duly complied with in their entirety including making arrangements of service utilities, water supply, sewerage, drainage. The required CTO/ clearances/ approvals post receipt of full Occupation Certificate were also obtained and informed to competent authorities as per terms and conditions of occupation certificate and in accordance with the instructions/ guidelines of competent authorities/departments.
- 6) Thus, this bald allegation, made by a mischievous unidentified source, not only is completely vague but is also a mischievous attempt in order to harass the colonizer. In this regard, it is important to refer to certain definitions under the Haryana Building Code and the approved Zoning Plan of the site, which are being extracted hereinafter: The Haryana Building Code provides the followings definition of 'Open Space' and 'Zoning Plan'.

'Open Space': *"a space forming an integral part of the plot left open to sky."*

'Zoning Plan': *"the detailed layout plan of the sector or municipal area or a part thereof or of individual sites to whom permission for CLU has been granted, maintained in the office of the Competent Authority showing the sub-division of plots, open spaces, streets and other features and in respect of each plot, permitted land use, building lines and restrictions with regard to use and development of each plot in addition to those laid down in the building code, further same can also be prepared/maintained for industrial plots, if need arises."*

- 7) It is respectfully stated that the approved Zoning Plan is the actual detailed Plan of individual site showing permitted land use, building lines and restrictions with regard to use and development of each site in addition to those laid down in the building code. It is also kindly submitted that the development of open spaces as per the Haryana Building Code and as per the approved Zoning Regulations/ Zoning Plan of the site, National Building Code with regard to 'Landscaping' refers to development of both 'Hard Landscape as well as Soft Landscape'. The Hardscape or Hard Landscape refers to the heavy elements of a Landscape design like stone, rocks or driveways etc. and on the other hand, Softscape or Soft Landscape refers to the lighter elements of a Landscape design like soil, plants, flower or even color combination of a garden.
- 8) In the Haryana Building Code, the definition of Open Space is clearly defined, which interprets the Open Space as *"a space forming an integral part of the plot left open to sky."* The Open Space is further additionally detailed with regard to use and development of individual site in its approved Zoning Regulations/ Zoning Plan.

- 9) Therefore, it is kindly submitted that under the heading 'OPEN SPACES' in the approved Zoning Regulations/ Zoning Plan of the subjected site/project, it is provided that *at least 15% of the net planned area shall be developed as organised open space i.e. "tot lots and play ground"*. It is respectfully stated that the Soft Landscape (i.e. parks/ lawns/ gardens etc.) in the present project has been developed in conformity with the approved Zoning Regulations/ Zoning Plan of the project. As per said approved Zoning Plan, a minimum 15% of the net planned area of the project is required to be developed as organised open space i.e. tot-lots and play ground, whereas, in the present case, the colonizer has provisioned and developed far more than the required 15% of the net planned area of the project as organized Open Space under Soft Landscape i.e. tot-lots and play ground, parks/ lawns/ gardens etc. It is also further stated that there is no additional construction, erection, re-erection being carried in illegal manner in the Open Spaces of the sanctioned Building Plan, as incorrectly reported to you and in a completely vague and mischievous manner. In fact, the whole construction including development of Open Spaces is duly carried, equipped and landscaped (i.e. Hard Landscape as well as Soft Landscape) in accordance with the 'use' permitted in the approved Zoning Regulations/ Zoning Plan of the project and as per instructions/guidelines/requirements of the competent authorities/departments.
- 10) It is humbly further stated that the locations of Hard Landscape (i.e. civil work component of landscape architecture such as pavement, walkways, roads, retaining walls and other built environment etc.) and Soft Landscape (i.e. the natural elements in landscape design, such as plants, materials and the soil itself) are duly developed in the project as specifically directed by the landscape architect/ project architect/engineer-in-charge in consultation with the fire consultant. The provided Hardscape surface in the project are capable of taking mass of fire engine and are kept free of obstructions to provide clear access to fire fighting vehicles, ambulance, service utilities, sanitation vehicles etc. under the provisions/requirements of the applicable laws and rules therein.
- 11) The developed landscaped areas (i.e. Hardscape as well as Softscape) allows safe movement for users with duly defined point of egress and ingress including their location, levels in the project etc. It is kindly stated that the beautifully developed landscaped (i.e. Hard Landscape as well as Soft Landscape) areas in the project were inspected and certified before granting full Occupation Certificate of the project by the department (copy of 'As Built Drawings Layout Plan' is enclosed as **'Annexure-03'**).
- 12) It is thus respectfully stated that no terms and conditions of the licenses bearing nos. 18 & 74 of 2014, sanctioned Layout Plans and/or terms and conditions of Occupation Certificate or any other laws for that matter, have been violated as incorrectly reported to you. It is reiterated that there is no additional construction, erection, and re-erection being carried in illegal manner in the open spaces of the sanctioned drawings, as wrongly or mischievously reported to you. In fact, the whole construction, including open spaces in the project is duly developed equipped and landscaped (i.e. hardscape as well as softscape) in accordance with the uses permitted in the approved Zoning Regulations/ Zoning Plan of the site and in accordance to instructions/ guidelines of the competent authorities/departments and no terms & conditions of the licenses are being violated as alleged in the SCN.
- 13) Rather, the project is developed as per terms and conditions of licenses grant and is a leading, "State of the Art" and exemplary affordable housing project constructed under Government of Haryana's Affordable Housing Policy (hereinafter *AHP-2013*) at Gurugram,

which is in excellent shape. Not only has the project been completed well before time, the project in fact stands out in terms of its quality, when compared to any such other project. The possession of flats has been handed over in the project as per affordable policy (AHP-2013). The project is fully occupied as on date and more than 5000 occupants/residents are happily living for more than two & half years, enjoying the humanistic, beautiful spaces designed & developed by us.

14) Therefore, it is respectfully urged that your goodself may be pleased to consider the explanation provided by us and withdraw the Show Cause Notice Dated 14.09.2022, since the allegation reported to you is without any basis.

Thanking you

Yours truly

Virender Singh Dhanda
Managing Director DIN: 00632607

For AVL Infrastructure Pvt. Ltd.



Enclosed:

- I. **Annexure:01**- a copy of SCN dated 14.09.2022.
- II. **Annexure:02**- a copy of Occupation Certificate dated 17.12.2019.
- III. **Annexure:03**- a copy of 'As Built Drawings Layout Plan'.

SHOW CAUSE NOTICE

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

Memo No. 10136

Dated: 14-09-2022

To

AVL Infrastructure Pvt. Ltd.,
Plot No. 01, Green Park Main,
New Delhi-110016

Or

To whom so ever it may concern.

Whereas, it has been reported to me that License no. 18 and 74 of 2018 has been granted for setting up Affordable Group Housing Colony over an area measuring 9.06875 Acres in Sector-36A, Gurugram. You have grossly violated the terms and conditions of the license No. 18 and 74 of 2014, sanctioned layout plan as well as occupation certificate as detailed below:-

- i.) You have reduced the size of park near front gate and near rear gate by way of constructing a internal circulation road, after issuance of occupation certificate, resulting change in the approved layout plan.

Whereas, Section 3B of the Haryana Development and Regulation of Urban Area Act 1975, provides that no person shall erect or re-erect building in a colony save in accordance with the approved plans and subject to such restrictions and conditions as are contained in the license or as may be specified by the Government or the Director. However, you have contravened the provisions of Section 3B of the Act ibid by constructing additional construction in illegal manner is in contravention of the provisions of Section 3B of the Haryana Development and Regulations of Urban Areas Act, 1975 and attracts the legal action under the provision of section 10 of the Act ibid.

In view of the above violation, you are hereby directed to immediately remove the above contravention and bring the building in conformity with the approved plan and appear in the office of undersigned HUDA Complex, Sector-14, 3rd Floor, Gurugram within a period of seven days or on _____ at 11:00 A.M. and to show cause as to why you should not be ordered to restore the building in accordance with approved building plan and legal action cannot be initiated against you as it is in violation of the approved plan.

In this matter, you are also directed to supply/ bring authenticated copies of approved building plan and completion certificate of the aforesaid residential building in suppo. of your contention.


District Town Planner,
Enforcement, Gurugram
(Exercising the powers of Director,
Town & Country Planning, Haryana)

REGD.

FORM BR-VII
(See Code 4.10(2), (4) and (5))
Form of Occupation Certificate

From

Director,
Town & Country Planning Department,
Haryana, SCO-71-75, Sector-17-C, Chandigarh.
Tele-Fax: 0172-2548475; Tel.: 0172-2549851,
E-mail: tcpharyana7@gmail.com, Website www.tcpharyana.gov.in

To

Sh. Birpal & others, C/o AVL Infrastructure Pvt. Ltd.,
Plot No. 01, Green Park Main,
New Delhi-110016.

Memo No. ZP-1003/JD(NC)/2019/ 31173

Dated: 17-12-2019

Whereas Sh. Birpal & others, C/o AVL Infrastructure Pvt. Ltd. has applied for the issue of an occupation certificate on 18.10.2019 in respect of the buildings described below: -

DESCRIPTION OF BUILDING

City: Gurugram: -

- Licence No. 18 of 2014 dated 10.06.2014 & Licence No. 74 of 2014 dated 01.08.2014.
- Total area of the Affordable Group Housing Colony measuring 9.06875 acres.
- Sector-36-A, Gurugram Manesar Urban Complex.
- Indicating description of building, covered area, towers, nature of building etc.

Tower/ Block No.	No. of Dwelling Units sanctioned	No. of Dwelling Units constructed	No. of Floors	FAR Sanctioned		FAR Achieved	
				Area In Sq.m.	%	Area In Sq.m.	%
Tower-1	80	80	Stilt/Ground Floor to 10th Floor	4151.404	11.348	4022.234	10.99
Tower-2	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.37
Tower-3	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	10.995
Tower-4	80	80	Stilt/Ground Floor to 10th Floor	4151.404	11.348	4164.989	11.379
Tower-5	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-6	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.385
Tower-7	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-8	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-9	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-10	80	80	Stilt/Ground Floor to 10th Floor	4332.334	11.843	4205.854	11.379
Tower-11	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-12	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.497
Tower-13	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-14	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-15	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-16	40	40	Stilt/Ground Floor to 10th Floor	1842.186	5.036	1724.846	11.379
Tower-17	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Tower-18	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379

Tower-19	80	80	Stilt/Ground Floor to 10th Floor	4293.222	11.736	4162.794	11.379
Total	1480 Dwelling Units			78875.658	215.615	76559.833	215.543
Commercial Building			Ground Floor to 2 nd Floor	2475.359	6.76	2512.188	6.86
Non-FAR Area in Sqm.							
Community Building				Sanctioned		Achieved	
Anganwadi				186.957		212.426	
Guard Room				191.407		191.006	
HT Room						25.14	
						6.30	

I hereby grant permission for the occupation of the said buildings, after considering NOC from fire safety issued by Director General, Fire Services, Haryana, Panchkula, Environment Clearance issued by State Environment Impact Assessment Authority, Haryana, Structure Stability Certificate given by Er. Sharad Gupta, M.Tech. (Structure), Public Health Functional reports received from Chief Engineer-I, HSVP, Panchkula & Certificate of Registration of lift issued by Inspector of Lifts-cum-Executive Engineer, Electrical Inspectorate, Haryana and after charging the composition charges amount of ₹ 27,29,879/- for the variations vis-à-vis approved building plans with following conditions: -

1. The building shall be used for the purposes for which the occupation certificate is being granted and in accordance with the uses defined in the approved Zoning Regulations/Zoning Plan and terms and conditions of the licence.
2. That you shall abide by the provisions of Haryana Apartment Ownership Act, 1983 and Rules framed thereunder. All the flats for which occupation certificate is being granted shall have to be compulsorily registered and a deed of declaration will have to be filed by you within the time schedule as prescribed under the Haryana Apartment Ownership Act 1983. Failure to do so shall invite legal proceedings under the statute.
3. That you shall apply for the connection for disposal of sewerage, drainage & water supply from HUDA as and when the services are made available, within 15 days from its availability. You shall also maintain the internal services to the satisfaction of the Director till the colony is handed over after granting final completion.
4. That you shall be fully responsible for supply of water, disposal of sewerage and storm water of your colony till these services are made available by HUDA/State Government as per their scheme.
5. That in case some additional structures are required to be constructed as decided by HUDA at later stage, the same will be binding upon you.
6. That you shall maintain roof top rain water harvesting system properly and keep it operational all the time as per the provisions of Haryana Building Code, 2017.
7. The basements and stilt shall be used as per provisions of approved zoning plan and building plans.
8. That the outer facade of the buildings shall not be used for the purposes of advertisement and placement of hoardings.
9. That you shall neither erect nor allow the erection of any Communication and Transmission Tower on top of the building blocks.
10. That you shall comply with all the stipulations mentioned in the Environment Clearances issued by State Environment Impact Assessment Authority, Haryana Vide No. SEIAA/HR/2015/512 dated 24.11.2015.
11. That you shall comply with all conditions laid down in the Memo. No. FS/2019/275 dated 22.11.2019 of the Director General, Fire Services, Haryana, Panchkula with regard to fire safety measures.
12. You shall comply with all the conditions laid down in Form-D issued by Inspector of Lifts-cum-Executive Engineer, Electrical Inspectorate, Haryana, HUDA Primary School Building, Block-C-2, Sushant Lok-I, Gurugram.
13. The day & night marking shall be maintained and operated as per provision of International Civil Aviation Organization (ICAO) standard.
14. That you shall use Light-Emitting Diode lamps (LED) in the building as well as street lighting.
15. That you shall impose a condition in the allotment/possession letter that the allottee shall use Light-Emitting Diode lamps (LED) for internal lighting, so as to conserve energy.
16. That you shall apply for connection of Electricity within 15 days from the date of issuance of occupation certificate and shall submit the proof of submission thereof to this office. In case the electricity is supplied through Generators then the tariff charges should not exceed the tariff being charged by DHBVN.
17. That provision of parking shall be made within the area earmarked/designated for parking in the colony and no vehicle shall be allowed to park outside the premises.

18. Any violation of the above said conditions shall render this occupation certificate null and void.

(K. Makrand Pandurang, IAS)
Director, Town and Country Planning,
Haryana, Chandigarh.

Endst. No. ZP-1003/JD(NC)/2019/_____ Dated: - _____

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

1. The Director General, Fire Services, Haryana, Panchkula with reference to his office Memo. No. FS/2019/275 dated 22.11.2019 vide which no objection certificate for occupation of the above-referred buildings have been granted. It is requested to ensure compliance of the conditions imposed by your letter under reference. Further in case of any lapse by the owner, necessary action as per rules should be ensured. In addition to the above, you are requested to ensure that adequate fire fighting infrastructure is created at Gurugram for the high-rise buildings and concerned Fire Officer will be personally responsible for any lapse/violation.
2. Chief Engineer-I, HSVP, Panchkula with reference to his office memo no. 208248 dated 21.11.2019 & memo no. 208267 dated 21.11.2019.
3. Senior Town Planner, Gurugram with reference to his office memo. No. 5733 dated 19.11.2019.
4. District Town Planner, Gurugram with reference to his office Endst. No. 11085 dated 18.11.2019.
5. District Town Planner (Enf.), Gurugram.
6. Nodal Officer, website updation.

(Narender Kumar),
District Town Planner (HQ),
For Director, Town and Country Planning,
Haryana, Chandigarh.

ANNEXURE-R



Date: 06.02.2023

Ref. No.: AVL/AGHC/2023/194- A

To

District Town Planner (E)

Town & Country Planning Department Gurugram Haryana.

Subject: - Reply to your Letter bearing Memo No.: 13477 Dated 24.11.2022 restoration under sub-section 10 of the Haryana Development and Regulation of Urban Areas Act, 1975 (Act No. 8 of 1975).

Ref.-Your site visit dated 02.02.2023.

Sir

In reference to your site visit & letter bearing memo no.: 13477 dated 24.11.2022, which was received by us on 12.12.2022, we humbly make the following submissions in reply thereof.

- 1) We respectfully state that the affordable housing project AVL36GURGAON, i.e. the project in question, has been developed strictly and completely in accordance with the terms and condition of the licenses granted under the Haryana Development and Regulation of Urban Areas Act, 1975 and rules made thereunder in conformity to the Haryana Building Code, FAR/density norms, approved Zoning Regulations/ Zoning Plan of the site/project (copy of 'Approved Drawing- Layout Plan' is enclosed as 'Annexure-01').
- 2) It is stated that the said project has been developed with all applicable laws in force at present and there is no violation / breach of any law / regulation whatsoever that has been committed in relation to this project.
- 3) On completion of construction of the project, including execution of internal development works at site, as per approved building plans and in accordance with the 'use' defined in the approved zoning regulations/ zoning plan, building bye-laws and regulations, terms & conditions of the licenses and in accordance to the National Building Code in regard with structural safety, fire safety, sanitary requirements and circulation i.e. vertical as well as horizontal circulation, we duly applied to the concerned department seeking issuance of occupation certificate on 18.10.2019 as well as completion certificate on 19.11.2019 of the project as per defined procedure.
- 4) It is respectfully submitted that it was only after a detailed and thorough inspection of the entire completed construction as also of the execution of the internal development works, development of open spaces including carrying out landscaping in accordance with the 'use' defined in the approved zoning regulations/ zoning plan and only upon being fully satisfied that the development of the project was carried out strictly in terms of approvals granted, as Built Drawings submitted, the Director granted full Occupation Certificate to the project on 17.12.2019 after considering NOC from fire safety issued by Director General Fire Services, Haryana, Public Health Functional reports received from Chief Engineer-I, HSVP & Certificate of Registration of Lifts issued by Inspector of Lifts-cum-Executive Engineer, field reports received from town and country planning department circle office. (copy of 'As Built Drawings- Layout Plan' for granting Occupation Certificate is enclosed as 'Annexure-02').



AVL Infrastructure (Pvt.) Ltd.
PROMOTER • BUILDER • DEVELOPER

Corporate Office : A-305 & 306 URBAN SQUARE 3rd Floor Golf Course Extension Road Sector-62 Gurugram-122101 Haryana.
Phone: 0124-4296868, 4031515, 9811650084, E-mail: info@avlinfra.com, Website: www.avlinfra.com
Regd. Office : 01 Green Park Main New Delhi-110016

CIN No. : U45201DL2004PTC129955

Date: 06.02.2023

Ref. No.: AVL/AGHC/2023/194- A

To

District Town Planner (E)

Town & Country Planning Department Gurugram Haryana.

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- 1) We respectfully state that the affordable housing project AVL36GURGAON, i.e. the project in question, has been developed strictly and completely in accordance with the terms and condition of the licenses granted under the Haryana Development and Regulation of Urban Areas Act, 1975 and rules made thereunder in conformity to the Haryana Building Code, FAR/density norms, approved Zoning Regulations/ Zoning Plan of the site/project (copy of 'Approved Drawing- Layout Plan' is enclosed as 'Annexure-01').
- 2) It is stated that the said project has been developed with all applicable laws in force at present and there is no violation / breach of any law / regulation whatsoever that has been committed in relation to this project.
- 3) On completion of construction of the project, including execution of internal development works at site, as per approved building plans and in accordance with the 'use' defined in the approved zoning regulations/ zoning plan, building bye-laws and regulations, terms & conditions of the licenses and in accordance to the National Building Code in regard with structural safety, fire safety, sanitary requirements and circulation i.e. vertical as well as horizontal circulation, we duly applied to the concerned department seeking issuance of occupation certificate on 18.10.2019 as well as completion certificate on 19.11.2019 of the project as per defined procedure.
- 4) It is respectfully submitted that it was only after a detailed and thorough inspection of the entire completed construction as also of the execution of the internal development works, development of open spaces including carrying out landscaping in accordance with the 'use' defined in the approved zoning regulations/ zoning plan and only upon being fully satisfied that the development of the project was carried out strictly in terms of approvals granted, as Built Drawings submitted, the Director granted full Occupation Certificate to the project on 17.12.2019 after considering NOC from fire safety issued by Director General Fire Services, Haryana, Public Health Functional reports received from Chief Engineer-I, HSVP & Certificate of Registration of Lifts issued by Inspector of Lifts-cum-Executive Engineer, field reports received from town and country planning department circle office. (copy of 'As Built Drawings- Layout Plan' for granting Occupation Certificate is enclosed as 'Annexure-02').
- 5) Further, it is stated that the terms & conditions of license granted & bilateral agreements executed under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 and Rules, 1976 made thereunder, have all been duly complied with in

their entirety including making arrangements of service utilities, water supply, sewerage, drainage. The required CTO/ clearances/ approvals post receipt of full Occupation Certificate were also obtained and informed to competent authorities as per terms and conditions of occupation certificate and in accordance with the instructions/ guidelines of competent authorities/departments.

- 6) Thus, this bald allegation, made by a mischievous unidentified source, not only is completely vague but is also a mischievous attempt in order to harass the colonizer. In this regard, it is important to refer to certain definitions under the Haryana Building Code and the approved Zoning Plan of the site, which are being extracted hereinafter: The Haryana Building Code provides the followings definition of 'Open Space' and 'Zoning Plan'.

'Open Space': *"a space forming an integral part of the plot left open to sky."*

'Zoning Plan': *"the detailed layout plan of the sector or municipal area or a part thereof or of individual sites to whom permission for CLU has been granted, maintained in the office of the Competent Authority showing the sub-division of plots, open spaces, streets and other features and in respect of each plot, permitted land use, building lines and restrictions with regard to use and development of each plot in addition to those laid down in the building code, further same can also be prepared/maintained for industrial plots, if need arises."*

- 7) It is respectfully stated that the approved Zoning Plan is the actual detailed Plan of individual site showing permitted land use, building lines and restrictions with regard to use and development of each site in addition to those laid down in the building code. It is also kindly submitted that the development of open spaces as per the Haryana Building Code and as per the approved Zoning Regulations/ Zoning Plan of the site, National Building Code with regard to 'Landscaping' refers to development of both 'Hard Landscape as well as Soft Landscape'. The Hardscape or Hard Landscape refers to the heavy elements of a Landscape design like stone, rocks or driveways etc. and on the other hand, Softscape or Soft Landscape refers to the lighter elements of a Landscape design like soil, plants, flower or even color combination of a garden.
- 8) In the Haryana Building Code, the definition of Open Space is clearly defined, which interprets the Open Space as *"a space forming an integral part of the plot left open to sky."* The Open Space is further additionally detailed with regard to use and development of individual site in its approved Zoning Regulations/ Zoning Plan.
- 9) Therefore, it is kindly submitted that under the heading 'OPEN SPACES' in the approved Zoning Regulations/ Zoning Plan of the subjected site/project, it is provided that *at least 15% of the net planned area shall be developed as organised open space i.e. "tot lots and play ground"*. It is respectfully stated that the Soft Landscape (i.e. parks/ lawns/ gardens etc.) in the present project has been developed in conformity with the approved Zoning Regulations/ Zoning Plan of the project. As per said approved Zoning Plan, a minimum 15% of the net planned area of the project is required to be developed as organised open space i.e. tot-lots and play ground, whereas, in the present case, the colonizer has provisioned and developed far more than the required 15% of the net planned area of the project as organized Open Space under Soft Landscape i.e. tot-lots and play ground, parks/ lawns/ gardens etc. It is also further stated that there is no additional construction, erection, re-erection being carried in illegal manner in the Open Spaces of the sanctioned Building Plan, as incorrectly reported to you and in a completely vague and mischievous manner. In fact, the whole construction including development of Open Spaces is duly carried, equipped and landscaped (i.e. Hard Landscape as well as Soft Landscape) in

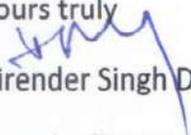
accordance with the 'use' permitted in the approved Zoning Regulations/ Zoning Plan of the project and as per instructions/guidelines/requirements of the competent authorities/departments.

- 10) It is humbly further stated that the locations of Hard Landscape (i.e. civil work component of landscape architecture such as pavement, walkways, roads, retaining walls and other built environment etc.) and Soft Landscape (i.e. the natural elements in landscape design, such as plants, materials and the soil itself) are duly developed in the project as specifically directed by the landscape architect/ project architect/engineer-in-charge in consultation with the fire consultant. The provided Hardscape surface in the project are capable of taking mass of fire engine and are kept free of obstructions to provide clear access to fire fighting vehicles, ambulance, service utilities, sanitation vehicles etc. under the provisions/requirements of the applicable laws and rules therein.
- 11) The project has been granted full Completion Certificate upon meeting all required compliances of the licenses & only after thorough inspection of the entire completed construction including development of open spaces including carrying out landscaping in accordance with the 'use' defined in the approved zoning regulations/ zoning plan and only upon being fully satisfied that the development of the project was carried out strictly in terms of approvals granted, as Built Drawings submitted, the Director granted full Completion Certificate. The landscaped areas (i.e. Hardscape as well as Softscape) allows safe movement for users with duly defined point of egress and ingress including their location, levels in the project etc. It is kindly stated that the beautifully developed landscaped (i.e. Hard Landscape as well as Soft Landscape) areas in the project were inspected and certified before granting full Completion Certificate of the project by the department (copy of certified 'As Built Drawings-Layout Plan' for granting completion certificate is enclosed as 'Annexure-03').
- 12) It is thus respectfully stated that no terms and conditions of the licenses bearing nos. 18 & 74 of 2014, sanctioned Layout Plans and/or terms and conditions of Occupation Certificate or any other laws for that matter, have been violated as incorrectly reported to you. It is reiterated that there is no additional construction, erection, and re-erection being carried in illegal manner in the open spaces of the sanctioned drawings, as wrongly or mischievously reported to you. In fact, the whole construction, including open spaces in the project is duly developed equipped and landscaped (i.e. hardscape as well as softscape) in accordance with the uses permitted in the approved Zoning Regulations/ Zoning Plan of the site and in accordance to instructions/ guidelines of the competent authorities/departments and no terms & conditions of the licenses are being violated as alleged in the SCN.
- 13) Rather, the project is developed as per terms and conditions of licenses grant and is a leading, "State of the Art" and exemplary affordable housing project constructed under Government of Haryana's Affordable Housing Policy (hereinafter *AHP-2013*) at Gurugram, which is in excellent shape. Not only has the project been completed well before time, the project in fact stands out in terms of its quality, when compared to any such other project. The possession of flats has been handed over in the project as per affordable policy (*AHP-2013*). The project is fully occupied as on date and more than 5000 occupants/residents are happily living for more than three years, enjoying the humanistic, beautiful spaces designed & developed by us.
Therefore, it is respectfully urged that your goodself may be pleased to consider the above explanation provided by us and take in your kind records.

You are requested to drop the proceedings initiated on mischevous allegations, since the allegations with ulterior motif reported to you is without any basis.

Thanking you

Yours truly


Virender Singh Dhanda

Managing Director DIN: 00632607

For AVL Infrastructure Pvt. Ltd.

Enclosed:

- I. **Annexure:01**- copy of 'Approved Drawing- Layout Plan' is enclosed as '**Annexure-01**'.
- II. **Annexure:02**- (copy of certified 'As Built Drawings- Layout Plan' for granting Occupation Certificate is enclosed as '**Annexure-02**').
- III. (copy of certified 'As Built Drawings-Layout Plan' for granting Completion Certificate is enclosed as '**Annexure-03**').



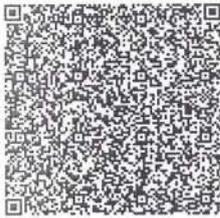
178 ANNEXURE-S

हरियाणा सरकार
हरियाणा जल संसाधन प्राधिकरण
Government of Haryana
Haryana Water Resources Authority

PERMISSION CERTIFICATE FOR GROUND WATER EXTRACTION

Project Name:	AVL INFRASTRUCTURE PVT LTD							
Project Address:	148, Vipul Trade Center, Sohna Road, Sector 48, Gurugram							
Village/MC:	Gurugram (MC)	Tehsil:	Gurgaon					
District:	GURUGRAM	State:	Haryana					
Pin Code:	--							
Communication Address:	148, Vipul Trade Center, Sohna Road, Sector 48, Gurugram							
Address Regional Office:	Sinchai Bhawan, Sector-5, Panchkula							
1. NOC No.:	HWRA/NOC/INF/N/2021/11							
2. Application No.:	11-3/20550/1/HR/INF/2021	3. Category:	Infrastructure					
4. Project Status:	New	5. NOC Type:	New					
6. Ground Water Extraction Permitted:								
Ground Water For	m3/day	m3/year	Valid From	Valid Upto				
Fresh Water	785.00	286525.00	01/10/2021	01/10/2022				
Construction Purpose	0.00	0.00	01/10/2021	--				
Dewatering	--	--	01/10/2021	--				
Total	785.00	286525.00	--	--				
7. Details of Ground Water Extraction: Total Existing No.:	0		Total Proposed No.:	2				
	DW	DCB	BW	TW	DW	DCB	BW	TW
Abstraction Structure*	--	--	--	--	--	--	--	2
*DW - Dug Well;DCB - Dug cum Bore Well;BW - Bore Well;TW - Tube Well;DWLR - Digital Water Level Recorder								
8. Quantum of ground water recharge(m3/year)	12100.00							
9. Number of Piezometers (Observation wells) to be constructed/ monitored & Monitoring mechanism	No. of Piezometers		Monitoring Mechanism					
	1		Manual	DWLR	Telemetry			
		0	1	1				

* Terms & conditions are at the back of this page.



Note: This is computer generated certificate, it can be validated by scanning QR code.

This NOC for abstraction of ground water, shall be subject to the following terms and conditions

1. NOC is granted to the applicant on the condition that local government water supply agencies are not able to supply the desired quantity of water. In case of supply of water from local agency the applicant shall immediately inform HWRA and reduce the abstraction of ground water accordingly.
2. The applicant abstracting ground water between 100-500 kld shall undertake self-annual water audit and those abstracting ground water more than 500 kld shall undertake water audit through organisations authorised by Government of India or HWRA and submit audit reports at the time of renewal of the NOC.
3. Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism shall be mandatory for industries drawing or proposing to draw more than 500kld of ground water and Monitoring of water level shall be done by project applicant. The piezometer (observation well) shall be constructed at a minimum distance of 15 m from the production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well wells Detailed guidelines for design and construction of piezometer is given on the portal. Monthly water level data shall be submitted to the HWRA through the web portal on quarterly basis.
4. Injection of treated/untreated wastewater into aquifer system is strictly prohibited.
5. In case of infrastructure projects that require dewatering, applicant shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data through the web portal to HWRA as applicable. Monitoring records and results should be retained by the applicant for two years, for inspection or reporting as required by HWRA.
6. Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 50 m³/day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc.
7. For infrastructure dewatering/ construction activity, NOC shall be valid for specific period as per the detailed proposal submitted by the applicant or for one year, whichever is earlier.
8. All residential apartments or group housing societies requiring water for drinking/domestic use only, shall pay groundwater abstraction charges on quarterly basis as per Table 5.1.
9. All infrastructure projects drawing ground water in safe, semi-critical and critical assessment units shall be required to pay ground water abstraction charges on quarterly basis as applicable as per Table 5.3 A.
10. All infrastructure projects (new/ existing) drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges on quarterly basis as per Table 5.3 B.
11. All the tube wells/ground water abstraction structures permitted shall be fixed with digital electromagnetic/ultrasonic water meters, by the applicant at its own cost with telemetry system and monthly ground water abstraction data shall be recorded in a logbook. Compliance to this condition shall be reported within one month from the date of issue of this letter. Daily water meter readings to be recorded in a dedicated register and shall be submitted on the web portal to HWRA on quarterly basis or through centralized mechanism evolved by HWRA.
12. The applicant, as per approved proposal, shall implement rainwater harvesting and ground water recharge measures within three months from the date of issuance of this NOC and undertake periodic maintenance of recharge structures. Photographs (with geo tag only) of the recharge structures etc. and compliance of completion of construction of the same along with copy of NOC shall be furnished immediately to the Haryana Water Resources Authority for verification, on the Email ID of the Authority (compliance - hwra@hry.gov.in)
13. The ground water chemical quality shall be monitored twice in a year during pre & post- monsoon period.
14. The monthly ground water level monitoring data in respect of piezometer shall be submitted quarterly to the Haryana Water Resources Authority on regular basis.
15. In case of renewal, application shall be submitted online within 90 days before the expiry of this NOC and abstraction of ground water, after expiry of NOC shall be illegal and liable for legal action as per law.
16. The applicant shall seek prior permissions from HWRA for any increase in daily quantum of groundwater abstraction (i.e. more than the permitted limit in the NOC)..
17. Where the applicant granted NOC for abstraction of saline water and the existing well(s) is/are yielding fresh water, the same shall be sealed and new tube well(s) tapping saline water shall be constructed within 3 months of the issuance of NOC or from the date of seal of the fresh water tube well, as the case may be. The applicant shall be also ensuring safe disposal of saline residue, if any.
18. The applicant shall ensure the 100% reuse for non potable usage of self generated waste water after due treatment. He shall also ensure to reuse for non potable usage the Treated Waste Water (other than self generated) as per application and NOC terms & conditions.
19. The applicant shall comply with the provisions of the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020, Rules, regulations, guidelines and directions issued thereunder. Non-compliance of these provisions shall be liable for the penalty as per the provisions of the Act, rules and regulations, guidelines and directions issued thereunder.
20. Since, this NOC has been issued on the basis of self-assessment by the applicant and without any site inspection, hence the Authority may inspect the site/unit and documents at any time. In case any material difference is found in the information submitted and the site conditions or documents, the Authority may suspend the NOC granted immediately and may revoke or modify the NOC after giving a notice to the applicant.
21. This NOC is subject to prevailing State Government rules/law of Courts orders related to construction of tube well, ground water withdrawal, construction of recharge or conservation structure/discharge of effluents or any such matters as applicable.
22. The applicant shall comply with the directions/conditions/instructions issued by any Court of law related to the matters concerned with the Authority.
23. The applicant shall report self-compliance duly signed by authorized person along with authorization letter by e-mail to Haryana Water Resources Authority quarterly as well as yearly basis after the issuance of NOC.
24. This NOC does not absolve the applicant of his obligation/requirement to obtain the necessary approvals from the statutory and administrative Authorities/Departments.
25. The issuance of this NOC does not imply that other statutory or administrative clearances shall necessarily be granted to the applicant by the concerned authorities. The concerned Authorities shall act as per their own procedure.
26. The applicant shall immediately inform the HWRA, if any change in the information provided by the applicant in the application form for seeking NOC.
27. This NOC shall not absolve the applicant from any penalty/punishment/environment compensation, which may have been imposed or may be imposed, for abstraction of groundwater during such period, before the issuance of this NOC.
28. In case of non-payment or delayed payment of ground water abstraction/restoration charges, a penal interest @ 18% p.a. shall be charged.
29. The necessary compliance shall be submitted to the Authority on the web portal of the Authority i.e. www.hwra.org.in or on the email id compliance-hwra@hry.gov.in.
- 30.

Note: This is computer generated certificate, it can be validated by scanning QR code.

ANNEXURE-T

अंकुर गुप्ता,
प्रधान सचिव, हरियाणा सरकार,
अक्षय ऊर्जा विभाग ।

HARYANA GOVERNMENT
RENEWABLE ENERGY DEPARTMENT

Order

The 14th March, 2016

No.22/52/2005-5 Power.— In exercise of the powers conferred by section 18 of the Energy Conservation Act, 2001 (Central Act 52 of 2001), the Governor of Haryana hereby makes the following amendment in the Haryana Government, Renewable Energy Department, Order No.22/52/05-5Power, dated the 29th July, 2005, namely:-

Amendment

In the Haryana Government, Renewable Energy Department, Order No. 22/52/05-5Power, dated the 29th July, 2005, **Para 1, “Mandatory use of Solar Water Heating Systems”** shall be omitted.

ANKUR GUPTA,
Principal Secretary to Government Haryana,
Renewable Energy Department.

VAKALATNAMA

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 639/2024

IN THE MATTER OF:

SUNIL KUMAR GUPTA & ORS.

... APPLICANTS

VERSUS

DIRECTOR, DEPARTMENT OF TOWN
& COUNTRY PLANNING (DTCP)-HQ & ORS.

... RESPONDENTS

KNOW ALL TO WHOM THESEPRESENT SHALL COME THAT I / WE VIRENDER SINGH DHANDA,
S/O. SH. LATE CHANDER BHAN DHANDA, AGED ABOUT 54 YEARS, HAVING OFFICE AT OFFICE
AT H. NO.-01 GREEN PARK MAIN, NEW DELHI-110016

THE ABOVE NAME

RESPONDENT NO. 6

DO HEREBY APPOINT



GAURAV GUPTA
D/709/2008 ADVOCATE
B-33, LOWER GROUND FOOR,
SOUTH EXTENSION PART – II
NEW DELHI – 110049
+91 9958444233
gaurav@gauravgupta.net.in



(herein after called by advocate/s) to be my/our Advocate in the above-noted case authorise him:-

To act, appear and plead in the above-noted case in this court or in any other Court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and /or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

The deposit, draw and receive money, cheques, case and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We undersigned that I/We or my/our duly authorised agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this day 24 of JULY 2025.

Accepted subject to the terms of the fees


ADVOCATE



Sunil Kumar Gupta v. Dept. of Town & Country Planning - OA 639 of 2024

1 message

Gaurav Gupta Law Offices <office@gauravgupta.net.in>

Thu, Jul 24, 2025 at 4:10 PM

To: fctcp@hry.nic.in, "reachtosunil2001@gmail.com" <reachtosunil2001@gmail.com>, Navdeep Singh <tosadven@gmail.com>, "tcpharyana7@gmail.com" <tcpharyana7@gmail.com>, seiaa-21.env@hry.gov.in, "hspcbho@gmail.com" <hspcbho@gmail.com>, hspcb@hry.nic, ceo.gmda@gov.in, addlceo2.gmda@gov.in, "hareda@chd.nic.in" <hareda@chd.nic.in>

Dear Sir,

We act on behalf of the Respondent - AVL Infrastructure Pvt. Ltd. in the captioned matter.
Please find attached its reply.

Regards,
Office of Gaurav Gupta



SUNIL KUMAR GUPTA REPLY.pdf