

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

O.A. NO. 881/2021

In the matter of:

Rajinder Krishan Sharma & Anr.

...Petitioners

Versus

Union of India & Ors.

...Respondents

NDOH: 12.05.2023

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Shubham
D/9436/2022

Note: All Parties have been duly Served.

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New Delhi
21.04.2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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**REPLY ON BEHALF OF AMBIENCE DEVELOPERS &
INFRASTRUCTURE LTD. RESPONDENT NO. 8**

At the outset it is submitted that Respondent No. 8 as named in the memo of parties does not own any land which is the subject matter of the present application. In fact the land on which the Ambience Lagoon residential complex has been constructed is owned by Ambience Developers & Infrastructure Ltd. In view of the above, the present reply is being filed on behalf of above-named company through its authorized representative.

PRELIMINARY SUBMISSIONS & OBJECTIONS;

The following submissions and objections are independent of and without prejudice to each other:

- A. The present application contains and is based on grossly baseless and frivolous allegations and is devoid of any merits.

In fact the Applicants are guilty of gross misrepresentation made before the Hon'ble Tribunal by grossly abusing the judicial process. There is nothing placed on record to substantiate the false allegations and accusation made in the Application under reply. On this ground itself the present Application is liable to be rejected.

- B. That the present application is highly ill motivated and has been filed by the Applicants to serve the hidden agenda of someone else and for extraneous considerations. Applicants have been engaged by those who want to create hurdles and obstructions in the development project works of Ambience Group of companies for implementing the Ambience Island Project which has been approved by State of Haryana. This OA has been filed to cause hindrance and obstructions in further development of the projects of the Ambience Group Companies. This OA is liable to be dismissed with exemplary costs.
- C. That no cause of action has arisen in favour of the Applicants to file the present OA. Applicants have not stated anything regarding arising of cause of action. The land areas in question which are undisputedly owned by the Ambience Developers & Infrastructure Ltd. ("Ambience Company") were not part of Sikanderpur Nathupur Bandh, ("Nathupur Bandh") therefore, the same could not be declared as protected forest under Section 29(1) of Indian Forest Act, 1927 (IFA, 1927). Even otherwise, notification dated 2.12.1981 issued by the State of Haryana was

void ab initio as explained hereinafter and suffered from jurisdictional and inherent infirmity striking at the root of the said notification. Therefore, no cause of action could arise giving right to the Applicants to file this OA before the Hon'ble Tribunal. In the absence of any cause of action, the question of continuity of the same does not arise. Thus, the present OA is liable to be dismissed for want of cause of action.

D. The notification dated 02.12.1981 issued under section 29(1) of IFA, 1927 which has been relied upon by the applicants was/is without jurisdiction and void. Admittedly, no part of the land covered by the Nathupur-bundh was owned by the State Government nor any property right in the said land were claimed by the State Government. In fact, the land areas covered by the Nathupur-bundh were privately owned lands. . Therefore, no such land area could be declared as protected forest under section 29(1) of IFA, 1927. Secondly, the mandatory enquiry and procedure laid down under section 29(3) of IFA, 1927 was never initiated or conducted or followed by the State Govt. before issuing the notification dated 02.12.1981. In view of the above, the notification dated 02.12.1981 issued under IFA, 1927 being void ab initio and non-est would not give any right to the State Government to invoke any provisions of IFA, 1927 or to invoke the provisions of Forest Conservation Act, 1980 (FCA, 1980) by raising any grossly invalid Damage Report or file any prosecution case. Since the very declaration of the land covered by Nathupur-bundh as protected forest suffered from inherent lack of jurisdiction and sanctity, all subsequent steps and action taken in the form of

Damage Report dated 14.05.2008 and filing of prosecution case could not be sustained in law. Thus, even those land properties which actually fell under Nathupur Bundh could not be treated as Protected Forest due to non-compliance of the of the mandatory provision of section 29(3) of the IFA, 1927.

E. Notification dated 02.12.1981 issued under Section 29 of the Indian Forests Act 1927 did/does not give any details of the land areas falling under Nathupur Bandh. Further, as per the said notification the land areas which were notified as Protected Forest were Govt. lands (though denied by Irrigation Department) and did not refer to any private land which in any case could not be notified without holding the enquiry and settlement proceedings under Section 29(3) of IFA, 1927. No exercise was ever initiated or undertaken by State Govt. to hold any enquiry or settlement proceedings mandated under Section 29(3) of IFA, 1927 in respect of any private land covered by Nathupur Bandh.

F. The said notification being void and illegal to the extent it allegedly covered the land properties of private entities without undertaking the exercise mandated under Section 29(3) of IFA, the said private lands could not be treated as protected forest, therefore, provisions of Forest Conversation Act 1980 (specified in Schedule I to the NGT Act) would not be attracted to such lands properties. The occasion to invoke the provisions of FCA, 1980 would only arise if a valid notification under Section 29 of IFA has been issued after complying with

mandatory procedure under Section 29(3) of IFA and such valid notification factually also covers the land properties notified under the said notification. It is only when there is a valid notification issued by complying the mandatory provisions of Section 29(3) of IFA, 1927 and the land properties in question are found to be covered by the notification only then action would lie against use of such validly declared and identified Protected Forest land. Since in the present case, the notification dated 2.12.1981 suffered from jurisdiction error and further, Nathupur Bandh did not cover the land properties of Ambience Company, no action could be initiated against the Ambience Company under Environmental Law nor can any proceedings be filed before the Hon'ble Tribunal.

- G. The Present case does not involve or give rise to any question relating to environment, much less a substantial question by it enforcement of any legal right relating to environment or otherwise further nor any such question arises out of the implementation of the enactment specified in Schedule – I of the NGT Act. Therefore, the subject matter of the present OA does not fall in the Jurisdiction of the Hon'ble Tribunal. In view of this the present OA is not maintainable before this Hon'ble Tribunal and is liable to be dismissed on this ground alone.
- H. That subject matter of the present OA does not fall within the jurisdiction of the Hon'ble Tribunal defined under Sections 14 and 15 of NGT Act. No question arises concerning or out of the implementation of the enactments specified in the Schedule I of the NGT Act. It is pertinent to note that Indian Forest Act 1927

is not a statute specified in Schedule I to the NGT Act, therefore, any issue concerning or for implementation of the provisions of IFA, 1927 cannot be the subject matter of proceedings under Sections 14 or 15 of the NGT Act. Thus, implementation, effect, enforcement or alleged violation of even a valid notification unlike dated 02.12.1981 (**Page 25 of the O.A.**) Issued under IFA, 1927 cannot be the subject matter of the proceedings under Section 14 and 15 of NGT Act.

- I. The present Application is hopelessly barred by Limitation in as much as the decision of Respondent No. 3 (State of Haryana) which is sought to be questioned and objected to by the Applicants on grossly erroneous and frivolous grounds was taken on 31.03.2017 (**page No. 64 of O.A.**) The present O.A. was filed in November 2022, after more than five years being many years after the expiry of period of limitation of six months provided under Section 14 of the National Green Tribunal Act 2012 (“NGT Act”). Without prejudice to the above and without admitting any plea of the Applicants, the limitation period started running with effect from 31.3.2017, therefore, the present Application is liable to be dismissed as time barred. Without admitting any right of the Applicant to claim any reliefs under Section 15 of NGT Act, even the period of 5 years prescribed therein also expired much before the filing of the present OA.
- J. Without prejudice to the above, it is further submitted that the substance of the case as attempted by and sought to be made by the Applicants is their challenge to the decision of Respondent

No. 3 (State of Haryana) dated 31.03.2017 who after due consideration of the Representation of Ambience Company dated 23.08.2016 reconsidered/ reviewed the matter and eventually decided to withdraw the taken on 19.01.2016 (**Page 63 of the O.A.**) and to restore the decision dated 16.10.2015 (**Page 48 of the O.A.**) of the then PCCF. Vide the above said decision dated 16.10.2015 grossly erroneous, unsustainable and untenable Damage Report dated 14.5.2008 (**Page 35 of the O.A.**) issued by the Forest Department was cancelled with the directions to withdraw the prosecution case filed against Respondent No. 8 in the Ld. Environment Court (**Page 72 of the O.A.**), Faridabad. It is submitted that the matter was reconsidered Govt. of Haryana. Apart from the submissions made by Ambience Company, relevant facts and material concerning both the earlier decisions dated 16.10.2015 and 19.01.2016 and other relevant records and facts were considered and thereafter Govt. of Haryana took a well-considered decision to restore and affirm the earlier decision 16.10.2015 and to recall the decision dated 19.01.2016 which was found to be not appropriate nor correct.

K. There is no substance in the alleged grievance of the Applicants against the above said decision of State Govt. of Haryana dated 31.03.2017. Except the bald and baseless allegations & accusations of the Applicants, there is nothing on record to show any error in the above said administrative decision of Respondent No 3 arrived at in March 2017 after due reconsideration of the matter. No relief has been sought in this OA Vis a Vis above decision dated 31.03.2017 & Office Memorandum dated 12.4.2017 of Respondent No. 3. In any

case, no challenge can be made under Sections 14 and 15 of the NGT Act seeking the reliefs sought by the Applicants in the OA. The remedy for the Applicants, if at all or any exists, does not lie under the NGT Act.

L. Applicants have approached the Hon'ble Tribunal by making a false and misleading statement. Applicants have stated in para-42 of the OA that Applicant No. 1 had complained to the Hon'ble Chief Minister against the illegality of the violation of the environmental obligation by the Respondent and sought compliance of the provisions of the Forest Act but no remedial action seems to have been taken by the Respondent. The above averment is absolutely false as no details of the complaint have been given nor any copy has been filed with the OA. In fact the Applicant has approached the Hon'ble Tribunal without making any representation of alleged grievance to Respondent No. 3. On this ground also the present OA is not maintainable and is liable to be dismissed.

M. The Applicants have no locus-standi to file the present OA. They have no locus to approach the Hon'ble Tribunal. The Applicants cannot be said to be the aggrieved persons in any manner. There is nothing shown by the Applicants in the form of any damage or loss suffered by them or any loss or damage to the environment caused due to the construction of Ambience Lagoon complex by Ambience Company on the land area which was not part of Nathupur Bandh and could not be treated as protected forest under the garb of the above said notification dated 2.12.1981 which even otherwise suffered from gross

jurisdictional infirmity. It may be stated here that the construction of the aforesaid residential complex had started in 1996 and was completed in 2000-2001 and occupancy certificate was issued on 31.12.2001 by DTCP and flats of the said complex were allotted and occupied in 2001 onwards. Ambience company carried out development and construction of the above project after taking all relevant permissions and approvals. There is no evidence or material placed by the Applicants before this Hon'ble Tribunal showing any damage or loss to environment caused due to construction of residential complex which for last more than 22 years has been in occupation of its residents.

True copy of the Occupancy Certificate issued by Department of Country and Town Planning, Haryana (DTCP) on 31.12.2001 is annexed herein as **ANNEXURE R-8/1**.

N. Regarding letter dated 27.4.1992 of District Town Planner, it is submitted that the said letter does not establish that land areas for which the license was sought by the then company (which was later on taken over by the Ambience Company) were covered by Nathupur Bandh. Even no details are given of Khasra Numbers showing as to which land area was part of Nathupur Bandh, if any. It may be noted that the said letter made reference to the fact that amendment of Gurgaon development plan was under consideration which would cover the land area falling in east and west of national highway No. 8. Pertinently, soon after the above letter, a meeting was held on 28.4.1992 to consider the amendment of Gurgaon Development Plan for converting about 260 acres of land near Delhi Haryana

Border (National Highway-8) into special zone. This meeting was chaired by the then Chief Minister of Haryana. In this meeting it was made clear by the senior officials that the above land area of 260 Acres was not a reserved forest under the Indian Forest Act and the State Govt. had no program of planting forest on the said land. From this it becomes clear that in 1992 there was neither any plantation nor any forest in existence in the above land areas of 260 acres, which besides other areas, also included Nathupur Village and land area on which the construction and development projects of Ambience company including the Lagoon Residential Complex were executed later on. Further, there is no evidence placed on record showing existence of any forest or plantation in the area of Nathupur Bundh either in 1981 or in 1992 or any later stage. In view of the above, no support can be gathered by the Applicants from the above said letter dated 27.4.1992.

O. The application for diversion of land falling in five Khasra Numbers i.e., 526, 533, 534, 535 and 536 was filed by Ambience Company under bona fide mistaken understanding and advice by assuming that the aforesaid land of the Ambience Company was covered by Nathupur Bundh. However, subsequently it was , it was discovered and realised that the said part of land containing five Khasra Numbers did not form part of the Nathupur Bundh. Therefore, a Representation dated 14.09.2015 was submitted by the Ambience Company. The Forest Department after examining the matter found that land having above five Khasra numbers were not part of the Khasra Numbers as provided by the Department of Irrigation vide letter

dated 27.08.2002. In view of the above, The Forest Department decided that the said part of land containing five Khasra Numbers were not Protected Forest as notified under section 29(1) under IFA , 1927. Thus, the Forest Department decided to cancel the Damage Report dated 14.05.2008 filed against the answering Respondent and to withdraw prosecution case filed on the basis of the said damage report.

N. In the present case, the following facts may be noted:

- (i) Irrigation department, State of Haryana was not the owner of any land falling under Nathupur Bandh nor any other Govt. department made any claim of ownership of the any land falling within Nathupur Bandh.
- (ii) Divisional Forest Officer filed a false affidavit by making misleading and incorrect representation about ownership of land before the Hon'ble High Court in the proceedings of CRL.M 34200/2012 filed by Respondent No. 8 seeking quashing of prosecution case filed in Environment Court.
- (iii) Notification dated 02.12.1981 did not make any mention of any Khasra numbers or other details or dimensions of land properties covered by Nathupur Bandh.

- (iv) No entry was ever made in the revenue records about the declaration of any land area of Nathupur Bandh as Protected Forest pursuant to the Notification dated 02.12.1981.
- (v) Before issuing notification dated 02.12.1981, no exercise was ever initiated or undertaken by State Govt. to hold any enquiry or proceedings mandated under Section 29(3) of IFA, 1927.
- (vi) No land covered by Nathupur Bandh was ever shown or claimed as properties of State Govt. nor was any proprietary right claimed by the State Govt.
- (vii) License for construction and development of Ambience Lagoon Residential Complex was granted on 09.07.1993 by Department of Country and Town Planning, Haryana (DTCP) after due satisfaction that no part of land mentioned in the license was protected forest.
- (viii) Development of Infrastructure and Construction of Ambience Lagoon Residential Complex was carried out during 1998-2000 and the occupancy certificate was issued by DTCP Haryana on 31.12.2001.

- (ix) Damage Report dated 14.05.2008 of Forest Department did not mention Khasra Nos. or any other details of land to identify the same nor any reference to any inspection was made. No intimation of any inspection or visit by the Forest Department official in 2008 was ever given to the Ambience Company. It may be mentioned that in 2008 the Ambience Lagoon residential Complex was fully occupied and there was no evidence about the existence of Nathupur Bandh over any land falling under or forming part of the above residential complex or any area adjacent to the same.

Response to the allegations made in the O.A.

The Answering Respondent denies all the allegation and contention raised in the Application except those which are specifically admitted.

1. Applicants have made baseless and false allegations in the OA. There is nothing placed on record to substantiate any of the said allegations. Applicants have made defamatory accusations which are false. Answering Respondent reserves his right to take appropriate action and remedy against the Applicants as per law for making such frivolous, false and defamatory allegations. It is vehemently denied that Respondent No. 8 was offended by the decision of the State Govt. taken on 19.01.2016 or he mounted strong pressure on the State Govt. for withdrawal of the case from the Environment Court to avoid stricture and adverse decision from Punjab and Haryana High Court as

alleged. The allegations are simply imaginary and without any truth in it.

2. It is vehemently denied that the State Govt. buckled under the pressure of Respondent No. 8 as alleged and decided vide letter dated 31.3.2017 to restore the decision of the then PCCF dated 16.10.2015 by withdrawing the decision of 19.01.2016. In this regard it is submitted that the aforesaid decision dated 31.03.2017 was taken by the State Govt. after giving due consideration to the representation dated 23.08.2016 submitted by Ambience Company. There is no illegality in the above said decision of State Govt. It is denied that said decision has been taken due to pressure mounted by Respondent No. 8 on the State Govt. as alleged. This is sheer baseless and flimsy allegation without any thing to substantiate the same.

3. It is denied that the decision of the State Govt. ordering withdrawal of the case against Respondent No. 8 from the Special Environment Court, Faridabad is not commensurate with legal merit or with Government's order dated 15.01.2016 as alleged. The above contention is baseless and without anything to support the same. It is pertinent to mention here that the decision communicated vide letter dated 31.03.2017 of the State Govt. was taken after reconsideration of the entire matter and after consideration of the representation of Ambience Company. Since the letter/decision dated 19.01.2016 stands withdrawn by the State Govt., no reliance can be placed on the letter dated 15.01.2016 which has lost its significance and relevance in view of the decision of State Govt. of Haryana

conveyed to PCCF through letter dated 31.03.2017 referred to above. It is denied that the aforesaid order of Govt. of Haryana is totally illegal, irregular and based on unsubstantiated facts or is based on extraneous consideration other than legal or administrative as alleged. Nothing has been shown or filed with this OA to substantiate any of the above allegations which are nothing but full of surmises or conjectures. It is vehemently denied that Respondent No. 8 has violated the environmental obligations ruthlessly without fear of law and of law enforcement agencies as alleged.

4. No reliance can be placed on highly erroneous, incorrect and misleading Damage Report dated 14.5.2008 nor on the Prosecution Case filed on the basis of such report.

5. Damage Report dated 14.05.2008 (**Page 35 of OA**) was not only highly erroneous and untenable but the same was issued without any prior notice of inspection or survey by the Officials of Forest Department given to the Ambience Company. Due to the infirmities in the said Damage Report noticed by the State Govt., the prosecution case filed by the Forest Department, Haryana was withdrawn as per order dated 23.05.2017 passed by the Environment Court. Therefore, no reliance can be placed on the said erroneous damage report. The said report did not give any details about Khasra Nos. or description of the land area stated in the said Damage Report. The said Damage Report was not supported by nor made any mention about any verification or inspection carried out by the Forest Department before making the allegations in the said report nor did it make

any reference to above referred notification dated 02.12.1981 which in fact did not cover the land owned by the Ambience group companies. This is without prejudice to the contention that the above notification was void and unsustainable qua those land areas of Nathupur Bandh which were not the Govt. Properties and no mandatory exercise mandated under Section 29(3) of IFA was carried out or undertaken by the State Govt. before issuing the above said notification.

6. It is submitted that before issuing license or sanctioning the building plan, DTCP had satisfied themselves that no part of the land was protected or reserved forest. Further, at no point of time between 1981 and 2008 there was any claim made by the Forest Department or any other authority that any part of the land of Lagoon Residential Complex owned by Ambience Company was Protected Forest. Such untenable claim was made for the first time in 2008 by way of arbitrary and self-serving Damage Report which is highly vague, deficient and inadequate as the same did not disclose any description with reference to the areas. Dimensions or Khasra numbers of the land which according to the author of the Damage Report were part of the protected forest License for construction and development of Ambience Lagoon Residential Complex was granted on 09.07.1993 by Department of Country and Town Planning, Haryana (DTCP) for development and construction of the Residential Complex on the land areas mentioned in the said license after due satisfaction that no part of land mentioned in the license was protected forest. License issued by DTCP Haryana after detailed enquiries about the ownership and status of the land for which license was applied for. The construction

of Ambience Lagoon Residential Complex was completed in 2000 and Certificate of Occupancy was issued in December 2001. During 1992 to 2000, the area around the Lagoon residential complex stood urbanized by constructions of buildings and roads. At the time of preparation of Damage Report, there was no evidence about the existence of Nathupur Bandh nor did there exist anything indicating that any part of the land used for the said Lagoon residential complex or any other land of the Ambience Group Company was part of Nathupur Bandh. True copy of Licence No. 19/1993 issued by Department of Country and Town Planning, Haryana (DTCP) on 09.07.1993 is annexed herein as **ANNEXURE R-8/2**.

7. The contents of grossly erroneous, vague and deficient Damage Report could not be the basis of the prosecution case filed by the Forest Department which was rightly withdrawn by them pursuant to the well-considered decision of State Govt. taken on 31.3.2017 by restoring the decision and order of the then PCCF dated 16.10.2015. Even otherwise, no prosecution could lie against the answering Respondent who is not the owner of the land on which Ambience Lagoon Residential Complex has been constructed. Since the said case was entirely based on totally untenable and grossly erroneous Damage Report dated 14.5.2008 referred to above, no case was made out under IFA, 1927 or FCA, 1980, as the case may be. The above Damage Report being the only document was far from sufficient to take cognizance of the matter under Section 32 and 33 of the Indian Forest Act.

8. Stand of Forest Department in Criminal Misc. Case No. 34200/2012 was misleading and incorrect. The stand taken in the reply filed by Divisional Forest Officer, Gurgaon (DFO) in the above Criminal Misc. Case No. 34200/2012 was misleading and contrary to the records. It contained incorrect facts and submissions to the effect that the land falling under Nathupur Bandh was owned by the Irrigation Department, State of Haryana. This stand of DFO was contrary to the information provided by Irrigation Department as per which the said department did not own the land covered by Nathupur Bandh as the same were owned by private parties. The response/ reply filed by the then DFO was found to be erroneous by the State Govt. while reconsidering the entire matter. In view of the above, no reliance can be placed on the response filed by the then Divisional Forest Officer in the proceedings of Criminal Miscellaneous Case No. 34200 of 2012 which were withdrawn by the answering respondent on 15.05.2017 (**Page 70 of the O.A**) after the final decision of the State Govt. taken on 31.03.2017 was intimated to the Hon'ble High Court by placing the restored decision dated 16.10.2015 and O.M dated 12.4.2017 containing the decision of the State Govt. on record of the above case.

9. No reliance can be placed on letters dated 15.1.2016 & 19.1.2016 which have been rightly withdrawn by the State Govt. No reliance can be placed on the above memos/letters in view of the decision of State Govt. dated 31.3.2017 arrived at

after considering the representation of the Ambience Company and reconsideration of entire facts and material of the matter.

10. Reliance placed on the note dated 13.11.2015 (**Page 55 of the OA**) prepared by the then Deputy Conservator of Forest is highly misplaced. The said note ignores the facts and reasons given by the earlier PCCF while taking decision on 16.10.2015, at the same time the said note dated 13.11.2015 has borrowed its contents from the incorrect and misleading reply filed by DFO in the proceedings of Criminal Misc. Case No. 34200/2012.

11. Apart from the above, the methodology adopted by the Forest Department by using the Google Imageries was highly erroneous in as much as Google Imageries of any area in relation to the past years is highly insufficient and inadequate evidence for the purpose of determining the actual status of the site in question, more so, when in the present case by year 2000 most of the construction of the residential complex of Lagoon was complete. By this time extensive constructions activities had taken place in the area covered by Nathupur Bandh without leaving any evidence of existence of the said Bandh which was fact was also stated in the letter dated 27.8.2002 from the irrigation department to the Forest Office.

12. There was no evidence in existence which could lead to any such conclusion or finding to the effect that the Nathupur Bundh was passing through Khasra Nos. 531, 533 and 535 owned by Ambience Group companies. Further, the said

Deputy Conservator of Forest for unknown reasons assumed without any basis that a land falling in Khasra Nos. 531, 533 and 535 would automatically fall in the remaining land of 3626 Sq. Fts. of Nathupur Bundh after excluding the land area of 5874 Ft. owned by DLF Group. This is without prejudice to the submission that area of land falling under Nathupur Bandh was equal to the land areas covered by the revenue records provided by Irrigation Department vide letter dated 27.08.2002 to the Forest Department.

13.DCF grossly erred by assuming that the part of Nathupur Bundh existed on either side of the land on which the Lagoon Residential Complex has been constructed. Although there was no evidence showing the existence of such Bundh on both sides of the already constructed Lagoon Residential Complex. There was no evidence showing the existence of Nathupur Bundh in the end of 2015 as wrongly observed in his note dated 13.11.2015.

14.Reliance on the judgment of the Hon'ble High Court of Punjab and Haryana dated 10.07.2020 is grossly misplaced. The above said judgment has no relevance or bearing on the present case. Even otherwise, the said judgement dated 10.07.2020 has been challenged in the Hon'ble Supreme Court by Respondent no. 8 vide SLP No. 11480/2020 and the Hon'ble Supreme Court has already passed an interim order dated 08.10.2020 to the effect that no coercive action would be taken pursuant to the impugned High Court judgement dated 10.07.2020. The said SLP is still pending before the Hon'ble Supreme Court.

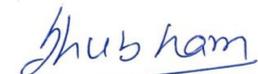
15. That no case is made out for ordering any investigation by CBI as there is no conspiracy, much less a criminal conspiracy between the political, bureaucrats and business forces as alleged without any material to support the same. By raising such plea, the Applicants are just trying to harass the answering respondent by making baseless allegations and claims.

In view of the above stated facts and submission, the present application does not deserve any further consideration and is liable to be dismissed with exemplary costs as the Application has been filed by making frivolous and baseless allegations by misusing the judicial process.

For Ambience Developers & Infrastructure Pvt. Ltd.


Authorized Signatory
For Ambience Developers & Infrastructure Pvt. Ltd.

Through


D/9436/2022

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New Delhi
21.04.2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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In the matter of:

Rajinder Krishan Sharma & Anr. ...Petitioners

Versus

Union of India & Ors. ...Respondents

AFFIDAVIT

I, G. S. Sachdeva, s/o Late Sh. Harbhajan Singh, aged 68 years, Office at L-4, Green Park Extension, New Delhi, Authorized Signatory of Respondent No. 8, Ambience Developers & Infrastructure Private Limited, do hereby solemnly affirm and state as under:

1. That I am the Authorized Person of the Respondent No. 8 company, authorized vide Board Resolution dated 09.03.2023 and am well conversant with the facts and circumstances of the present case and as such also fully competent to swear and affirm the present affidavit.
2. That the contents of accompanying Reply to the Original Application are true and correct, based upon my knowledge, received from the records of Respondent No. 8 Company, kept in normal course of its business. That nothing material has been concealed therefrom.
3. I say that the annexures filed along with the Reply to the Original Application are true copies of their respective originals.




Deponent

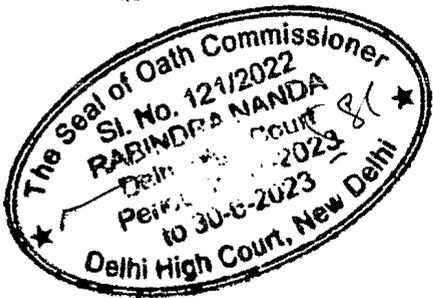
Verification:

24 APR 2023

Verified at New Delhi on this 21st day of April 2023 that the contents of my above affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.


Deponent

Ramprasad
D/271/20
Identify the Deponent who
has signed in my presence



CERTIFIED THAT THE DEPENDENT
Shri/Smt./M... *Shri. Seehdev...*
S/o, W/o, E/o *Shri. Seehdev...*
R/o, ... *Shri. Seehdev...*
identified by me *Shri. Seehdev...*
has solemnly affirmed that the contents of the affidavit
on which he/she has sworn are true and correct to his/her knowledge
and that the contents of the affidavit have been read and explained to him/her
and he/she has acknowledged the same to be true and correct to his/her knowledge
and belief.

Shri. Seehdev...
24 APR 2023
Oath Commissioner, Delhi

FORM BR-VI
[See Rule 47(1)]

From:

The Director,
Town and Country Planning,
Haryana, Chandigarh.

To

M/s. H.L.F. Enterprises Pvt. Ltd.
L-4, Green Park Extension,
New Delhi-110016.

Memo No.16708

Dated: 31-12-2001

Whereas M/s. H.L.F. Enterprises Pvt. Ltd. has applied for the issue of an occupation certificate in respect of the buildings described below, I hereby grant permission for the occupation of the buildings subject to the following conditions:

- i) That to keep trained staff in three shifts and the fire protection system tested during the inspection by Fire Station officer Gurgaon, the same shall always be available in good working condition and the NOC shall be kept renewed. You shall be held responsible if any lapse is found in the fire protection system at the time of outbreak of fire and action will be taken as per rules.
- ii) That you will be fully responsible to meet the demand and requirement of water as per norms and all allied services till such time the water is made available by HUDA. In case additional tube wells are required, you

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shall provide the same with the prior approval of the Department;

- iii) That the services will be laid up to the alignment of proposed external arrangement sby6 you at your own cost. In case pumping is required the same shall also be done by you at your cost with the prior approval of competent authority.
- v) That you will be fully responsible for integrating the internal services laid in the various pockets with the existing system of your colony.
- vi) That you shall submit the site plan showing the provision of organized green as per norms, to this office within one month from the issuance of this letter.
- vii) 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 at your own cost.
- viii) That the basements will be used only for parking and services as per provision of approved zoning plan.
- ix) That stilt area for parking shall be used only for parking.

DESCRIPTION OF BUILDING

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City: Gurgaon Street Building Blocks A, B, C, D, E, F, G, H, I, J, K, L, M, Basements and Club in Group Housing Scheme measuring 10.98 acres namely Lagoon at Ambience Island on National Highway-8, Gurgaon.

Sd/-
Director,
Town and Country Planning,
Haryana, Chandigarh.

Endst. No.

Dated:

A copy is forwarded to the Chief Engineer, HUDA, Panchkula, with reference to his letter No.9790 dated 26.11.2001 for information and necessary action.

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

Endst. No.

Dated:

A copy is forwarded to the Superintending Engineer (HQ), Haryana Urban Development Authority, Panchkula, with reference to his letter No.167 dated 19.11.2001 for information and necessary action.

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

Endst. No.

Dated:

A copy is forwarded to the Senior town Planner, Gurgaon with reference to his Memo No.4803 dated 18.12.2001 for information and necessary action.

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

Endst. No.

Dated:

A copy is forwarded to the District Town Planer, Gurgaon with reference to his letter Endst.No.3475 dated 11.12.2001 for information and necessary action.

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

Endst. No.

Dated:

A copy is forwarded to the Fire Station Officer, Gurgaon with reference to his letter No. FS-29/1224 dated 4.10.2001 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 Gurgaon for the high-rise buildings and the Fire Officer, Gurgaon will be personally responsible for any lapse/violation, as HUDA has released the necessary funds.

District town Planner (HQ) DS
For Director Town and Country Planning,
Haryana, Chandigarh.

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Form LC-V
(See Rule 12)

HARYANA GOVERNMENT
TOWN AND COUNTRY PLANNING DEPARTMENT

Licence No. 19 of 1993.

1. This Licence has been granted under the Haryana Development and Regulation of Urban Areas Act, 1975 and the Rules made thereunder to M/S H.L.F. Enterprises Pvt. Ltd. 16-B Community Centre, Basant Lok, Vasant Vihar, New Delhi Colony for setting up of a residential Group Housing colony at Village Nathupur Tehsil & District Gurgaon.

2. The particulars of land wherein the aforesaid colony is to be set up are given in the schedule annexed hereto and duly signed by the Director, Town & Country Planning, Haryana.

The Licence is granted ^{subject} to the conditions :-

- (a) That the colony is laid out to conform to the approved layout plan and development works are executed according to the designs and specifications shown in the approved plan accompanying this licence.
- (b) That the conditions of the agreements already executed are duly fulfilled and the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and Rules made there under are duly complied with.
- (c) That the demarcation plan of the colony area is submitted before starting the development works in the colony and for approval of the zoning plan.

This licence is valid upto 8th July 1995.

BHASKAR CHATTERJEE
Director, Town & Country Planning,
Haryana, Chandigarh.

Dated: - 15-7-93

9-7-1993

File No. SDP.93/9/45

A copy alongwith a copy of schedule of land is forwarded to following for information and necessary actions:-

1. M/S H.L.F. Enterprises Pvt. Ltd, 16-B Community Centre, Basant Lok, Vasant Vihar, New Delhi.
2. Chief Administrator, HUDA, Menimajra, U.T, Chandigarh.
3. Addl. Director, Urban Estate, Haryana, Menimajra, U.T, Chandigarh.
4. Chief Engineer, HUDA, Menimajra, U.T, Chandigarh.
5. Land Acquisition Officer, Gurgaon.
6. Senior Town Planner, Enforcement, Panchkula.
7. District Town Planner, Gurgaon.
8. Accounts Officer, O/O D.T.C.P. Haryana, Chandigarh.

Ambience Developers & Infrastructure Pvt. Ltd.

Authorized Signatory

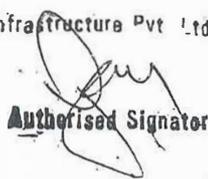
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TO BE READ WITH LICENCE NO. 19 of 1993

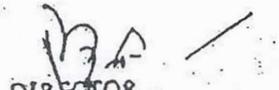
DETAILS OF LAND OF M/S H.L.F. ENTERPRISES PVT. LTD.

<u>Land Of Village</u>	<u>Khasra No.</u>	<u>Area</u>
Nathupur	3 min North	8 - 8 - 5
		0 - 12
	529 South-West	3 - 13
	528	7 - 11
	534	6 - 19
	530	0 - 16
	531	7 - 18
	532	0 - 08
	533	0 - 02
	527	0 - 05
	535	1 - 15
2/2/1	0 - 08 - 11	
		<hr/>
		30 - 7 - 11

Ambience Developers & Infrastructure Pvt Ltd.


Authorised Signatory

Or 18.98 Acres


DIRECTOR
Town & Country Planning
Haridwar, Chandigarh &
Shri

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ANNEXURE-2

FORM LC-V

[See Rule 12]

HARYANA GOVERNMENT

Town & Country Planning Department

License No. 19 of 1993

1. This license has been granted under the Haryana Development and Regulation of Urban Areas Act, 1975 and the Rules made thereunder to M/s. H.L.F. Enterprises Pvt. Ltd., 16-B, Community Centre, Vasant Lok, Vasant Vihar, new Delhi for setting up of a residential Group Housing Colony at Village Nathupur, Tehsil & District Gurgaon.
2. The particulars of land wherein the aforesaid colony is to be set up are given in the schedule annexed thereto and duly signed by the Director, Town & Country Planning, Haryana.

The License is granted subject to the following conditions:

- (a) That the colony is laid out to conform to the approval layout plan and development works are executed according to the designs and specification shown in the approved plan accompanying this license.

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- (b) That the conditions of the agreements already executed are duly fulfilled and the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and Rules made thereunder are duly complied with.
- (c) That the demarcation plan of the colony area is submitted before starting the development works in the colony and for approval of the running plan.

This License is valid upto 8th July, 1995.

9.7.1993

Bhaskar Chatterjee
Director, Town & Country Planning,
Haryana, Chandigarh.

No. 5DP.93/9146

Dated: 15.7.1993

A copy along with a copy of schedule of land is forwarded to following for information and necessary action:-

1. M/s. H.L.F. Enterprises Pvt. Ltd., 16-B, Community Centre, Basant Lok, Vasant Vihar, New Delhi.
2. Chief Administrator, HUDA Manimajra, U.T., Chandigarh.

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3. Addl. Director, Urban Estate, Haryana Manimajra, U.T. Chandigarh.
4. Chief Engineer, HUDA, Manimajra, U.T., Chandigarh.
5. Land Acquisition Officer, Gurgaon.
6. Senior Town Planner, Enforcement, Panchkula.
7. District Town Planner, Gurgaon.
8. Accounts Officer, O/o D.T.C.P., Haryana, Chandigarh.

Sd/-

Director

Town & Country Planning, Haryana,
Chandigarh.

To be read with License No.19 of 1993

Details of Land of M/s HLF Enterprises Pvt Ltd.

<u>Land of Village</u>	<u>Khasra No</u>	<u>Area</u>
Nathupur	3 Min North	B-8-8
	529 South-West	0-12
	528	3-13
	534	7-11
	530	6-19
	531	0-16
	532	0-08
	533	0-02
	527	0-05
	535	1-15
	2/2/1	0-08-11

Total 30-7-11
OR 18.98 Acres

Sd/-
Director,
Town & Country Planning,
Haryana, Chandigarh.

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Ambience Developers & Infrastructure Pvt. Ltd.

EXTRACTS OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF AMBIENCE DEVELOPERS & INFRASTRUCTURE PRIVATE LIMITED IN THEIR MEETING HELD ON 09.03.2023 AT THE REGISTERED OFFICE OF THE COMPANY AT L-4, GREEN PARK EXTENSION, NEW DELHI-110016

RESOLVED THAT Shri G.S Sachdeva, Authorized Signatory of the Company be and is hereby authorized to represent the Company & its Directors in respect of the Original Application No. 881 of 2022 titled as "Rajinder Krishan Sharma & Anr. Vs. Union of India & Ors.", pending before the Hon'ble National Green Tribunal, at New Delhi.

FURTHER RESOLVED THAT Shri G.S Sachdeva, Authorized Signatory of the Company be and is hereby authorized to sign, verify and execute the necessary documents which includes also; to engage/remove advocates/lawyers; to fix their terms to appear in the Court /Arbitration/ Tribunal/ DAC proceedings on behalf of the Company & its Directors; to sign and verify the pleadings; to tender the evidence; to allow/produce evidence of other relevant persons; to submit the documents; to swear affidavit(s); to make the depositions & statements; to file revision, review, appeals and to initiate and defend any other litigation arising out of this dispute etc.; to compromise the matter and to do all other deeds and things on behalf of the Company required for the above said purposes."

For Ambience Developers & Infrastructure Pvt. Ltd.



 Signature of Shri G.S Sachdeva attested


 Director

CERTIFIED TRUE COPY

For Ambience Developers & Infrastructure Pvt. Ltd.


 Director



Proof of Service

Lex office <lexoffice21@gmail.com>

Advance Service in OA No, 881/2022 - Rajinder Krishan Sharma & Anr. vs UOI & Ors.

1 message

Lex office <lexoffice21@gmail.com>

Mon, Apr 24, 2023 at 2:27 PM

To: "rksharma.fcs@gmail.com" <rksharma.fcs@gmail.com>, "pawanbansal@gmail.com" <pawanbansal@gmail.com>

Dear Sir/ma'am,

Please find attached a copy of Reply to the OA on behalf of the Respondent No. 8 to be filed before the Hon'ble National Green Tribunal in the above captioned matter.

Copies to

01. Rajinder Krishan Sharma

Applicant No. 1

Email : rksharma.fcs@gmail.com

02. Pawan Bansal

Applicant No. 2

Email Id: pawanbansal@gmail.com

03. State of Haryana

Through Chief Secretary

Respondent No. 3

Email Id : kaushalsanjeev@hry.nic.in

04. Principal Chief Conservator of Forests, Haryana

Respondent No. 9

Email Id : pccf-hry@nic.in

05. Chief Conservator of Forests

Respondent No. 10

Email Id : pccf-hry@nic.in*Regards**Shubham Yadav**Advocate**for the Respondent No. 8**Mobile No.: 9310884005***Reply to OA R-8.pdf**

3496K