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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA No. 283/2024

IN THE MATTER OF :-

Rajesh Sharma

.....Applicant(s)

VERSUS

State of Haryana & Ors.

.....Respondent

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 Regional Officer
 Haryana State Pollution Control Board
 Gurgaon Region (South)
 HSIIDC Complex, 111rd Floor,
 IMT Manesar, Gurgaon

Regional Officer
Haryana State Pollution Control Board
Gurugram Region (S)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
OA No. 283/2024**

Rajesh Sharma

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VERSUS

State of Haryana & Ors.

.....Respondent

**Report on behalf of Vijay Chaudhary, Regional Officer,
Haryana State Pollution Control Board, Gurugram
Region South on behalf of Respondent No- 3 in
compliance of order dated 18-03-2024**

MOST RESPECTFULLY SHOWETH:-

1. This Hon'ble Tribunal during hearing on dated 18-03-2024 in the above said OA passed the order as reproduced below:

"Counsel for the Applicant could not point out as to from where the Applicant has ascertained the area of construction to be above 20,000 sq. meters. Learned Counsel for the Applicant has referred to the complaint, Annexure -A/2 (Colly) but in that complaint also no such area has been mentioned. Therefore, at this stage, there is no material to support the allegation made in the OA has been filed."

"However, since an issue relating to compliance of environmental

norms has been raised, therefore, we are of the view that the Respondent No. 3, HSPCB should look into this issue and ascertain the truthfulness of the allegations and to find out if Respondent No. 5 is acting in violation of environmental norms, then take appropriate action and submit action taken report before the Registrar General of the Tribunal within a period of two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the matter will be listed for consideration before the Bench. In our view, before taking any further action, a factual report may be obtained for which purpose, we constitute a joint committee comprising State PCB and District Magistrate, Gurugram who visit the site and submit a factual report within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. Nodal agency will be the State PCB for coordination and compliance. The OA is accordingly disposed of"

2. Inspection of the site was conducted on 23-05-2024 by the team of Regional Officer Sh. Vijay Chaudhary, HSPCB, Gurugram South, Sh. Divyanshu, AEE, HSPCB, Gurugram South and Sh. Sidharth Bhargava, AEE, HSPCB, Gurugram South. Copy of the Inspection report is attached as **Annexure-R/1** and Photographs & Map are attached as **Annexure-R/2**. The findings of the inspection are as under :-

- i. The Proponent M/s Signature Global Business park Pvt. Ltd. & Fantabulous Town Developers Pvt. Ltd. has obtained license for setting up of mix land use (90% residential and 10% commercial) under TOD policy over an area measuring 16.65625 Acres in the revenue estate of village-Gadauli Kalan, Sector-37D, Gurugram, Haryana.
 - ii. Only barricading of the project has been done.
 - iii. The project proponent has constructed a 24/30 meter wide internal circulation road as mentioned in letter of intent (LOI) granted to the project proponent by Directorate of Town & Country Planning, Haryana at Sr. No. 6(i) which provides that "That you shall construct 24/30 m wide internal circulation road forming part of licensed area at own cost and transfer the same free of cost to the Government". Copy is attached as **Annexure-R/3**.
 - iv. No other type of construction except as mentioned at Serial no. ii & iii done at site and project proponent has applied for grant of Environment Clearance to the project to State Environment Impact Assessment Authority (SEIAA) and same is pending.
3. That the PP vide letter dated 24.05.2024 has undertaken not to make any construction without obtaining Environment Clearance from SEIAA, Haryana and Consent to Establish from Haryana State Pollution Control Board. Copy is attached as **Annexure-R/4**.

The Report is submitted for kind consideration of this Hon'ble Tribunal. The direction passed by this Hon'ble Tribunal shall be complied with in true letter and spirit.

Place: _____

Dated: 27th May 2024



Regional Officer
Haryana State Pollution Control Board
Gurgaon Region (South)
HSIDC Complex, 111rd Floor,
IMT Manesar, Gurgaon

**Regional Officer, HSPCB
Gurugram Region (S)**



Regional Office, Gurgaon South
HARYANA STATE POLLUTION CONTROL BOARD

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SPOT INSPECTION PERFORMA FOR CONSTRUCTION PROJECTS

1. Name of the Project: M/s signature Global Business Park Pvt. Ltd & Fantabulous Town Developers Pvt. Ltd
2. Site Address: Vill. Gadauli Kalan, Sec-37-D Gurugram
3. Date & time of Inspection: 23/05/2024
4. Name of Officer Conducted Inspection: Vijay Chaudhary, Regional Officer
Sidharth Bhargava, AEE
Divyanshu, AEE
5. Name of Rep. of unit present during Inspection: Sh. Varun Mehta, Group President
6. Total Area of Project: 16.65625 acres
7. Total Built up area of project: NIL (Present)
8. Present Status of Project: Only Barricoding / Boundary wall erected
9. Whether Licence obtained from Town & Country Planning Department : Yes, License No. 230 of 2023 (copy attached)

10. Month & Year of starting Construction activity: **39**

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Not started yet

11. Total Investment cost of Project:

NA. Proposed Project.

12. Whether obtained Environment Clearance under EIA Notification dated 14-09-2006:

Applied for.

13. Remarks:

Project visited w.r.t. OA No 283/2024 pending in Hon'ble NGT. Only barricading of the project has been done. Project has constructed 24/30m wide internal circulation road & shall be transferred to government free of cost. No other type of construction except as mentioned above done at site.

Signature of the Rep.
of the Unit

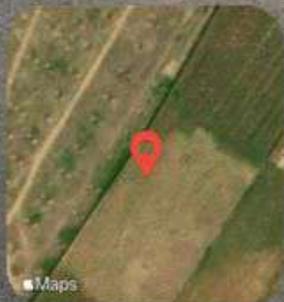
Name & Sign. of Officer
Conducted Inspection

Regional Officer
Haryana State Pollution Control Board
Gurgaon Region (South)
HSIIDC Complex, 11th Floor,
IMT. Manesar, Gurgaon

Sidharth Bhargava
Divyanshu, IEE



 GPS Map Camera



Gurugram, HR, India

Sector 37D, Gurugram, 122006, HR, India

Lat 28.442366, Long 76.968569

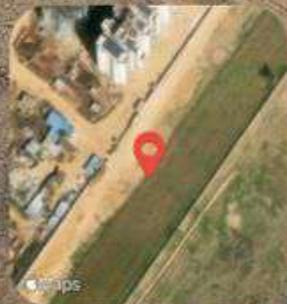
05/23/2024 05:41 PM GMT+05:30

Note : Captured by GPS Map Camera

41



 GPS Map Camera



Gurugram, HR, India

Sector 37D, Gurugram, 122006, HR, India

Lat 28.443648, Long 76.966809

05/23/2024 05:39 PM GMT+05:30

Note : Captured by GPS Map Camera



 GPS Map Camera



Gurugram, HR, India

Sector 37D, Gurugram, 122006, HR, India

Lat 28.443584, Long 76.966756

05/23/2024 05:38 PM GMT+05:30

Note : Captured by GPS Map Camera

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Directorate of Town & Country Planning, Haryana

Aayojna Bhawan, Madhya Marg, Sector 18A, Chandigarh.

Phone : 0172-2549349 Email: tcpharyana7@gmail.com

Website: <http://tcpharyana.gov.in>

LC-III
(See Rule 10)

To

Signature Global Business Park Pvt. Ltd. &
Fantabulous Town Developers Pvt. Ltd.,
In collaboration with Signature Global Business Park Pvt. Ltd.,
13th Floor, Dr. Gopal Dass Bhawan,
28, Barakhamba Road, Connaught Place,
New Delhi-110001.

Memo No. LC-5142/Asstt(RK)/2023/ 34599

Dated: 17-10-2023

Subject: Letter of Intent: Request for grant of licence for setting up of Mix Land Use (90% Residential & 10% Commercial) under TOD Policy over an area measuring 16.65625 acres in the revenue estate of village Gadauli Kalan, Sector-37D, Gurugram being developed by Signature Global Business Park Pvt. Ltd.

Please refer your application dated 04.07.2023 & 28.08.2023 on the subject cited matter.

Your request for grant of licence for setting up of Mix Land Use (90% Residential & 10% Commercial) under TOD Policy over an area measuring 16.65625 acres in the revenue estate of village Gadauli Kalan, Sector-37D, Gurugram has been considered and it is proposed to grant a licence for setting up of aforesaid colony. You are, therefore, called upon to fulfill the following requirements/pre-requisites laid down in Rule, 11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 within a period of 60 days from the date of issue of this letter, failing which request for grant of licence shall be refused.

- To furnish the bank guarantees valid for a period of five years on account of Internal Development works and External Development Charges for the amount calculated as under:-

A) External Development Charges:

External Development Charges (EDC) for Intense Zone			
GH Component	0.08676	416.385*3.5/1.75	Rs.72.2511252 lacs
Commercial	0.00964	486.13*3.5/1.75	Rs.9.3725864 lacs
Comp			
External Development Charges (EDC) for Transition Zone			
GH Component	14.903865	416.385*2.5/1.75	Rs.8865.351183 lacs
Commercial	1.655985	486.13*2.5/1.75	Rs.1150.034269 lacs
Comp			
Total			Rs.10097.0092 lacs
25% BG required			Rs.2524.2523 lacs

Director General
Town & Country Planning
Haryana, Chandigarh



B) Internal Development Works:

Internal Development Works (IDW)			
GH & comm. Component	16.65625	50 lacs	Rs.832.8125 lacs
25% BG required			Rs.208.203125 lacs

Note: It is made clear that the Bank Guarantee of Internal Development Works has been worked out on the interim rates and you have to submit the additional Bank Guarantee if any, required at the time of approval of Service Plan/Estimate according to the approved building plan. With an increase in the cost of construction and an increase in the number of facilities in the building plan, you would be required to furnish an additional bank guarantee within 30 days on demand. In the event of increase of rates of external development charges, you will have to pay the enhanced rates of external development charges as finally determined and as and when demanded by the DGTCP, Haryana.

2. To execute two agreements i.e. LC-IV & Bilateral Agreement on Non-Judicial Stamp Paper of Rs.100/-. Further, following additional clauses shall be added in LC-IV agreement as per Government instruction dated 14.08.2020.
 - I. That you shall integrate the bank account in which 70 percent allottee receipts are credited under Section-4(2)(I)(D) of the Real Estate Regulation and Development Act, 2016 with the online application/payment gateway of the Department, in such manner, so as to ensure that 10% of the total receipt from each payment made by an allottee is automatically deducted and gets credited to the EDC head in the State treasury.
 - II. That such 10% of the total receipt from each payment made by the allottee, which is received by the Department shall get automatically credited, on the date of receipt in the Government treasury against EDC dues.
 - III. That such 10% deduction shall continue to operate till the total EDC dues get recovered from the owner/developer.
 - IV. The implementation of such mechanism shall, however, have no bearing on EDC instalment schedule conveyed to the owner/developer. The owner/developer shall continue to supplement such automatic EDC deductions with payments from its own funds to ensure that by the EDC instalments that are due for payment that paid as per the prescribed schedule.
3. To deposit an amount of **Rs.2,79,13,541/-** on account of conversion charges in favour of Director General, Town & Country Planning, Haryana, payable at Chandigarh be deposited online at website www.tcpharyana.gov.in. as per policy dated 17.12.2018, if option of making payment in installments is opted, then building plans will be approved only after recovery of full fee and charges as per aforesaid stipulation.



4. To deposit an amount of **Rs.8,25,29,800/-** on account of licence fee in favour of Director General, Town & Country Planning, Haryana, payable at Chandigarh be deposited online at website i.e. www.tcpharyana.gov.in. as per policy dated 17.12.2018, if option of making payment in installments is opted, then building plans will be approved only after recovery of full fee and charges as per aforesaid stipulation.
5. To deposit an amount of **Rs.11,20,42,217/-** on account of Infrastructure Augmentation Charges in favour of Director General, Town & Country Planning, Haryana, payable at Chandigarh be deposited online at website www.tcpharyana.gov.in. as per policy dated 17.12.2018, if option of making payment in installments is opted, then building plans will be approved only after recovery of full fee and charges as per aforesaid stipulation.
6. To furnish an undertaking on non-judicial stamp paper to the following effect:-
 - a. That you shall pay the Infrastructure Development Charges amounting to **Rs.11,19,02,703/-** in two equal instalments. First Instalment will be due within 60 days of grant of license and second Instalment within six months of grant of license failing which 18% PA interest will be liable for the delayed period.
 - b. That you shall pay proportionate EDC as per schedule prescribed by the Director.
 - c. That you shall submit the additional bank guarantee, if any required at the time of approval of Service Plans/Estimate. With an increase in the cost of construction and increase in the number of facilities in Layout Plan, you will be required to furnish an additional bank guarantee within 30 days on demand. It is made clear that bank guarantee of Internal Development Works/EDC has been worked out on the interim rates.
 - d. That you shall maintain and upkeep all roads open spaces, public parks and public health services for a period of five years from the date of issue to the completion certificate unless earlier relieved of this responsibility and thereupon to transfer all such roads/service roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be, in accordable with the provisions of Section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
 - e. That you shall construct at your own cost, or get constructed by any other institution or individual at its cost, schools, hospitals, community centres and other community buildings on the lands set apart for this purpose, in a period as may be specified, and failing which action as per the Act/Rules shall be initiated. The land shall vest with the Government after such specified period, free of cost, in which case the Government shall be


 Director General
 Town & Country Planning
 Haryana, Chandigarh



at liberty to transfer such-land to any person or institution including a local authority, for the said purposes, on such terms and conditions, as it may deem fit.

- f. That you shall pay the proportionate cost of construction of such percentage of sites of such school, hospital, community centre and other community building and at such rates as specified by the Director.
- g. That you shall arrange electric connection from HVPN/DHBVNL for electrification of your colony and shall install the electricity distribution infrastructure as per the peak load requirement of the colony for which you shall get the electrical (distribution) service plan / estimates approved from the agency responsible for installation of external electric services i.e. HVPN/DHBVNL Haryana and complete the same before obtaining completion certificate for the colony.
- h. That you shall permit the Director or any other officer authorised by him to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the licence granted.
- i. That you shall construct 24/30 m wide internal circulation road forming part of licenced area at your own costs and transfer the same free of cost to the Government.
- j. That you shall construct and allot EWS category flats as per departmental policy dated 08.07.2013 and as amended from time to time.
- k. That the applicant company shall submit NOC from the Ministry of Environment & Forest, Govt. of India with respect to their notification dated 14.09.2006 and clearance regarding PLPA, 1900 from competent authority before executing development works.
- l. That you shall make arrangement for water supply, sewerage, drainage etc. to the satisfaction of DTCP till these services are made available from external infrastructure to be laid by HSVP.
- m. That you shall convey the 'Ultimate Power Load Requirement' of the project to the concerned power utility, with a copy to the Director, within two months period from the date of grant of licence to enable provision of site in your land for Transformers/Switching Station/Electric Sub-Stations as per the norms prescribed by the power utility in the zoning plan of the project.
- n. That you shall provide the rain water harvesting system as per Central Ground Water Authority Norms/Haryana Govt. notification as applicable.
- o. That you shall aware that the development/construction cost of 24/30 m wide road/major internal road is not included in the EDC rates and you shall pay the proportionate cost for acquisition of land if any, alongwith

[Handwritten signature]



the construction cost of 24/30 m wide road/major internal road as and when finalized and demanded by the Director Town & Country Planning, Haryana.

- p. That you shall provide the solar water heating system as provisions of HAREDA and shall be made operational where applicable before applying for an occupation certificate.
- q. That you shall submit compliance of Rule 24, 26, 27 & 28 of Rules 1976 & Section 5 of Haryana Development and Regulation of Urban Areas Act, 1975, and shall inform account number and full particulars of the scheduled Bank wherein you have to deposit seventy percentum of the amount from the Flat/shop buyers for meeting the cost of Internal Development Works in the colony.
- r. That you shall keep the pace of construction atleast in accordance with sale agreement executed with the buyers of the flats/shops as and when scheme is launched.
- s. That you shall pay the labour cess as per policy instructions issued by Haryana Government vide Memo No. Misc. 2057-5/25/2008/2TCP dated 25.02.2010.
- t. That you shall not pre-launch/sale of flats or shops before approval o the building plans.
- u. That you shall not use the ground water for the purpose of construction of building. The building plans shall be approved only after the source of water for construction purpose is explained to the satisfaction of HSVP Authority in terms of orders of the Hon'ble High Court dated 16.07.2012 in CWP's no. 20032 of 2008, 13594 of 2009 and 807 of 2012.
- v. That you shall obey all the directions/restrictions imposed by the Department from time to time in public interest.
- w. That you shall specify the detail of calculations per Sqm/per Sqft., which is being demanded from the flat/shop owners on account of IDC/EDC, if being charged separately as per rates fixed by Govt.
- x. That you shall not give any marketing and selling rights to any other company other than the collaborator company.
7. To submit an affidavit duly attested by 1st Class Magistrate, to the effect that you have not submitted any other application for grant of license for development of the said land or part thereof for any purpose under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 or any application seeking permission for License/change of land use under the provision of the Punjab Schedule Roads and Controlled Areas restrictions of Unregulated Development Act, 1963 or have not applied for license / permission under any other law for the time being in force.

Signature



8. That you shall submit the affidavit that the applied land does not exceed the ceiling prescribed in the Land Ceiling Act, 1972 at the time of application for licence.
 9. That you shall complete the demarcation at site within 7 days and will submit the demarcation Plan in the office of District Town Planner, Gurugram within 15 days of issuance of this memo.
 10. To submit an undertaking that you shall deposit the labour cess as applicable as per rules before approval of building plans.
 11. To submit an undertaking that at the time of booking of the plots/flats/commercial space/shops in the licensed colony, if the specified rates of Plots/Flats/shops/commercial space do not include IDC/EDC and are to be charged separately as per rates fixed by the Government from the plots/flats/commercial space owners, you shall also provide details of calculations per sq. mtrs. /per. sq. ft. to the allottee while raising such demand from the plots/flats owners.
 12. That you shall submit an undertaking that all the terms & conditions as stipulated in the notification regarding TOD policy dated 09.02.2016 and its corrigendum dated 16.11.2016 and amendment of zoning regulations of the Development Plan - GMUC dated 24.01.2017 shall be complied with.
 13. That you shall submit an affidavit that there is no collaboration agreement enforced with any other person for the same land.
 14. The fee and charges being conveyed are subject to audit and reconciliation of accounts.
 15. That you shall submit the NOC from District Forest Officer, Gurugram regarding applicability of any Forest Law/notifications.
 16. That you shall submit the report from DC, Gurugram regarding ownership of the applied land.
 17. That you shall undertake to indemnify State Govt. / Department for loss occurred or legal complication arising due to pending litigation and the land owning / developer company will be responsible for the same in respect of applied land.
 18. That you shall clear the outstanding dues amounting to Rs.34 lacs against the Signature Global Business Park Pvt. Ltd. and its Board of Directors.
- DA/As above.




(T.L. Satyaprakash, I.A.S)
Director General,
Town & Country Planning
& Haryana, Chandigarh

Endst. No. LC-5142/Asstt.(RK)/2023/

Dated:

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

1. The Deputy Commissioner, Gurugram.
2. The Additional Director, Urban Estate, Haryana, Sector-6, Panchkula.
3. Senior Town Planner, Gurugram.
4. District Town Planner, Gurugram.
5. CAO O/o DGTCP, Haryana.
6. Nodal Officer (Website) O/o DGTCP, Hr.


(Ashish Sharma)
District Town Planner(HQ)
For: Director General, Town and Country Planning,
Haryana, Chandigarh



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To be read with LOI Memo no.....34599.....Dated.....17/10/.....of 2023

Village	Name of owner	Khasra no.	Area (B-B-B)	
Gadoli Kalan	Signature Global Business Park Pvt. Ltd.	129/1/2/2/2m in	1-6-11	
		129/2/2min	0-11-2	
		133/1 min	1-8-1	
		132/1 min	2-17-15	
		131 min	2-18-6	
		136 min	3-1-0	
		135/2 min	2-8-8	
		141/2	0-7-6	
		138 min	2-10-8	
		137 min	2-19-15	
		144/2 min	2-9-13	
		Signature Global Business Park Pvt.Ltd. 944/1680 share & Fantabulous Town Developers Pvt. Ltd. 736/1680 share	130/2 min	3-14-15
			Total	26-13-0 Or16.65625 acres

[Signature]
 Director General
 Town & Country Planning
 Haryana, Chandigarh
[Signature]



Date 24th May, 2024

To

The Regional Officer

Haryana Pollution Control Board

(South) GGM Hr.

Subject: Confirmation of Barricading and Surrender of Sector Dividing Road as Per LOI

Dear Sir/Madam,

In response to the complaint lodged by Mr. Rajesh Sharma before the National Green Tribunal Principal Bench, New Delhi, we are writing to inform you about the recent developments regarding the land under our ownership and the steps we have taken in compliance with the conditions outlined in the Letter of Intent (LOI).

We have successfully completed the barricading of our property, which will help in managing the site boundaries more effectively and in enhancing the overall environmental safety. This measure is part of our ongoing commitment to improve air quality (AQI) and reduce the dispersion of dust particles in the surrounding area.

Additionally, we wish to confirm that the sector dividing road, which has been referenced in previous communications, is not part of our owned property. As stipulated in the LOI, we are fully committed to handing over or surrendering this road to the government authorities. This road was being developed primarily to contribute to better AQI and mitigate the dust levels in the area, aligning with our environmental responsibility goals.

Further to undertake that we shall not to make any construction without obtaining Environment Clearance from SEIAA, Haryana and Consent to Establish from Haryana State Pollution Control Board.

Thank you for your attention to this matter. We look forward to your acknowledgment and further instructions.

Yours faithfully,

Surender Singh

GM – Administration

Signature Global India Ltd | M N O 09999880511