

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

ORIGINAL APPLICATION No. 775 of 2019

IN THE MATTER OF:

Varun Sheokand

..... Petitioner

Versus

Union of India & Others

.....Respondents

REPORT ON BEHALF OF HARYANA STATE POLLUTION  
CONTROL BOARD IN COMPLIANCE OF ORDER DATED  
30.08.2019.

**MOST RESPECTFULLY SHOWETH:**

1. That this Hon'ble Tribunal has taken cognizance of the original application alleging illegal mining and construction of a five-star banquet hall without requisite 'Consent to Establish' on land as described in para no.4 of the original application by the respondent no.9 to 14.
2. That after receiving of the order passed by this Hon'ble Tribunal and copy of OA at Regional Office-Faridabad, Field Officer of the answering Board sites of the respondents No.9 to 14 were visited on 11.11.2019 and no activity of mining and construction was found. However, as abundant caution and to ensure inspection of exact site as described in para no.4 of the OA, it was decided to get the exact location of the site with the help of official of Revenue Department and to verify the allegations made in OA with assistance of officers

of concerned department. Accordingly, vide letter dated 11.11.2019 and reminder letter dated 20.12.2019, the Deputy Commissioner, Faridabad was requested to constitute the team comprising of concerned officers of MCF, Revenue Dept and Mining Dept. to verify the facts.

3. That the Ld. Deputy Commissioner, Faridabad vide order dated 26.12.2019, constituted the Committee of following officers:
  - (a) Senior Town Planner, MCF
  - (b) District Mining Officer, Faridabad
  - (c) Tehsildar, Badkhal
  - (d) Regional Officer, HSPCB, Faridabad
  
4. That land of respondents No.9, 12, 13 and 14 were visited. No activity of construction, mining as alleged in the OA or any trace thereof was observed.

The spot inspection report dated 31.12.2019 and photographs in respect of Respondent No.9 are being annexed herewith as **Annexure-R/1.**

The spot inspection report dated 31.12.2019 and photographs in respect of Respondent No.12 are being annexed herewith as **Annexure-R/2.**

The spot inspection report dated 31.12.2019 and photographs in respect of Respondent No.13 are being annexed herewith as **Annexure-R/3.**

The spot inspection report dated 31.12.2019 and photographs in respect of Respondent No.14 are being annexed herewith as **Annexure-R/4.**

5. That land of Respondent No.10 and 11 were also visited by the team on 31.12.2019. No 5 star Hotel, borewell or mining activity was found. All the killa Nos. mentioned in OA No.775/2019 pertains to this site. It was found that a temporary shed and two room set has been constructed. Such construction activity is not covered under the consent management of the HSPCB.

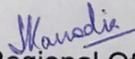
However, as per information received from the Municipal Corporation of Faridabad, the respondent No.10 and 11 submitted an application dated 30.06.2014 to MCF for regularization of existing marriage palace/banquet hall as per the Government policy dated 03.04.2012 (Annexure-R/5). The MCF issued Letter of Intent (Lol) dated 11.01.2018 as per policy subject to certain conditions including to get the NOC from the Forest Department. However, the applicants failed to fulfill the conditions of the said Lol. Therefore, the respondent-corporation vide Memo dated 07.03.201 has cancelled and withdrawn the Lol dated 11.01.2018. The Respondent No.10 and 11 alongwith two other persons being aggrieved with the said withdrawal, filed a writ petition in Hon'ble High Court bearing CWP No. 8322 of 2018 titled as "Kanhiya Lal & Ors. Vs. State of Haryana & Ors." which is still pending adjudication before the Hon'ble High Court for the States of Punjab & Haryana, Chandigarh and is fixed for 06.10.2020. In the said writ petition vide order dated 06.04.2018 the Hon'ble High Court has directed the respondents not to proceed further till the next

date of hearing. Copy of order dated 06.04.2018 received on 12.02.2020 through counsel from MCF is annexed herewith as **Annexure-R/6**. Copy of Writ Petition (Civil) 8322/2018 received from MCF vide email dated 17.02.2020 is annexed herewith as **Annexure-R/7**.

6. That answering respondent vide letter dated 19.02.2020 has requested the District Forest Officer, Faridabad to look into the nature of construction by respondent no.10 and 11 and take appropriate action in accordance with law. Copy of letter dated 19.02.2020 sent to District Forest Officer, Faridabad is annexed herewith as **Annexure-R/8**.
  
7. That it is bring into kind notice of this Hon'ble Tribunal that one OA No.192/2019 was filed by the applicant raising issue of construction of Farm Houses and mining activity. The report dated 12.11.2019 filed by answering Board is annexed herewith as **Annexure-R/9** and copy of order dated 13.11.2019 is annexed herewith as **Annexure-R/10**.

The report is submitted accordingly for kind consideration of this Hon'ble Tribunal.

Dated: 25.02.2020  
Place: Faridabad

  
Regional Officer,  
Haryana State Pollution Control Board  
Regional Office Faridabad  
Haryana State Pollution Control Board,  
Faridabad Region, Faridabad



## HARYANA STATE POLLUTION CONTROL BOARD

Faridabad Region, Opp. Hewo Appmt., Sector-16, Faridabad

Website: [www.hspcb.gov.in](http://www.hspcb.gov.in)

### SPOT INSPECTION REPORT

Sr. No.	Name of the Unit	M/S Glen Apple Building Pvt. Ltd.
1.	Date of Inspection	31.12.2019
2.	Name of the inspecting Officers/Officials	Matipal Singh, STP, MCF Sanjay Simberwal, AME, Mines & Geology, Fbd. Ranvijay Sharma, Sec-B, HSPCB Preetesh Patwari, Anshu & Meenu Maheswari
3.	Whether obtained CTE/CTO	
4.	Source of Trade Effluent	
5.	Mode of Discharge	
6.	ETP Installed or not	
7.	Source of Air Emission/APCM	N.A.
8.	DG Set	
9.	Remarks	

The site inspected and no activity of mining/Hotel/Banquet Hall/resort found. The site is completely vacant and the file No. mentioned in the O.A. 775 of 2019 do not pertain to this site. No borewell was found on site. Photographs of site attached.

Sign. of the Representative  
of the Unit

Sign. of the  
Verifying Officers/Officials

*Sanjay*

31.12.2019

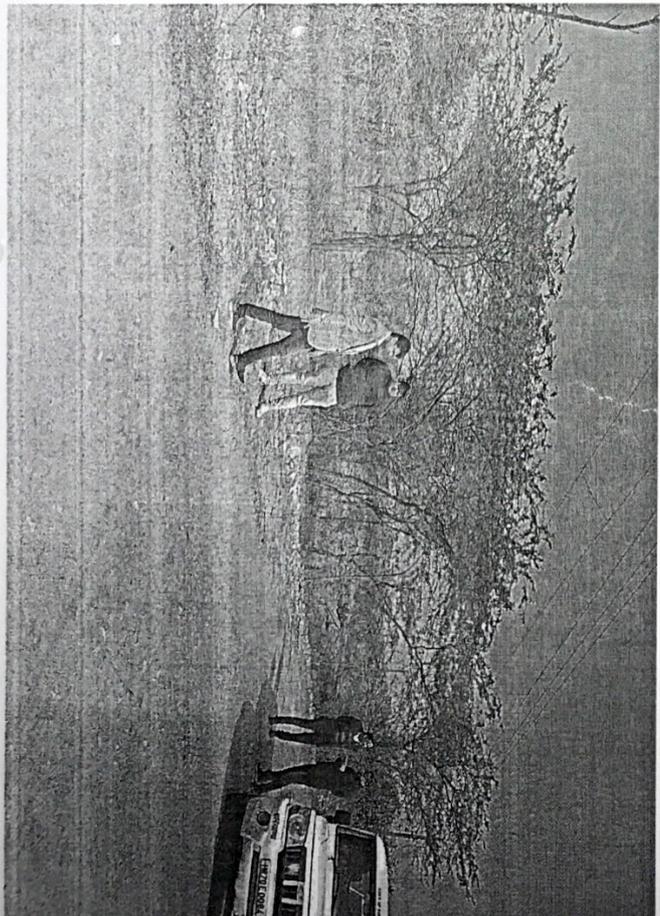
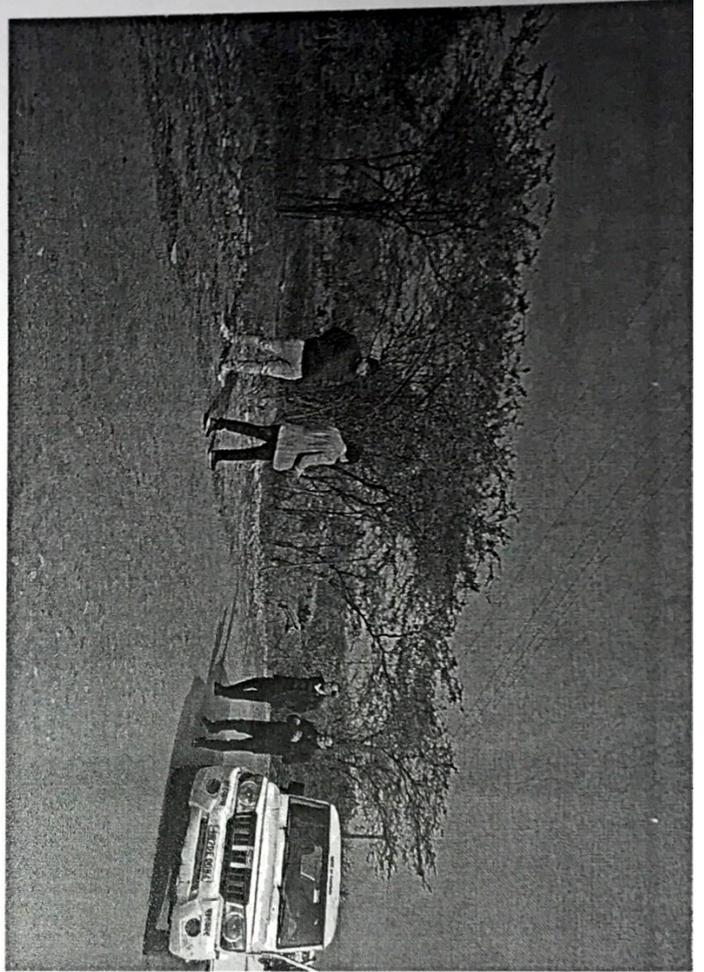
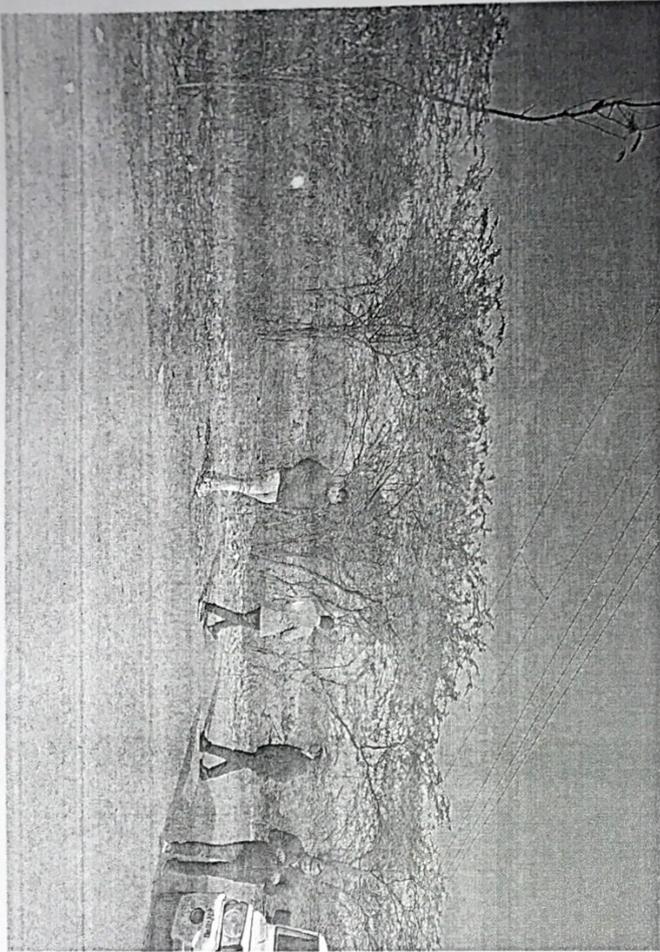
Noted

31.12.19

*P. Patel*

*Sanjay*  
31/12/19

N/S Glen Apple







## HARYANA STATE POLLUTION CONTROL BOARD

Faridabad Region, Opp. Hewo Appmt., Sector-16, Faridabad

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### SPOT INSPECTION REPORT

- Sr. No. Name of the Unit *M/S Pardeep Bajaj; K 11*  
*79149 17/24* *घर नं 28-3*
1. Date of Inspection *31.12.2019*
2. Name of the inspecting Officers/Officials  
*Malipal Singh, STP, MCF*  
*Sanjay Simberwal, AME, Mines & Geology, Ftd.*  
*Ramnivas Sharma, Sec.-B, HSPCB.*  
*Prateek, Patwari Anshu & Meeta Maharajpur*
3. Whether obtained CTE/CTO
4. Source of Trade Effluent
5. Mode of Discharge
6. ETP Installed or not
7. Source of Air Emission/APCM *n.d.*
8. DG Set
9. Remarks

*The site inspected and no activity of mining/Hotel/Banquet hall/resort found. The site is completely vacant and the kila no. mentioned in the O.A. 775 of 2019 does not pertain to this site. NO Borewell was found on site. Photographs of site attached.*

Sign. of the Representative  
of the Unit

Sign. of the  
Verifying Officers/Officials

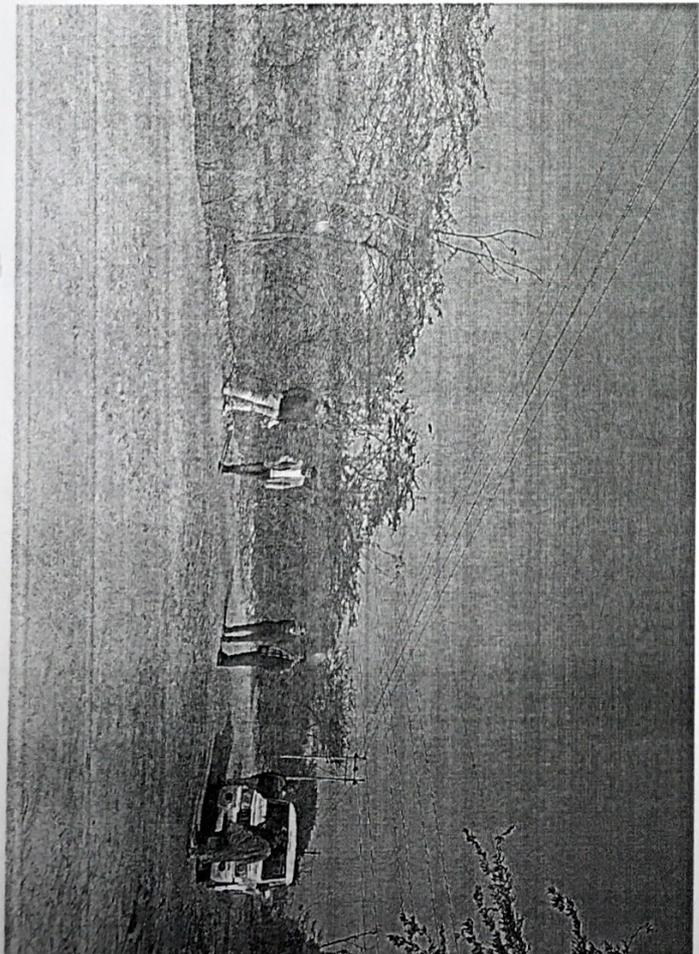
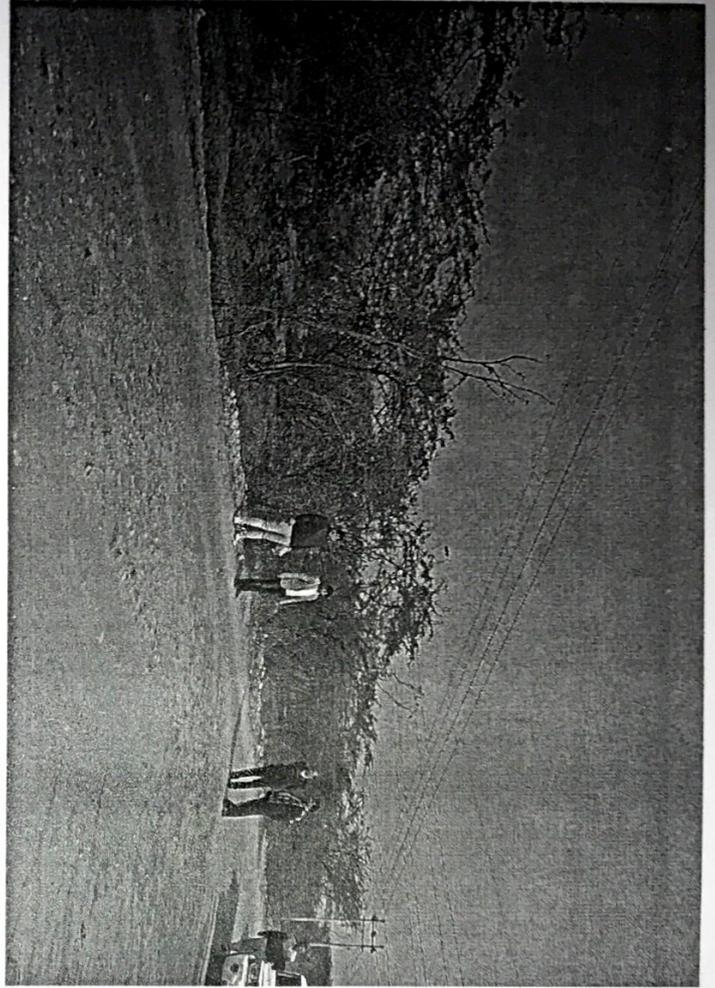
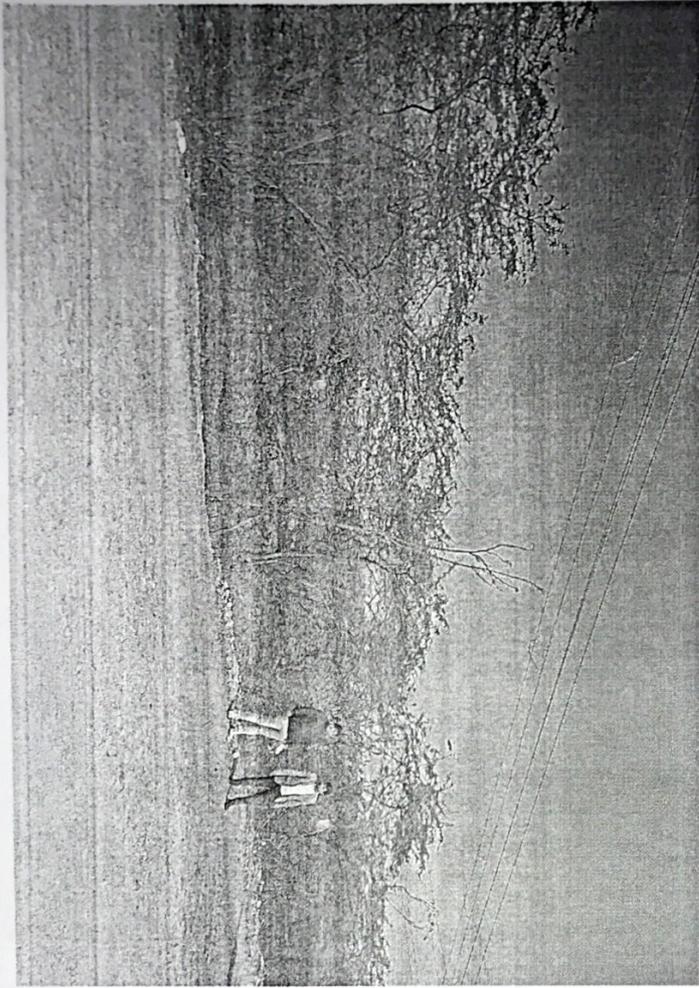
*Model*  
*31.12.19*

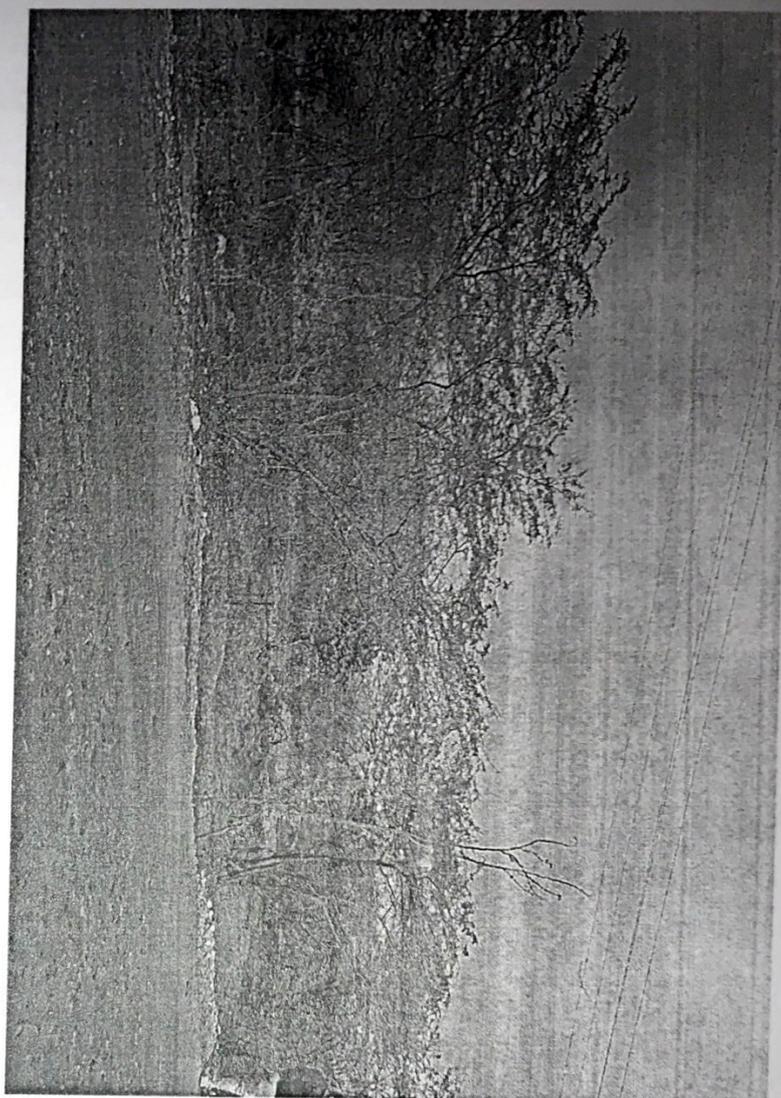
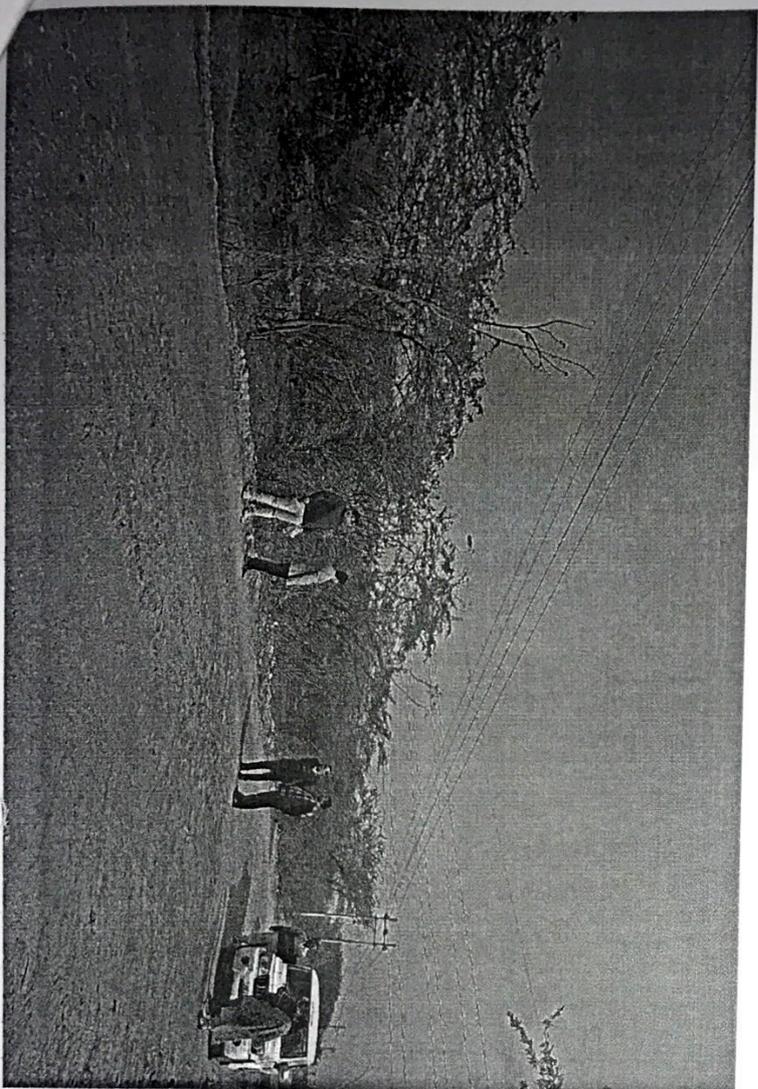
*Sanjit*  
*31.12.2019*

*Prateek*

*Patwari*  
*31/12/19*

MS Pardeep Bajaj







## HARYANA STATE POLLUTION CONTROL BOARD

Faridabad Region, Opp. Hewo Appmt., Sector-16, Faridabad

Website: [www.hspcb.gov.in](http://www.hspcb.gov.in)

### SPOT INSPECTION REPORT

- Sr. No. Name of the Unit *M/s Rakesh Mohan Aggarwal*
1. Date of Inspection *31-12-2019*
2. Name of the inspecting Officers/Officials *Mahipal Singh, STP, MCF*  
*Ramniwas Sharma, S.C.B, HSPCB*  
*Sanjay Simberwal, AME, Mines & Geology Fbd*  
*Prateek, Patwan, mewla mahrajpur*  
*(Ankhir)*
3. Whether obtained CTE/CTO */*
4. Source of Trade Effluent */*
5. Mode of Discharge */*
6. ETP Installed or not *N.A*
7. Source of Air Emission/APCM */*
8. DG Set */*
9. Remarks

The site inspected and no activity of mining Hotel/Bangla Hall/resort found. The site is completely vacant and the kila nos. mentioned in complaint <sup>(CO No 775/19)</sup> do not pertain to this site. No Borewell was found on site. Photographs of site Attached

Sign. of the Representative  
of the Unit

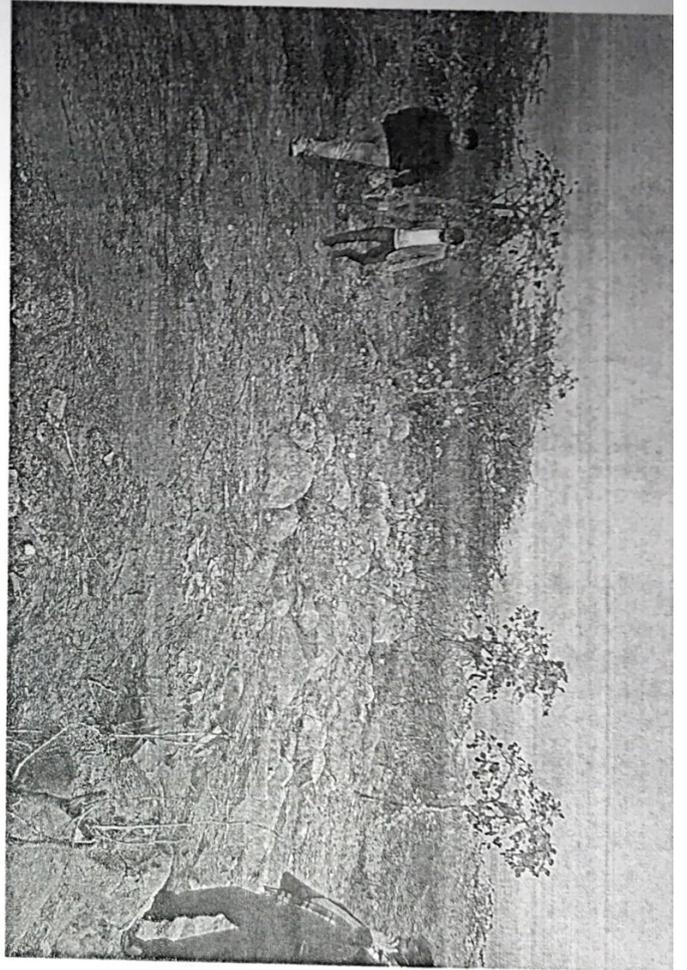
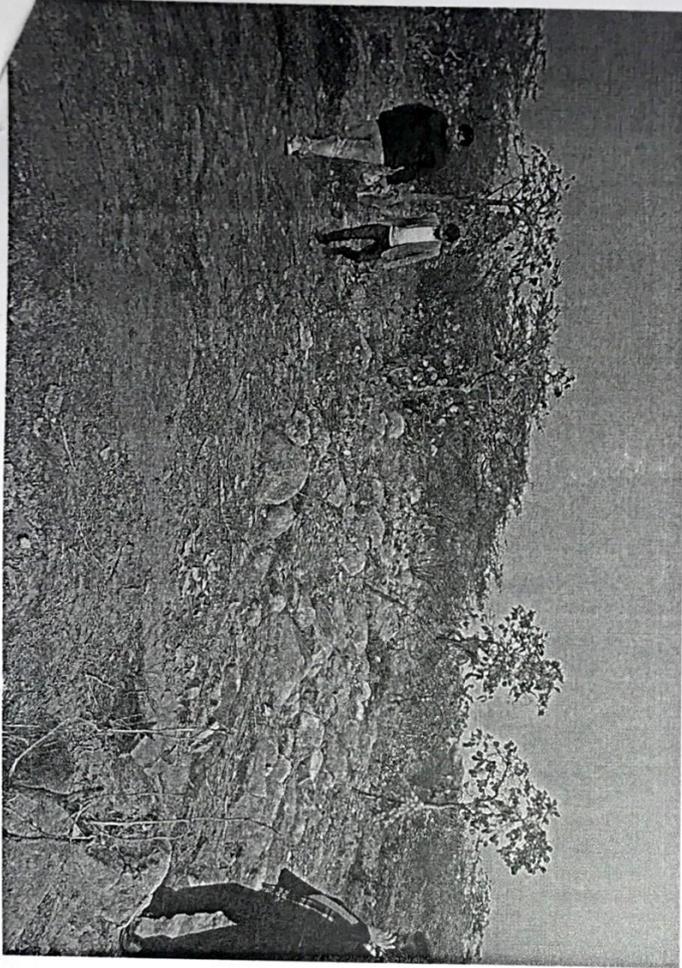
Sign. of the  
Verifying Officers/Officials

*Mahipal Singh*  
31/12/19

*Sanjay Simberwal*  
31/12/2019

*Prateek*  
31/12/19

Sh. Rakesh Aggarwal





## HARYANA STATE POLLUTION CONTROL BOARD

Faridabad Region, Opp. Hewo Appmt., Sector-16, Faridabad

Website: [www.hspcb.gov.in](http://www.hspcb.gov.in)

### SPOT INSPECTION REPORT

Sr. No.	Name of the Unit	M/s Navender Gupta
1.	Date of Inspection	31-12-2019
2.	Name of the inspecting Officers/Officials	Malipal Singh, STP, MCF Sanjay Simberwal, AME, Mines & Geology, Fbd. Rannidas Sharma, Sec.-B, HSPCB. Prateek, Patwari, Mevda Mahrajpur Ankur
3.	Whether obtained CTE/CTO	N.A.
4.	Source of Trade Effluent	N.A.
5.	Mode of Discharge	N.A.
6.	ETP Installed or not	N.A.
7.	Source of Air Emission/APCM	N.A.
8.	DG Set	N.A.
9.	Remarks	The site inspected and no activity of mining / hotel / Banquet hall / resort found. The site is completely vacant and the bilare mentioned in the O.A. no. 775 of 2019 do not pertain to this site. No Borewell was found on site. Photographs of site attached.

Sign. of the Representative  
of the Unit

Sign. of the  
Verifying Officers/Officials

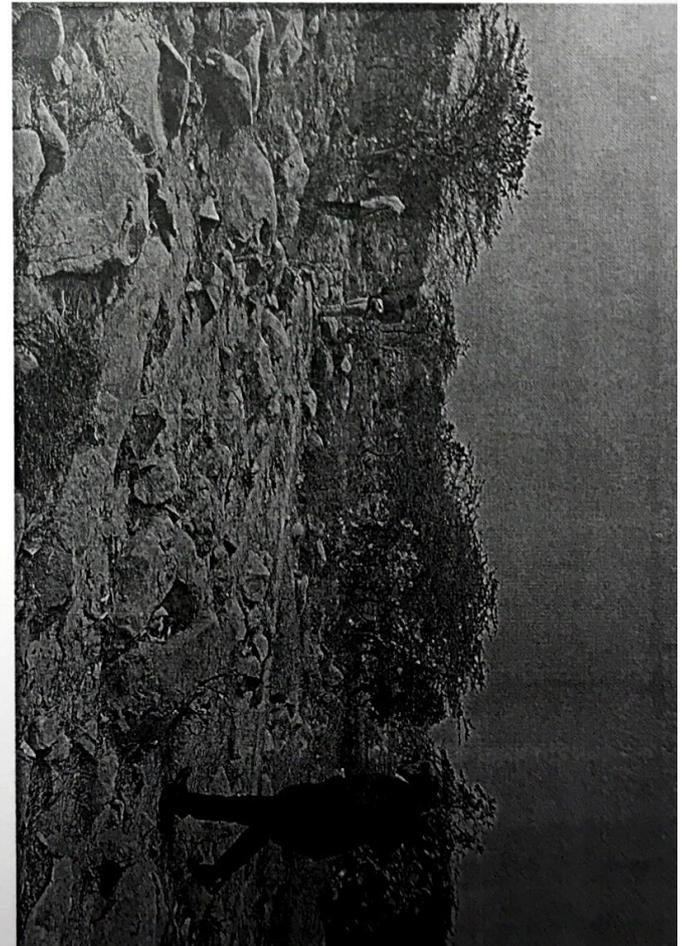
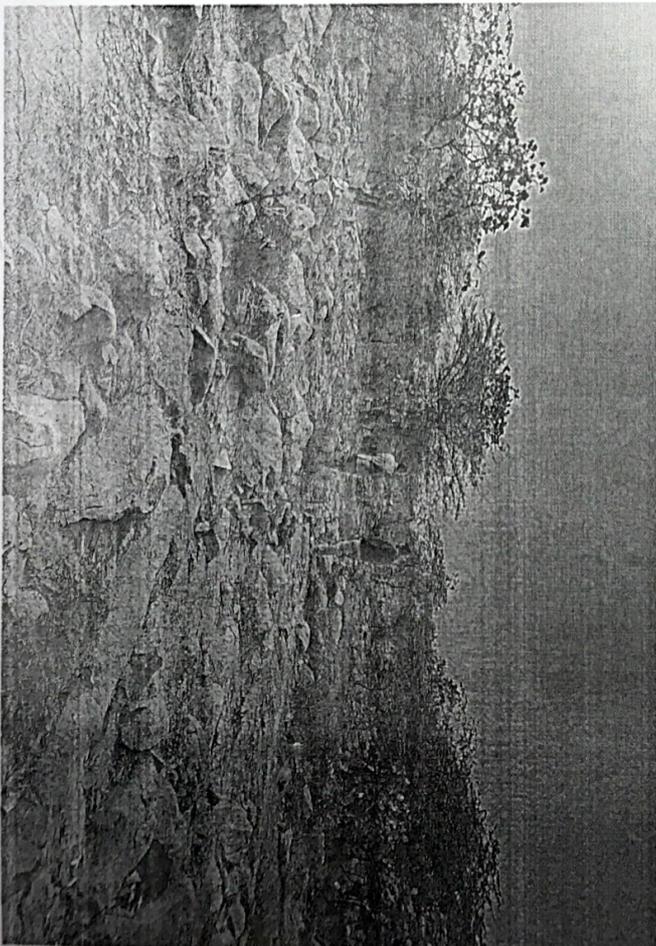
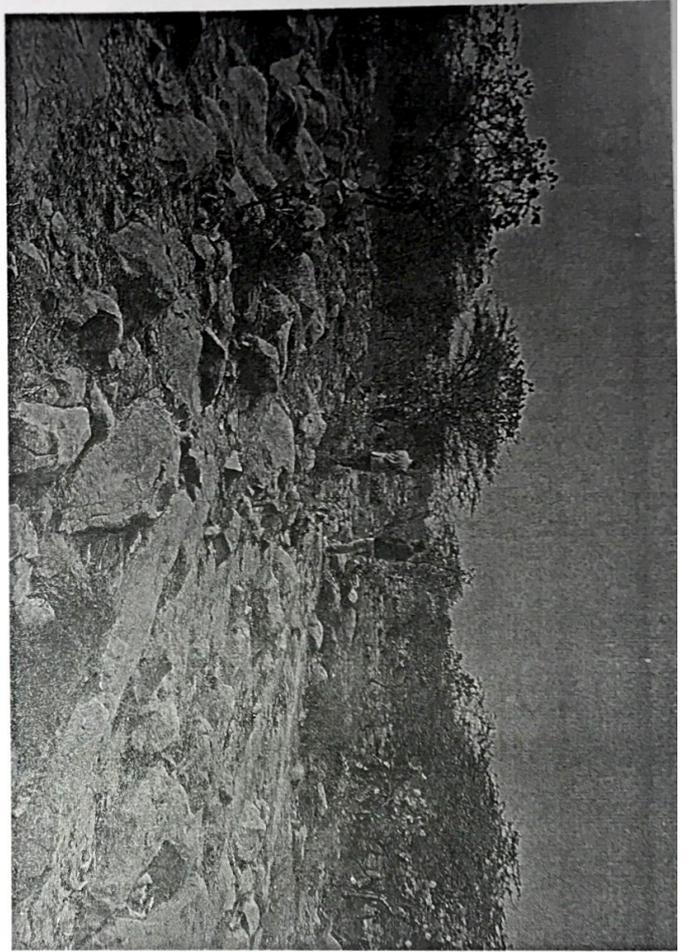
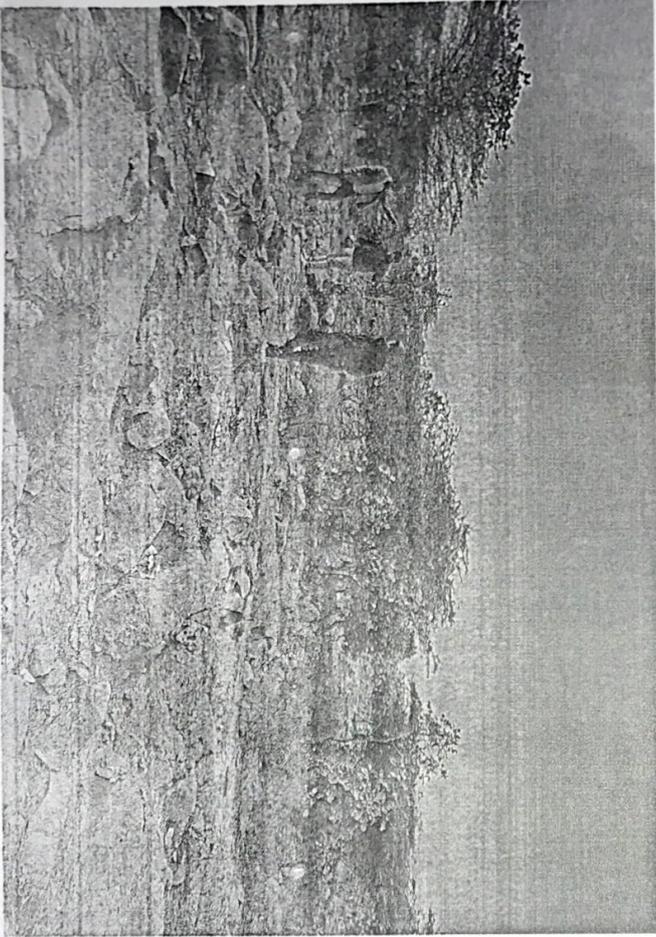
Sanjay  
31-12-2019

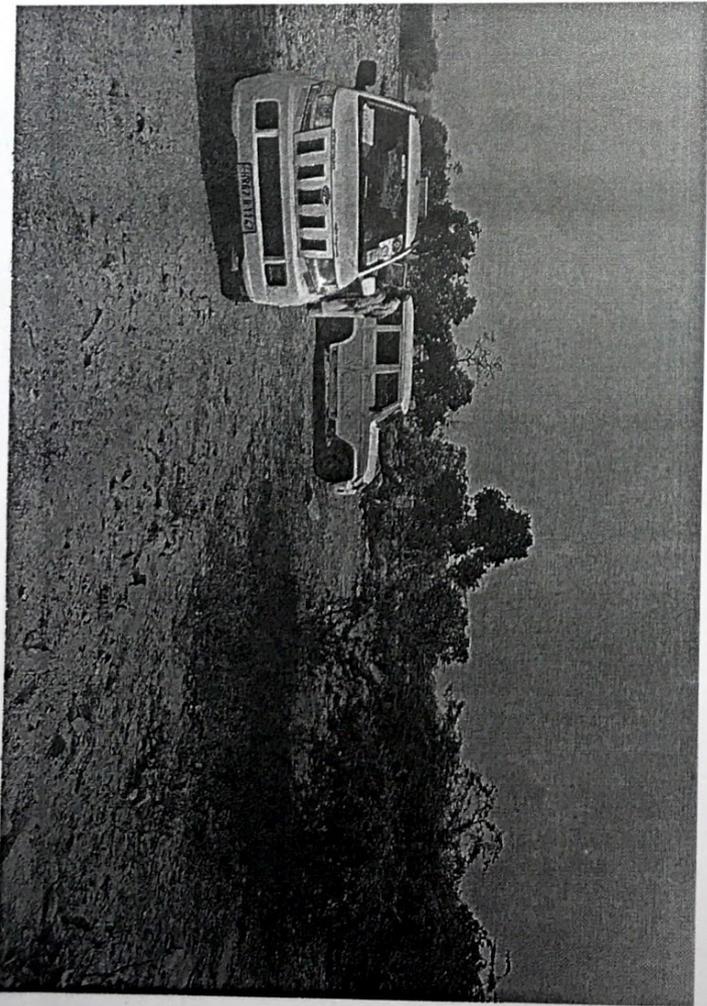
Malpal  
31/12/19

Prateek

Ankur  
31/12/19

M/S Narender Gupta





## **Policy for Regularization of existing Marriage palaces/Banquet halls**

The State Government has already approved the policy for new Marriage Palaces/ Banquet halls in the State which was circulated to all concerned vide memo dated 22.10.2013. As per the directions of Hon'ble High Court the draft policy for regularization of existing Marriage Palaces/ Banquet Halls has been formulated and circulated to all concerned offices/ departments for objections/ suggestions. In addition a copy of the draft regularization policy was placed on record of Hon'ble High Court on 02.12.2013. On the basis of the representations/ suggestions received from various Marriage palaces/ Banquet Halls associations and individuals, the policy for regularization has been finalized. The policy parameters are as under:

### **A. Policy Guidelines:**

This policy covers norms/ procedure for one time relaxation/ regularization of existing marriage palaces/ banquet halls for a prescribed period.

### **B. Applicability/Permissible zone:**

- i. In case of any existing violation of any Act, Rules, etc., permission for regularization of a marriage palace/ banquet hall would be considered only after the offences are compounded by the competent authority.
- ii. Marriage palaces/ banquet halls located in restricted/ prohibited zones/ areas shall not be considered for regularization and action shall be taken against them, as per law.

### **C. Building norms:**

#### **i. Size of the plot**

The size of the plot should not be less than 1000 sq. meters.

#### **ii. Approach**

The width of approach road shall not be less than 12 metres.

#### **iii. Ground Coverage:**

The maximum permissible ground coverage shall be 33%.

#### **iv. Permissible Floor Area Ratio (F.A.R)**

The permissible F.A.R shall be 0.70 (for main building) and upto 0.05 (for ancillary building).

#### **v. Parking**

The minimum area for parking shall not be less than 50% of the site area. In case of provision of valet parking at the distance of 200 metres from the site of marriage palaces/ banquet halls has been made then 25% parking shall be provided at the marriage palace/ banquet hall site. For this, the applicant shall submit ownership/ lease documents of valet parking plot and undertaking that he shall not convert the use of valet parking site in future in any case.

**vi. Basement**

A basement, excluding the minimum setbacks and intended to be used only for parking, services (public health and electricity) and storage, may be allowed if it satisfies public health and structural requirements.

**vii. Height**

Maximum height of the building, measured from the centre of the road abutting it, shall not exceed 21 metres.

**viii. Setbacks**

The setbacks of the building as laid down in the Haryana Municipal Building Byelaws, 1982, as amended from time to time shall be applicable. In case no space is available for setbacks on any one side other than the front, then the owner has to submit a certificate from the concerned fire authority about fire safety. However, no relaxation shall be granted for the front setback.

**ix. Lifts and ramps**

In addition to provision of staircases as per rules, provision of lifts and ramps (as per National Building Code) shall be compulsory for buildings with height above 15 metres. For continuous running of lifts, 100% standby generators, along with automatic switchover, shall be essential.

**x. Bar on subdivision of plots**

The site for which permission is granted shall not be sub divided into two or more plots and not used for any purpose, other than permitted.

**xi. Solar water heating system:**

Solar water heating system shall be installed in the building as envisaged in the Haryana Government Notification No. 22/52/05-5P, dated the 29<sup>th</sup> July, 2005. The capacity of the system shall be decided based on the average expected occupancy of the building.

**xii. Fire safety**

The building shall conform to the provisions of Part IV of the National Building Code with adequate arrangement to overcome fire hazards, to the satisfaction of the competent officer of the municipality.

**xiii. Structural safety certificate**

The application for sanction of building plans shall be accompanied with a certificate issued by a qualified structural engineer that the structural design has been checked and found to be in conformity with the

National Building Code and Indian Standards Code, including fire safety and structural stability / earthquake resistance design.

**xiv. Rainwater harvesting**

Provision of roof-top rainwater harvesting system, as notified by the Haryana Government, Urban Development Department office Endst. No. 3/2/2002-R-1 dated 13 December, 2002, shall be mandatory.

**D. Other norms**

- i. Frontage of the site shall not be less than 20 metres.
- ii. Toilets

a) Water closets (up to 2 acre plot size)

Minimum Number WC
7 (for men)
10 (for women)
1 (for disabled)

b) Urinals: 10 (for men)

For every additional acre of plot area or fraction thereof, at least three W.Cs for men and women each and four urinals for men shall be provided.

- iii. Cooking space may have direct opening to the marriage hall/ banquet hall only when the doors opening into the hall are fire proof of minimum 1 hour fire resistance and self closing type to stop spread of fire/smoke into the hall.
- iv. Every site should have minimum 2 gates, having minimum width of 6 metres each. If the gates are covered, then the minimum height of the gate shall be 5 metres. No direct entry/exit from the National Highway/ State Highway/ Scheduled Road shall be permissible without approval of the concerned competent authority.
- v. In the covered area of the marriage/banquet hall covered by temporary ceiling or tenting, etc., travel distance from any point of the building/temporary structure/ pandal to the exit shall be as per the National Building Code (NBC) applicable to Assembly Buildings. Temporary pandals shall adhere to the Indian Standards IS 8758:1993 (Recommendations for fire precautionary measures in construction of Temporary structures and Pandals), as amended from time to time.
- vi. Minimum width of the marriage hall/ banquet hall doors/ exits shall not be less than 1.8 metres and shall open outwards.
- vii. The site should be at least 100 metres away from the site of a school, college and hospital, measured from the nearest point of the boundary wall.
- viii. The parking of vehicles shall be provided within the premises and no vehicle shall be allowed to be parked on the road/ road side berms/road reservation.

- ix. Provision regarding solid waste garbage/ kitchen waste disposal, prevention of air, water and noise pollution shall also be made according to the Haryana Pollution Control Board norms.
- x. The site shall be segregated by a boundary wall from the surrounding properties.
- xi. The relevant provisions contained in the "Persons with Disability (Equal Opportunities Rights & Full Participation) Act, 1995", relating to planning, design and construction of public building and space standards for barrier free environment for disabled and elderly persons shall be complied with.
- xii. Applicant shall comply with all other relevant laws/instructions, as applicable in the State of Haryana issued from time to time.

**E.** Annual inspection of the premises shall be carried out by the Competent Authority to ensure compliance of building bye-laws under which approval was granted and compliance with the operational parameters with regard to maintenance of public security, safety and conveniences.

**F. Other conditions**

- i. The applicant shall submit the application for regularization within 60 days from the date of circulation of this policy. No application for regularization will be accepted thereafter.
- ii. For an existing marriage palace/ banquet hall for which application for regularization is not received in time by the competent authority, necessary action against violations/ illegal constructions, shall be taken, as per law.
- iii. For an existing marriage palace/ banquet hall whose request for regularization has been received but rejected by the competent authority, necessary action against violation/ illegal constructions shall be taken, as per law.

**G. Submission of application:**

The owners of existing marriage palaces/banquet halls can apply to the Chairperson of the Committee, along with necessary documents, on the prescribed application form (**Annexure "A"**).

**H. Fee to be charged:**

- i. Within original Municipal limit
  - a) The fee/ charges e.g. Scrutiny fee, Malba charges, composition fee shall be charged as per the Municipal Building Bye-Laws 1982 and the commercial fee/ charge shall be 50% of the rates circulated vide PSULB orders dated 04.04.2012 (**Annexure-B**).

- b) Labour Cess @ 1% of the estimated cost of the building is leviable under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.
- ii. Within extended municipal limit

The fee/ charges, like scrutiny fee, conversion charges, composition fee, etc., as notified for banquet halls under the rules framed under Act No. 41 of 1963 by the Town & Country Planning Department, Haryana shall be applicable.

- a) External Development Charges will be leviable at 50 % of the rates specified by the Haryana Urban Development Authority.
- b) Labour Cess @ 1% of the estimated cost of the building is leviable under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

**I. List of Documents to be attached with application (5 sets):**

- a) Proof of ownership document such as Original fard Jamabandi (not more than two months old), intkal or in case of land under lease, a minimum 15 years registered lease deed with certified copies.
- b) Copy of Aks Shajra (plan showing the site of marriage palace/ banquet hall), duly signed by the Halqa Patwari.
- c) Location Plan showing the surrounding areas/ road network duly signed by the owner/ qualified Architect.
- d) Building Plans of the existing building, prepared by a qualified Architect, showing:-
  - i. Details of covered area, setbacks, parking space, open lawns, etc.
  - ii. Cross sections-longitudinal and latitudinal (one cross section each shall be drawn from staircase, toilet, kitchen), elevations (for all four sides) of the building.
  - iii. Details of fire safety measures/ equipments provided in the building.
  - iv. Details of service plans showing sewer and drainage lines, water supply lines and location of sewerage treatment plant (if applicable), solid waste collection and disposal arrangements, etc.
- e) Structural safety certificate from a qualified structural engineer.
- f) Location of site on satellite imagery, on a scale of at least 1: 50.
- g) NOC from Fire Department is mandatory.
- h) Any other NOC as required by the Chairperson of the said committee.

**J. Procedure for regularization**

A Committee would be constituted, in case of Municipal Council/committee, for examining and approving proposals for regularization of unauthorized marriage palaces/ banquet halls subject to

fulfillment of such terms and conditions and payment of such charges/ compounding fee, as may be prescribed, under the Chairpersonship of the concerned City Magistrate with following as members:

- District Town Planner or District Town Planner (Enforcement),
- Executive Officer/ Secretary of the Municipal Council/ Committee

In case of Municipal Corporation areas, the Committee would be under the Chairpersonship of the concerned Joint Commissioner with following as members:

- Chief/ Senior/ District Town Planner of the Municipal Corporation
- District Town Planner/ District Town Planner (Enforcement) of the Town and Country Planning Department, as members.

The committee may co-opt a representative of the technical cell of the concerned municipal authority and any other officer as member, with the approval of the Chairperson.

**K. Time frame for approval/registration:**

Sr. no.	Item	Time period
1	Submission of application to the Committee	Within 60 days from the date of circulation of this policy.
2	Processing and issuance of LOI	Within 30 days from the date of receipt of application.
3 3A	Fulfillment of the terms and conditions, payment of fee/ charges as applicable.  In case major alteration in the building is required to complete the conditions of LOI, committee may grant the time period of 6 months for fulfillment of the terms and conditions on the request of the applicant. The request of applicant shall be received in the office of the chairman of the regularization committee within 30 days from the date of issue of LOI.	Within 30 days from the date of issuance of LOI.
4	Grant of final permission/rejection.	Within 15 days from the date of compliance of the terms & conditions and deposition of requisite fee/charges.

**Annexure -"A"**

**Application for regularization of marriage palace/banquet hall**

From

Shri/Smt. \_\_\_\_\_

Son/Wife of \_\_\_\_\_

House No. \_\_\_\_\_

Village/ Town \_\_\_\_\_

District \_\_\_\_\_

To

Commissioner/ Executive Officer/ Secretary, Municipal Corporation/ Council/ Committee

Subject:-Application for regularization of existing marriage palace/ banquet hall

Sir/Madam,

I/We hereby apply for the regularization of our existing marriage palace/banquet hall located at \_\_\_\_\_, over an area of \_\_\_\_\_ Sq.metres operated under the name of \_\_\_\_\_

I/We undertake to comply with all the terms and condition laid down under the relevant laws/rules/policy and undertake to pay to the concerned municipality all such applicable fee charges such as scrutiny fee, conversion fee, external development charges, composition fee, CLU charges, labour cess, etc., as notified/ prescribed.

It is requested that the permission for regularization may be granted accordingly.

I/ We shall further undertake to abide by all the applicable rules, regulations and conditions as may be imposed by the competent authority in this case.

Yours faithfully,

Place:

Signature of the applicant(s)

Date:

Address

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**Annexure-B**TO BE SUBSTITUTED BEARING SAME NO.AND DATE

**Haryana Government**  
**URBAN LOCAL BODIES DEPARTMENT**  
**ORDER**

In continuation of the order of the Government dated 20.10.2010 issued vide endorsement no. 20/35/2010-6C1, dated 02.11.2010 and order dated 3.12.2010 issued vide endorsement no. 8/64/09-6/c1, dated 16.12.2010 sanction of the Government under section 88 (iii) of Haryana Municipal Corporation Act 1994 and section 70 (viii d) of the Haryana Municipal Act, 1973 is hereby accorded for revising the following fees/charges for granting permission for commercial use within the limits of Municipal Corporations/Councils/Committees.

Sr.No.	Municipal Area	Width of the roads	Rate in Rupees Per sq.mtrs.
1.	Gurgaon	Up to 30 mtrs	3000
		More than 30 mtrs	3500
2.	Panchkula, Faridabad	Up to 30 mtrs	1500
		More than 30 mtrs	2000
3.	Sonapat, Panipat, Sohna, Karnal, Kurukshetra, Ambala, Yamunanagar, Bahadurgarh, Hisar, Rohtak, Rewari, Ganaur, Palwal, Hodel, Rewari	Up to 30 mtrs	1000
		More than 30 mtrs	1200
4.	The Municipal areas other than mentioned above.	Up to 30 mtrs	600
		More than 30 mtrs	800

In case of regularization of unauthorized commercial establishments 25% extra charges shall be leviable.

Dated, Chandigarh  
The 3<sup>rd</sup> April, 2012

RAM NIWAS  
Principal Secretary to Government Haryana,  
Urban Local Bodies Department.

Endst. No. 20/35/2010-6C1,

dated 4.4.2012

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

1. Director General, Urban Local Bodies, Haryana, Chandigarh.
2. All Divisional Commissioners in the State of Haryana.
3. All Deputy Commissioners in the State of Haryana.
4. All Executive Officers/Secretaries of Municipal Councils/ Committees in the State of Haryana.

Superintendent Committee-I  
For Principal Secretary to Government Haryana,  
Urban Local Bodies Department.