

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 79 OF 2022**

**IN THE MATTER OF:**

Radhey Shyam and Ors.

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

**NDOH: 22.05.2024**

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Through

  
**VSA LEGAL**

COUNSELS FOR RESPONDENT NO. 5  
32, UDAY PARK, GROUND FLOOR,  
SOUTH EXTENSION PART - II  
NEW DELHI - 110049  
Email: office@vsalegal.in  
Mob: 9953309080

NEW DELHI  
DATED: 02.05.2023

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 79 OF 2022**

**IN THE MATTER OF:**

Radhey Shyam and Ors.

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**RESPONSE ON BEHALF OF RESPONDENT NO. 5 TO WRITTEN  
SUBMISSIONS FILED BY THE APPLICANT DATED 14.02.2024**

1. The Answering Respondent most humbly submits that this Hon'ble Court vide order dated 19.02.2024 directed the present respondent to submit its response to the written submissions by the Applicant dated 14.02.2024 along with requisite details regarding completion of the project, obtaining of completion certificates, development of the green belt and maintenance of Sewage Treatment Plant and Drainage system. There are certain aspects which are being raised by the Applicants before this Tribunal which have nothing to do with any environmental aspect, however without prejudice to the said contention the present response is being filed so as to satisfy this Tribunal regarding comprehensive compliance carried out by the Respondent.
  
2. In response to the same, the answering respondent is filing the present response as per the directions of this Hon'ble

Tribunal. The same are being given hereunder in a tabulated form

<b>S.No.</b>	<b>Written Submissions of Applicant as per Order dated 19.02.2024</b>	<b>Response</b>
1	<p>Green Belt area of Society is 8.39% of total area of project as per approved map.</p> <p>A. 18m wide green belt has not been developed by the project proponent, although its development work was started by them as per the instructions of PCB Palwal on 31.01.2024. It is prayed that the project proponent may be directed to install precast boundary wall on the external side of the green area of the project and wire mesh fencing on the inner</p>	<p>It is submitted that the Green belt area of society Omaxe City, Palwal is available at site as per approved Layout Plan by Directorate of Town &amp; country Planning, Chandigarh.</p> <p>It is submitted that the 18-Meter-wide green belt area land is not the part of Licensed area land of project proponent. Further the project proponent has constructed approx. 200 Meter precast boundary wall on the external site of green area of the license area of the township. To barricade mesh fencing on the inner side of the project is outside the limits of the project as there are many Revenue Raste and village link road passing through the</p>

	<p>side to protect it from stray animals and stray trespasser.</p> <p>B. 2-meter-wide green belt along all internal ways partially developed and are filled with garbage</p>	<p>township and roads connecting to the villages through the township.</p> <p>All green belt areas of the road berms have already been developed by the project proponent and the project proponent has obtained completion certificate from the concerned authority.</p>
2	<p>Park Situated at Phase-II has not yet been developed despite as directed by PCB Palwal on 31.01.2024.</p>	<p>Park situated at phase-II is part of Sector Road, the project proponent has already developed this area up to Sector Road as a Park.</p>
3	<p>All manholes of sewer line have not yet been repaired.</p>	<p>It is submitted that the project proponent has repaired all manholes in the project and also doing routine maintenance work of manholes at project site. True Copies of the Photographs are annexed herewith and marked as <b>Annexure-1 (Colly.)</b></p>
4	<p>The temporary pipeline for disposal of STP water of Phase - II has not been dismantled yet.</p>	<p>It is submitted that for disposal of STP water of Phase-II, there is a permanent pipe line for discharging STP</p>

		water for treating untreated sewer water from STP Phase-2 to STP Phase-1. Due to this process no sewer water is spreading or causing pollution in and around the streets of the township.
5	The rain water harvesting line has not been cleaned, yet in Phase – II, due to which dirty water spreads in the streets.	Rain water harvesting line has been cleaned in Phase-II, no dirty water is spreading in the street. True Copies of the Photographs are annexed herewith and marked as <b>Annexure-2 (Colly.)</b>
6	The rain water pit in front of plot number 750 in phase – II has not yet been connected to RWH line which is nearly 10m long	The rain water pit in front of plot number 750 in Phase-II is connected to the RWH by the project proponents. True Copies of the Photographs of connected RWH are annexed herewith and marked as <b>Annexure-3 (Colly.)</b>
7	External storm water drainage system not yet provided.	In reply to external Storm water drainage system, it is submitted that the discharge of storm water in 1 point is to be provided by the Haryana Shehri Vikas Pradhikaran

		(HSVP). However, discharging of Storm water up to the 1 point is being done through RWH pits in the township by project proponent.
8	Potholes on the main road and internal roads of the society and soil has accumulated on the roads.	Certain roads such as the main road and internal roads of the society are village link roads and revenue Rasta passing through the township approaching main road from phase 1 and phase 2 and hence are thorough fares. There is admittedly heavy traffic on those roads as compared to the other roads.
9	Project Proponent has not completed the project compliance and has not obtained its completion certificate from the competent authority.	The project proponent after development of township as per sanctioned layout plans has obtained part completion certificate from the office of DTCP, Chandigarh on 28.05.2012. However, there is an area of land of approx 0.4 acres in the township which is dedicated for community sites which is yet to be developed for which reason, the

	completion certificate for the township is pending.
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**RESPONSE TO THE REQUISITE DETAILS AS DIRECTED BY THIS HON'BLE TRIBUNAL MENTIONED IN PARAGRAPH 3 OF THE ORDER DATED 19.02.2024**

<b>S. No.</b>	<b>REQUISITE DETAILS</b>	<b>RESPONSE</b>
1.	Completion of Project	<p>The Project Proponent has already completed development and construction work of the entire township and part completion certificate U/Rule 16 of the Haryana Development and Regulation of Urban Areas Rules, 1976 granted by the Directorate of Town &amp; Country Planning, Haryana on 28.05.2012 vide memo no. DS(N)/LC-667(III)/2012/4149.</p> <p>Further the maintenance of common area services in the township has been handed over to a nominated maintenance agency. The Residents of township are to pay their maintenance</p>

		charges directly to the nominated maintenance agency.
2.	Obtaining of Completion Certificates	The project proponent has obtained part completion Certificate from the office of DTCP, Chandigarh on 28.05.2012. However, there is an area of land of approx 0.4 acres in the township which is dedicated for community sites which is yet to be developed for which reason, the completion certificate for the township is pending.
3.	Development of Green Belt	The entire green belt area of the road berms has already been developed by the project proponent and the project proponent has obtained part completion certificate from the concerned authority on 28.05.2012. True Copy of Part Completion Certificate dated 28.05.2012 is annexed herewith and marked as <b><u>Annexure-4.</u></b>

4.	Maintenance of STP and Drainage System	<p>The project proponent has appointed a maintenance agency namely M/s Shanvi Estate Management Services Pvt. Ltd., a Company, regd., under the Companies Act, for providing necessary maintenance services of common area like STP, drainage system, Sewer line, Storm Line, RWH, Roads, Green Belt, cleaning of Common area etc. M/s Shanvi Estate Management Services Pvt. Ltd., has entered into an agreement with the individual owners of units for maintenance of common areas. Said Maintenance Agency is maintaining the common area of Township properly. However, it is necessary to mention herein that in plotted colony approx. 95% of residents are not paying maintenance charges to the Maintenance Agency. As per the information</p>
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		available with the answering Respondent, the total amounts due towards the maintenance charges as on 31.02.2024 is about Rs. 6,88,43,867/-.
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3. The Answering Respondent most humbly submits that it has positively complied with the recommendations vide order dated 14.02.2024. The answering respondent further submits to comply and remove any shortcomings or deficiencies that this Hon'ble tribunal deems fit and proper to be made by it.

For - OMAXE LTD:

*[Signature]*  
Authorised Signatory

Respondent No. 5

Through

*[Signature]*  
VSA Legal

Counsels for the Respondent No. 5  
32, Ground Floor, Uday Part,  
South Extension - 2,  
New Delhi - 110049  
Ph. No.: 9953309080  
Email: office@vsalegal.in

Place: New Delhi.

Dated: 29/4/2024

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

**OA/79/2022**

**IN THE MATTER OF:**

Radhey Shyam and Ors.

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

**AFFIDAVIT**

I, Digamber Dutt Sharma, S/o Late Sh. Keshab Dutt aged about 49 years, the authorized representative of the Respondent No. – 5, having its corporate office at 7, Local shopping Centre, Kalkaji, New Delhi - 110019, do hereby solemnly affirm, state and declare as under:

1. That I am the authorized representative of the Respondent No. 5 company in the above-mentioned case and I am well conversant with the facts and circumstances of the present case and competent to swear the present affidavit.
2. The contents of the accompanying action taken report has been drafted by my counsel under my instructions, no fact stated in the action taken report is false and frivolous and nothing has been concealed therefrom.
3. That, I have read over the contents of the action taken report and I have understood the same and the facts stated therein are true and correct to the best of my knowledge and belief.



For - OMAXE LTD.  
*Digamber Dutt Sharma*  
Authorized Signatory

29 APR 2024

For - OMAXE LTD.

*Drum*  
Authorized Signatory

DEPONENT

**VERIFICATION:**

I, the above-named deponent verify that the contents of the foregoing affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

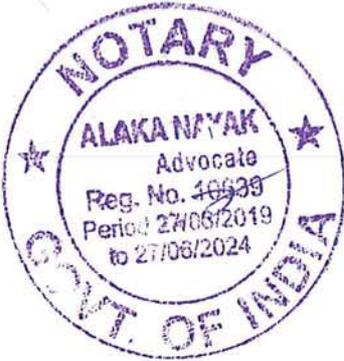
29 APR 2024

For - OMAXE LTD.

Verified at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 2024.

*Drum*  
Authorized Signatory

DEPONENT



CERTIFIED THAT THE DEPONENT  
Shri / Smt. / Km : *Digant Singh*  
S/o. W/o *Dr. Keshav Dutt*  
I identified by Shri / Smt. *Charan Singh*  
Has solemnly affirmed before me at *Delhi*  
on *29* day of *APR* 2024  
That the contents of the affidavit which  
have been read & explained to  
him are true & correct to his knowledge

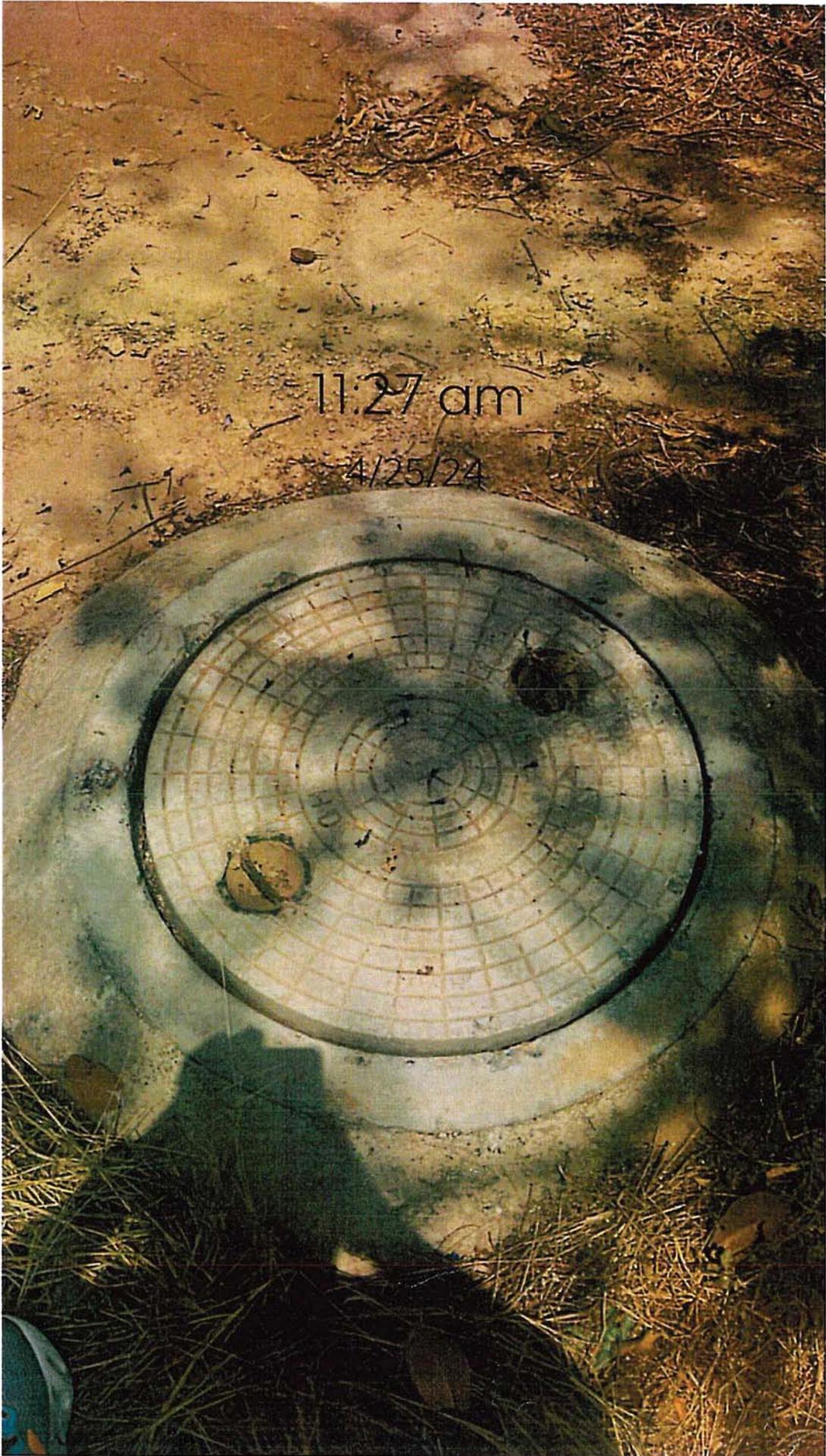
29 APR 2024

*Drum*  
Authorized Signatory

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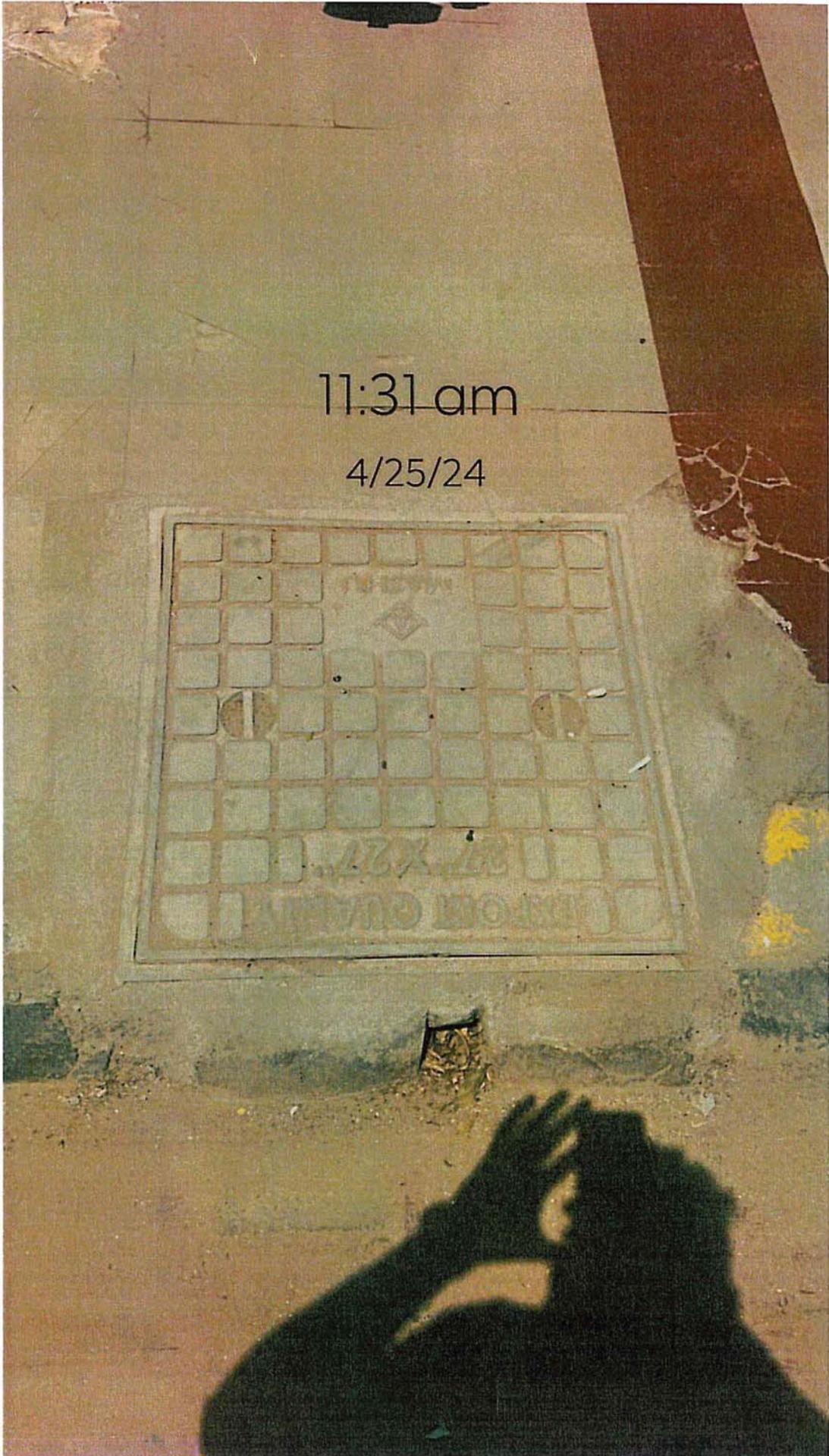
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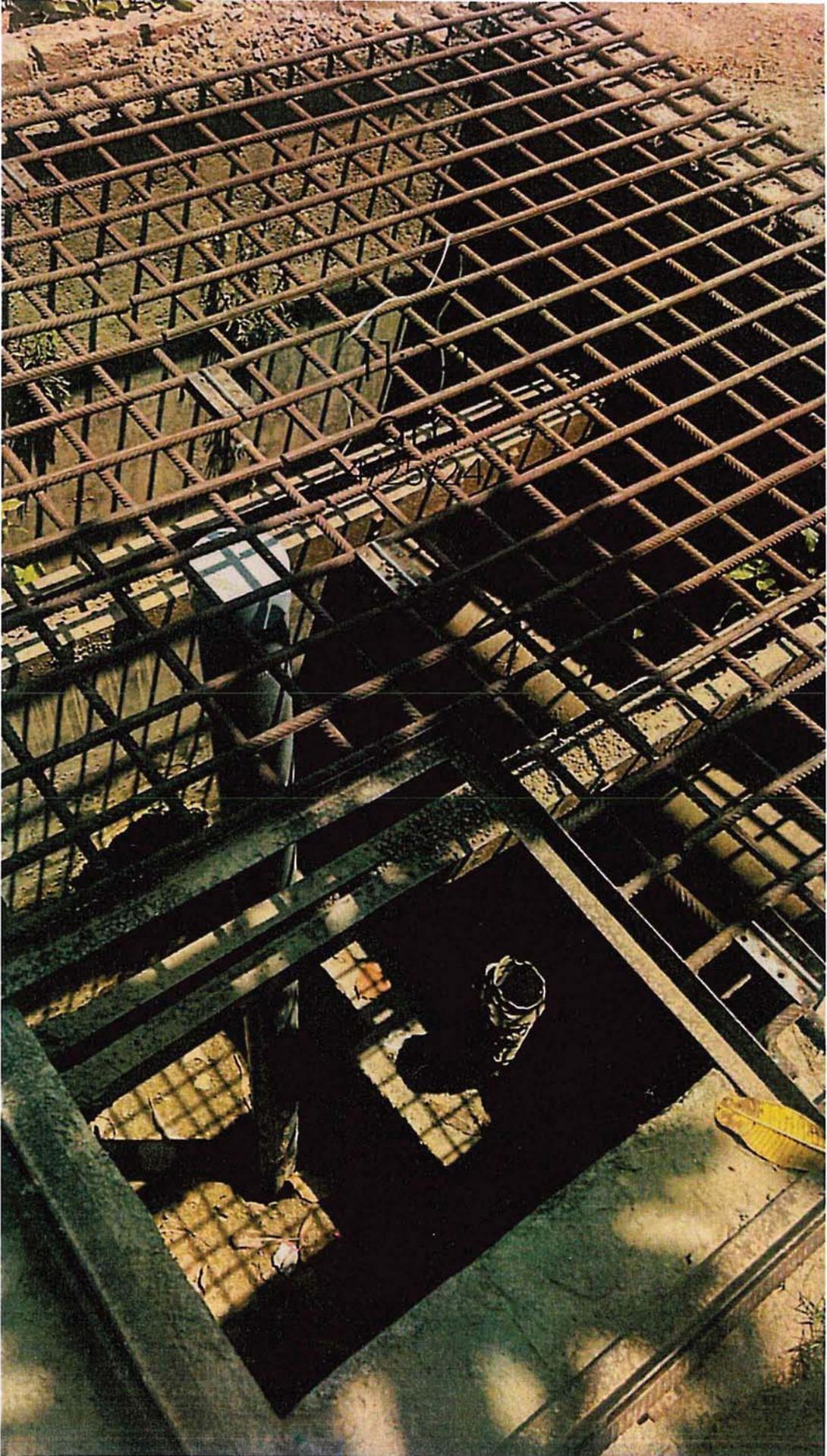
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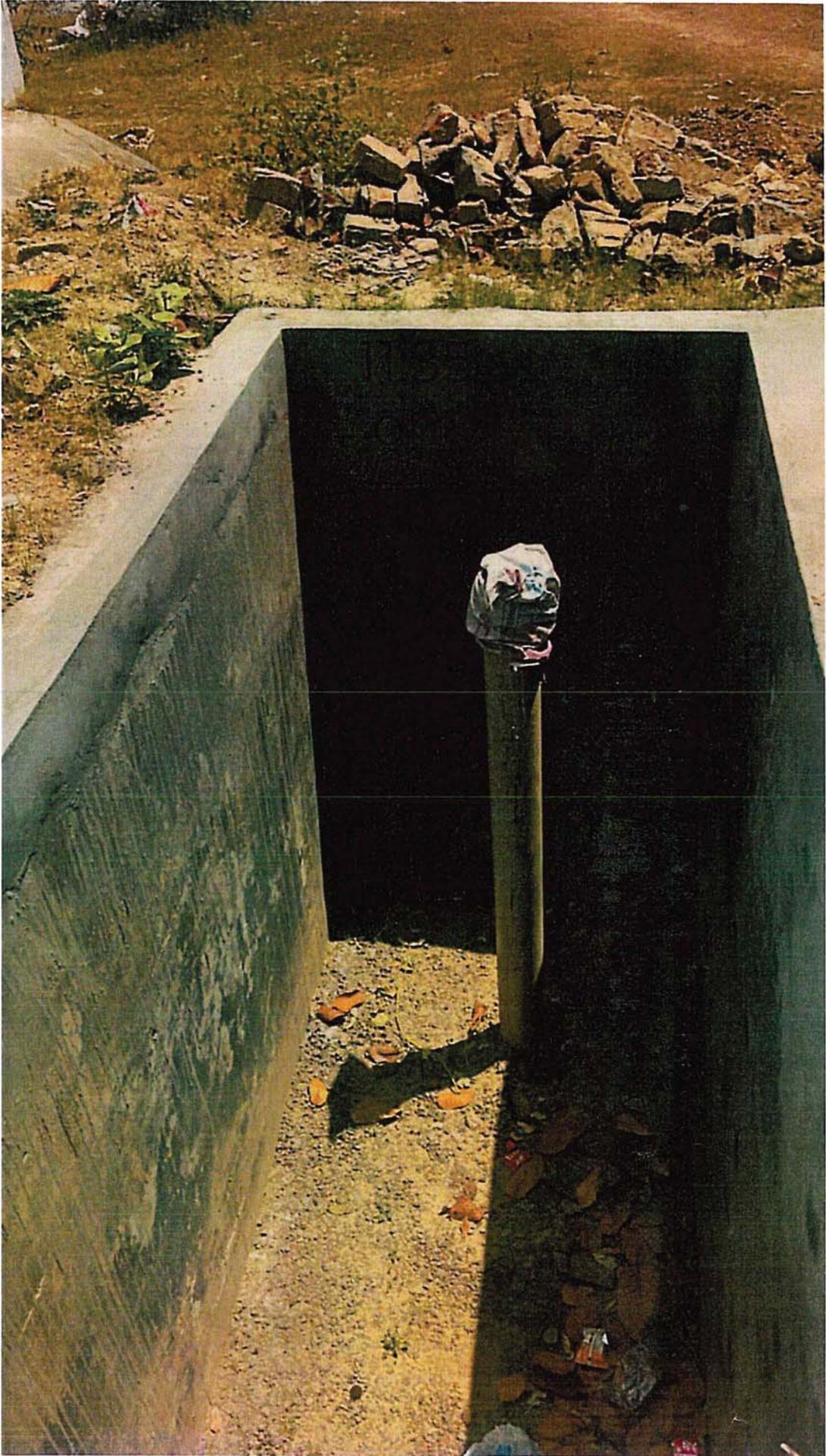
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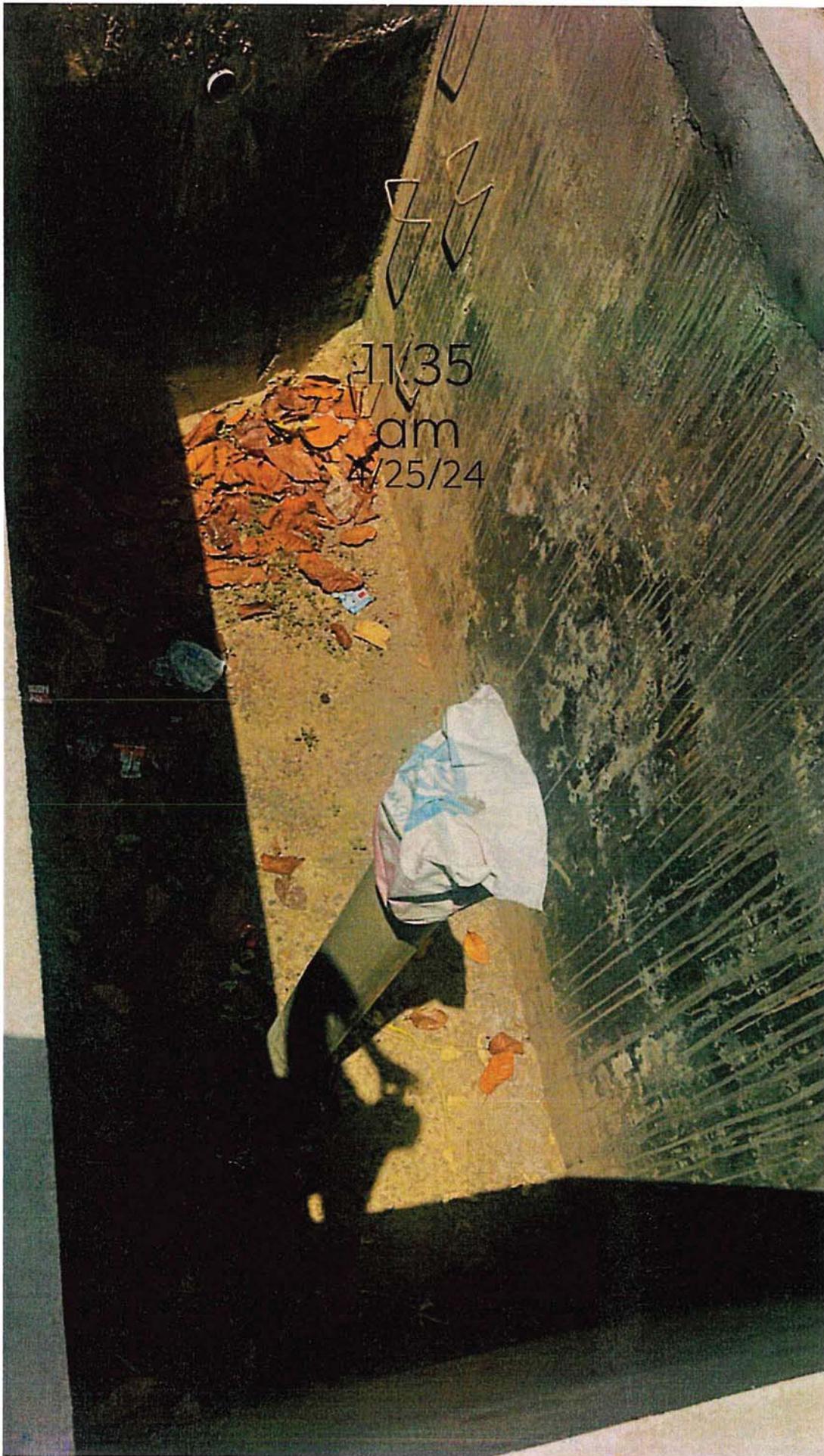
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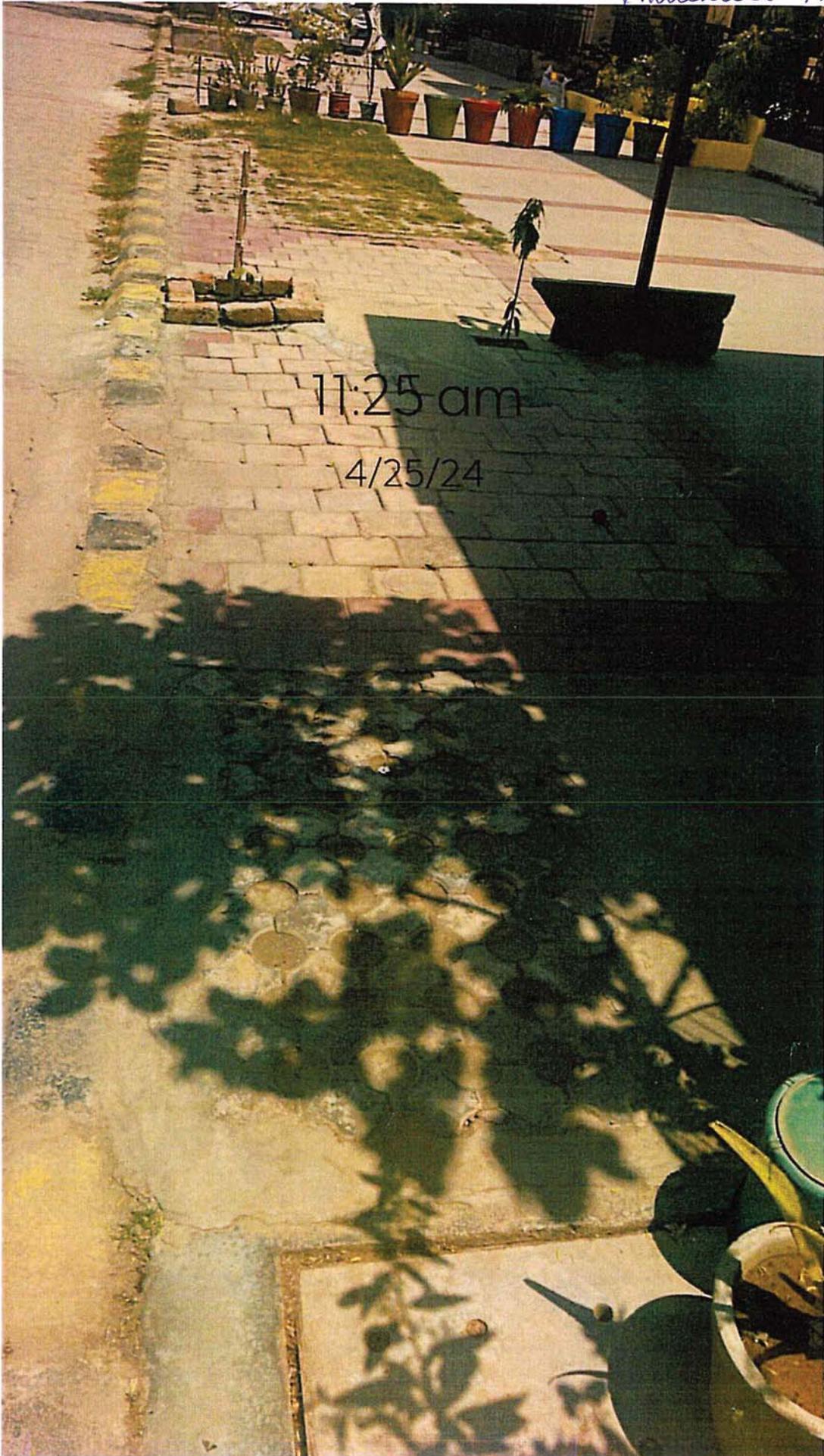


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Annexure - B3 (copy)



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Annexure R-4

## DIRECTORATE OF TOWN &amp; COUNTRY PLANNING, HARYANA

SECTOR-18, CHANDIGARH.

Tele-Fax: 0172-2548475; Tel.: 0172-2549851, E-mail: [tcpharyana@gmail.com](mailto:tcpharyana@gmail.com), Website: [www.tcpharyana.gov.in](http://www.tcpharyana.gov.in)

(LC - IX)

[(See Rule 16(2))]

To

1. Sh. Dharaman-Tikaram-Ramesh-Hari Ram Ss/o Sh. Ram Parsad, Smt. Kamlesh Wd/o Sumer Singh, Net Ram S/o Sumer Singh, Smt. Poonam-Mahandri-Asha-Neelam Ds/o Sumer Singh.
2. Starex Projects P. Ltd., Ravinder S/o Radhiraj Singh, Sanjay Kumar S/o Ram Avtar, Sandeep S/o Dharambir Singh, Naveen Kumar S/o Trilok Chand, Suresh Kumar S/o Latha Ram, Smt. Lata W/o Rajender, Phoop Singh S/o Girdhari, Vikram Singh-Girdhari, Mahant Chandri Parsad Ohja S/o Jagan Nath Ohja.
3. Raj Kumar S/o Sharu Ram
4. Vinira Colonizers Pvt. Ltd., Om Prakash S/o Layak Ram, Girdhar
5. Ananddeep Realtors Pvt. Ltd.
6. Sania Realtors Pvt. Ltd.
7. Ramraj Widow, Smt. Swaranlata D/o Bishan Pal, Arun Kumar-Varun Kumar Ss/o Bisan Pal
8. Garg & Goyal Estate Developer Pvt. Ltd., Sonia Tanuja D/o Narr Singh, Sanjay Kumar S/o Om Bir, Meena Prinka, Bharti Ds/o Om Bir
9. Deepsing Realtors Pvt Ltd
10. Deepale Realtors Pvt. Ltd.
11. Madan Gopal - Ram Avtar Ss/o Nain Singh
12. Swapn Sundar Township Pvt. Ltd.
13. Krishan Kirpa Buildcon Pvt. Ltd.

C/o Omaxe Construction Ltd.  
7 Local Shopping Complex, Kalkaji,  
New Delhi-110-019

Memo No. DS(N)/LC-667(III)/2012/ 9149 Dated: 28/5/12

**Subject:-** Issuance of Part Completion Certificate under Rule 16 of the Haryana Development and Regulation of Urban Areas Rules, 1976.

Reference your application dated 18.07.2011 requesting for completion certificate in respect of residential colony on the land measuring 102.461 acres (75.174 + 27.287) falling in the revenue estates of village Palwal in residential sector 11 & 14, Palwal.

2. It is certified that the required development works in residential colony at Palwal comprising of licences mentioned above for residential area measuring 102.461 acres (75.174 + 27.287) as indicated on the enclosed layout plan of the residential colony duly signed by me read in conjunction with the following terms and conditions have been completed to my satisfaction. The development works i.e. water supply, Sewerage, Storm Water Drainage, Roads, Street Lighting and Horticulture are operational / functional. 29 nos. of Villas have been constructed at site as per report given by DTP, Palwal / STP, Faridabad. The part completion certificate is granted on the following terms and conditions:-

- i) That you shall abide by the directions of Director General, Town and Country Planning, Haryana till the time final Completion Certificate of the entire colony is granted. You shall also carryout all left over services/works which are deemed appropriate by the Director General, Town and Country Planning, Haryana.
- ii) The service plans submitted by you showing the proposal and services laid therein has been considered to be correct for the purposes of services only.

True Copy  
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- iii) That the services will be laid by you upto the alignment of proposed external services. All the link connections with the HUDA system will be done by you at your own cost with the prior approval of the competent authority. In case pumping is required, the same will be done by you at your own cost.
- iv) That in case some additional structures are required to be constructed and decided by HUDA at a later stage, the same will be binding upon you.
- v) That the roof top rain harvesting system shall be maintained by you properly and kept operational all the time to come.
- vi) Level of external services will be to the extent of External Development Charges recovered by HUDA.
- vii) The permission / part completion will be treated as withdrawn if the permission is not granted by the CGWB for boring of tube wells for above said colony before you apply for full completion.
- viii) That you will make arrangement for water supply, disposal of sewerage and drainage at your own, as no HUDA services are available in this area at present. You shall comply upon the conditions of affidavit given in the office of CA, HUDA, Panchkula highlighting the following:-
  1. That you will provide water for drinking water purposes as per the requirement till the arrangements are made by HUDA/State Govt.
  2. That you shall make your own arrangement for drinking water and disposal of sewerage/SWD till arrangement of external services made by HUDA and if the bed level of internal sewer/SWD do not match/tally with the external services to be laid by HUDA and later on any pumping is required for disposal of sewerage and SWD as per the guidelines of Haryana State Pollution Control Board/Environment Department till the external services are provided by the HUDA/State Govt. as per the scheme.
- ix) An undertaking to the effect that you shall pay the due amount of external development charges/enhanced external development charges after the final reconciliation of EDC accounts.
- x) That you will submit the certificate to this office within 90 days of the full and final completion of the project from a Chartered Accountant that a minimum of 20% in case of EWS Plots and 25% plots of 'No profit No Loss' category have been allotted as per conditions of bilateral agreement.
- xi) That you will submit the certificate within 90 days of the full and final completion of the project that the overall net profits (after making provisions of all the taxes) have not exceeded 15% of the total project cost.
- xii) That the bank guarantees furnished by you at the time of grant of licences on account of EDW/IDW will be got revalidated time to time till the final completion of the colony.

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- xiii) That the Department will retain 25% bank guarantee of the total cost of construction of community buildings in the area and the same will only be released after completion of construction of community buildings.
- xiv) That you will get these licences renewed till such time final Completion Certificate of the colony is granted to you.
- xv) That this part Completion Certificate is only in respect of the services mentioned herein and the final Completion Certificate in respect of the total area including the area mentioned in this certificate would be granted after all the obligations/liabilities cast upon you through the agreements and Act and Rules are discharged to the satisfaction of the Director General, Town and Country Planning, Haryana. In the event of failure to do so, this partial Completion Certificate would be deemed to have been cancelled at any time. You shall also abide by all the directions/instructions of the Department and provisions of Act No. 8 of 1975 and Rules framed there under. You shall continue to maintain the services as per the provisions of Act and Rules.

(T.C. Gupta, IAS)  
 Director General  
 Town & Country Planning,  
 Haryana, Chandigarh. *Handwritten signature*

Dated:

Endst.No. DS(N)/LC-667(III)/2012/

A copy is forwarded to the CA, HUDA, Panchkula with reference to his letter No. CE/HUDA /EE (W)/CHD-F/ADM/2191 dated 22.02.2012 for information and necessary action.

(Sunita Sethi)  
 District town Planner (HQ)  
 For Director General, Town and Country Planning,  
 Haryana, Chandigarh

Dated:

Endst.No. DS(N)/LC-667(III)/2012/

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

- i) The Administrator, HUDA, Faridabad.
- ii) The Superintending Engineer, HUDA, Faridabad.
- iii) Senior Town Planner, Faridabad
- iv) District Town Planner, Palwal
- v) Chief Accounts officer O/p this Directorate.

(Sunita Sethi)  
 District town Planner (HQ)  
 For Director General, Town and Country Planning,  
 Haryana, Chandigarh

*For use copy*  
*(Handwritten signature)*



Office Vsalegal &lt;office@vsalegal.in&gt;

*Proof of Service***Service of Response on behalf of the Respondent No. 5 in  
"Radhey Shyam & Ors. vs. State of Haryana & Ors." OA/79/2022**

1 message

Office Vsalegal &lt;office@vsalegal.in&gt;

Fri, May 3, 2024 at 6:26 PM

To: "rwaphase2omaxepalwal@gmail.com" &lt;rwaphase2omaxepalwal@gmail.com&gt;, rkhuranalegal@gmail.com

Cc: Chaitanya Sharma &lt;chaitanya@vsalegal.in&gt;

Dear Sir/Ma'am,

Please find attached herewith the scanned copy of the Response on behalf of the Respondent No. 5 to Written Submissions filed by Applicant in the above captioned matter.

Kindly treat the present email as due advance service and acknowledge receipt of the same.

--

**Office of VSA Legal****Counsels for the Respondent No. 5**

Address - 32, Ground Floor,

Uday Park, South Ex-II,

New Delhi-110049

Phn : +91-11-43541022, +91-11-43514961

Website: www.vsalegal.in

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