

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

ORIGINAL APPLICATION NO. 68 OF 2022

IN THE MATTER OF:

Raman Sharma

...Applicant

Versus

State of Haryana & Ors

...Respondents

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Date: 16-03-2026

Place: New Delhi

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ORIGINAL APPLICATION NO. 68 OF 2022

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**REBUTTAL ON BEHALF OF RESPONDENT NO. 8 M/s MALIBU ESTATE
PVT LTD. TO THE WRITTEN SUBMISSIONS DATED 02.02.2026 FILED
BY THE APPLICANT**

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal is currently seized of the above-mentioned Original Application, which has been filed by one Raman Sharma in the form of a complaint vide an email dated 03.12.2021 to the Registrar General of this Hon'ble Tribunal, alleging violations of certain environmental regulations against the integrated residential plotted colony of Malibu Town, Sohna road, Gurugram, Haryana. The said allegations, in the humble submissions of the answering Respondent, are not only hopelessly barred by limitation, but also are in violation of Rule 14 of National Green Tribunal (Practice and Procedure) Rules, 2011 which bars plural remedies in a single application before this Hon'ble Tribunal.
2. That numerous pleadings have been exchanged, which are part of the record and are not being mentioned for the sake of brevity, but the same may be referred to in these Objections.

3. That on the last hearing dated 30.01.2026, this Hon'ble Tribunal was pleased to grant liberty to parties to file a brief written note of arguments and judgments along with copies of the judgments in the matter. Accordingly, the Applicant has filed written arguments dated 02.02.2026 wherein the Applicant, has proceeded to raise multifarious issues that are not connected to the central issue of whether the answering Respondent was required to obtain Environment Clearance for its project, with the sole intent to mislead and confuse this Hon'ble Tribunal and cause unwarranted delays in the proceedings.
4. That the answering Respondent vehemently denies all the allegations and averments raised by the Applicant in his Written Arguments in toto, as if traversed seriatim, and no submission or averment would be deemed to be admitted for want of a specific denial.
5. That before providing the paragraph-wise response, the answering Respondent craves liberty of this Hon'ble Tribunal to submit some preliminary submissions that are crucial for a holistic adjudication of the case.

PRELIMINARY SUBMISSIONS

6. That at the outset, it is submitted that the Applicant has raised several allegations viz. Service Plan Estimate approvals, creation of Third-Party Rights, violation and non-approval of layout plans and illegal sale of oversize plots, among other issues, which have no nexus with the issue of the requirement of prior Environmental Clearance by the answering Respondent,

7. That more importantly, the aforesaid issues are not maintainable before this Hon'ble Tribunal as they are not referable to any of the enactments mentioned in Schedule I of the National Green Tribunal Act, 2010 and do not qualify as a substantial question relating to the environment. In this connection, the Hon'ble Supreme Court in **Raj Singh Gehlot vs Amitabha Sen SLP (Civil) No(s). 11480 of 2020**, has observed that: -

“From the above, it is explicitly clear that every question or dispute raised by an applicant before the Tribunal pertaining to the environment cannot be treated as a substantial question. It has to be a substantial question relating to environment as contemplated in Section 2(1)(m), and such substantial question must arise out of the implementation of any of the enactment/enactments specified in Schedule I. Though strict law of evidence may not be applicable to the cases filed before the Tribunal, the applicant has to raise the substantial question in his application specifically alleging the violation of a particular enactment specified in Schedule I.”

8. That in this regard, the Hon'ble Supreme Court in **Auroville Foundation vs Navroz Kersaso Mody (2025) 4 SCC 15** has held that:-

*“From the above, it is explicitly clear that every question or dispute raised by an applicant before the Tribunal pertaining to the environment cannot be treated as a substantial question. It has to be a substantial question relating to environment as contemplated in Section 2(1)(m), and **such substantial question must arise out of the implementation of any of the enactment/enactments specified in Schedule I.** Though strict law of*

evidence may not be applicable to the cases filed before the Tribunal, the applicant has to raise the substantial question in his application specifically alleging the violation of a particular enactment specified in Schedule I.” (emphasis supplied)

9. That further, the Hon’ble Supreme Court in its recent decision in **Raj Singh Gehlot vs Amitabha Sen SLP (Civil) No(s). 11480 of 2020**, while considering the issue of disputed claims of parties in relation to irregularities in the utilisation of land belonging to the Project Proponent in developing a residential colony, observed that the dispute relating to non-adherence to building plans was not a substantial question before the NGT.
10. That, therefore, it is humbly submitted that the issues regarding non-approval of layout plans, illegal sale of plots, etc., that are sought to be raised by the Applicant are not maintainable before this Hon’ble Tribunal, and the Written Arguments filed by the Applicant may be rejected on this ground alone.
11. That it is further submitted that the Applicant, along with his written Arguments has also brought on record the following documents: -
 - a. Letter dated 24.09.2025 issued by Department of Town and Country Planning to Senior Town Planner, Gurugram regarding grant of Occupation Certificate for the project.
 - b. Order dated 23.10.2019 issued by the Department of Town and Country Planning to Mr. Jagdish Chand granting him permission to transfer the dispensary site.
 - c. Grant of Occupation Certificate dated 19.09.2018 by the Senior Town Planner to the answering Respondent.

12. That at the outset, it is pertinent to note that on 19.03.2025, the arguments in the present OA were concluded and the OA was reserved for judgment by this Hon'ble Tribunal. Thereafter, on 31.10.2025, this Hon'ble Tribunal relisted the matter, noting that some material aspects of the case had not been adverted to/ referred to at the time of arguments. Therefore, it is submitted that the arguments in the OA have already been concluded and the OA is only being listed for providing specific clarifications as may be required by this Hon'ble Tribunal. By bringing on record the aforesaid additional documents, the Applicant has cleverly tried to reopen the arguments and expand the scope of the OA, which is impermissible in law. This Hon'ble Tribunal may take strict note of the conduct of the Applicant and ignore the additional material placed annexed in the Written Arguments dated 02.02.2026. In any case such communications, apart from its authentic source of obtainment, is not relevant for the adjudications of the lis at hand and therefore ought to be rejected by this Hon'ble Tribunal.

13. That in this regard, it is also significant to note that by virtue of the last Order dated 30.01.2026, the parties were merely directed to file "written note of arguments and judgments" that were being relied upon by them. It is a matter of settled principles of law that Written Arguments are intended only to crystallise and summarise the arguments already advanced in the pleadings. Written Arguments cannot be used as a device to introduce new submissions, documents, or evidentiary material that were neither pleaded nor proved during the course of the proceedings. Permitting the introduction of

additional documents after the matter was reserved for judgment would be wholly contrary to the settled principles of procedural fairness. It is respectfully submitted that any attempt to supplement the record by annexing or relying upon new documents through Written Arguments is impermissible in law and liable to be disregarded outright.

PARA-WISE REPLY:

14. That the contents of paragraphs 1 to 3 are denied as false and baseless. It is submitted that the issues regarding service plan estimates and sewage and storm water drainage have no bearing on the issue of the requirement of Environmental Clearance, which is being considered by this Hon'ble Tribunal. Furthermore, these issues do not lie within the jurisdiction of this Hon'ble Tribunal as they do not pertain to any of the enactments specified in Schedule I of the National Green Tribunal Act, 2010. Reliance in this regard is placed on the decision of **Raj Singh Gehlot vs Amitabha Sen SLP (Civil) No(s). 11480 of 2020**, wherein the Hon'ble Supreme Court has categorically held that every question or dispute raised by an applicant before the Tribunal pertaining to the environment cannot be treated as a substantial question. It has to be a substantial question relating to the environment as contemplated in Section 2(1)(m), and such a substantial question must arise out of the implementation of any of the enactment/enactments specified in Schedule I. Arguendo, it is submitted that the answering Respondent has obtained partial completion certificates for the project in question, which certify that the work of providing basic services such as disposal of sewage and

construction of storm water drains has been duly completed. Further, the answering Respondent had also installed Sewage Treatment Plants (STPs) which were well managed and in proper working condition till 16.06.2022 when they were handed over to Municipal Corporation, Gurugram. Nevertheless, as submitted above, these issues have no bearing on the issue of the requirement of Environmental Clearance by answering Respondent, which is involved in this Application, and may be ignored by this Hon'ble Tribunal.

15. That the Contents of Para 4 are denied as false and without any merit. It is submitted that the issue of Third-Party Rights has no nexus with the issue of whether the answering Respondent was required to obtain prior Environmental Clearance. As submitted above, the Applicant has raised multifarious and sweeping issues during the course of the proceedings, including by way of the present Written Arguments, that are wholly irrelevant to the issue and appear merely to be an afterthought. Arguendo, it is humbly submitted that the issue of not giving the date of possession of plots to a third party is beyond the scope and jurisdiction of this Hon'ble Tribunal. Reliance is placed on the judgments of **Raj Singh Gehlot vs Amitabha Sen and Auroville Foundation vs Navroz Kersaso Mody as cited above.**

16. That the contents of Para 5 are denied as incorrect. It is submitted that the dispensary is owned by another third party, Shri Jagdish Chand Choudahry, as clearly mentioned in the Municipal Corporation of Gurugram, Affidavit dated 14.03.2023. However, the

Applicant has conveniently omitted this fact in his Written Submission. More importantly, the Order dated 23.10.2019, annexed at Annexure 2 (Page no. 2458) of the Written Submissions, itself corroborates this fact. Furthermore, it is submitted, at the cost of reiteration, that the Applicant has raised several distinct causes of action, which is impermissible in view of Rule 14 of the NGT (Practice and Procedure) Rules, 2011, which bars plural remedies. The Applicant has also referred to Annexure 1, 2, and 3 without specifying the specific pleading or page number and therefore no response can be adverted in this regard.

17. That the contents of paragraph 6 are not directed towards the answering Respondent. It is, however, submitted that Page No. 2006 of the Reply dated 13.12.2024 of answering Respondent, is part of the tabular chart which provides details of allotment of plots to various vendees/ third parties in the License No. 15 of 2008 and does not make any mention of the green belt. The Hon'ble Tribunal may take a strict view of this gross misrepresentation and attempt to mislead this Hon'ble Tribunal. Nevertheless, it is humbly submitted that the answering Respondent had undertaken the development of the project after obtaining all the requisite permissions and having due regard to the applicable norms.

18. That the contents of paragraph 7 are bald, vague, cryptic and hereby denied. The Applicant has merely provided a table containing references to certain documents without any specific averment or submissions. At the cost of reiteration, it is submitted that the issues regarding saleable areas and layout plan do not fall within the

jurisdiction of this Hon'ble Tribunal, as recently held by the Hon'ble Supreme Court in Raj Singh Gehlot and Auroville Foundation case. Further, these issues have no bearing on the issue of the requirement of obtaining Environmental Clearance for the project which is being considered by this Hon'ble Tribunal. Applicant cannot be permitted to adduce any new ground(s)/ submission(s) by way of Written Arguments, especially when the arguments have already been concluded, and the matter has only been relisted for clarifications. In any case, the project in question has been handed over to the Municipal Corporation of Gurugram vide Agreement dated 15/16.06.2022, and therefore, no grievance against the answering Respondent remains.

19. That the contents of paragraphs A to D are hereby denied. The Page No. 2143 of Affidavit dated 24.02.2025 filed on behalf of Department of Town and Country Planning, Department, Haryana notes that the green area requirement for the colony works out to 10.86 acres (5.62%), whereas the green area of 12.064 acres (6.25%) stands provided in revised layout plan and therefore the green area provided in the colony is more than the minimum requirement as per the applicable norms. Further, the Department of Town and Country Planning, in Page 824 of the earlier Written Statement dated 24.07.2023, had also noted that the green area in the colony is provided beyond the required norms. It is submitted that the Applicant has deliberately tried to obfuscate the facts in an attempt to mislead this Hon'ble Tribunal, and a strict note of the same may be taken. It may also be reiterated that the sweeping allegations raised

by the Applicant are violative of Rule 14 of the National Green Tribunal (Practice and Procedure) Rules, 2011, which provides that an Application should be based on a single cause of action. Arguendo, the allegations raised by the Applicant have no nexus with the issue of Environmental Clearance and constitute a feeble attempt at availing some last-minute grounds to buttress the case.

20. That the contents of Paragraph D – 10 are denied as baseless, factually incorrect and fanciful, and reliance in this regard is placed on the Preliminary Submissions. In particular, it is denied that any pollution has resulted from the project on account of the alleged illegal construction. It is submitted that the project has been developed by the answering Respondent after obtaining all the requisite clearances and while strictly adhering to the environmental norms. As noted above, the Applicant has raised bald and fanciful allegations without submitting an iota of evidence to corroborate such claims. Furthermore, at the cost of repetition, the issues regarding alleged illegal sale of plots and land, non-grant of completion certificate, violation of layout plan do not come within the jurisdiction of this Hon'ble Tribunal as they are not referable to any of the enactments specified in Schedule I of the NGT Act, 2010 as has been held by the Hon'ble Supreme Court and this Hon'ble Tribunal in a catena of judgments. In case of a genuine grievance, the Applicant always has the opportunity to approach the competent authorities by availing appropriate remedies, but he cannot be permitted to circumvent and abuse the process of this Hon'ble Tribunal.

21. That the contents of paragraphs 11–13 are denied and reliance is placed on the Preliminary Submissions and submissions made hereinabove. While professing to uphold the rule of law, the Applicant has repeatedly abused the process of this Hon'ble Tribunal by filing vexatious proceedings, making misleading statements, and disregarding the requirements of the NGT Act, 2010 and the National Green Tribunal (Practice and Procedure) Rules, 2011. During the pendency of the present matter, the Applicant also filed Original Application No. 134/2023 Raman Sharma v. State of Haryana and Original Application No. 395/2023 Raman Sharma & Ors. v. State of Haryana, raising similar allegations as in the present OA. Both of these Applications were dismissed/disposed without issuing notice to the answering Respondent. In its Order dated 04.07.2023 (Annexure R/2, Pg. 1058-1063 of IA for Additional Documents dated 01.08.2024), this Hon'ble Tribunal observed that the Applicant had raised multiple issues without specific details, in violation of Rule 14 of the NGT Rules, 2011. Further, three criminal complaints filed by the Applicant against the answering Respondent were also dismissed by the Court of Chief Judicial Magistrate, Gurugram, on 16.02.2026 and 18.02.2026 for non-adherence to due process. In 2021, the Applicant was found liable under Section 182 of the IPC for furnishing false information to the police. Further, on 25.06.2021, the answering Respondent was constrained to file a complaint against the Applicant at SHO, Sadar, Gurugram, for blackmailing and extortion. All this shows that the Applicant has no

genuine concern for the environment or upholding the rule of law, and is merely using the law for his own oblique motives.

22. That the reliance placed by the Applicant on - In Re: Directions in the matter of demolition of structures Writ Petition (Civil) No. 295 of 2022 2024 SCC OnLine SC 3291 is misplaced and misconceived, as this case lays down the procedure and safeguards to be followed in cases where demolition of unauthorised constructions is proposed or undertaken by public authorities. The directions issued therein are intended to ensure that demolition actions are carried out strictly in accordance with law and after following due process. However, the project of the answering Respondent is not an unauthorised structure, nor has any authority passed any demolition order in respect of the same. On the contrary, the project has been undertaken strictly in accordance with the applicable statutory framework and requisite approvals granted by the competent authorities.

23. In view of the above, this Original Application may be dismissed with huge costs.

Date: 16-03-2026

Place: New Delhi

DRAWN & FILED BY:



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Service in Raman Sharma Vs. State of Haryana & Ors. (O.A. No. 68/2022/PB)

1 message

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Dear Sir/Ma'am

Please find attached copy of the Rebuttal on behalf of Respondent No. 8 M/s Malibu Estate Pvt. Ltd.

*Thanks & Regards***Fahimul Hassan***Clerk**Enviro Legal Defence Firm**29, Presidential Estate LGF,**Nizamuddin East New Delhi – 110013**Ph. No. 011-40573181***2026.03.15 - Rebuttal - R-1.pdf**

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