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

ORIGINAL APPLICATION NO. 738 OF 2024

IN THE MATTER OF:

Nehru Place Hotels Private Limited ... Applicant

Versus

Union of India & Ors. ... Respondents

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APPLICANT

Filed by:

CAPEX LEGAL
Malini Sud/ Vikas Mishra/ Kartik Nagarkatti
Aditi Sharma/Varun Ahuja/Krishna Dev Yadav
ADVOCATES FOR THE PETITIONER
C-451, LGF, Defence Colony, New Delhi-24
Ph. No. (+91) 49065454; 40519011
malini.sud@capexlegal.com/vikas@capexlegal.com

New Delhi
04.05.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Memorandum of Original Application
(Under Section 18(1) read with Section 14, 15 & 17 of NGT Act, 2010)

Original Application No. 738 of 2024

IN THE MATTER OF:

Nehru Place Hotels Private Limited ... Applicant

Versus

Union of India & Ors. ... Respondents

REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY OF RESPONDENT NO. 6.

MOST RESPECTFULLY SHOWETH:

1. At the outset, the Applicant denies each and every levelled against the Applicant as well as the contents of the Reply of Respondent No. 6, save and except those which are matters of record. Nothing contained in the present Rejoinder shall be treated as admission on the part of the Applicant for reasons of non-traversal of the contents of the Reply.

2. The contents of the Reply of the Respondent No. 6 are baseless, incorrect and frivolous. In the Reply, it has been alleged as under:

   (a) The land in question in the present application does not pertain to the Respondent No.6 or its trust.

   (b) Respondent No. 6 owns similar type of land of about 103 acres at Sohna, Raisina Village, Gurugram.

   (c) The subject matter of present case doesn't involve the Respondent's trust's land.

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(d) The 103-acre land of the Respondent No. 6 is barren and no construction activities, including the erection of walls or structures have been carried out by the present trustees and the walls described in the application were pre-existing, before the present trustees took over.

(e) Respondent No. 6 has not carried out the activities of felling of trees, construction of iron gates, brick walls, guardrooms, or barbed wire fencing of land.

(f) Applicant approached Hon'ble Tribunal with same cause of action as that of suit before Sohna Civil Court, Haryana, which is improper conduct and abuse of the process of law.

(g) Parties in the suit filed before Sohna Civil Court not made parties before this Hon'ble Tribunal.

(h) The Respondent No.6 trust adheres to laws, regulations and does not carry out activity to violate environmental or legal norms.

(i) Respondent No.6 Trust alleges no cause of action or connection with alleged activities.

3. The aforesaid contentions and submissions of the Respondent No. 6 are completely false, baseless, incorrect and are based on surmises and conjectures. In this regard, the Applicant submits as under:

3.1. The Respondent No. 6 is misleading this Hon'ble Tribunal by concocting facts, which have been detailed in the application and are being briefly stated hereunder with

further details and documents, which the Applicant has been able to procure only recently.

3.2. It is relevant to submit that the Subject Land (defined in the OA) is part of the 555 acres (approx) [i.e., 4451 Kanal & Marlas] of land in Khewat 450 (as per Jamabandi of 2020-2021) (previously known as Khewat No. 168 as per Jamabandi of 1980-81) in village Raisina Hills, Sohna Gurugram. Indisputably, the said entire land including the Subject Land is '*gair mumkin pahar*' in terms of the Aravalli Notification dated 07.05.1992 issued by Respondent No. 1, Ministry of Environment and Forest and Climate Change (MoEF) and amended Notification dated 29.11.1999.

3.3. It is submitted that in addition to the land situated at Raisina Hills, being "*gair mumkim pahar*" the Subject Land has also been notified by way of special order under Sections 4 and 5 of the Punjab Land Preservation Act, 1900 where any kind of non-forestry activity is prohibited as detailed in the present OA.

3.4. The Respondent No.6 Trust has falsely sought to portray that land allegedly claimed to be owned by it does not form part of the Subject Land (i.e., 266 acres of land parcels situated at Village Raisina, Sub-Tehsil Sohna, District, Gurgaon, Haryana). This gets falsified form the revenue record/jamabandi of 2020-2021 as per which out of total area of 4443 Kanal 7 Marlas in Khewat 450 (as per Jamabandi of 2020-2021) (previously known as Khewat No. 168 as per Jamabandi of 1980-81) the Respondent No.6

and Applicant have been shown as the co-owners/co-sharers in the following manner:

(i) Respondent No.6 has been allegedly shown to be shareholder of 8693/89027 (about 9.77%) of the entire 4443 Kanal 7 Marlas] of land. In other words, Respondent No.6 has been allegedly shown as the owner of undivided 433 Kanal 17 Marlas (approx) (around 54 acres) of land.

(ii) Whereas the Applicant is shown to be the owner/shareholder of 37466/89027 (42% approx) i.e., entire 4443 Kanal 7 Marlas of land. In other words, Applicant has been shown as the owner of the undivided 1869 Kanal 19 Marlas (approx) (around 233.75 acres) of land.

(iii) Thus, around 54 acres of land allegedly claimed to be owned by the Respondent No.6 clearly falls in the Subject Land in the same khewat no. with various common khasra nos.

3.5. Notably, the illegal and unlawful non-forestry activities including felling / cutting of tress, removal of plantations, construction of iron gates, brick walls/guard rooms, fencing of cement poles with barbed fences, etc., detailed in the present Original Application were undertaken at the following Khasra Nos. forming part of the Subject Land:

Mustatil no. 114 Khasra nos. 14-16-17-18-23-24-25

Mustatil no. 141 Khasra nos. 1-2-3-4-5-8-9-10

The aforesaid Khasra nos. being part of the Subject Land is also corroborated from the Aks sijra filed along with the OA

@ pg-184. The Applicant is filing the 'aks sijra reflecting the Subject Land and the extent on which the aforesaid illegal acts were undertaken by the Respondent Nos.6-8. Aks sijra reflecting the Subject Land and the extent on which the aforesaid illegal acts were undertaken by the Respondent Nos.6-8 is annexed herewith and marked as **Annexure-A/1.**

3.6. The Applicant (acting through its representatives) has recently on 29.04.2025 and 30.04.2025 visited the Subject Land and made video recording and took photographs of the Subject Land, adjoining land and activities undertaken therein. Photographs and videography taken on 29.04.2025 and 30.04.2025 showing the illegal activities undertaken on the Subject Land and adjoining land at Raisina Hills are annexed herewith and marked as **Annexure – A/2 (Colly)**.

3.7. On a bare perusal of the video and photographs referred hereinabove, the case of the Applicant in the OA stands vindicated. It is clear from such photographs and videos that illegal and unlawful non-forestry activities including felling / cutting of tress, removal of plantations, construction of iron gates, brick walls/guard rooms, fencing of cement poles with barbed fences, etc., were indeed undertaken. Notably, some of the boundary walls, brick walls/guard rooms, fencing of cement poles with barbed fences, etc., appear to be demolished (presumably by the authorities including Respondent Nos.2 to 5) post filing the present OA. This again establishes that the grievances raised in the present OA are *bonafide* and genuine.

3.8. Without prejudice to any rights and contentions, even as per the alleged case of the Respondent No.6 following clearly emerge:

(i) Respondent No.6 owns 103 acres of '*gair mumkin pahar*' in Village Raisina;

(ii) Construction activities including erection of walls and structure have/had been indeed carried out but not by the present trustees. Walls described in the OA were pre-existing i.e., prior to the induction of the present trustees as claimed. There is no basis or justification given by the present trustees in this regard. In any case, this by itself does not mean that such construction activities including erection of walls and structures undertaken in the portions of the Subject Land are valid in law or justified.

3.9. It is incorrect and false to contend that the Respondent No.6 has not carried out the activities of felling of trees, construction of iron gates, brick walls, guardrooms, or barbed wire fencing of land. This contention is belied from the aforesaid admissions made in the reply. Moreover, such contention gets belied from a plain perusal of the photographs and video detailed above. Further, even the google earth images (detailed hereinafter) belies the stand of the Respondent No. 6, that no non-forestry activities are being carried out at the village Raisina Hills, Sohna, Haryana.

3.10. Similarly, the contention of the Respondent No.6 that it adheres to laws, regulations and does not carry out activity to violate environmental or legal norms gets belied from

non-forestry activities and construction activities undertaken on the portions of the Subject Land which are evident from the photographs and video detailed above. Even the contention that there is no cause of action against Respondent No.6 is wholly misconceived and incorrect.

3.11. It is also incorrect and misconceived to contend that the present application is improper conduct or abuse of the process of law since the Applicant approached Hon'ble Tribunal with same cause of action as that of suit before Sohna Civil Court, Haryana. *Ex-facie* the Applicant in the present application has not raised any of its civil and property rights. No issue of any *inter-se* private rights have been agitated by the Applicant and therefore, it is wholly misconceived to allege that the present application is abuse of process of law. The Applicant has merely exercised its statutory rights granted under the NGT Act and other provisions of law including PLPA and Environment Protection Act, 1986 in view of illegal acts undertaken by the Respondent Nos.6-8. In law, the Applicant is well within its rights to file the present application before this Hon'ble Tribunal.

4. In addition to the above said, on a bare perusal of the video and photographs referred hereinabove, following clearly emerge:

4.1. Illegal and non-forestry activities are still being carried out not only on the Subject Land co-owned by the Applicant but even in the adjoining land i.e., land forming part of larger tract of 555 acres of land located in Khewat 450 at village Raisina, Sub-Tehsil Sohna, Dist. Gurgaon, Haryana.

4.2. Pertinently, the entire land (555 acres including Subject Land) is '*gair mumkin pahar*' and no non-forestry activities can be carried out on such land.

4.3. The above mentioned illegal and non-forestry activities *inter alia* include laying of concrete road, rampant construction of concrete road, plotting activities, construction of houses/structures, swimming pool, etc., It is submitted that various plotting activities have already been taken and/or being undertaken on certain portions of the Subject Land, to the best of knowledge details of khasra nos. in respect of which the plotting activities have already been taken and/or being undertaken are as under:

Mustatil no. 140 Khasra nos. 1-2-3-4-7-8-9-10-11-12-13-14-17-18-19-22-23-24.

Mustatil no. 145 Khasra nos. 2-3-4-7-8.

4.4. *Pertinently*, due to extensive illegal and non-forestry activities carried out at the land situated at Raisina Hills, Sohna, Haryana including on the Subject Land and the adjoining land the green belt of the Aravalli range having greenery, plantation, vegetation, etc., have been removed and destroyed. This is evident from a comparative analysis of the google earth images taken for the period December 2022, June 2024 and March 2025. In this regard, it is submitted as under:

(i) In the year 2022, most of the land situated at Raisina Hills, Sohna, Haryana, was covered with a green plantation, vegetation, trees, etc. The said google earth image appears to be taken on 23.12.2022.

(ii) However, by the mid of June 2024, it is clear that extensive construction and consequent removal of green plantation, vegetation, trees, etc had been undertaken by various persons including the Respondent No.6-8. This is visibly clear from the google earth images taken on 13.06.2024. The said image clearly shows the construction of roads, farms, boundary walls, etc.

(iii) Another google earth image of 31.03.2025, by which the illegal construction and non-forestry is evident, and the extent of demolition and destruction carried out at the Subject Land and adjoining land.

Print outs of the google earth images of the year 2022 to 2025 also with respective sijra superimposition are annexed herewith and marked as **Annexure – A/3 (Colly.)**

4.5. From a bare perusal of above said photographs, it is clear that the illegal and unlawful non-forestry activities is being continued even after the filing of the present case. The roads and boundary have been recently constructed. A comparison of google earth images clearly show the extent of construction and tree felling activities carried out between 31.05.2024 (when the original application was filed) till now, i.e. 1 year apart.

5. Though it appears from the photographs and video taken by the Applicant (through its representatives) that several walls, boundary walls, gate, etc., have been demolished on certain portions of the Subject Land however, it is also clear that a daunting task of further removal, demolition as well as

afforestation is still required to be undertaken by the concerned authorities including Respondent No.1-5. It is humbly prayed that the land over which such illegal construction and non-forestry activity has been carried out, be restored to its original form.

In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to allow the present application and grant the reliefs as sought therein.

APPLICANT
(Through its Authorized Representative)

CAPEX LEGAL
Malini Sud/ Vikas Mishra/ Kartik Nagarkatti
Aditi Sharma/Varun Ahuja/Krishna Dev Yadav
ADVOCATES FOR THE PETITIONER
C-451, LGF, Defence Colony, New Delhi-24
Ph. No. (+91) 49065454; 40519011
malini.sud@capexlegal.com/vikas@capexlegal.com

New Delhi
04.05.2025

VERIFICATION

I, Virender Kaushal, S/o Late Sh. C.L. Kaushal, aged about 57 years, having my office at S – 2, American Plaza, International Trade Tower, Nehru Place, New Delhi – 110024, do hereby verify that the contents of paragraph 1 to 5 are true and correct derived from the records of the Applicant Company and are believed to be true and correct on legal advice and that I have not suppressed any material fact.

APPLICANT
(Through its Authorized Representative)

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

ORIGINAL APPLICATION NO. 738 OF 2024

IN THE MATTER OF:

Nehru Place Hotels Private Limited ... Applicant

Versus

Union of India & Ors. ... Respondents

AFFIDAVIT

I, Virender Kaushal, S/o Late Sh. C.L. Kaushal, aged about 57 years, having my office at S – 2, American Plaza, International Trade Tower, Nehru Place, New Delhi – 110024, do hereby solemnly affirm and declare as under:

1. That I am the authorised representative of the Defendant Applicant i.e., Nehru Place Hotels Private Limited, in the above-mentioned case and am duly authorised and competent to sign and swear this affidavit for and on behalf of the Applicant.

2. That the accompanying Rejoinder has been drafted under my instructions, and the contents thereof may please be read as part and parcel of the present affidavit, as the same are not being repeated herein again for the sake of brevity.

3. I hereby verify that the contents of Rejoinder are true and correct to my knowledge based on information derived from the records of the Applicant and also on the legal advice received and believed to be true. Last para is prayer before this Hon'ble Court.

DEPONENT

NOTARY PUBLIC
App By Govt. of India
Regd. No. [illegible]
Area Delhi/NCR
Juris Extd. Whole India
Expiry Date 1 Feb 2030
MINATI RANI MOHAPATRA

12

VERIFICATION:

04 MAY 2025

Verified on this ___ day of May, 2025 that the contents the above affidavit are true and correct to my knowledge based on the records maintained by the Applicant Company and the legal advice received by me. No part of it is false and nothing material has been concealed or suppressed there from.

D/12441/2010

IDENTIFIED

NOTARY PUBLIC
App By Govt. of India
Regd. No. 16971
Area Delhi / NCR
Juris Extd. Whole India
Expiry Date 1 Feb 2030
MINATI RANI MOHAPATRA

DEPONENT

ATTESTED
MINATI RANI MOHAPATRA
NOTARY DELHI-R-16971
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No. 23

MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob. No.: 8130128457

04 MAY 2025

ANNEXURE - A/1

13

Plotted by Babe

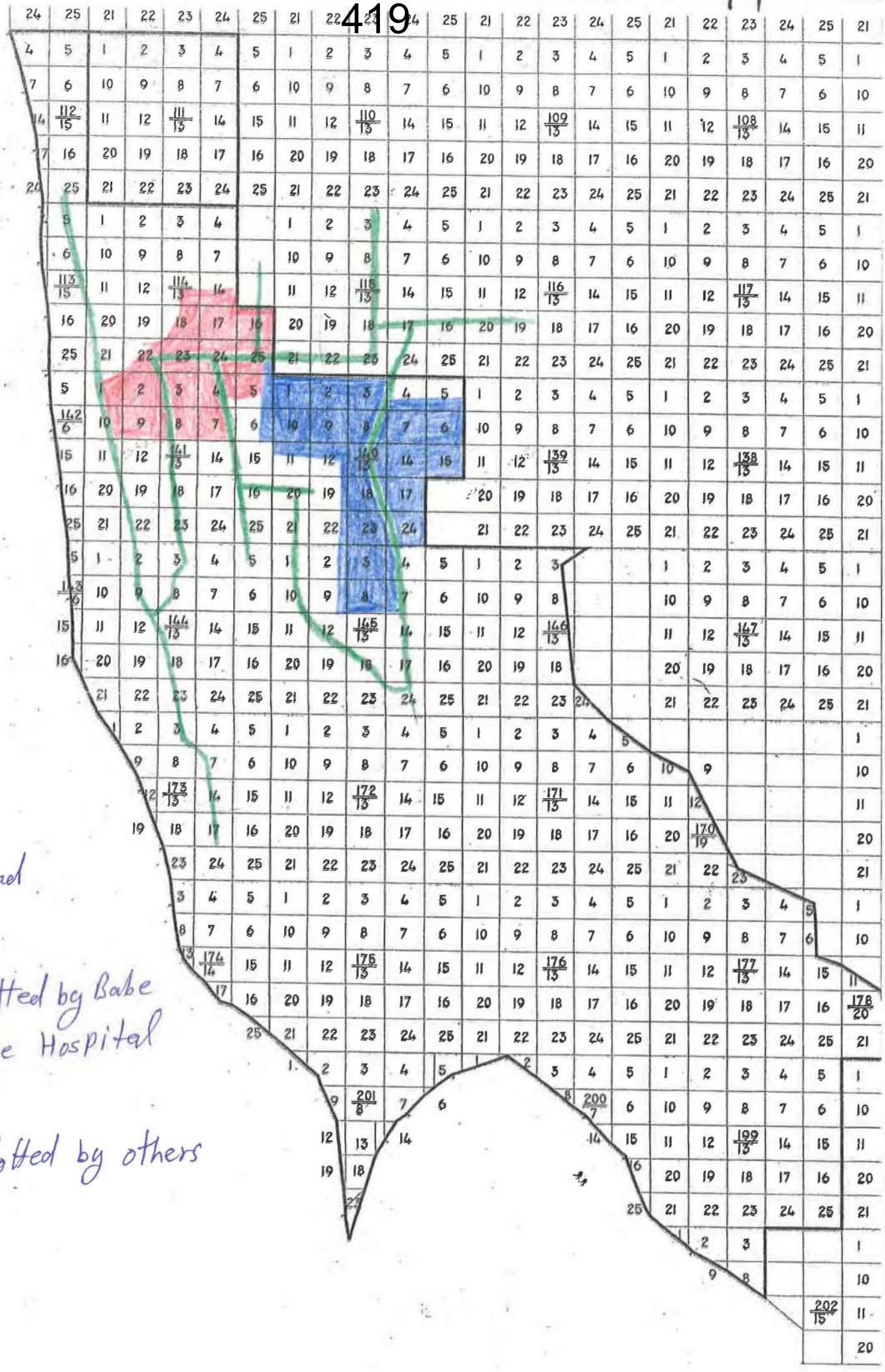
Mustatil no. 114 Khasra nos. 14-16-17-18-23-24-25

Mustatil no. 141 Khasra nos. 1-2-3-4-5-8-9-10

Plotted by others

Mustatil no. 140 Khasra nos. 1-2-3-4-7-8-9-10-11-12-13-14-17-18-19-22-23-24

Mustatil no. 145 Khasra nos. 2-3-4-7-8



Road

Plotted by Babe Le Hospital

Plotted by others

ANNEXURE-A/2 (COLLY)

16

17

PLOT-4
PLOT-3
ROAD-C
PLOT-5
PLOT-11
ROAD-A
PLOT-6
ROAD-E
PLOT-10
PLOT-7

18

19

20
ROAD-E
PLOT-7
PLOT-6
PLOT-5
ROAD-C
ROAD-A
PLOT-3

21

22

23

24

25

26
PLOT-1
PLOT-2
ROAD-B
PLOT-3
ROAD-A
PLOT-6
ROAD-E
PLOT-5
PLOT-4
ROAD-C

27

28

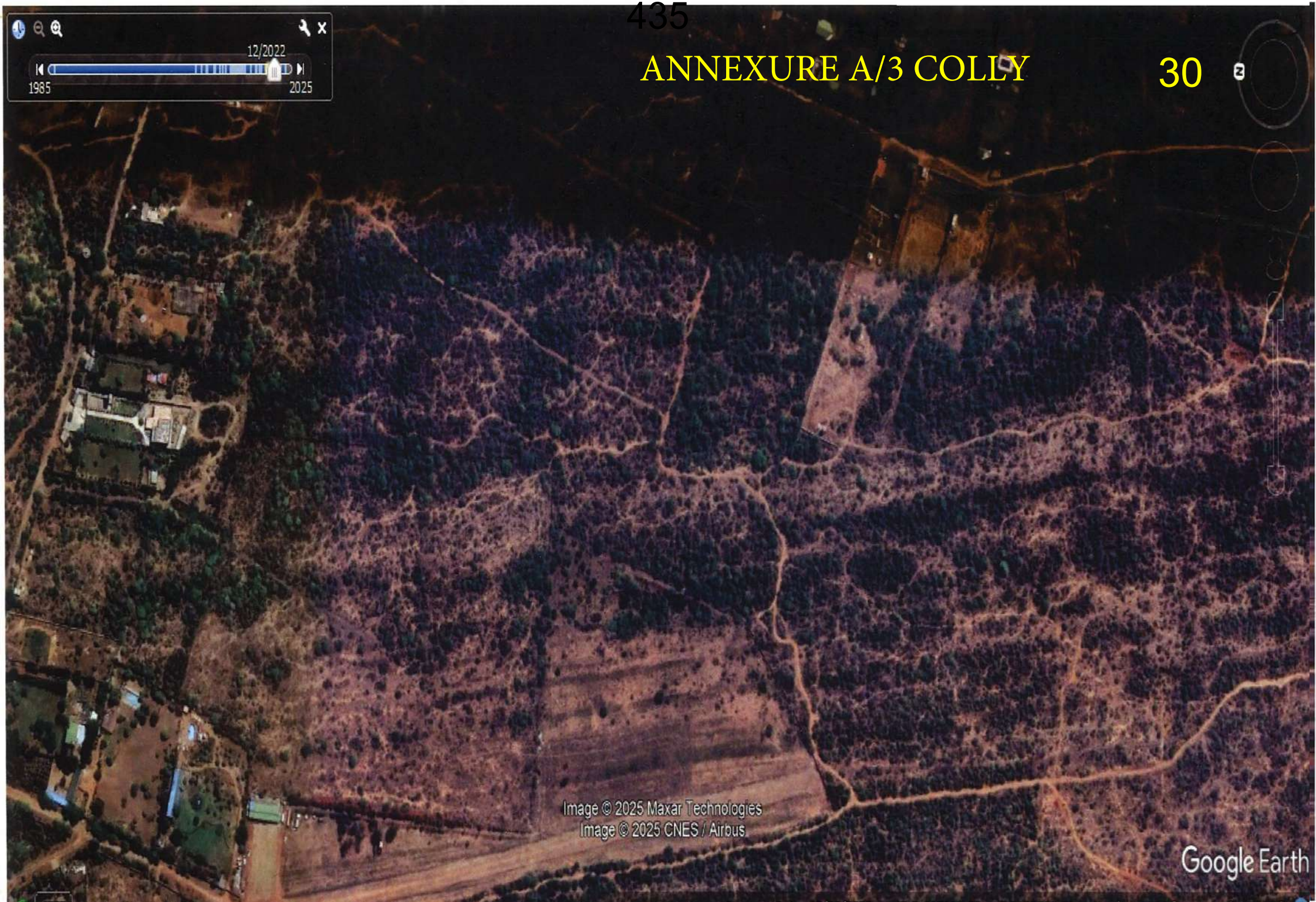
Videograph

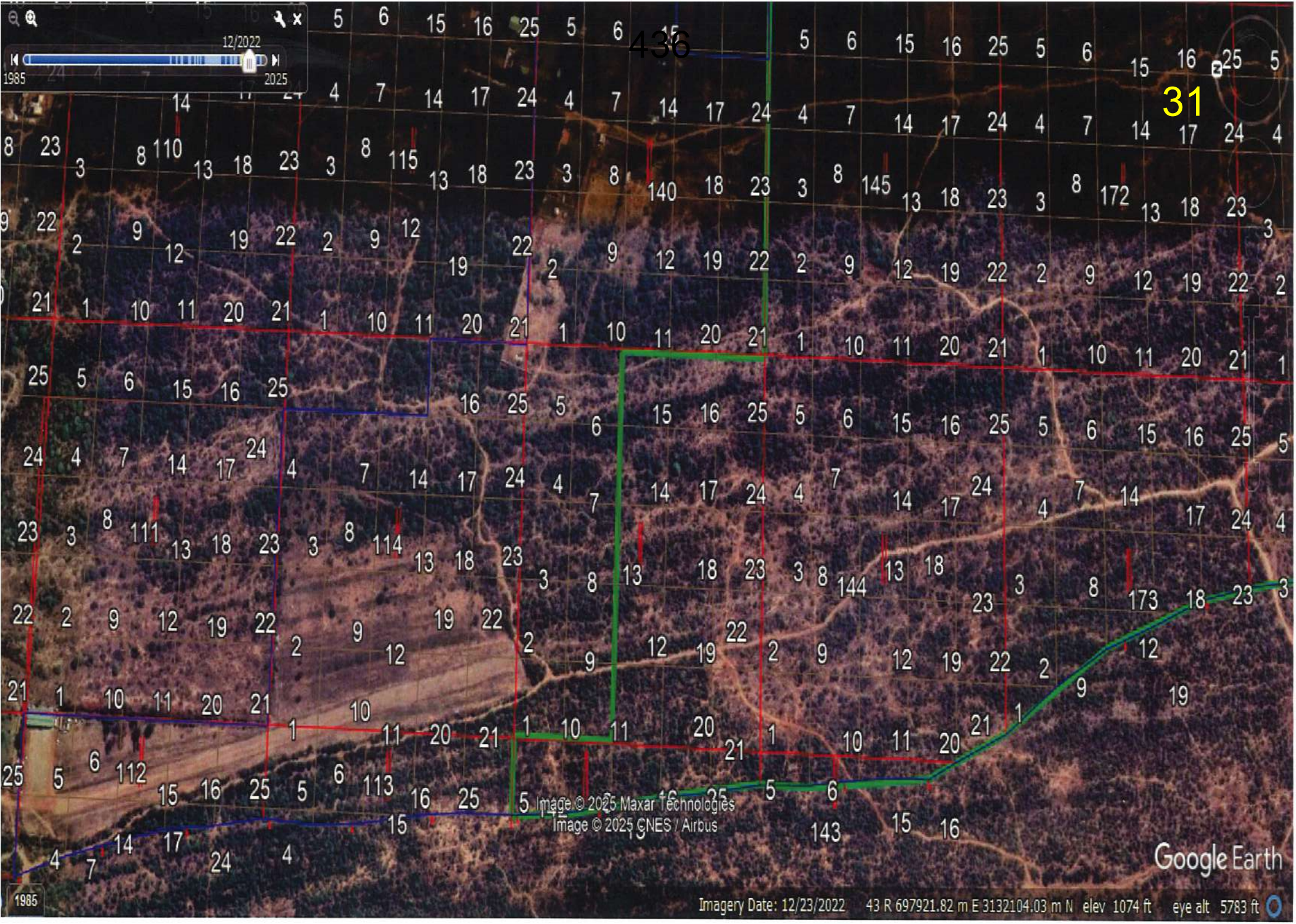
Google drive Link

https://drive.google.com/drive/folders/1yUxKeXDR6XiVcCbi3VUCUsp2ODAUi9XJ?usp=sharing

ANNEXURE A/3 COLLY

30

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2025
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31
Image © 2025 Maxar Technologies
Image © 2025 CNES / Airbus
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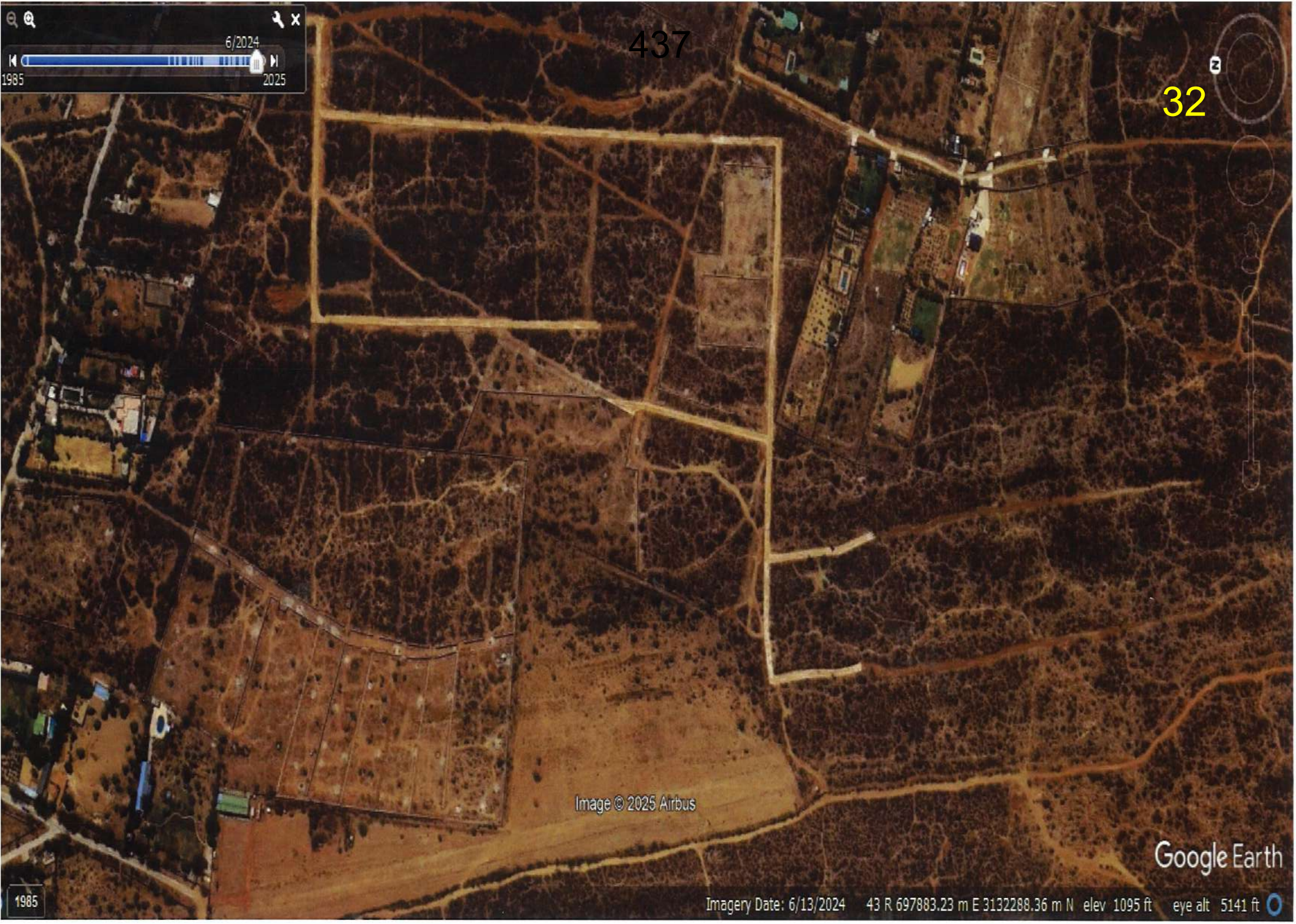
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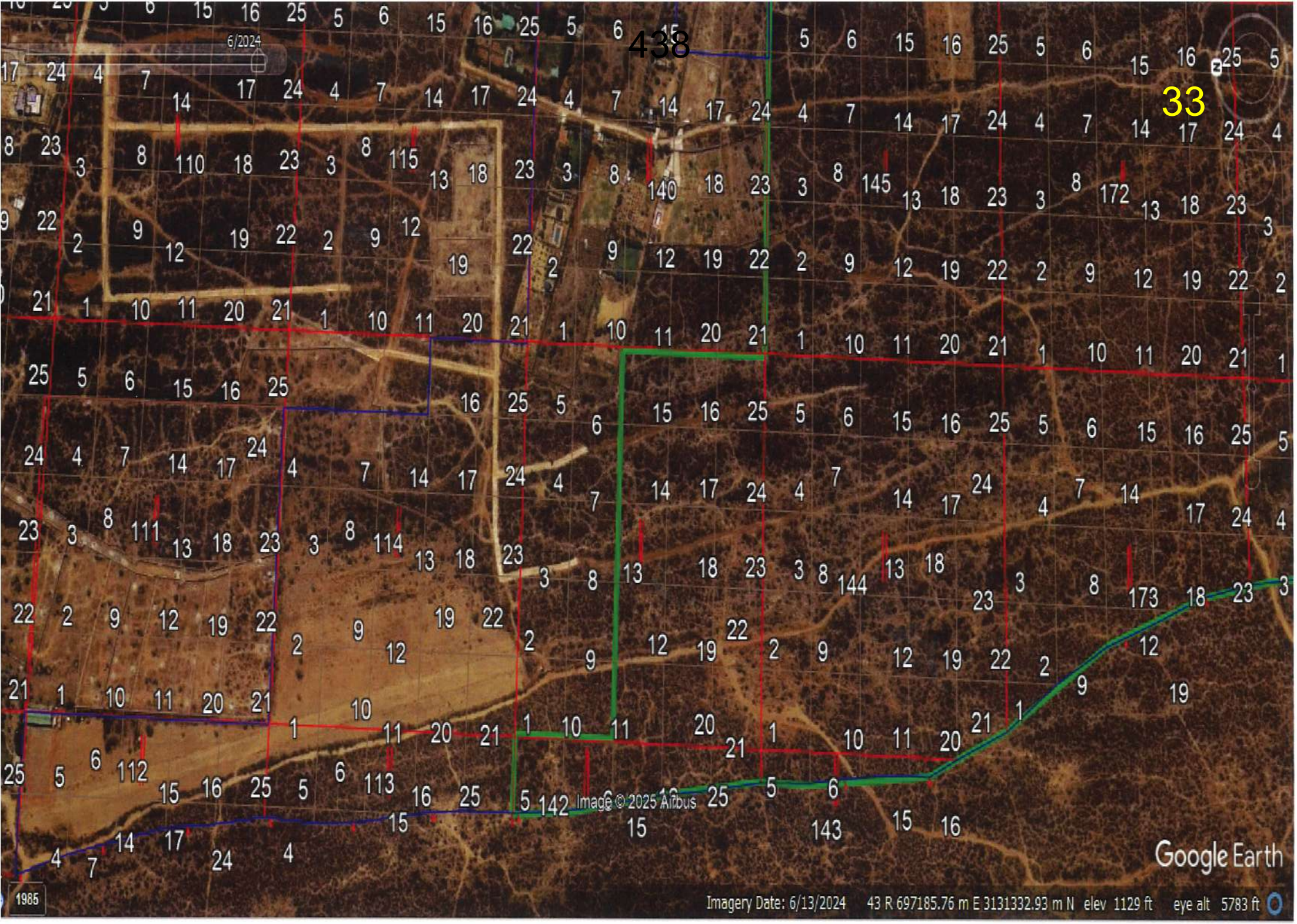
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3/2025
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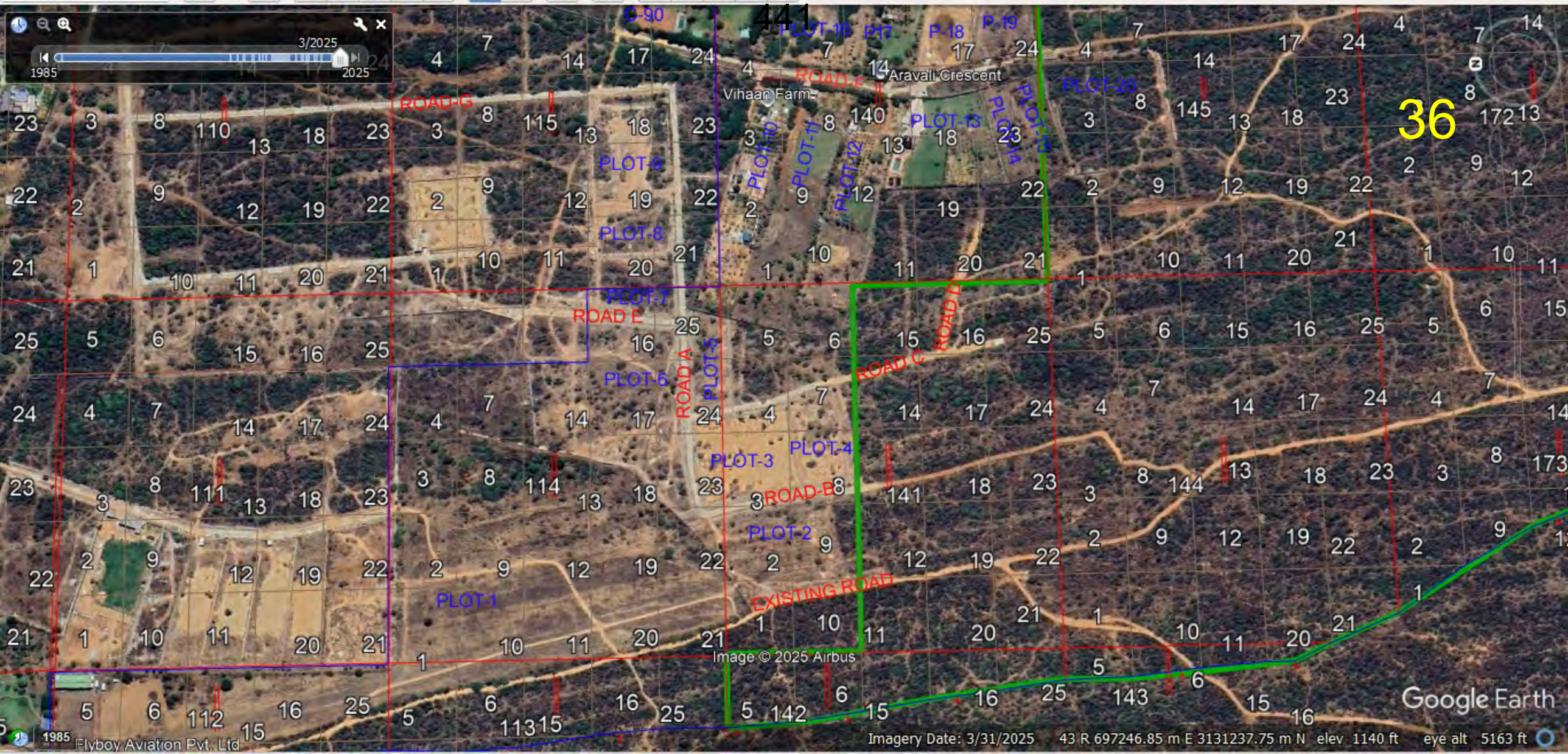
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PLOT-16
P17
P-18
P-19
ROAD-F
Aravali Crescent
Vihaan Farm
ROAD-G
PLOT-20
PLOT-13
PLOT-14
PLOT-15
PLOT-10
PLOT-11
PLOT-12
PLOT-9
PLOT-8
PLOT-7
ROAD E
ROAD A
PLOT-5
PLOT-6
ROAD C
ROAD D
PLOT-3
PLOT-4
ROAD-B
PLOT-2
PLOT-1
EXISTING ROAD
Image © 2025 Airbus
Google Earth
1985
Flyboy Aviation Pvt. Ltd
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36

442

Proof of Service

Gmail

Aditi Sharma <aditi.sharma@capexlegal.com>

NGT OA No. 738 of 2024 - Nehru Place Hotels Pvt Ltd. v. Union of India & Ors.

Aditi Sharma <Aditi.sharma@capexlegal.com> Sun, May 4, 2025 at 7:06 PM
To: "danubeconsulting@gmail.com" <danubeconsulting@gmail.com>, khuranalegal@gmail.com
Cc: Vikas Mishra <vikas@capexlegal.com>

Dear Sir,

Please find attached herewith Rejoinder on behalf of the Applicant, Nehru Place Hotels Pvt. Ltd. to the Reply of R - 6 in the captioned matter, by way of service upon you.

Rejoinder-NGT-1.pdf

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Regards,

Aditi Sharma
Principal Associate

Mobile:+91-9899674082
E-mail: aditi.sharma@capexlegal.com

CAPEX LEGAL
Advocates & Legal Advisors

C-451,Defence Colony,New Delhi -110024, India
Landline:+91-11-49065454, +91-11-40519011
www.capexlegal.com

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