

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

Ex Application No. 07 / 2023  
IN  
Original Application No.600/2017

**IN THE MATTER OF:**

Trishira Residents Welfare  
Association (Regd.)

.....Applicant

Versus

Deputy Commissioner, Faridabad & Ors.

.....Respondent

**I N D E X**

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**Place :**  
**Dated : 23.08.2022**

**Rahul Khurana  
Advocate  
Counsel for the respondent**

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**REPLY ON BEHALF OF MUNICIPAL CORPORATION,  
FARIDABAD**

1. That in the above subjected matter, this Hon'ble Tribunal passed the order dated 21.02.2023. Relevant part of the said order dated 21.02.2023 in reproduced hereunder:-

*"However, with regard to other allegations made by the applicant that Municipal Corporation, Faridabad is still permitting festive activities in the said park and no policy has been framed by State of Haryana, we find it appropriate to treat this application under Section 25 of NGT Act, 2010 and direct State of Haryana and Municipal Corporation, Faridabad to submit their response to the allegations made by the applicant."*

2. That primarily the applicant's grievance is non-framing of policy for use of parks for Puja etc. The present short reply is being filed at present stage to place on record the status of framing of policy as stated above. The answering respondent craves liberty to file detailed reply as and when need arises, with the permission of this Hon'ble Tribunal. It is humbly submitted that allegation made in the Execution Application may not be deemed admitted mere reason of non-traverse thereof.
3. That it is submitted that vide letter No. MCF/ZTO-2, NIT/2023/607 dated 24.03.2023 (**Annexure-R/1**), Director, Urban Local Bodies was requested to frame a policy in the matter at State level.

4. That a draft policy was placed before the Government. The competent authority was of the view that in the light of Section 30 of Municipal Corporation Act, each Municipal Corporation/Council may prepare & issue policy with the approval of the competent authority.
5. That vide letter No. Tech/NGT/DULB/2023/4642 dated 21.07.2023 (**Annexure-R/2**), Director, Urban Local Bodies has requested all MCsto prepare and issue their Policy/Guidelines with the approval of competent authority for use and maintenance of Parks.
6. That requisite policy has been finalized and copy of same is enclosed herewith as **Annexure-R/3**.

In view of the above, it is humbly requested order passed by this Hon'ble Court in OA No.600/2017 has been complied with. Any further directions passed by this Hon'ble Tribunal shall be complied with sincerely.

  
Joint Commissioner,  
Municipal Corporation,  
Faridabad, NIT Zone

Date:23.08.2023  
Place: Faridabad

Annexure-I

13750

5/4/23

From

Commissioner  
Municipal Corporation  
Faridabad

To

✓ Director, Urban Local Bodies  
Haryana

Memo No. MCF / ZTO-2, NIT/2023/ 607

Dated :- 24.3.2023

Sub:- Notice of Motion Fresh MA in OA No. 600/2017 before Hon,ble NGT,  
New Delhi Dated 25.1.2023.Reference to the memo no. 1835-37/ Reader dated 2.3.2023 on the subject  
cited above .It is intimated that a copy of application for execution of Tribunals Order  
dated 13.10.2017 is forwarded for providing comments to this office . The order are  
re produced as under :-“ The learned counsel appearing for State of Haryana submits that they  
will take a policy decision in relation to use of the parks for Puja etc in  
due course . However for the present, they have withdrawn the  
permission that was given for holding of Puja on 19 th October 2017.In view of the above , nothing survives in this Application and the same  
is disposed of ”It is pertinent to mention here that a policy decision in relation to use of  
parks for Puja etc. was to be taken by the State Govt. But as per available record of  
Taxation Zone and Planning Branch, no policy is available.Therefore state Govt. is requested to frame a policy for permission to use  
Parks for Puja and other activities so that orders of Hon'ble Tribunal may be  
complied with.  
Commissioner  
Municipal Corporation  
Faridabad

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Annex R-2

शहरी स्थानीय  
निकाय निदेशालय  
हरियाणा



DIRECTORATE OF URBAN  
LOCAL BODIES  
HARYANA

ब्लॉक सं. 11-14, सेक्टर 4, पंचकुला, हरियाणा  
Block No. 11-14, Sector 4, Panchkula, Haryana

Tel: +91 172 2570020 ; Fax: +91 172 2570021  
Website: www.ulbharyana.gov.in ; email: dulbhry@hry.nic.in

No: - Tech/NGT/DULB/2023/ 4642

Dated:-21.07.2023

To,

1. All the District Municipal Commissioners in the State of Haryana.
2. All the Commissioners of Municipal Corporations in the State of Haryana.
3. All the Executive Officers/Secretaries of all the Municipal Councils/Committees in the State of Haryana.

Subject: Execution No.07/2023 in OA No. 600/2017 titled as Tirshira Residents Welfare Association Vs. Deputy Commissioner, Faridabad and Ors.

\*\*\*\*\*

On the subject cited above.

1. The subject cited matter is regarding granting permission for parties, functions and revelry inside the Parks. Hon'ble NGT has desired to frame Policy/Guidelines in relation to use of Public Parks for private functions and Pooja etc.
2. Hon'ble CM has directed that MCs may prepare and issue their Policy/Guidelines with the approval of competent authority for use and maintenance of Parks. He has directed that MCs may prepare such a Policy within next 30 days.
3. In view of the above, you are requested to kindly prepare and issue Policy/Guidelines with the approval of competent authority for use and maintenance of Parks within next 30 days under the intimation to this office, so that Hon'ble CM may be apprised with action taken and compliance of directions of Hon'ble NGT may be ensured.

Executive Engineer,  
For Director, Urban Local Bodies,  
Haryana, Panchkula.

CC:-

1. PS to Hon'ble CM for kind information of Hon'ble CM.
2. PS to Hon'ble ULBM for kind information of Hon'ble ULBM.
3. PA to W/C&S, ULB for kind information of W/C&S, ULB, Haryana.
4. PA to W/DULB for kind information of W/DULB, Haryana.
5. PA to W/CE for kind information of W/CE, HQ.

**MUNICIPAL CORPORATION,  
FARIDABAD**

**Policy for use of Parks for Public  
Functions**

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## **1. Introduction**

Most of the Parks in urban areas are developed and maintained by the Municipalities in the State. The parks are often used for various kinds of private functions such as Marriages, Birthday Parties, Retirement Parties, Religious Functions etc. subject to the permission of local authorities. However, Hon'ble National Green Tribunal in Execution No. 07/2023 in QA No. 600/2017 titled as Trishira Residents Welfare Association Vs. Deputy Commissioner, Faridabad and Ors. has desired that there should be a uniform policy/guideline for use of parks for public functions. Accordingly, these guidelines are being issued to enable public to use the Municipal Parks in an organized manner.

## **2. Categories of Available Municipal Parks and Facilities.**

Under these guidelines, certain parks shall be made available for booking for social, religious, health & art-oriented events etc. as per terms and conditions of the guidelines.

- i. Concerned Municipal authorities shall decide the parks to be made available for booking in consent with the concerned RWA, if any. Before finalizing the locations, Municipal authorities shall invite the public suggestions. After incorporating the public suggestions/reservations, the Municipal authorities shall finalize the list of parks to be considered under these guidelines within 30 days of issuing of the guidelines.
- ii. Municipal authority shall display the list of such parks with location, area etc. available for booking on their website as well as in office.
- iii. Municipal authority shall specifically earmark the area of said park to be used for the event.
- iv. Municipal authority shall specifically define the number of maximum persons allowed to be gathered during the event as per the designated space of the park for the said event.
- v. Municipal authority shall be solely responsible for supervision and implementation of these guidelines.
- vi. No more than two events should be allowed in any park in a single day but on different timing subject to the availability of the land. It will be the discretion of the concerned municipal authority.
- vii. The use of parks shall not be permitted more than 10 days in a month. In other words, when any of the designated park is allowed to use for the 10

days in a month, no function thereafter shall be permitted during the remaining 20/21 days.

### **3. Activities Permitted in Municipal Parks during Booked Events.**

Besides fulfilling the terms and conditions listed in the guidelines, following activities/events are permitted in the park facilities offered to the public for the purpose of socio/cultural and recreational activities etc.

- i. The proposed event can be organized to promote talks, poetry reading, various language festivals, art competitions and shows, health-oriented events, Exhibitions, socio-cultural events, Music performances, play and theater activity, religious events etc.
- ii. In each of the above cases, the list of activities proposed by the organizers will be submitted along with the application for the approval of Municipal Authority.

### **4. Activities Not Permitted in Municipal Parks during Booked Events.**

- 4.1 Political functions, marriage ceremonies, family functions; birthday parties and get together etc. will not be allowed.
- 4.2 No cooking shall be allowed inside the park. Only ready-to-eat food shall be permitted for consumption on the site. The site will be restored to its initial state with proper disposal of any waste generated during the event at the cost of the organizers. Separate garbage dustbins should be placed for collection of dry & wet waste.
- 4.3 Any other activity which is dangerous to law & order/public nuisance shall not be allowed.
- 4.4 Municipal authority may prohibit any other specific activity, if they feel that the activity may harm law & order situation and cause public nuisance.
- 4.5 Diesel generators shall not be allowed.
- 4.6 No liquor or tobacco consumption or hazardous material or any prohibited activity shall be allowed in the park.
- 4.7 No loud speakers shall be allowed.

## **5. Eligibility of Booking Agency.**

Following entities are considered eligible as booking agency:

- 5.1 Any resident of that locality
- 5.2 Socio-cultural organizations registered under certain act.
- 5.3 Schools, Colleges and Universities.
- 5.4 Registered Non-Government Organization
- 5.5 Companies registered under the companies Act 2013
- 5.6 Residents Welfare Associations duly registered under the Societies Registration Act, 1860.

## **6. Duration of Booking**

- 6.1 The booking agency/event organizer shall be granted permission to use the Park facility for a slot of 3 hours or slot of 6 hours from the time of handing over the authorization subject to the terms and conditions of the guidelines.
- 6.2 The booking agency/event organizer is expected to ready the venue for the event and clear the site after the event within the allotted duration.
- 6.3 Event activities will be allowed from 6:00 am to 8:00 pm during winter months and 5:00 am to 9:00 pm during summer months. The evening timings may be extended up to 10:00 pm with prior permission of the Municipal Authority.

## **7. Event Plan.**

Request for booking will only be entertained if it is accompanied by an Event plan specifying the following:-

- 7.1 List of proposed activities
- 7.2 A note on the theme on which the events are based.
- 7.3 Estimated number of guests expected to attend.
- 7.4 Proposal of food and beverage, if any
- 7.5 Ticket plan, if any
- 7.6 Security personnel deployment .
- 7.7 Arrangement of guest parking plans

*[Handwritten signature]*

7.8 Booking duration

7.9 Plan for management of solid waste generated during event.

7.10 Fire and emergency exist plan

**8. Physical Site Requirements for Event Organization.**

- 8.1 The site of the organized event will be on the pre-decided locations and it will be cordoned off by the booking agency/event organizer from the remaining of the park by temporary bollards for the purpose of delineation of the area.
- 8.2 No permanent or opaque partitions would be installed to separate the booked area from the rest of the park.
- 8.3 No abrasive activity, digging of ground or cutting of plants, that is harmful for the park in general, would be allowed.
- 8.4 In case props like banners, stalls etc. are required to be used for organizing the activities at the proposed Event; portable light weight assembly items may be commissioned.
- 8.5 The event would be a strictly no-plastic zone. Any disposable items required to be consumed during the event would be of eco-friendly material.
- 8.6 The organizer shall ensure that sufficient parking space is available for guests or else he shall make appropriate arrangement for the same in consultation with the District/Police authorities.
- 8.7 All necessary no-objection certificates and permissions from local Authorities will have to be arranged by the organizer.
- 8.8 The organizer shall take permission from local police authority before the event

**9. Booking Procedure.**

- 9.1 To make a reservation of park facility, the applicant is requested to visit the office of concerned Municipality where the proposal can be submitted. However, the Municipal authorities shall develop an online mechanism for online booking and monitoring within 03 months after issuing the guidelines.



9.2 The request must be made at least 07 days in advance of the proposed event.

9.3 By submitting a proposal, the applicant cannot lay claim to the desired dates at the park, even if the dates are available. Municipal Authorities reserves the right to accept or reject the proposals without any reason.

9.4 Subject to confirmation of availability of park, the decision on reservation would be communicated within 3 days of receipt of request. Primarily, MC shall intimate to the applicant about availability of park and applicant shall arrange the necessary NOCs from Police Department, Fire Department, District Administration or any other required permission, after that MC shall issue final allocation letter to applicant.

9.5 Once the reservation is confirmed, the applicant will be required to make payment (mode of payment shall be decided by concerned Municipal Authority) along with the security deposit within a period of three working days. The approval of booking a park will be considered final only after the amount as due is deposited.

## 10. Hiring Charges.

10.1 Following charges would be applicable for a slot of 3 hours or slot of 6 hours

Sr. No.	Area (acre)	Charges (3 hours slot)	Charges (06 hours slot)	Security Deposit Refundable, subject to NOC from site
1	(0-1 acre)	Rs. 3,000/- + applicable GST	Rs. 5,000/- + applicable GST	Rs. 20,000/-
2	(1-2 acre)	Rs. 5,000/- per acre + applicable GST	Rs. 10,000/- per acre + applicable GST	Rs. 30,000/-
3	(2-3 acre)	Rs. 10,000/- per acre + applicable GST	Rs. 20,000/- per acre + applicable GST	Rs. 50,000/-
4	More than 03 acre	Rs. 15,000/- per acre + applicable GST	Rs. 30,000/- per acre + applicable GST	Rs. 1,00,000/-

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**Note:- The above said charges are minimum charges. MCs may increase the charges as per local conditions & requirement.**

10.2 Electricity charges @ Rs. 2500/- (lump sum) for 3 hours slot and Rs 5000/- (lump sum) for 6 hours slot will be added in the booking charges.

10.3 In case the entry ticket to the proposed event levied by the organizer is above Rs.1000/- in any category, Municipality would charge an additional Rs. 50,000/- along with prescribed Booking amount.

## **11. Mode of Payment**

11.1 Mode of payment of the booking charges and the security amount will be decided by the concerned Municipal Authority.

11.2 Security deposit will be refunded in 15 days time, subject to the fulfillment of all the requisite conditions.

## **12. Cancellation**

12.1 Deposited charges and security amount will be refunded if the request of cancellation is made 48 hours (midnight) prior to the date of the proposed event.

12.2 50% of the deposited charges will be deducted in case of cancellation made up till 24 hours (midnight) prior to the day of event. Thereafter, only security deposit would be refunded.

12.3 In case of adverse weather conditions such as rain, fog or dust, authority will not facilitate or provide any other/alternate venue.

12.4 Municipal Authority shall have the right to cancel the booking in view of any Law & order situation or any other Administrative reasons. Applicant will not have any right to challenge the decision of Municipal Authority, however, the charges paid by applicant will be refunded.

12.5 In case of unauthorized transfer of booking is detected by the field staff of Municipality, both parties i.e. unauthorized transfer and/transferee shall be liable for penal actions besides eviction and forfeiture of security deposit.

12.6 If event organizing agency is found ticketing the event, without intimation at the time of submitting the application, the security deposit will be forfeited.

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1:2.7 In case any non-permitted activity is taken up in the park during the event or any violation of the terms and conditions is done by the concerned agency, monetary penalty of a maximum amount equivalent to the security deposit will be levied.

### **13. Penalty**

13.1 In case the site is not restored to its original state after use by the agency, a penalty as assessed by concerned Municipality would be levied on the agency and would be deducted from the security amount. In case, there is any damage/loss/theft to the park, the Organizer will be charged for the repairs or will have to repair the entire area at their own cost or the amount would be deducted from the security amount.

13.2 In case of non-disposal of waste or any damage to the park, the concerned authority shall convey about the assessment of damages. For non-disposal of waste, a penalty equal to the security deposited by Organizers shall be imposed and for other damages, penalty shall be as per actual assessment by the authority

### **14. Terms and Conditions.**

14.1 The booking shall be done on 1st come- 1st-serve basis. The booking would be nontransferable, and sub-letting will not be allowed.

14.2 The premises are being offered for booking on "As is where is Basis". It is presumed that the intending agency has inspected the premise and familiarized with the prevailing conditions in all respect before submitting the booking request. No dispute about the conditions of the premises shall be entertained. No addition, alteration or change shall be allowed.

14.3 The Event Organizing Agency would require making full payment of booking and the security deposit, in advance.

14.4 The Municipal Authority is entitled to reject any booking request without assigning any reason whatsoever and the decision of the Municipal Authority in this regard shall be final and binding. The decision taken by the Municipal Authority shall not be called into question in any proceedings or court of law.

14.5 The park or part-park shall not be used or permitted to be used for any other purpose, whatsoever except for what is mentioned in the application and approved.

14.6 The booking agency shall abide by all the rules, regulation, and by-laws of the MC & other local Authorities in the matter of holding an event and

keeping the site in proper condition. The timings of the events held in the park or part-park will be as per the local authority norms.

14.7 · The Event Organizing Agency should follow the guidelines of Hon'ble Supreme Court orders/rules issued by Competent Authority with regard to Noise/Sound/Air Pollution. It shall follow the guidelines of National Disaster Management Authority and adhere to Fire Safety norms.

14.8 The Event Organizing Agency would be allowed to levy a ticket on its event provided it discloses the ticket charges at the time of booking.

14.9 Any material required for the organization of the event, is to be brought by organizers themselves. The Organizer can bring their own independent standing structures like panels, pedestals etc. as long as they are restricted to the identified event spaces. The spaces outside the event area cannot be used for display without prior permission.

14.10 The Organizers shall note that the offered park sites do not provide any storage space or any material.

14.11 The Event Organizing agency shall have no right or no interest in the booked park and the legal right of the park shall remain vested with concerned Municipality.

14.12 Municipal Authority would not be responsible for any accident, act of God, theft or loss on site during the event and any harm to the equipment of the agency would be the responsibility of the Organizers.

14.13 The Event Organizing Agency shall be responsible for all statutory taxes and payments to different agencies. Any charges not reflected in the document would be paid by the agency as per actual directly to the concerned authority.

14.14 Proper cleanliness shall be maintained by the Event Organizing Agency and arrangement be made for solid and liquid waste disposal separately in co-ordination with the concerned local bodies and will also abide by Swachh Bharat Mission rules notified in this regard and various directions issued by various authorities from time to time. The Event Organizing Agency shall ensure that no waste shall be unauthorizedly dumped /discharged in violation of rules. The Event Organizing Agency will ensure that no water logging occurs on the site.

14.15 The Event Organizing Agency shall ensure that entry-exit spaces of the premises are kept separate, sufficiently wide and remain open all the times during the function.

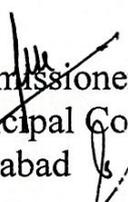


14.23 It is crucial to promote eco-friendly events. Organizers shall use biodegradable materials only. Organizers shall also ensure that the park remains clean and environmentally friendly.

14.24 Organizer shall arrange potable drinking water, temporary toilets, Ambulance, provision of first aid assistance etc. at its own level.

14.25 In case, organizer install any advertisement board/hording related to his event, he shall abide with Haryana Municipal Advertisement Bye-Laws & take required permission from the concerned authority.

14.26 No burning of any type of material, waste etc. will be permitted

  
Commissioner  
Municipal Corporation  
Faridabad

**15. Application Format.**

1. Applicant Type (Individual/Group/Educational Institution/Corporate/NGO/ Other)

2. Name of Applicant (individual):

Or

Name of Organization:

3. Recommended by {In case of Individual):

Name:

Designation:

Contact:

4. Organizational Representative:

5. Aadhar card number of Applicant or representative:

6. Parivar Pehchan Number/Family ID No.:

7. Contact Details of Applicant on which communication is desired

Address:

Mobile Number:

E-mail id:

8. Facility Category to be Booked

9. Facility to be booked

10. Area of the booked park

11. Date of booking

12. Slot: Single slot per day/ Full day slot

13. Event Plan (Refer clause 6.0)

14. Electricity proposed to be used: Yes/No

15. Hiring Charges (to be calculated by Booking Officer)

16. Security Amount (to be calculated by Booking Officer)

17. Approved by:

Signature:

Name:

Designation:

18. Agreed by:

Signature of Applicant:

Name:

Contact Details:

19. Date

## 16. Temporary Allotment Letter

To,

.....

.....

.....

Your request for Temporary allotment of Park with following details has been approved subject to fulfillment of terms and conditions as enclosed. You are requested to sign copy of terms and conditions as a token of acceptance and submit the same along with the required allotment price.

1	Name of Park:	
2	Area:	
3	Purpose of use:	
4	Date of use:	

Name

Office address

Date

Copy to: