

IN THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

IN THE MATTER OF :

OA No. 68 of 2022

Raman Sharma

...Petitioner

Vs

State of Haryana and Others

...Respondents

REPLY ON BEHALF OF RESPONDENT No. 3 i.e. MUNICIPAL CORPORATION, GURUGRAM.

1. That the above subject complaint/OA has been filed against construction project i.e. residential colony developed by M/s Malibu Estate Pvt Ltd, Malibu Town Sohna road, Gurugram, Haryana. One of the issue raised by the applicant is violation of Construction and Demolition Waste Management Rules, 2016. The answering respondent is filing the present reply dealing with said issue and liberty is being craved to file additional reply/affidavit as and when need arise, with the permission of this Hon'ble Tribunal.
2. That contents of OA may be treated as denied unless those have been admitted specifically.
3. That in compliance of order dated 02.02.2022, joint committee constituted by this Hon'ble Tribunal submitted its report before this Hon'ble Tribunal. It has been stated in the report that applicant submitted that they want a complete report from MCG regarding disposal of C & D waste generated from demolition of dispensary site. It is further submitted that the answering respondent submitted its Action taken Report vide memo dated 08.10.2022 to the Regional Officer, Gurugram, Haryana State Pollution Control Board which has been placed on record by the joint committee with its additional report dated 10.10.2022.



4. That the answering respondent by way of present reply wishes to place on record the updated status in the succeeding paragraphs.
5. That Malibu town is a private colonization area under a license issued by Town and Country department, Govt of Haryana. A dispensary was existing in Malibu Town, Sector 50, Gurugram which was sold by the owners of property in Malibu Town to Shri Jagdish Chand Chowdhary. Shri Jagdish Chand Chowdhary hired a private contractor i.e. M/s Goyal Iron Steels for demolition of the dispensary building. M/s Goyal Iron Steel requested answering respondent for permission to allow him to dispose of the C&D waste, likely to be generated as a result of the demolition of the above mentioned Dispensary in accordance with the Construction and Demolition Waste Management Rules 2016, through their own agency.
6. That on the request of the applicant M/s Goyal Iron Steels, answering respondent granted permission to M/s Goyal Iron Steels for the disposal of C & D Waste as per Construction and Demolition Waste Management Rules, 2016 vide a memo no. MCG/JC-HQ/2020/731 dated 29/09/2020.
7. That after noting that the agency M/s Goyal Iron Steels did not dispose of the C & D waste as per C&D Waste Rules, 2016 and due to non-compliance with the C&D Waste Rules 2016, a challan was issued against the owner Shri Jagdish Chand Chaudhary (the owner of the property) and a fine amounting to Rs 50,000/- was imposed on 28/10/2021. The challan amount was deposited by the owner Sh. Jagdish Chand Chaudhary with answering respondent vide Receipt no. 1731426 dated 30.10.2021.
8. That official of answering respondent assessed the existing C&D waste at the site of the dispensary. Accordingly, a notice of the interim assessment of C&D waste was issued to the owner Sh. Jagdish Chand Chaudhary vide memo no. JCHQ/MCG/2021/916 dated 11/11/2021 amounting to Rs. 9,07,200/- including a penalty



at the rate of 20% of the assessment amount amounting to Rs 1,51,200/) and MCG withdrew the permission for self disposal of the C&D waste, and the defaulter was informed accordingly vide memo no. MCG/EE-SBM/38108 dated 30/11/2021.

Thereafter, based on the built up areas as mentioned in the sanctioned plan for the dispensary building, a final assessment was made, and a final notice was issued to the owner Sh Jagdish Chand Chaudhary vide memo no. AE/CND/MCG/2022/47, amounting to Rs 23,86,368/- including a penalty at the rate of 20% of the assessment amount 3,97,728/-.

9. That Sh. Jagdish Chand Chaudhary, the owner has paid the requisite fee for a sum of Rs. 23,86,368/- vide receipt no. 1845147 dated 15.07.2022 and a sum of Rs 9,07,200/- vide receipt no. 1845185 dated 15.07.2022 in the office of Municipal Corporation, Gurugram.

The total amount so paid by the owner i.e. Sh Jagdish Chand Chaudhary to the MCG, is sum of Rs 33,43,568/-. Thereafter, answering respondent took over the process of removal of the C&D waste from the site of the dispensary and was being scientifically disposed of the waste, as per the requirement of the C& D Waste Rules, 2016.

10. That It is worthwhile to mention here that answering respondent has already entered into an agreement with M/s ILFS Environmental Infrastructure and Services Limited to Set up, operate and maintain C & D Waste Management facility for processing of the C & D Waste as per relevant Rules. Accordingly, the concessionaire has already established the C & D Waste processing facility at village Basai (Gurugram) for proper disposal of construction & demolition waste generated in Municipal Limits of Gurugram. The C & D waste is being lifted and sent to this designated site for scientific disposal through the concessionaire.



11. That the construction & Demolition waste lying at the site of Project in question was lifted and sent to this designated site for scientific disposal. The photographs of the site of demolished dispensary are annexed as **ANNEXURE-R/1**. The said waste has been processed by MCG at the C& D Waste processing facility at village Basai (Gurugram).
12. That answering respondent has taken proactive action to deal with C&D waste at the site and is committed to safeguard the interest of public at large.

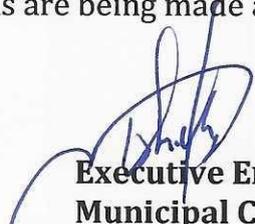
In view of the submissions made herein above, it is humbly prayed that present OA may kindly be dismissed qua the answering respondent.



**Executive Engineer (SBM),
Municipal Corporation,
Gurugram.**

Verification:

Verified at Gurugram on 06th day of January, 2023 that contents of the above reply are true and correct as per information derived from the official record and legal submissions are being made as per legal advice.



**Executive Engineer (SBM),
Municipal Corporation,
Gurugram.**

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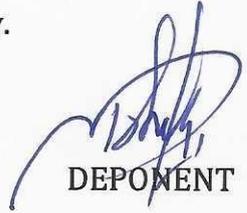
State of Haryana and Others

...Respondents

AFFIDAVIT

I, Vishal Garg, Executive Engineer-SBM, Municipal Corporation Gurugram, do hereby solemnly affirm and declare as under:

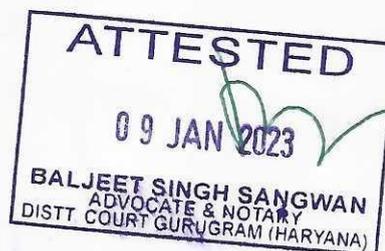
1. That I am authorized Representative of respondent No. 3 in the present matter. I have made myself conversant with the facts of the present case and therefore, I am competent to depose this affidavit.
2. That the accompanying reply has been drafted by my Counsel under my instructions. Same may kindly be read as part of this affidavit as the same are not being repeated herein for the sake of brevity.


DEPONENT

VERIFICATION:

Verified at Gurugram on this 06th day of January, 2023 that the contents of above affidavit are true and correct to the best of my knowledge and information derived from official record. No part of it is incorrect and nothing material has been concealed therefrom.


DEPONENT





Annexure-R11