

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

IN ORIGINAL APPLICATION NO. 68 OF 2022

Raman Sharma

.....Applicant

Versus

State of Haryana & Ors

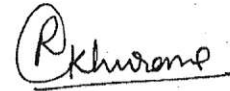
.....Respondent(s)

INDEX

| Sr. No | Particulars | Pages |
|--------|---|-------|
| 1. | Reply on behalf of respondent no. 9 i.e. State Environment Impact Assessment Authority, Haryana | 1-4 |
| 2 | Annexure R-9/1: Letter dated 15.10.2024 | 5-6 |

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Date: 15.10.2024



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State of Haryana & OrsRespondent(s)

**Reply on behalf of respondent no 9 i.e. State
Environment Impact Assessment Authority,
Haryana.**

1. That in the captioned original application the Grievances were raised regarding running of 10 DG sets in the green belt of Integrated Residential Colony Gurugram, Haryana, dumping of construction waste in violation of environmental norms and raising of constructions by M/s Malibu Estate Pvt. Ltd. in Malibu Town, Sohna Road, Gurgaon (North), Haryana despite refusal of consent to operate by the Haryana State Pollution Control Board (HSPCB).
2. That the Hon'ble National Green Tribunal vide order dated 28.03.2023 passed the following directions:

“23. In view of the facts and circumstances of the case, we consider the presence of SEIAA, Haryana to be essential for just and proper adjudication of the questions involved in the case. Accordingly SEIAA, Haryana is impleaded as respondent No. 9. The Registry is directed to make appropriate amendment in memo of parties.”

24. The SEIAA and Respondent No. 4 are also directed to look into the aspects of present status of the project for which EC is required, measures required to be taken for protection of third party investors for residential units in the project and remedial measures required to be taken by demolition or completion at the cost and

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expenses to be recovered from respondent No. 8. Reply/response by respondent's No. 4 and 9 may be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF."

3. That in compliance of the directions passed by the Hon'ble Tribunal; the matter was taken up in 158th meeting of SEIAA held on 02.06.2023 and it was decided that a show cause notice to the project proponent i.e. Malibu Town (Respondent No. 08). Accordingly, a show-cause Notice vide letter dated 14.06.2023 was issued to appear in person before the Authority; wherein, M/s Malibu Estate Pvt Ltd sought further adjournment through email dated 21.06.2023 and the matter was adjourned for 02.08.2023.
4. That the matter was again taken up on 02.08.2023; wherein, the complainant was directed to submit documentary evidence(s) of all the allegations made against the Project Proponent; and the matter was adjourned for 29.08.2023.
5. That the matter was taken up on various dates; wherein, the project Proponent seeks adjournments. Lastly, the matter was fixed for 06.12.2023 but the same could not be taken up due to resignation of Chairman, SEIAA; which was accepted by the MoEF & CC, GoI on 28.12.2023.
6. That MoEF & CC, GoI vide Notification No. 1707 (E) dated 12.04.2024 appointed Sh. Pranab Kishore Das, IAS (Retd.) as Chairman, SEIAA Haryana.
7. That the matter was taken up on 28.06.2024 and 11.10.2024; wherein M/s Malibu Estate Pvt. Ltd and the Complainant were directed to submit documents evidences.
8. That the Learned Counsel, Sh. Sanjay Upadhyay alongwith Sh. Subhash Raghav (authorized representative of Project Proponent) appeared on 11.10.2024 and made repeated submissions to emphasize that no violation(s) has been committed by the M/s Malibu Estate Pvt. Ltd (Project Proponent) for the development of an area of 204.796 Acres, for the Residential Plotted Colony

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alongwith Group Housing Component at Village Fatehpur, Tikri, Adampur & Jharsa, Sector-47 & 50, District Gurgaon.

Learned Counsel also submitted that Project Proponent had taken 32 number of Licenses since 28.10.1992 and onward i.e. 31.01.2008 from Directorate of Town & Country Planning, Haryana. Learned Counsel submitted that as and when Environment Clearance (EC) was required for the project, same was obtained from the Competent Authorities. Further, a specific mention in this regard was made by referring to the **EC dated 08.01.2008 and 04.09.2013 issued in the name of M/s Nikiyog Buildwell Pvt. Ltd and M/s Endure Realty Pvt. Ltd by the MOEF, GOI and SEIAA, Haryana, respectively.**

9. That Sh. Raman Sharma (Complainant), attended the proceeding through VC and argued that gross violations have been made by the Project Proponent by commercially exploiting the Green areas, beside other violations within the scope & meaning of EIA Notification dated 14.09.2006. Further, Sh. Raman Sharma (Complainant) claimed to have clear cut documentary evidences to establish and prove his pleas with regard to violations committed by the Project Proponent.
10. That upon having heard both the sides and perusing the documentary evidences the Authority feels that there is a requirement to seek clarification from the Director Town and Country Planning Department regarding scope of changes in Zoning Plan/layout plans of 1998 and 2008 as to whether the site plan/layout plan of earlier licenses were modified while approving the site plan/layout plan of the license no. 15 of 2008 in 2008.
11. Further, the Authority feels it appropriate to clarify that in the event there any change as alleged, then EIA Notification dated 14.09.2006 shall be applicable and M/s Malibu Estate Pvt Ltd shall be required to obtain Environment Clearance for the whole Project under violation category.

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12. That the Authority vide letter No. SEIAA/HR/2024/309 dated 15.10.2024 asked the Director Town & Country Planning Department Haryana to clarify scope of changes in Zoning Plan/layout plans of 1998 and 2008 as to whether the site plan/layout plan of earlier licenses were modified while approving the site plan/layout plan of the license no. 15 of 2008 in 2008.

(Copy of letter dated 15.10.2024 is annexed as Annexure R-9/2)

It is humbly prayed that the submissions made above may kindly be taken on record.

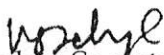
Place: Panchkula
Date: 15.10.2024


Member Secretary,
State Environment Impact Assessment
Authority, Haryana

Verification:

Verified that the contents of Para No. 1 to 12 are correct and true to my knowledge derived from the official record. No part of it is false and nothing material has been concealed therein.

Place: Panchkula
Date: 15.10.2024


Member Secretary,
State Environment Impact Assessment
Authority, Haryana

State Environment Impact Assessment Authority, Haryana,
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.

Telephone No. 0172-2565232
E-mail ID: seiaa-21.env@hry.gov.in

Memo No: SEIAA/HR/2024/309

Dated: 15/10/2024

To

The Director,
Town & Country Planning Haryana,
Plot No. 3, Sector - 18A, Madhya Marg,
Chandigarh- 160018

Subject: OA. No. 68 of 2022 titled as Raman Sharma versus State of Haryana and Ors.

With reference to Original Application **OA. No. 68 of 2022 titled as Raman Sharma versus State of Haryana and Ors.**

In the captioned original application the Grievances were raised regarding running of 10 DG sets in the green belt of Integrated Residential Colony Gurugram, Haryana, dumping of construction waste in violation of environmental norms and raising of constructions by M/s Malibu Estate Pvt. Ltd. in Malibu Town, Sohna Road, Gurgaon (North), Haryana despite refusal of consent to operate by the Haryana State Pollution Control Board (HSPCB). The Hon'ble National Green Tribunal vide order dated 28.03.2023 passed the following directions:

“23. In view of the facts and circumstances of the case, we consider the presence of SEIAA, Haryana to be essential for just and proper adjudication of the questions involved in the case. Accordingly SEIAA, Haryana is impleaded as respondent No. 9. The Registry is directed to make appropriate amendment in memo of parties.”

24. The SEIAA and Respondent No. 4 are also directed to look into the aspects of present status of the project for which EC is required, measures required to be taken for protection of third party investors for residential units in the project and remedial measures required to be taken by demolition or completion at the cost and expenses to be recovered from respondent No. 8. Reply/response by respondent's No. 4 and 9 may be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.”


The matter was taken up on 28.06.2024 and 11.10.2024; wherein M/s Malibu Estate Pvt. Ltd and the Complainant were directed to submit documents evidences.

The authorized representative of Project Proponent appeared on 11.10.2024 and made repeated submissions to emphasize that no violation(s) has been committed by the M/s Malibu Estate Pvt. Ltd (Project Proponent) for the development of an area of 204.796 Acres, for the Residential Plotted Colony alongwith Group Housing Component at Village Fatehpur, Tikri, Adampur&Jharsa, Sector-47 & 50, District Gurgaon. Learned Counsel also submitted that Project Proponent had taken 32 number of Licences since 28.10.1992 and onward i.e. 31.01.2008 from Directorate of Town & Country Planning, Haryana. Learned Counsel submitted that as and when Environment Clearance (EC) was required for the project, same was obtained from the Competent Authorities. Further, a specific mention in this regard was made by referring to the EC dated 08.01.2008 and 04.09.2013 issued in the name of M/s NikiyogBuildwellPvt. Ltd and M/s Endure Realty Pvt. Ltd by the MOEF, GOI and SEIAA, Haryana, respectively.

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Upon having heard both the sides and perusing the documentary evidences the Authority feels that there is a requirement to seek clarification from the Director Town and Country Planning Department regarding scope of changes in Zoning Plan/layout plans of 1998 and 2008 as to whether the site plan/layout plan of earlier licenses were modified while approving the site plan/layout plan of the license no. 15 of 2008 in 2008

Keeping in view of above, you are hereby requested to clarify scope of changes in Zoning Plan/layout plans of 1998 and 2008 as to whether the site plan/layout plan of earlier licenses were modified while approving the site plan/layout plan of the license no. 15 of 2008 in 2008.


Member Secretary,
SEIAA, Haryana