



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY  
(SEIAA), HARYANA,  
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.**

Telephone No. 0172-2565232  
E-mail ID: [seiaa-21.env@hry.gov.in](mailto:seiaa-21.env@hry.gov.in)

Memo No. SEIAA/HR/2023/471

Dated: 24.07.2023

To

**The Registrar General,  
National Green Tribunal,  
New Delhi.**

**Subject: Original Application No. 68 of 2022 title as Raman Sharma versus State of Haryana & Ors.**

**Ref: Order dated 28.03.2023.**

With reference to the subject cited above; a request is made for extension of time to submit reply/response in compliance with the directions of Hon'ble NGT order dated 28.03.2023.

**The brief of the case is as under:**

1. That the present Application is pending before this Hon'ble Tribunal and is fixed for hearing on 25.07.2023.
2. That the Grievances in the application are 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).
3. 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 expenses to be recovered from respondent No.8. Reply/response by respondents no. 4 and 9 may be filed within two months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF."*

4. That in compliance of the directions passed by the Hon'ble Tribunal; the matter was taken up in 158<sup>th</sup> meeting of SEIAA held on 02.06.2023 and it was decided to issue a notice to the Project Proponent i.e. M/s Malibu Town (Respondent No. 8). Accordingly, A notice was issued vide letter No. SEIAA/HR/2023/406 dated 14.06.2023 (**Annexure-1**) to appear in person before the Authority on 22.06.2023; wherein, the Project Proponent sought further adjournment through email dated 21.06.2023 (**Annexure-2**); thereafter, the matter was considered on 06.07.2023; wherein, the Respondent No. 9 verbally stated that they need some more time to submit their detailed reply along-with the relevant documents.
5. That the Authority decided to accede the request of the Respondent No. 8 and the matter is adjourned for 02.08.2023 for final hearing and decision thereof.

In view of the above, it is therefore requested to grant extension of time to appraise of latest status of compliance of this Hon'ble Tribunal order dated 28.03.2023.

  
(Assistant District Attorney)  
for Member Secretary,  
SEIAA, Haryana

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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, HARYANA,  
BAYS NO.55-58, PRAYATAN BHAWAN, SECTOR-2, PANCHKULA.

Telephone No. 0172-2565232  
E-mail ID: [seiaa-21.eny@hry.gov.in](mailto:seiaa-21.eny@hry.gov.in)

**COURT MATTER**  
**URGENT**  
**TIME BOUND**

Memo No. SEIAA/HR/2023/ 406

Dated: 14/06/2023

To

M/s Malibu Estate Pvt. Ltd,  
Malibu Town, Sohna Road,  
Gurugram, Haryana  
Email: [twintowermalibu@gmail.com](mailto:twintowermalibu@gmail.com)

**Subject: Original Application (OA) No. 68/2022 titled as Raman Sharma Applicant versus State of Haryana & Ors.**

While hearing the above titled Application on 28.03.2023, Hon'ble NGT was pleased to make certain observations & directions to State Environment Impact Assessment Authority (SEIAA), Haryana (hereinafter refer to as, THE AUTHORITY).

**Relevant part of the same is reproduced as under:**

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22. Reply/response may be filed by Respondent No.8 within two months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF. In its reply/response respondent No.8 shall specifically mention as to whether the respondent No. 8 has applied for EC, whether any third party rights have been created, if so what is the number of persons in whose favour third party rights have been created and what is the amount invested by them and what is the stage of the projects for which EC is required.
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 respondents no. 4 and 9 may be filed within two months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

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To comply with the aforesaid directions & observation made by the Hon'ble National Green Tribunal (NGT), where the Authority has been impleaded as Respondent No. 9 in the said case, with the directions to look into the aspects, which necessitate the Project Proponent (Respondent No. 8) to obtain Environment Clearance (EC) for the constructions carried out.

As per EIA Notification dated 14.09.2006 (emanating from Environment (Protection) Act, 1986), within the scope & meaning of the said Notification, under Category 8 (a) / 8 (b), Project Proponent(s) are required to obtain Environment Clearance (EC) as the case may be.

Whereas, it appeared to the Authority that you have failed to comply with the provisions of EIA Notification dated 14.09.2006 and have proceeded to carry out constructions without obtaining valid EC from the Competent Authority. This amounts to a clear cut violations / non-compliance of the relevant Environment Act/ Rules & directions issued by MOEF & CC, GOI from time to time.

By doing so, you have rendered yourself LIABLE FOR ACTION within the scope and meaning of SOPs dated 07.07.2021 and further under Section 5 of Environment (Protection) Act, 1986 (EIA Notification dated 14.09.2006). Further, in the light of the observations / directions made by the Hon'ble Courts in the below mentioned Cases:

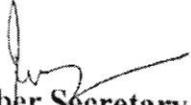
1. Hon'ble Supreme Court of India in Civil Appeal No. 10854 of 2016 titled as M/s Goel Ganga Developers India Pvt. Ltd Versus Union of India alongwith Civil Appeal No. 10901 of 2016 & Civil Appeal No. 5157-5158 of 2018.
2. Hon'ble Supreme Court of India in Civil Appeal No. 5016 of 2016 titled as Mantri Technozone Pvt. Ltd Versus Forward Foundation & Ors.
3. Hon'ble Supreme Court of India in Civil Appeal No. 2435 of 2019 titled as Keystone Realtors Pvt. Ltd Versus Shri Anil V Tharthare & Ors.
4. Hon'ble NGT in Appeal No. 122/2018 titled as Anil Tharthare Versus The Secretary, Env't. Dept. Govt. of Maharashtra & Ors.
5. Original Application No. 1017/2018 titled as Shashikat Vithal Kamble Versus Union of India & Ors.



6. Hon'ble NGT in Appeal No. 54 of 2018 titled as H.P. Ranjanna Versus Union of India & Ors.
7. Hon'ble NGT in Original Application No. 661 of 2018 titled as Mr. Praveen Kakkar Versus Ministry of Environment, Forest & Climate Change & Ors.
8. Hon'ble NGT in Appeal No. 2 of 2023 titled as VSR Infratech Pvt. Ltd Versus State of Haryana & Ors.
9. Hon'ble NGT in Misc Application No. 28 of 2023 titled as Aashish Sardana Versus Union of India.

In view of the above, the Authority, proposes to initiate & conclude proceedings within the scope & meaning of EIA Notification dated 14.09.2006 (under Environment (Protection) Act, 1986) for the violations / non-compliances made by you, in the said Project. However, before proceeding further, you are hereby afforded an opportunity to appear (alongwith relevant record/ documents pertaining to the Project) before the Authority on 22.06.2023 at 11:30 AM, at 1<sup>st</sup> Floor of Bay's No. 55-58, Paryatan Bhawan, Sector-2, Panchkula, Haryana; to explain your position, as to why the proposed action should not be initiated against you.



  
Member Secretary,  
State Environment Impact Assessment  
Authority, Haryana

**Re: Adjournment Request to Notice bearing Memo No. SEIAA/HR/2023/406 dated 14.06.2023.**

**From :** malibutowne@hotmail.com

Thu, Jul 20, 2023 12:40 PM

**Subject :** Re: Adjournment Request to Notice bearing Memo No. SEIAA/HR/2023/406 dated 14.06.2023.

**To :** SEIAAHRY Environment Dept, Haryana <seiaa-21.env@hry.gov.in>

Dear Sir,

This is in reference to our hearing on 06.07.2023 at your office, where we appeared before the learned Chairperson - SEIAA.

We request you to kindly provide us the order sheet of the said date.

Thanking you,

Sincerely,  
for Malibu Estate Pvt. Ltd.

Authorized Signatory.

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**From:** SEIAAHRY Environment Dept, Haryana <seiaa-21.env@hry.gov.in>

**Sent:** 23 June 2023 11:49

**To:** malibutowne@hotmail.com <malibutowne@hotmail.com>

**Subject:** Re: Adjournment Request to Notice bearing Memo No. SEIAA/HR/2023/406 dated 14.06.2023.

With reference to your Email dated 21.06.2023; **the Authority considered your request and decided to adjourn the matter for hearing on 06.07.2023 at 11:30 AM.**

Office of SEIAA, Haryana  
Bays No. 55-58, Paryatan Bhawan,  
1st Floor, Sector-2, Panchkula, Haryana

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**From:** malibutowne@hotmail.com

**To:** "SEIAAHRY Environment Dept, Haryana" <seiaa-21.env@hry.gov.in>

**Sent:** Wednesday, June 21, 2023 11:03:25 AM

**Subject:** Adjournment Request to Notice bearing Memo No. SEIAA/HR/2023/406 dated 14.06.2023.

To,

The Member Secretary  
State Environment Impact Assessment Authority,

**Ref: Memo No. SEIAA/HR/2023/406.**

Dear Sir,

This is to bring to your kind notice that we, Malibu Estate Pvt. Ltd have received the subject notice only yesterday (i.e. on 20<sup>th</sup> June 2023) at about 1:30 PM in a soiled condition. The said notice was left on a chair by a postman in our office.

According to subject notice, there is a direction for us to appear alongwith relevant documents pertaining to the Project before your good office on 22.06.2023 at 11:30 AM to explain our position, as to why the proposed action should not be initiated against us.

We would like to submit that in reference to the subject matter under consideration before your goodself, we would like to put forth our case/response alongwith supporting documents in detail. However, the record is voluminous and it would take some time to compile the same.

**Therefore, we request you to please grant us an adjournment of fifteen (15 days) for us to effectively respond to the notice under reply.**

Thanking you,  
Yours Faithfully

For Malibu Estate Pvt. Ltd.

Subhash Raghav  
V.P- Project.

Mobile No. 98115-13417 / 99104-81869.

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**From :** SEIAAHRY Environment Dept, Haryana <seiaa-21.env@hry.gov.in>

Fri, Jun 23, 2023 11:49 AM

**Subject :** Re: Adjournment Request to Notice bearing Memo No. SEIAA/HR/2023/406 dated 14.06.2023.

**To :** malibutowne@hotmail.com

With reference to your Email dated 21.06.2023; **the Authority considered your request and decided to adjourn the matter for hearing on 06.07.2023 at 11:30 AM.**

Office of SEIAA, Haryana  
Bays No. 55-58, Paryatan Bhawan,  
1st Floor, Sector-2, Panchkula, Haryana

**From:** malibutowne@hotmail.com

**To:** "SEIAAHRY Environment Dept, Haryana" <seiaa-21.env@hry.gov.in>

**Sent:** Wednesday, June 21, 2023 11:03:25 AM

**Subject:** Adjournment Request to Notice bearing Memo No. SEIAA/HR/2023/406 dated 14.06.2023.

To,

The Member Secretary  
State Environment Impact Assessment Authority,  
Prayatan Bhawan  
Sector-2, Panchkula,  
Haryana

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Thanking you,  
Yours Faithfully

For Malibu Estate Pvt. Ltd.

Subhash Raghav  
V.P- Project.

Mobile No. 98115-13417 / 99104-81869.

**Subject :** Adjournment Request to Notice bearing Memo No. SEIAA/HR/2023/406 dated 14.06.2023.

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**To :** SEIAAHRY Environment Dept, Haryana <seiaa-21.env@hry.gov.in>

To,

The Member Secretary  
State Environment Impact Assessment Authority,  
Prayatan Bhawan  
Sector-2, Panchkula,  
Haryana

**Ref: Memo No. SEIAA/HR/2023/406.**

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For Malibu Estate Pvt. Ltd.

Subhash Raghav  
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