

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW
DELHI**

I.A. No. _____ of 2024

IN

ORIGINAL APPLICATION NO. 648/2023

IN THE MATTER OF:

SUNIL KUMAR NIGAM

... Applicant

Vs.

STATE OF HARYANA & ORS.

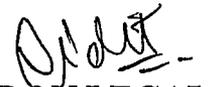
... Respondents

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FILED THROUGH

Respondent No. 08


D&V LEGAL

ADVOCATES & SOLICITORS
[DHRUV KAPUR/ VIJAYENDER KUMAR]
COUNSELS FOR RESPONDENT NO. 8
D - 360, GROUND FLOOR
DEFENCE COLONY, NEW DELHI 110024
EMAIL: dhruv.kapurlawyer31@gmail.com,
MOBILE: 9818950925

Place: New Delhi

Dated: 08.07.2024

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW
DELHI

I.A. No. _____ of 2024
IN
ORIGINAL APPLICATION NO. 648/2023

IN THE MATTER OF:

SUNIL KUMAR NIGAM ... Applicant

Vs.

STATE OF HARYANA & ORS. ... Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 08 TO THE
APPLICATION ON BEHALF OF THE APPLICANT
ASSOCIATION FOR IMPLEADMENT UNDER ORDER I
RULE 10 OF THE CODE OF CIVIL PROCEDURE, 1908.**

MOST RESPECTFULLY SHOWETH:

1. The instant reply has been signed, verified and filed by Mr. Sanjeet Kumar Thakur, who has been duly authorized by Answering Respondent vide its Board of Directors' Resolution dated 18.06.2024. The Authorised Representative/person is also aware of the facts and circumstances of the present case on the basis of information, derived from the records of the Answering Respondent, maintained during its normal course of business. Copy of Board of Directors' Resolution dated 18.06.2024 is annexed herewith as ANNEXURE-R/1.

2. At the very outset it is submitted that the captioned application is prime to be dismissed at the very threshold as the same is filled with inaccuracies which are legally fatal to the said applicant's attempt. It is evident that the cause title fails to even mention the party filing the instant application. In such a scenario, the instant application is incomplete and cannot be considered in the form in which it has been filed.
3. It is submitted that the instant application is without any authority. The Applicant Association has not annexed any document granting Mr. Sanjay Agarwal the authority to file the instant application. The captioned application must be dismissed on this ground alone.
4. In addition to the above, the Applicant Association (*although the same finds no mention in the cause title*) has failed to provide even a single reason as to why and how it should be impleaded in the captioned matter. It has even failed to clarify in what role it seeks to be impleaded in the captioned matter.
5. It is most respectfully stated that all claims and averments, made in the subject application are false, frivolous, vexatious and meritless. Respondent No. 8 (*"Answering Respondent"*) expressly and specifically denies each and every allegation made in the subject application. None of the contents of the subject application are deemed to be admitted for lack of specific denial herein unless specifically admitted.
6. It is further submitted that all the if the Applicant Association has, in any manner, been affected by any action of the Answering Respondent, the Applicant Association has the right

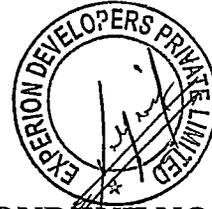
to exercise its legal remedies before proper forums. The captioned matter is not the right avenue for the Applicant Association to seek redressal of its alleged rights.

7. It is pertinent to mention that Applicant Association is an association of residents or the buyers in the project being developed by the Answering Respondent namely "**Windchants**" situated at Sector 112, Gurugram. In compliance of provisions of Haryana Apartment Ownership Act 1983, Applicant Association was formed by the Answering Respondent in 2021 and is also registered under provisions of the Haryana Rules & Regulations of Societies Act, 2012 ("**HRRSA**") with the District Registrar bearing registration no. HR/018/2021/02414.
8. It is pertinent to bring to the notice of this Hon'ble Tribunal that the Applicant Association has filed the instant application solely due its acrimony and to mount pressure in the pending litigations with the Answering Respondent.
9. In addition to the malicious intentions of the Applicant Association has failed to clarify in what capacity it wants to be impleaded in the captioned matter. It is a well settled law that since an effective remedy can be passed in the captioned matter without impleading the Applicant Association, hence, the instant application is liable to be dismissed.

PARA WISE REPLY:

10. The contents of paragraph no. 1 being a matter of record, merit no response.
11. The contents of paragraph no. 2 are denied ad being false and misleading. It is submitted that the Applicant Association has not annexed any resolution granting Mr. Sanjay Agarwal the authority to file the instant application. The application must be dismissed on this ground alone.
12. The contents of paragraph no. 3 are denied as being false, erroneous and wrong. It is vehemently denied that the Applicant Association is an affected party in the captioned matter. It is also denied that the Answering Respondent has done any wrong or has encroached any green area.
13. The contents of paragraph no. 4 are denied as being false, erroneous and vexatious. It is denied that the apartment owners are being affected by any wrong done by the Answering Respondent. Furthermore, it is submitted that if there exists any dispute between the Answering Respondent and the Applicant Association, this Hon'ble Tribunal must not be concerned with that. The Applicant Association ought to avail proper remedies before proper forums, which it has already availed.
14. The contents of paragraph no. 5 are denied as being false, frivolous and erroneous. It is denied that the Answering Respondent has done any wrong.

15. The contents of paragraph no. 6 to 8 are denied as being false, irrelevant, erroneous, vexatious and meritless. It is denied that the Answering Respondent has done any wrong or made any violations.
16. The contents of paragraph no. 9 are denied as false, frivolous and wrong.
17. The abovementioned facts clearly shows that the instant application is without any merit, not maintainable and erroneous. Hence, the instant application deserves to be dismissed in limine to ensure that the Applicant is not successful in its machination.



RESPONDENT NO.08

FILED THROUGH

A handwritten signature in black ink, likely belonging to one of the advocates mentioned in the text below.

D&V LEGAL
ADVOCATES & SOLICITORS
[DHRUV KAPUR/VIJAYENDER KUMAR]
COUNSELS FOR RESPONDENT NO. 8
D - 360, GROUND FLOOR
DEFENCE COLONY, NEW DELHI 110 024
EMAIL: - dhruv.kapurlawyer31@gmail.com
MOBILE: - 9818950925

Place: New Delhi

Dated: 19/05/2024

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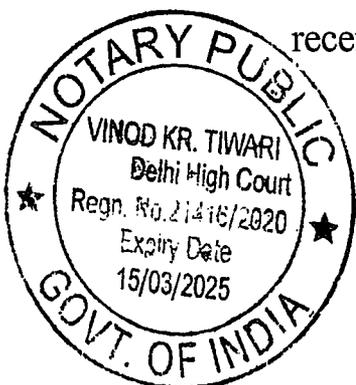
STATE OF HARYANA & ORS.

... Respondents

AFFIDAVIT

I, Sanjeet Kumar Thakur, S/o Harish Chandra Thakur, aged 42 years, working as Senior Executive (Legal) with the Respondent No. 08, having office at Milestone Experion Centre, 8th Floor, Wing B, Sector 15, Part-2, Gurugram, Haryana do hereby solemnly affirm and declare as under:

1. That I am the Authorized Representative of the Respondent no.8 Company and fully competent to swear and affirm the present affidavit.
2. That the accompanying reply, on behalf of the Respondent No. 8, has been drafted under my instructions and the contents of the same are true upon my knowledge, received and based upon the records, maintained by the Respondent Company during the normal course of its business. That nothing material has been concealed therefrom.
3. That the legal averments contained therein are true upon advice received and believed to be true.



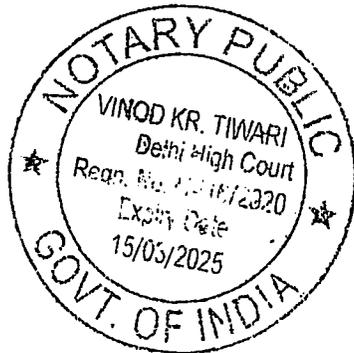
~~DEPONENT~~

VERIFICATION:

Verified at New Delhi on this 09 ⁰⁸ ~~08~~ ^{JUL} ~~JULY~~ 2024,
2024, that the contents of the above affidavit are true upon my
knowledge and nothing material been concealed therefrom.

[Signature]
I identified the Deponent who has
signed/thumb impression before me

[Signature]
DEPONENT



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE
DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY TO
UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI
[Signature]
IDENTIFY THE DEPONENT WHO HAS
SIGNED IN MY PRESENCE
VINOD KUMAR TIWARI, Advocate, Reg. No. 21416/2020
NOTARY PUBLIC (NEW DELHI)

09 JUL 2024

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF BOARD OF DIRECTORS OF EXPERION DEVELOPERS PRIVATE LIMITED HELD ON TUESDAY, THE 18TH DAY OF JUNE, 2024 AT 10:30 A.M. THROUGH VIDEO CONFERENCING ("VC")/OTHER AUDIO-VISUAL MEANS ("OAVM")

CHANGE IN AUTHORIZATION FOR LEGAL MATTERS

"RESOLVED THAT in supersession to all the earlier resolution passed by the Board of Directors of the Company ("Board"), Mr. Vikas Aggarwal, Ms. Savita Vashist and Mr. Sanjeet Kumar Thakur, all are the part of legal department (each of them, an "Authorized Person") are hereby severally authorized to execute the decisions of the Company on legal matters and to accordingly to do any of the below mentioned acts, deeds and things, in the name and on behalf of the Company, so long as they are in the full time employment of the Company, its holding company, subsidiaries and/or associate companies;

1. To institute and defend legal proceedings of any nature, including civil, criminal, judicial, quasi-judicial and/or any arbitration proceedings;
2. To prepare, make, sign, verify, file, plead, argue, act, affirm and/or declare, notices, letters, statements, declarations, caveat, plaints, complaints, appeals, written statements, affidavits, applications, review or revision petitions, suits, caveat, writ, and memoranda of appeals or objections or to any other document as may be required, in all or any Courts, Tribunals, Commissions, Judicial and Quasi-Judicial Authorities, Police, Lok Adalats, and/or any other statutory authorities and offices in India ("Offices"), including writ, original, appellate, revision or review jurisdiction;
3. To appear in all or any courts and/or Offices, to represent the Company in legal proceedings, to give evidence, to make statement on oath or otherwise for and on behalf of the Company;
4. To withdraw or settle the legal proceedings in accordance with the settlement agreement executed by duly authorized representative of the Company;
5. To file in and receive from any court and/or Office, documents of all kinds and to give receipts therefor;
6. To deposit or obtain refund of stamp duty and/or court fee, or to repay the same;
7. To deposit or withdraw from any or all courts or other Offices amounts of money and give receipts therefor;
8. To apply for copies of documents or other records of courts and/or Offices;
9. To apply for inspection of and to inspect records;
10. To execute decrees, obtain possession of properties in execution of decrees,
11. To engage, appoint the services of solicitor, consultant, counsel, advocate, pleader, lawyer in legal proceedings; and
12. To do all such acts, deeds or things as may be necessary or proper for the purposes mentioned above.

EXPERION DEVELOPERS PRIVATE LIMITED

Corporate Office: 8th Floor, Wing B, Milestone Experion Centre, Sector-15, Part-2, Gurugram, Haryana - 122001 Phone: 91-124 628 1630 CIN: U70100DL2006FTC1513

Registered Office: F-9, First Floor, Manish Plaza-1, Plot No.7, MLU, Sector 10, Dwarka, New Delhi - 110 075

www.experion.co



RESOLVED FURTHER THAT all acts, deeds or things lawfully done by the Authorised Persons under the authority of this resolution shall be construed as acts, deeds and things done by the Company, provided that such acts are consistent with this resolution and as per decisions of the Company on legal matters, and the Board will not be responsible for any illegal, invalid or any acts which are beyond the scope of the aforesaid powers.

RESOLVED FURTHER THAT the abovesaid Authorisations in favour of employees shall be valid and enforceable till the time of employment and shall stand automatically revoked/withdrawn on /cessation/ disassociation with the Company.

RESOLVED FURTHER THAT any of the directors of the Company be and are hereby authorized to do any such acts, deeds, things as may be considered desirable or expedient in connection with the above matters including modifying and/or revoking the authorities granted above.

RESOLVED FURTHER THAT a certified copy of this resolution be furnished to anyone concerned or interested in the matter under the signature of a director of the Company."

**Certified to be a true copy
For Experion Developers Private Limited**



**Nagaraju Routhu
Whole Time Director/Chairman
DIN: 01737862
Address:- A-61, 2nd floor, South City-2,
Islampur (97), Gurgaon, Haryana-122018**