

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
NEW DELHI**

OA No. 68 of 2022

IN THE MATTER OF :

Raman Sharma and Other

...Petitioner

Vs

State of Haryana and Others

...Respondents

REPLY ON BEHALF OF RESPONDENT No. 3 i.e. MUNICIPAL CORPORATION, GURUGRAM IN COMPLINACE OF ORDER DATED 11.01.2023

MOST RESPECTFULLY SHOWETH:

1. That the above subjected 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. This Hon'ble Tribunal vide order dated 11.01.2023 passed the following directions:

"6. Learned counsel for respondents no. 2, 4 and 7 also seek time to file detail reply/response on their behalf. The request is allowed. Reply/response on behalf of respondents no. 2, 4, 7 and 8 be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF. Requisite details regarding measurements of area of green belt occupied, regarding removal of construction waste with dates of dumping and removal, quantity dumped and area occupied by dumping and constructions, if any being raised, be mentioned in the replies."

The issue concerning with the answering respondent is Construction & Demolition Waste generated from demolition of dispensary site. The details of C&D waste lifted and disposed of



by the answering respondent as per its record is given in following paragraphs.

2. 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. Shri Jagdish Chand Chaudhry owner of property, 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, by its own.
3. 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. The answering respondent issued notice dated 09/11/2021 to M/s Goyal Iron Steel Traders asking about the details of disposal of C&D waste generated but no reply was received.
4. That after noting that the agency M/s Goyal Iron Steels did not reply regarding disposal 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.
5. 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.

It is pertinent to mention here that as per Office order Endst. No. MCG/ADMC/2019/18384 dated 10.04.2019, estimated generation of C&D waste from demolition of building is 400 kg/Sq. Meter. Further, Rs.720/- per ton is to be charged for secondary collection, segregation, storage processing and disposal of unsegregated waste. Thus, final assessment of amount to be charged on Sh Jagdish Chand Chaudhary was carried in following manner:

Area of dispensary building as per drawings duly approved	9530.115 SQM.
Tentative C&D waste generated	3812M.T. (9530*400)
Amount to be charged for 1 ton unsegregated C&D waste	Rs.720/-
Amount to be charged for total estimated C&D waste generated	Rs. 27,44,640 (3812 * 720)
Penalty@20%	Rs.5,48,928/-
Total amount be charged	Rs.32,93,568/-
Amount to be paid as per interim assessment	Rs.9,07,200/-
Demand raised after final assessment	Rs.23,86,368/- (32,93,568-9,07,200)



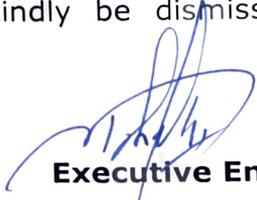
6. That a final notice was issued to the owner Sh. Jagdish Chand Chaudhary vide memo no. AE/CND/MCG/2022/47 dated 12/07/2022, amounting to Rs 23,86,368/-.
7. That Sh. Jagdish Chand Chaudhary, the owner has paid the sum of Rs. 23,86,368/- vide receipt no. 1845147 dated 15.07.2022 and a sum of Rs 9,07,200/- 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, as per 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 demolished dispensary site in question was lifted and sent to designated site for scientific disposal and site was cleaned. Tabulated chart giving details of C&D waste lifted by the Concessionaire is annexed herewith as **Annexure-R/1**. The said waste has been processed by MCG at the C&D Waste processing facility at village Basai (Gurugram). It is submitted that quantum of C&D waste lifted is less than the estimated quantum of waste generated. The owner of the property Sh. Jagdish Chand Chaudhary has failed to disclose the details of manner of disposal of C&D waste before



24.07.2022, when answering respondent started to lift the C&D waste.

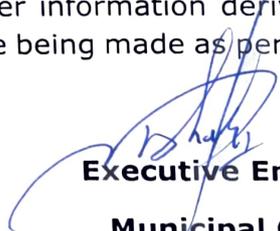
12. That answering respondent has taken proactive action to deal with C&D waste at the site and is committed to safeguard the interest of public at large. The information available in the record of answering respondent has been furnished by way of the present reply.

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- HQ,
Municipal Corporation,
Gurugram.**

Verification:

Verified at Gurugram on 14day of March, 2023 that contents of the above reply are true and correct as per information derived form the official record and legal submissions are being made as per legal advice.


**Executive Engineer- HQ,
Municipal Corporation,
Gurugram.**

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AFFIDAVIT

I, Vishal Garg, Executive Engineer (HQ) Municipal Corporation of Gurugram, do hereby solemnly affirm and declare as under:

1. That I am authorised 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 14 day of March, 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.



ATTESTED

MAHENDER S. PUNIA
ADVOCATE & NOTARY
Distt. Gurugram, Haryana


DEPONENT

14 MAR 2023

Annexure - R

C&D WASTE COLLECTED FROM DISPENSARY SITE			
DATE	SR.NO	VICHEL NO	NET WEIGHT
24/07/2022	45866	HR55AJ1488	26465
25/07/2022	46026	HR55AJ4190	25915
1-8-2022	46563	HR55AG0989	26095
1-8-2022	46570	HR55AJ4190	28535
1-8-2022	46578	HR55AG0989	28445
3-8-2022	46702	HR55AJ5026	26610
3-8-2022	46710	HR55AJ5026	26800
3-8-2022	46714	HR55AJ4190	28320
4-8-2022	46717	HR55AJ4190	28465
4-8-2022	46718	HR47C7924	31885
4-8-2022	46720	HR55AG0989	31525
4-8-2022	46722	HR55AJ4190	29865
4-8-2022	46724	HR47C7924	29180
4-8-2022	46725	HR55AG0989	30095
4-8-2022	46728	HR55AJ4190	29595
4-8-2022	46731	HR47C7924	34530
4-8-2022	46732	HR55AG0989	28705
4-8-2022	46733	HR55AJ4190	29955
4-8-2022	46735	HR55AG0989	28080
4-8-2022	46737	HR55AJ4190	27190
4-8-2022	46754	HR55AJ3529	27845
4-8-2022	46755	HR55AJ4190	27255
4-8-2022	46762	HR55AJ3529	32255
4-8-2022	46773	HR55AJ4190	27810
4-8-2022	46774	HR47C7924	33010
4-8-2022	46776	HR55AG0989	27350
5-8-2022	46784	HR47C7924	33430
5-8-2022	46787	HR55AG0989	29170
5-8-2022	46794	HR47C7924	35925
5-8-2022	46796	HR55AG0989	29280
5-8-2022	46801	HR47C7924	37470
5-8-2022	46804	HR55AG0989	27660
5-8-2022	46809	HR47C7924	35925
5-8-2022	46811	HR55AG0989	30890
5-8-2022	46813	HR47C7924	29465
5-8-2022	46814	HR55AJ3529	27380
5-8-2022	46815	HR55AG0989	28890
11-8-2022	47245	HR55AJ1488	24850
TOTAL			1122115

