

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 734 of 2024

In the matter of : -

RWA , Sector Sigma 2 ... Applicant
Versus
UOI & others ... Respondents

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Place: Noida
Dated : 18.1.2025

Drafted and Filed By:
Shivam Sakseena
(SHIVAM SAKSENA)
Advocate for Resp. No. 4
Chamber No. 210, C.K. Daphtary Block
Supreme Court, New Delhi-01
Mob. No.9971885963



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In the matter of : -

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... Respondents

SHORT REPLY ON BEHALF OF
RESPONDENT NO. 4, GREATER NOIDA
INDUSTRIAL DEVELOPMENT AUTHORITY

MOST RESPECTFULLY SHOWETH:

1. At the outset, it is submitted that unless expressly admitted each and every averment made or the contention urged in the Original Application is disputed and denied.
2. The present Original Application pertains to Green Belt Nos. 9, 10, 11, and 13 in Sector Sigma 2, Greater Noida. In regard to these green belts it is alleged that they are not being maintained / green cover has not been developed / there is encroachment / there is unauthorized usage of the green belt / liquor shop has been opened on Green Belt No. 13. The

Applicants have attached certain photographs in support of their contention.

3. On the basis of actual site inspection carried out by a team of officers of the Horticulture , Project, Planning and Land Departments, the following is submitted :

(i). Green Belt Nos. 9 , 10 and 11 are fully developed. The maintenance works have been carried out. Certain part of the boundary enclosures required maintenance, which has been carried out. Such breakage, hence its repair and maintenance, is normal. There is greenery, trees and shrubs etc. in the Green belts. They have been there for some time and this is evident from their size. There is barbed wire or wall with cement railing thereon. These green belts are developed and properly maintained. Geo tagged photographs of the Green Belt Nos. 9, 10 and 11 are annexed hereto and marked as **ANNEXURE R-4/1** (colly). It is incorrect on the part of the Applicant to allege to the contrary which is clear from the photographs annexed to this reply.

(ii). So far as Green Belt No. 13 is concerned, the same, as per the Plan approved in the year 2005, is located near the village abadi existing at the time of acquisition of land by the State which was thereafter handed over

to the answering Respondent for planned development. The Village abadi was not acquired. Adjacent to the existing village abadi, the answering respondent planned and developed 6% abadi plots, facing 6 mt wide road for allotment to the villagers whose land was acquired by the State. The Green Belt No. 13, is 60 mt long and 6 mt wide (i.e. having an area of total 360 sq mt) is located on Khasra No. 121, Village Kyampur which is part of the land acquired by the State. The development of abadi plot and its allotment is as per the administrative policy of the respondent authority. This Green belt No. 13 is partially developed.

(iii). A site survey of the area where the liquor shop is situated has been carried out by a team of officers of the Horticulture, Project, Planning and Land Departments. This survey confirms that the liquor shop, bearing No. 5161, is located on Khasra No. 122, Village Kayampur, Greater Noida. Khasra No. 122 is recorded as Abadi in the Revenue records, under Category 6(2) , and that same is not part of the land acquired by the State.

(iv). The answering respondent has no authority in law to grant license for running a liquor shop. That power vests in the State.

(v). As regard the contention of the applicants that the answering respondent has admitted, vide letter dated 11.1.20204 filed as Annexure

A-20 that the liquor shop is located on the Green Belt, it is clarified that the position has been clarified by the report of the joint survey carried out by officers of the Horticulture , Project, Planning and Land Departments, which team inter alia, includes officers of Work Circle 8 (this Work Circle had written the letter filed as Annexure A- 20) that in the letter dated 11.1.2024 (Annexure A-20) the factual position should be read as “not located”. The Green belt is developed over the acquired land of Khasra No. 121 while the liquor shop is located on Khasra No. 122 which is not part of the land acquired by the State. With the aforesaid, the position as regards the location of the liquor shop, is clarified. Thus, Annexure A-20 cannot be said to be an admission on the part of the answering respondent to the effect that the liquor shop is located on the Green Belt No. 13. It is further clarified, that as per the land use permissible under the Master Plan, a liquor shop cannot be constructed / run on the Green Belt.

(vi). As regard certain encroachment that have been made on Green Belt No. 13, it is submitted that notice has been issued to the encroachers, copy of the notice is annexed hereto and marked as **Annexure R-4/2**. Further legal action, in accordance with law shall be taken by the answering respondent Authority.

4. As regards the contention of the Applicants that “a high and robust wall” be constructed so that the entry of villagers or their cattle is restricted, the submission of the answering respondent is that entry into a public green belt cannot be restricted for anyone, including Villagers. It may not be proper / practical to construct a boundary wall between the village abadi and the Green Belt No. 13 which has a small area of just 360 sq mt. So far as grazing of cattle of the villagers is concerned the same is not allowed in parks / green belts developed by the Authority. Not everywhere can a green belt be enclosed within walls. Barbed wire and fencing is an acceptable form of demarcation / enclosure.

5. The pump house cannot be removed from the green belt as pump house is essential. Certain space has to be allocated to the person managing the pump house. The prayer made by the applicant in regard to removal of pump house is unacceptable to the answering respondent.

6. So far as the issue of temporary enclosure for C & D waste collection is concerned, it is submitted that the same is temporary in nature. The C & D waste collection centre is temporarily set in the area where such waste is generated. The enclosure is proposed on a small area and is away from the residential area. It is clarified that this enclosure is intended to be only a collection centre, where from the C & D waste is to

be carried to the C & D waste plant located in Sector Eco Tech-3. It is further clarified that till date this enclosure has actually not been used at all for collection of the C & D waste. It is submitted that under the C & D Waste Management Rules, 2016, collection centers are permissible. Rule 5 envisages the setting up of a plant for disposal of the C & D waste. At this stage, it is pertinent to submit that Rule 4(4) of the said Rules clearly contemplate and provide for setting up of collection center of the C & D waste. Similarly, Rule 5(1) also talks of collection of the C & D waste. Collection is thus to be made at designated collection centers, wherefrom the waste so collected is periodically transferred to the C & D waste plant. Such centres are erected at places, where C & D waste is likely to be generated. The generation of C & D waste is a temporary phase and it is inevitable in the process of development. It may be noticed that even for collection of garbage from households, garbage collection centers are set up within the colonies, where from the garbage is taken to the dedicated site for disposal. The collection centers for garbage as also for C & D waste is a necessity and cannot be faulted with. The Master Plan does permit the setting up of collection centres in the green area which is the most appropriate place. Relevant page of the Master Plan is annexed hereto and marked as **ANNEXURE R-4/3**. It is further submitted that the issue of having a temporary collection centre of C & D waste has come up before this Hon'ble Tribunal when it was

pleased not to permit such use. However appeal against that order is pending before the Hon'ble Supreme Court.

7. It is the respectful submission of the answering Respondent that all the material aspects raised in the O.A. against the answering respondent have been duly answered, thus, the said respondent has been advised to state that no parawise reply to averment made in the O.A. be made at this stage. The answering respondent, however, prays for liberty to file further reply / affidavit with the permission of this Hon'ble Tribunal at a later stage, should any occasion arise for the same.

In the premises, it is submitted that the Applicant is not entitled to any relief, as prayed. It is further submitted that the O.A. is devoid of merits and the same deserves to be dismissed. The answering Respondent prays accordingly.

NEW DELHI

RESPONDENT No. 4

DATED: 18.01.2025

through

(SHIVAM SAKSENA)
Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 734 of 2024



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... Applicant

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UOI & others

... Respondents

AFFIDAVIT

I, Ram Kumar, S/o Ram Lagan, aged about 50 years, resident of D – 109, Sector ETA – I , Greater Noida, do hereby solemnly affirm and state as under:

1. I am presently posted as Manager (Civil) with the Greater Noida Industrial Development Authority and as such well conversant with the facts deposed herein below:

2. I state that the accompanying reply which has been drafted under my instructions. I have perused the same and state that the factual contents stated in the accompanying reply are true and correct to my knowledge as derived from the records maintained in the Office of the said Authority.

The Annexures are true copy of their respective originals.




DEPONENT

Verification:

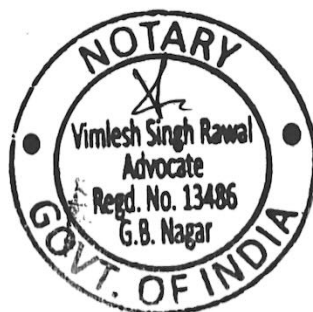
Verified at New Delhi on this the _____ day of January, 2025 that the factual contents of this affidavit are true and correct to my knowledge as derived from the records and that nothing stated herein is false and nothing material has been concealed therefrom.


DEPONENT

No. - 5 Date 18/01/25 Certified The
Sh/Smt. Ram Kumar
S/o Sh. Ram Lagan
R/o. Greater Noida
Identified by Shri. Lalit Kumar
Presented his affidavit before the today date
and verified the Contents of Documents


ATTESTED


Vimlesh Singh Rawal
Advocate (Notary)
Distt. Gautam Budh Nagar






GR-9

 **GPS Map Camera**



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 **GPS Map Camera**



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GB-10



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Camera Lite

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201310, India



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GB-10

 **GPS Map Camera**



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 **GPS Map Camera**



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GB-10



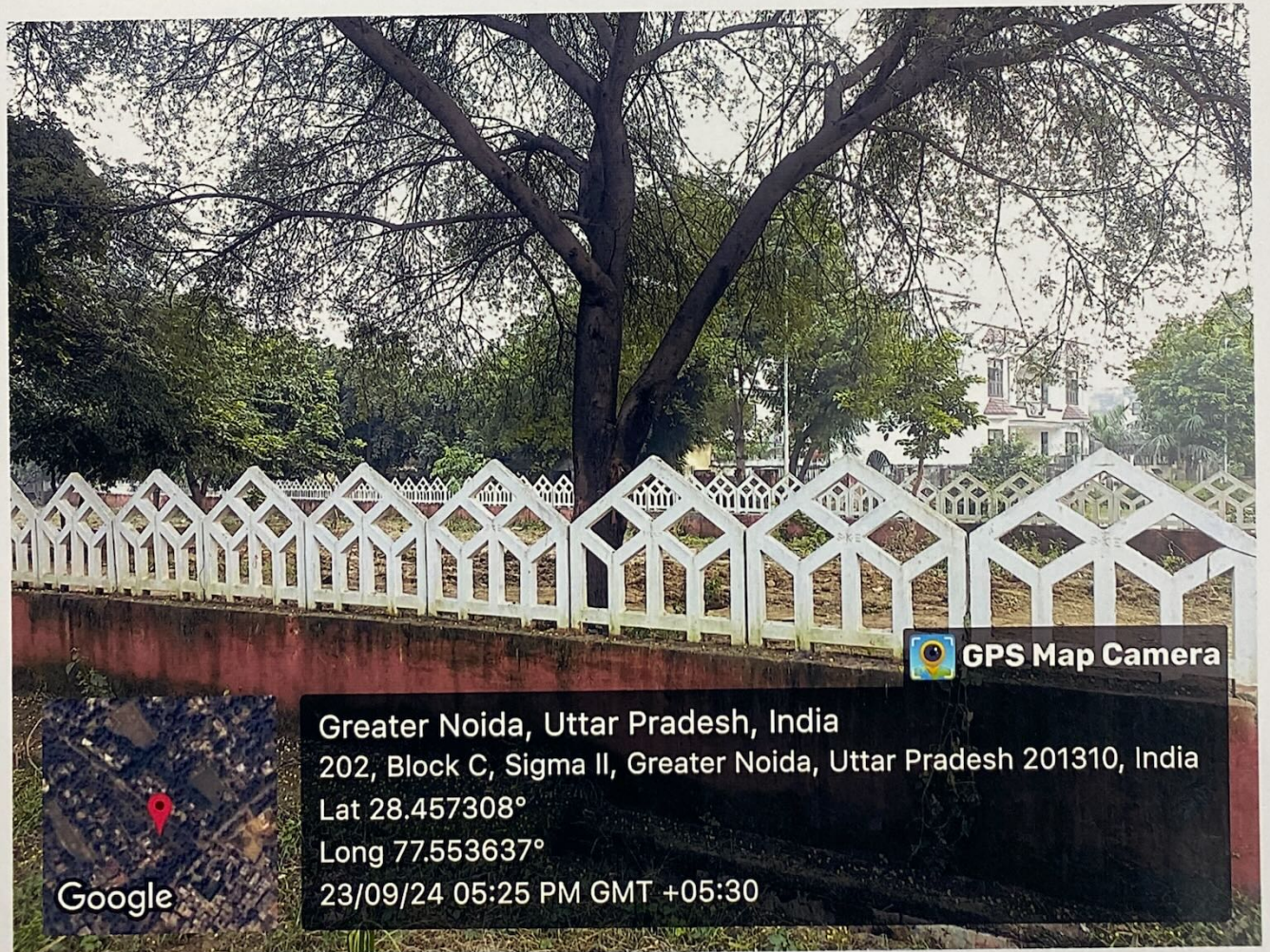
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201310, India





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GPS Map Camera



Google

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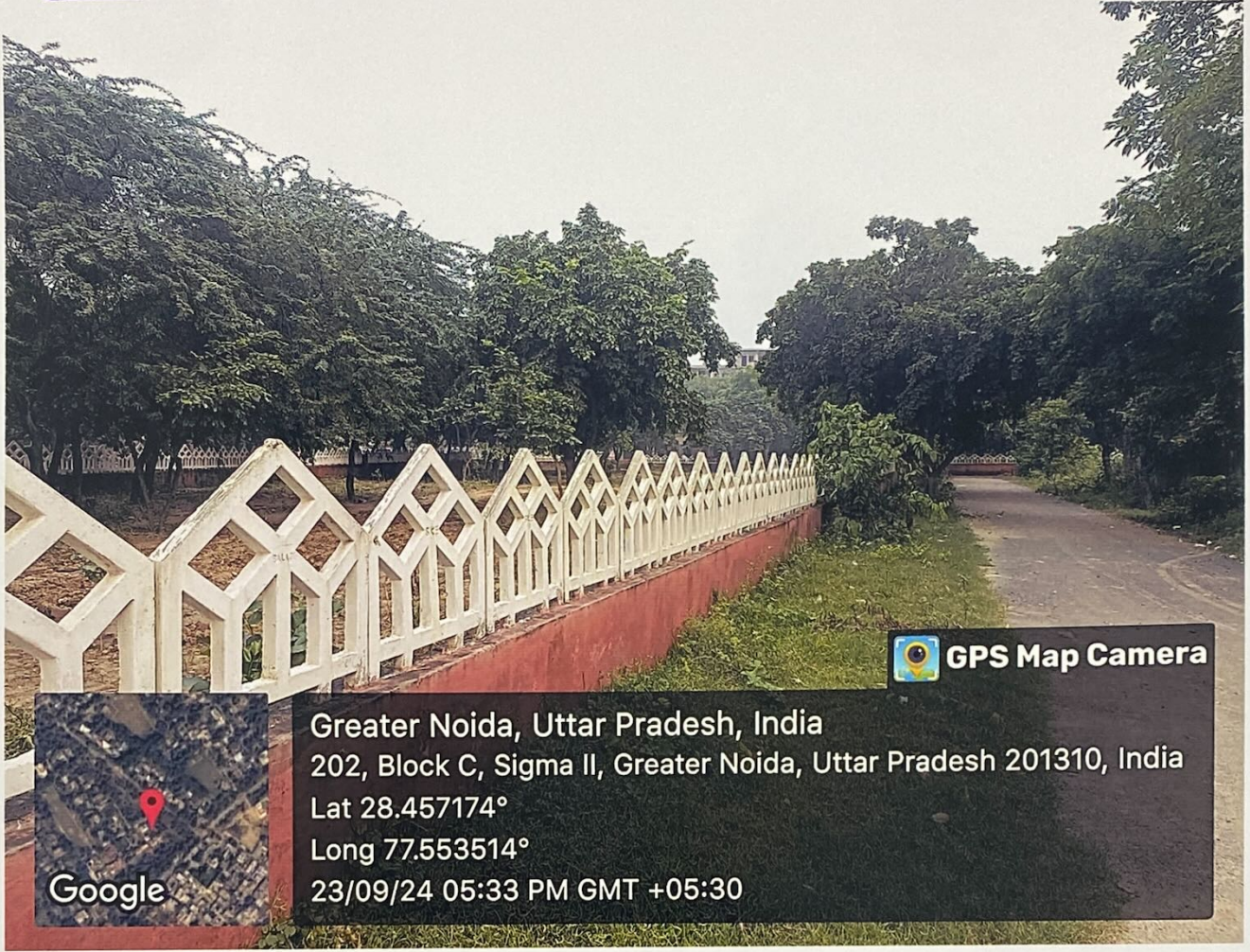


GPS Map Camera



Google

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GPS Map Camera
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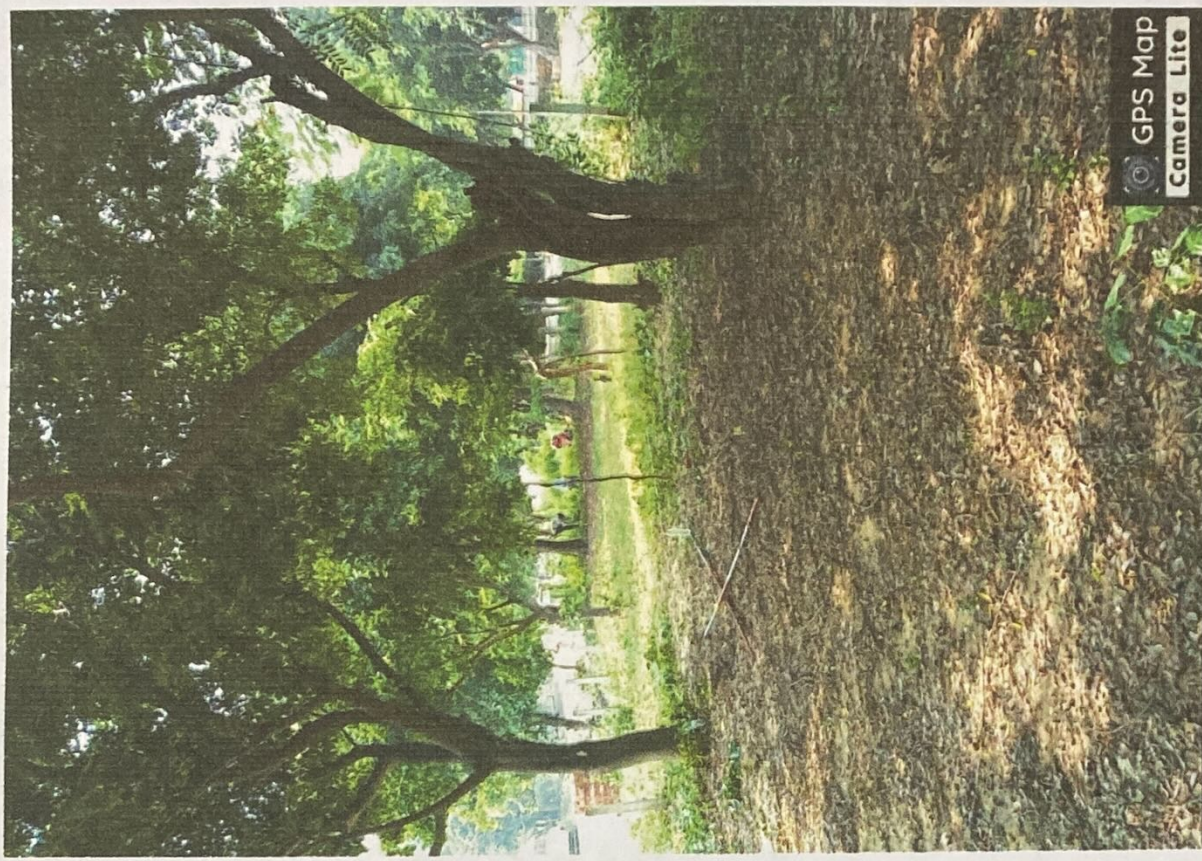
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GB-11



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201310, India



GPS Map
Camera Lite

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347, Block C, Sigma II, Greater Noida, Uttar Pradesh
201310, India





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ग्रेटर नौएडा औद्योगिक विकास प्राधिकरण

प्लॉट संख्या-01, सैक्टर- नॉलेज पार्क-4, ग्रेटर नौएडा सिटी-201301, गौतमबुद्ध नगर उत्तर प्रदेश
Website : WWW.greaternoidaauthority.in email ID : authority@gnida.in

क्र. सं. : वर्क सर्किल/उद्यान/2024-25/4938

दिनांक : 15/01/2025

नोटिस

(उ०प्र० औद्योगिक विकास अधिनियम, 1978 धारा-10 के अन्तर्गत)

प्रेषक/

मुख्य कार्यपालक अधिकारी,
ग्रेटर नौएडा औद्योगिक विकास प्राधिकरण

सेवा में,

श्रीमति देवेन्द्री शर्मा (ग्राम-डाबरा),
श्री पप्पु पुत्र श्री बदले सिंह,
श्रीमति आरती तिवारी W/o श्री सुजीत कुमार तिवारी,
श्रीमति शीला देवी W/o श्री भैवर सिंह,
श्री जगवीर पुत्र श्री मलखान,
श्रीमति फूलमति वर्मा W/o श्री परशुराम वर्मा,
श्री जतिन गर्ग पुत्र श्री कमल कुमार अग्रवाल
सैक्टर सिग्मा-2, ग्रेटर नौएडा
तहसील गौतमबुद्धनगर, उत्तर प्रदेश

खसरा संख्या :- 121

अतिक्रमण का प्रकार :- ग्रीन बैल्ट में मवन एवं दुकानों
का निर्माण।

आपको धारा-10 के अन्तर्गत निम्नवत नोटिस दिया जाता है।

1. सैक्टर सिग्मा-2, ग्राम क्यामपुर में स्थित ग्रीन बैल्ट की सम्पत्ति ग्रेटर नौएडा औद्योगिक विकास प्राधिकरण के अधिसूचित क्षेत्र में स्थित है। इस सम्पत्ति का निरीक्षण के दौरान पाया गया कि आपके द्वारा अनुसूची-2 में वर्णित अनाधिकृत निर्माण किया गया है, जिसको हटाये जाने के संबंध में पूर्व में भी आपको कई बार मौखिक एवं लिखित रूप से निर्देशित किया गया है। जिससे इस क्षेत्र के समुचित नियोजन अथवा सुविधाओं एवं जनता के हितों पर प्रतिकूल प्रभाव पड़ रहा है अथवा पड़ने की सम्भावना है।
2. अतः आपको निर्देशित किया जाता है कि अनुसूची-1 में वर्णित पर निर्माण आदि कोई ऐसी कार्यवाही न करें, जिससे कि ग्रेटर नौएडा क्षेत्र के समुचित नियोजन अथवा सुविधाओं पर प्रतिकूल प्रभाव पड़े।
3. आपको यह भी निर्देशित किया जाता है कि इस नोटिस की प्राप्ति के 7 दिनों की अवधि में उक्त अवैध निर्माण को हटा लें व विवर्णित स्थल को उसकी मूल दशा में प्रत्यावर्तित कर दें। ऐसा न करने पर इसका पूर्ण दायित्व आप पर होगा एवं प्राधिकरण को यह अधिकार होगा कि वह आपके द्वारा कराये गये अनाधिकृत निर्माण को ध्वस्त कर उपरोक्त स्थल को उसकी मूल दशा में प्रत्यावर्तित करने पर किये गये व्यय को आप से वसूल किया जायेगा।

उप जिलाधिकारी

कृते मुख्य कार्यपालक अधिकारी
ग्रेटर नौएडा औद्योगिक विकास प्राधिकरण
ग्रेटर नौएडा गौतमबुद्धनगर

o/c

15/01/25

10.2 Use Premises

Use premises means one of the many sub-divisions of a use zone, designated at the time of preparation of layout plan, for a specific main use or activity.

There shall be use premises as designated in para 10.3.

Use activities permitted in use premises are given in para 10.4

10.3 USE PREMISES PERMITTED IN USE ZONES

USES/USE ACTIVITIES PERMITTED IN USE PREMISES

Sl.No.	Use Premises	USE ZONES						Green areas	T1	T2	IG	Agri.	II
		R	C	M	I	P1	P2						
1a.	Abadi Expansion Plots	P	NP	P	P	NP	NP	P	P	P	P	P	
1.	Amusement and Entertainment Park	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	
2.	Bank	P	P	P	P	NP	NP	P	P	NP	NP	P	
3.	Barat Ghar	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	
4.	Burial and Cremation ground, cemeties	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	
5.	Bus depot and workshops.	NP	NP	P	NP	NP	NP	P	P	NP	NP	NP	
6.	Bus terminal, LRT terminals/Metro Station and terminal	NP	P	P	P	NP	NP	P	P	NP	NP	P	
7.	Cargo and booking office	NP	P	P	NP	NP	NP	P	P	NP	NP	P	
8.	Cinema/Multiplex	NP	P	P	NP	NP	NP	P	P	NP	NP	P	
9.	Clinical Laboratory	P	P	P	P	NP	NP	NP	NP	P	NP	P	
10.	Community Centre/Auditorium/Banquet Hall	P	P	P	P	P	NP	P	P	P	NP	P	
11.	Convenient/Sector Shopping	P	NP	P	P	NP	NP	P	P	P	NP	P	
12.	Courts	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	NP	
13.	Creche and Day Care Centre	P	P	P	P	NP	NP	P	P	NP	NP	P	
14.	Dairy Farming/Poultry farms	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	
15.	Dharamshala	P	P	NP	NP	NP	NP	P	P	NP	NP	NP	
16.	Dispensary	P	P	P	P	NP	NP	P	P	NP	NP	P	
17.	Drive in cinemas	NP	P	NP	NP	P	NP	NP	NP	NP	NP	NP	
18.	Educational Institutions including Training Centre	NP	NP	NP	P	NP	NP	NP	NP	P	NP	P	
19.	Fair Ground	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP	
20.	Farm House	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	
21.	Gas Godowns	NP	NP	P	NP	P	NP	NP	NP	NP	P	NP	
22.	Golf Course	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	
23.	Higher Secondary School	P	NP	NP	P	NP	NP	NP	NP	NP	NP	P	
24.	Hospital	P	NP	NP	P	NP	NP	NP	NP	NP	NP	P	
25.	Hostel, Guest House, Boarding House, Lodging house	P	P	P	P	NP	NP	P	P	NP	NP	P	
26.	Hotel	NP	P	NP	P	NP	NP	P	P	NP	NP	P	
27.	Hawkers area	P	P	P	P	P	NP	P	P	P	NP	P	
28.	Industrial plot/Platted factory plot	NP	NP	P	NP	NP	NP	NP	NP	NP	NP	P	
29.	IT Park/ unit enabled services	NP	NP	P	P	NP	NP	NP	NP	P	NP	P	
30.	Milk Chilling Centers	NP	NP	P	NP	NP	NP	NP	NP	NP	P	NP	
31.	Motel	NP	NP	NP	NP	NP	NP	P	P	NP	P	NP	
32.	Motor garage and workshop	NP	P	P	NP	NP	NP	P	P	NP	NP	NP	

Sl.No.	Use Premises	USE ZONES										
		R	C	M	I	Green areas		T1	T2	IG	Agri.	IIT
						P1	P2					
33.	Museum, Art Gallery, Exhibition Centre.	P	P	P	P	NP	NP	NP	NP	P	NP	P
34.	Night Shelter	P	P	P	NP	NP	NP	P	P	NP	NP	NP
35.	Nursery and Kindergarten School	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
36.	Nursing Home	P	P	P	P	NP	NP	NP	NP	NP	NP	P
37.	Offices	P	P	P	P	NP	NP	P	P	NP	NP	P
38.	Oil depot	NP	NP	P	NP	P	NP	NP	NP	NP	P	NP
39.	Open air theatre	P	P	NP	P	P	NP	NP	NP	P	P	NP
40.	Orchard	P	NP	P	P	P	P	P	P	P	P	P
41.	Orphanages	P	NP	NP	P	NP	NP	NP	NP	NP	NP	NP
42.	Park	P	P	P	P	P	P	P	P	P	P	P
43.	Parking	P	P	P	P	P	P	P	P	P	P	P
44.	Petrol Pump/Fuel Station	P	P	P	P	P	P	P	P	P	P	P
45.	Plant Nursery	P	NP	P	P	P	P	P	P	P	P	P
46.	Play ground	P	P	P	P	P	P	P	P	P	NP	P
47.	Police Lines, Civil Defense and Home Guards	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	NP
48.	Public Utilities and Services/facilities	P	P	P	P	P	P	P	P	P	P	P
49.	Railway freight godowns.	NP	NP	P	NP	NP	NP	P	P	NP	NP	P
50.	Recreational Club	P	P	P	P	P	NP	P	P	P	NP	P
51.	Religious premises	P	NP	P	P	NP	NP	NP	NP	P	NP	P
52.	Research & Development Centres.	NP	NP	P	P	NP	NP	NP	NP	P	NP	P
53.	Residential group housing (flatted).	P	NP	P	P	NP	NP	NP	NP	NP	NP	P
54.	Residential plot/plotted housing.	P	NP	P	P	NP	NP	NP	NP	NP	NP	NP
55.	Restaurant	P	P	P	P	NP	NP	P	P	P	NP	P
56.	Rural Centre	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP
57.	Shooting range	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
58.	Shopping Centres	NP	P	P	P	NP	NP	P	P	P	NP	P
59.	Social and Cultural Centre	P	NP	NP	NP	NP	NP	P	P	P	NP	P
60.	Specialised parks/theme parks and gardens	P	P	P	P	P	P	P	P	P	P	NP
61.	Sports Complex/Centre	NP	NP	P	P	P	NP	NP	NP	P	NP	NP
62.	Sports City	P	NP	NP	P	P	NP	NP	NP	P	NP	NP
63.	Storage, godowns and warehousing, cold storage	NP	P	P	NP	NP	NP	P	P	NP	P	NP
64.	Swimming Pool	P	NP	P	P	P	NP	NP	NP	P	NP	NP
65.	Transport booking office (rail, road and air)	NP	P	P	P	NP	NP	P	P	NP	NP	P
66.	Transport Nagar	NP	NP	P	NP	NP	NP	P	P	NP	NP	P
67.	Vending Booth, Kiosks	P	P	P	P	P	P	P	P	P	NP	P
68.	Weekly Market	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
69.	Wholesale Trade	NP	P	NP	NP	NP	NP	P	P	NP	NP	NP
70.	Women's Hostel	P	NP	NP	P	NP	NP	NP	NP	NP	NP	NP
71.	Zoo	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP

* P-Permitted, NP-Not Permitted, R-Residential, C-Commercial, M-Industrial, I-Institutional, P1-Recreational green P2- Nurseries and Horticulture, Transportation, T2- Multi Modal Transport Hub & Multi Modal Logistic Hub, Agri-Agricultural, IIT- Integrated Industrial Township

All use premises not covered in the above table, shall be permissible in various use zones after approval of the Authority's Board.

Uses permissible in Multi Modal Transport Hub & Multi Modal Logistic Hub will be as per Activities and uses approved by Govt.

44. PARKING

Parking, kiosks, public conveniences.

45. PETROL PUMP/FUEL STATION

Petrol Pump/Fuel Station, Automobile Repair Shop service shops, convino,...

46. PLANT NURSERY.

Nursery

All structures shall be temporary in nature.

47. PLAY GROUND

Play Ground, Parking (upto 10% area), indoor games hall
Support facilities (upto 10% ground coverage and 20 FAR).

48. POLICE LINES, CIVIL DEFENCE & HOME GUARD

District Police Office and Civil Defence & Home Guard, Hostel, Play Ground.

Support facilities upto 25% of FAR, staff housing 15% of FAR.

49. PUBLIC UTILITIES AND FACILITIES/SERVICES

Overhead Tank, Underground Tank, Oxidation Pond, Septic Tank, Pumping Stations, Electric Sub-Station, Fire post, fire station, police post, police station, post office, post and telegraph office, telephone exchange, transmission tower, satellite/telecommunication centre, observatory/weather office, radio and television centers, waste disposal and treatment site and such other utilities and services.

Support facilities up to 5% of FAR.

50. RAILWAY FREIGHT GODOWN

Railway Freight Godown, Care Taker's Office,

Support facilities up to 5% of FAR.

51. RECREATIONAL CLUB

Recreational club, swimming pool, indoor and outdoor games facilities, guest rooms, restaurant

Support facilities up to 25% of FAR.

52. RELIGIOUS PREMISES/BUILDING

Religious buildings, Ashram, Bathing Ghat, Gaushala, Charitable Dispensary, Library, flower shops, sweet shops and other shops and facilities related to religious activities up to 15% of FAR.

53. RESEARCH AND DEVELOPMENT CENTRE

Research and Development Centre,

Staff housing up to 15% FAR. Hostel and support facilities up to 35% of FAR. 10.8

54. RESIDENTIAL - GROUP HOUSING (FLATTED/PLOTTED)