

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH NEW DELHI AT NEW DELHI

I.A. No. 356 of 2024

IN

ORIGINAL APPLICATION NO. 161 OF 2023

IN THE MATTER OF:

Rana Iqbal Singh Jolly & Ors. ....APPLICANTS

VERSUS

State of Punjab & Ors. ....RESPONDENTS

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**NDOH: 22.08.2024**

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Filed by:



New Delhi  
Date: 20.08.2024

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NEW DELHI -110019.  
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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH  
AT NEW DELHI

I. A. No. 356 OF 2024

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Rana Iqbal Singh Jolly & Ors.

Applicants

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Respondents

**N.D.O.H:22.08.2024**

SHORT REJOINDER ON BEHALF OF THE  
RESPONDENT NO.8 TO THE REPLY FILED BY  
THE APPLICANTS IN I.A. NO.356 OF 2024 FILED  
BY THE RESPONDENT NO.8

MOST RESPECTFULLY SHOWETH:

1. That the captioned Original Application filed by the Petitioners before this Hon'ble Tribunal is pending adjudication before this Hon'ble Tribunal and now fixed for final hearing on 22.08.2024.
2. That the I.A. No.356 of 2024 filed by the Respondent No.8 came to be listed for hearing along with the main case on 07.08.2024

when the Applicants sought time to file reply and having been granted 10 days time have served the copy of the reply to the Respondent No.8 on 21.08.2024 at 2.36 p.m. The Respondent No.8 having gone through the reply along with documents/annexures filed therewith craves the leave of this Hon'ble Tribunal to submit a short rejoinder to the same since the Respondent No.8 is suffering each day on account of the pendency of the present O.A.

3. That the Respondent No.8, save and except what is borne from the records of the present case, denies each and every averments and inconsistent pleas and contentions sought to be raised by the Applicants in their reply filed to the I.A. No.356 of 2024 in O.A. No.161 of 2023.
4. That the Respondent No.8 respectfully submits that the contents of the reply filed by the Applicants to the present I.A. in no manner deals with the environmental concerns that was sought to be raised in their O.A. Furthermore, for the reasons best known to the Applicants, by way of the present reply they have made an attempt to expand the scope of the O.A. and also to place on record on certain documents which were in their knowledge and possession at the time of passing of the repeated orders including the order dated 26.04.2024 & 07.08.2024.

5. That the Respondent No.8 while reiterating its averments and stands taken in its reply and the I.A. filed wishes to briefly submit the following points for the kind appreciation and consideration of this Hon'ble Tribunal in the manner appearing herein below:

5.1 The response/reply filed by the applicants is clearly contrary to the various orders passed by this Hon'ble Tribunal from time to time wherein while considering the facts and circumstances this Hon'ble Tribunal has been pleased to record the fact that Respondent No.8 should be put in parity with similarly project proponents / persons / entities including the Forest Hill Resort.

5.2 The detailed reply filed by the Respondent No.8 to the O.A. clearly shows and establishes that the O.A. was filed by the Applicants to wreck personal vendetta for vested / malafide reasons.

5.3 Respondent No.8 has at all times carried out its activities keeping in mind the environmental concerns and never violated the same in any manner.

5.4 Significantly, the Applicants while making wild/vague allegations have neither placed on record any document nor any permission showing how they could have raised substantial permanent construction/structure on his farm.

- 5.5 It is an admitted case that Respondent No.8 has made temporary constructions and has done extensive green improvements by planting trees, keeping open areas, water bodies etc. as narrated in its reply supported by photographs. It is significant to mention that the Respondent No.8 has repeatedly maintained that the Hermitage Farm is only a farm and not a marriage palace as sought to be repeatedly and mischievously alleged by the applicants. There is no permanent construction or banquet hall etc. (except for a basic small kitchen/rest-rooms) and further no kitchen catering etc. are provided. The farm is only let out to third parties who make arrangement for functions and that too only for 3-4 months in October-February. For rest of the months it is maintained as farm only.
- 5.6 The CTO/CTE has been granted to the Respondent No.8 by the Respondent No.2/PPCB taking into consideration the present proceedings and to put Respondent No.8 at par with other similarly situated project proponents / persons / entities including Forest Hill Resort.
- 5.7 Even earlier the Respondent No.8 had applied for all necessary permissions and requisite intimation were given

to the concerned authorities before organising any function at the Hermitage Farm. It is reiterated that the Respondent No.8 only lets out its farm land to third parties for functions and it in itself does not carry out any such activities.

5.8 Respondent No.8 has already obtained various permissions/NOCs etc. (duly placed on record) including being registered with the Punjab Heritage and Tourism Promotion Board for Punjab Farm Tourism and it was for this reason also that no permanent constructions have been raised.

5.9 There is an apparent and gross concealment and suppression with respect to the various orders passed and the status of pending proceedings and by the Hon'ble Punjab & Haryana High Court at Chandigarh. The Respondent No.2/PPCB admits that the issue of sanctions/approvals from the concerned authorities pertaining the area in question is pending before the Hon'ble High Court of Punjab & Haryana at Chandigarh in COCP No.1502 of 2023 (page No.509-510 of status report dated 02.11.2023). The Applicants also admits about the said fact in its reply dated 20.02.2024 (pages 622 – 630) filed in I.A. No.837 of 2023 while stating that this Hon'ble

Tribunal does not have any jurisdiction to go into the question of grant/refusal of CLU etc.. However, in the present reply the applicants have unnecessarily now reeking up issues otherwise than environmental concerns.

5.10 Pertinently, the applicants had approached this Hon'ble Tribunal baldly and vaguely citing environmental issues which the CTO/CTE duly takes care of and thus nothing survives in the matter. Now the applicants have sought to take a contradictory stand and sought to pick up irrelevant issues solely with a mischievous intent to stall the operation of the Respondent No.8 and pressurise it to settle personal scores as duly made out in the reply filed by Respondent No.8.

5.11 The Applicants while continuing to act with obduracy have even written/influenced the concerned authorities not to process the permissions / approvals applied for citing pendency of the present O.A. before this Hon'ble Tribunal. Respondent No.8 had applied for regularisation of its farm house vide application dated 22.04.2024 which solely for the undue influence exercised by the Applicants, the same is pending despite lapse of considerable period of time. Application dated 22.04.2024 filed by Respondent No.8

before the Ld. Senior Town Planner, District SAS Nagar, Punjab is annexed herewith as **ANNEXURE R/8/1**.

5.12 The repeated and various orders passed by this Hon'ble Tribunal makes it clear that the present O.A. has been filed for personal reasons and pendency of the present proceedings has caused irreparable and substantial prejudice to the Respondent No.8.

5.13 It is pertinent to mention that the applicants have sought directions from this Hon'ble Tribunal to the effect that Respondent No.8 should only be allowed to operate after obtaining CTO/CTE which the Respondent No.8 has obtained as per law. The grievances, if any, of the applicants do not survive in any manner whatsoever and it was in such circumstances that the Respondent No.8 had filed the present I.A. No.356/2024 seeking the kindly indulgence of this Hon'ble Tribunal in disposing of the present O.A. as per law.

5.14 The Respondent No.8 further wishes to place on record the Google Map along with supporting map of Survey of India clearly reflecting/demonstrating that the Hermitage Farm of the Respondent No.8 is approx. 2.21 Kms away from the boundary of the Sukhna Wildlife Sanctuary towards the

Punjab Side and thus not adversely affected in any manner on account of ESZ demarcation proposal of the Govt. of Punjab. In any case, the issue of issuance of final draft notification declaring area as ESZ for Sukhna Wildlife Sanctuary towards the Punjab Side before the Hon'ble Supreme Court in W.P. (C) No.202 of 1995. It is further worth mentioning that the Union of India (MoEF & CC) have recommended for declaring at least 1 KM area as ESZ upon which suggestion the Hon'ble Supreme Court has been pleased to request the State of Punjab to reconsider their proposal of 100 Metres area as earlier proposed by it. The matter is pending. Copy of the Google Map and the map of Survey of India showing the location of Hermitage Farm are annexed herewith as **ANNEXURE R/8/2 (Colly.)**

6. That the Respondent No.8 in view of the submissions appearing herein above most humbly seeks the kind indulgence of this Hon'ble Tribunal in allowing the present I.A. No.356 of 2024 filed by the Respondent No.8 following the settled principles of law reiterating the jurisdiction of this Hon'ble Tribunal is curative and not punitive. Admittedly, no environmental issue survives for consideration in the present O.A. which may kindly be disposed of while allowing the instant application.

AND FOR THIS ACT OF KINDNESS THE RESPONDENT NO.8  
AS IN DUTY BOUND SHALL EVER PRAY



RESPONDENT NO.8

THROUGH



Date:20.08.2024

Place:Delhi

Dinesh C Pandey & Dushyant Dahiya  
COUNSELS FOR THE RESPONDENT NO.8  
407, VISHAL BHAWAN,  
95, NEHRU PLACE,  
NEW DELHI-110019

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH AT NEW DELHI

I. A. No. 356 OF 2024

IN

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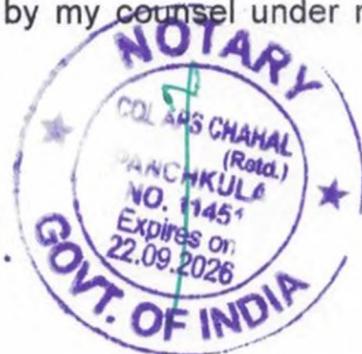
Respondents

AFFIDAVIT

I, Saurabh Gupta, S/o. Sh. Sanjiv Gupta, Partner and authorised signatory, M/s. Orchid Space Designs LLP (Formerly known as M/s. Orchid Space Designs Pvt. Ltd.) and having its registered office at SCO No.118-120, Sector – 34-A, Chandigarh do hereby solemnly affirm, declare and state as under:

1. That I am one of the partners and authorised signatory of the Respondent No.8 firm in the instant O.A. and being fully conversant with the facts and circumstances of the case, am competent to swear the instant affidavit.
2. That I have read and fully understood the contents of the accompanying rejoinder on behalf of Respondent No.8 to the reply filed by the applicants to the I.A. No.356 of 2024 in O.A. NO.161 of 2023 as drafted by my counsel under my

20 AUG 2024



instructions, the contents whereof are not being repeated herein for the sake of brevity and which may kindly be read as a part and parcel of the present affidavit and which are true and correct.

- 3. That the annexures filed along with the rejoinder are true/typed/photo copies of their respective originals.

20 AUG 2024



*[Signature]*  
DEPONENT

VERIFICATION:

Verified at Panchkula on this 20<sup>th</sup> day of August 2024 that the contents of my above affidavit in para No.1 to 2 are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.



20 A1

*[Signature]*  
DEPONENT

DEPONENT / EXECUTANT VERIFIED BY

*[Signature]* 54699 0278365  
*[Signature]*

20 AUG 2024

ATTESTED  
*[Signature]*  
APS CHAHAL No. 11451  
NOTARY, PANCHKULA

20 AUG 2024

Date: 22-04-2024

To,  
The Senior Town Planner,  
District SAS Nagar.

**Subject:- Application for Regularization of our 'Farm House' under Policy of Government of Punjab, Department of Housing & Urban Development vide Notification No. 08/04/2023-4HG1/2288 dated 18-10-2023.**

I SAURABH GUPTA son of Sh. Sanjiv Gupta residing at H.No. 826, Sector 2, Panchkula and Saima Gupta daughter of Sh. Sanjiv Gupta wife of Aayush Raj Soni R/o H.No. 706, Sector 8-B, Chandigarh have 'Farm House' in Village Karoran, Baddi-Karoran Road, Tehsil Kharar, District SAS Nagar on Haddast No.352, Khasra Nos. 83//28, 83//30, 83//31, 83//32, 83//33/1, 83//34, 83//35/1, 83//36, 83//37 & 83//39/1 (Revenue Record/Fards of land attached). We want to Regularize of our 'Farm House' as per Government of Punjab Policy vide Notification No. 08/04/2023-4HG1/2288 dated 18-10-2023 (Copy attached).

**Area 55 K-12 M (6 Acre-07 Kanal-12 Marla)**

Our above mentioned land is Delisted land and the restrictions, regulation and prohibitions under Section 4 & 5 of Punjab Land Preservation Act 1900 are removed vide Notification No. 39/578/2005-Ft.III/6087 dated 13.08.2010. (Notification Copy Attached).

It is, therefore requested that our 'Farm House' may please be regularised on the above mentioned land as per Punjab Government Policy vide Notification No. 08/04/2023-4HG1/2288 dated 18-10-2023.

Yours faithfully



(Saurabh Gupta) & (Saima Gupta)  
Owners of 'Farm House'  
Village Karoran, Karoran-Baddi Road,  
Tehsil Kharar, District SAS Nagar.  
Mobile-9592700000, 9592911000

**Enclosed:-**

- |  |   |
|--|---|
| (1) Notification No. 08/04/2023-4HG1/2288 dated 18-10-2023                             | (5) CRO Report                                    |
| (2) Notification No. 39/578/2005-Ft-III/6087 dated 13.08.2010 regarding De-listed land | (7) Latha   |
| (3) Detail of Land/List of Khasra Numbers  | (9) Aks Shajra                                    |
| (4) Fards of the land  | (11) Adhar Card & PAN Card of OWNERS              |
| (6) Location Plan (Guide Map)  | (13) Photographs of the 'Farm House'              |
| (8) Aks Shajra Superimposed Plan on Google Map   | (15) Punjab Farm Tourism Registration Certificate |
| (10) ) Undertakings  |   |
| (12) Topographical Plans /Khasra Plans   |   |
| (14) Septic Tank Drawings  |   |
| (16) Ground Water Extraction Permission  |   |

YAGB 27/37  
22/04/24

Distance : 2.21 km



Annexure R/8/2 (Colly) 922

Distance Units : km



13

Baddi

Karoran  
ਕਰੋਰਾਂ

2.21 km



500 m

KHUR  
ALI SH

Google

923

Distance : 2.21 km



Distance Units : meter

14

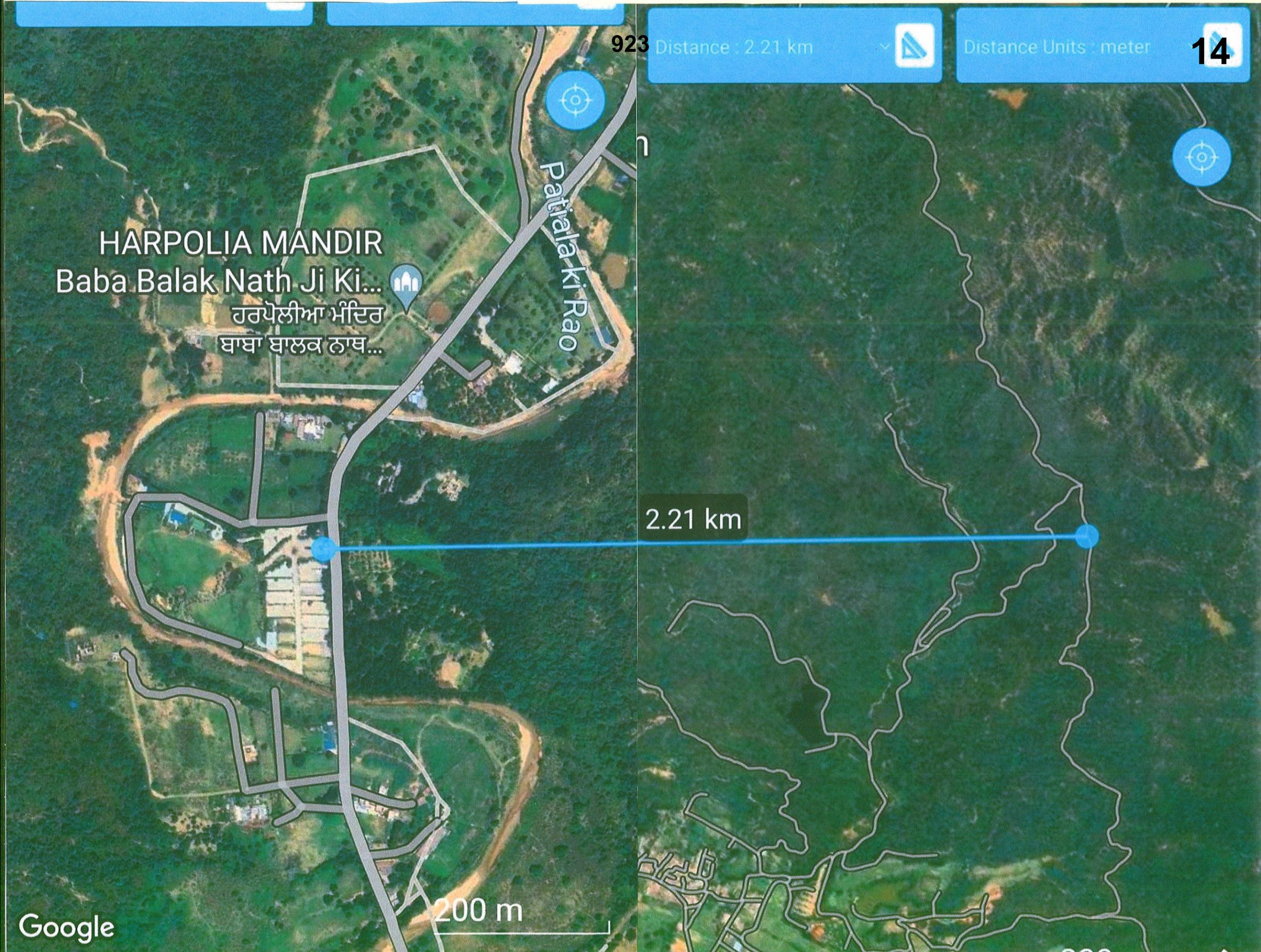
HARPOLIA MANDIR  
Baba Balak Nath Ji Ki...  
ਹਰਪੋਲੀਆ ਮੰਦਿਰ  
ਬਾਬਾ ਬਾਲਕ ਨਾਥ...

Patrala ki Rao

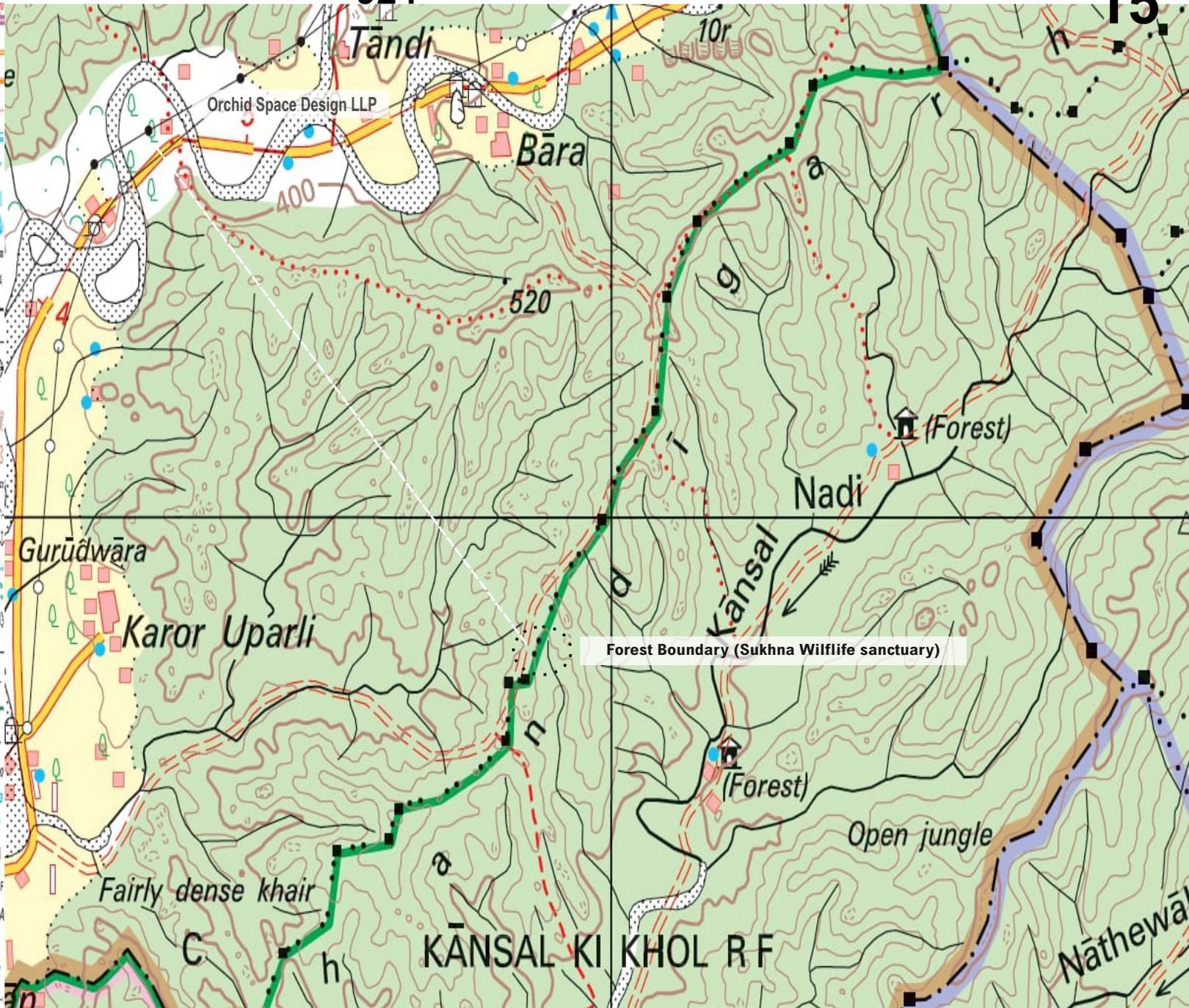
2.21 km

200 m

Google



- Express highway: with toll; with bridge; with distance stone.....
- Roads, metalled: according to importance.....
- Roads, double carriageway: according to importance.....
- Unmetalled road. Cart-track. Pack-track with pass. Foot-path.....
- Streams: with track in bed; undefined, Canal.....
- Dams: masonry or rock-filled; earthwork. Weir.....
- River: dry with water channel; with island & rocks. Tidal river.....
- Submerged rocks. Shoal. Swamp. Reeds.....
- Wells: lined; unlined. Tube well. Spring. Tanks: perennial, dr.....
- Embankments: road or rail, tank. Broken ground.....
- Railways, broad gauge: double, single with station; under constrn.....
- Railways, other gauges: double; single with distance stone; do.....
- Mineral line or tramway. Kiln. Cutting with tunnel.....
- Contours with sub-features. Rocky slopes, Cliffs.....
- Sand features: (1)flat. (2)sand-hills (permanent). (3) dunes (shifting).....
- Towns or Villages: inhabited; deserted. Fort.....
- Huts: permanent; temporary. Tower. Antiquities.....
- Temple. Chhatri. Church. Mosque. Idgah. Tomb. Graves.....
- Lighthouse. Lightship. Buoys: lighted; unlighted, Anchorage.....
- Mine. Vine on trellis. Grass. Scrub.....
- Palms: palmyra; other. Plantain. Conifer. Bamboo. Other trees... ..
- Areas: cultivated; wooded. Surveyed tree.....
- Boundary, international.....
- state: demarcated; undermarked.....
- district; subdivision, tahsil or taluk; forest.....
- Boundary pillars: surveyed; unlocated; village trijunction.....
- Helghts, triangulated; station; point; approximate.....
- Bench-mark: geodetic; tertiary; canal.....
- Post office. Telegraph office. Overhead tank.....
- Rest house or Inspection bungalow. Circuit house. Police station.....
- Camping ground. Forest: reserved; protected.....
- Spaced names: administrative, locality or tribal.....
- Hospital. Dispensary. Veterinary: Hospital/Dispensary.....
- Aerodrome. Helipad. Tourist site.....
- Power line: with pylons surveyed, with poles unsurveyed .....



**925** Proof of Service

16

Dushyant Dahiya &lt;adv.dushyantdahiya@gmail.com&gt;

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**Advance Service- Short Rejoinder in I.A. No. 354 of 2024 on behalf of Respondent No. 8 / The Hermitage in O.A. No. 161 of 2023 titled as "Rana Iqbal Singh Jolly & Ors. vs. State of Punjab & Ors."**

1 message

**Dushyant Dahiya** <adv.dushyantdahiya@gmail.com>

Tue, Aug 20, 2024 at 7:21 PM

To: Vasu Bhushan &lt;adv.vasubhushan@gmail.com&gt;, sunieta.ojha@gmail.com, paranjay chopra &lt;chopra.paranjay@gmail.com&gt;, officeofkaransharmaaor@gmail.com

Cc: "Dinesh C Pandey, Advocate" &lt;advdcpandey@gmail.com&gt;, osdlindia@gmail.com

Dear Sir / Ma'am

Please find attached herewith the copy of the Short Rejoinder in I.A 356 of 2024 on behalf of Respondent No. 8 / The Hermitage in the above-captioned matter. This is for your information and necessary action. Kindly acknowledge the receipt of the same and oblige.

Thanks &amp; Regards

Dinesh C. Pandey & Dushyant Dahiya, Advs.  
Counsels for the Respondent No.8 / The Hermitage  
407, Vishal Bhawan,  
95, Nehru Place,  
New Delhi-110019  
Contact;- 9810124707 / 9560431100  
Email: [advdcpandey@gmail.com](mailto:advdcpandey@gmail.com)

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 **Short Rejoinder in I.A. 356 of 2024 on behalf of R-8.pdf**  
4415K