

O.A. No. 492/2022

GREEN WOOD CITY VILLA JAN WELFARE SOCIETY & ANR.

.....APPLICANTS

VERSUS

GODWIN CONSTRUCTION COMPANY PVT. LTD. & ORS.

.....RESPONDENTS

Replication regarding non-compliance of order dated 23-11-2023  
Passed by Hon'ble Tribunal.

We have perused order dated 23-11-2023 passed by Hon'ble tribunal by which the following directions were given to the opposite parties respondent no.1 Goodwin construction company private limited, respondent no.2 M.D.A. and respondent no. 5 Municipal corporation Meerut. Which are as follows:-

In Para no. 09

*9. As per the approved map the respondent no. 1 was to complete all the internal development works of the colony within three years and after obtaining the completion certificate from the respondent no. 2-MDA, the colony was to be transferred to respondent no. 5-MCM. Till now, respondent no. 1-project proponent has not obtained completion certificate from the respondent no. 1-MDA. External developmental charges have also not been deposited by respondent no. 1-project proponent. Respondent no. 1-project proponent has claimed to have completed all internal development works but the Joint Committee constituted by the District Magistrate, Meerut found the internal development works to be incomplete. Respondent no. 1- project*

*proponent is directed to ensure completion of internal development works within a period of 3 months, if not already done.*

**In Para no. 11**

*11. The concerned authorities shall verify as to whether the requisite development of internal works has been carried out by respondent no.1-project proponent or not and in case of any deficiency shall get the same O.A No. 492/2022 Green Wood City Villa Jan Welfare Society & Anr Vs. Godwin Construction Company Pvt. Ltd. & Ors. remedied. In case respondent no.1-project proponent fails to complete remaining internal development works within a period of three months, respondent no. 2-MDA shall get the same completed within the next period of three months at the costs and expenses of respondent no.1 project proponent and respondent no. 2-MDA shall be entitled to recover the costs and expenses from respondent no.1-project proponent. On completion of internal development works, respondent no. 2-MDA shall issue completion certificate and on issuance of such completion certificate respondent no.5- MCM shall take over the maintenance of the project.*

Hon'ble tribunal has directed that **NHAI** as respondent no. 7 and state of U.P. as respondent no. 8 to be impleaded in following directions in para no. 19 and 20 vide order dated 23-11-2023 which are as follows:-

**In Para no. 19**

*19. In the facts and circumstances of the case, we also consider presence of NHAI to provide NOC to execute the work which has not been provided.*

**In Para no. 20**

*20. In these facts and circumstances of the case, presence of State of Uttar Pradesh, through Chief Secretary, Government of Uttar Pradesh and NHAI, through its Chairman to be essential for just and proper adjudication of the questions involved in the case and they are accordingly impleaded as respondents no. 7 and 8.*

We the applicants humbly submits before Hon'ble Tribunal that our submissions are as follows:-

1. The municipal corporation Meerut is picking up and disposing solid waste of the society, collected by employees of respondent no. 1, regularly on daily basis. Respondent no. 5 Municipal corporation Meerut has not taken over our society as per direction given by hon'ble tribunal vide order dated 23-11-2023.
2. The MDA Meerut has detected damaged sewer line laid by it outside the society, which is, situated near flyover constructed on the Baghpat bypass road. But it is not replacing the damaged sewer line on pretext one or the other. The tender for completing work has been floated without replacing damaged sewer line, the sewerage of the society cannot be disposed of by respondent no. 1, in sewer line laid by the MDA Meerut. The M.D.A Meerut has appraised us that **NHAI** has not accorded permission to complete work through Delhi-Haridwar bypass road Meerut.
3. Hon'ble High court of judicature at Allahabad has dismissed writ petition (M/B) no. 7787 of 2008 by vide order dated 07-08-2020, Which was instituted by respondent no. 1 and hence const. co. has to pay the external development charges to M.D.A respondent No. 2. The MDA has issued R.C for recovery of external development charges as per R.C to the District Magistrate Meerut which is pending for execution.
4. The respondent no. 2 has pointed out that development charges amounting 17,87,02,070/- including interest was due against const. co. on 16-11-2018 Respondent no. 2 has also mentioned that a request letter dated 28-12-2021 and reminder dated 18-02-2022 were sent to the D.M Meerut to recover the outstanding amount of external development charges from Respondent no. 1, (The

developer const. co). **The DM Meerut is not executing the R.C issued by M.D.A Meerut.**

5. The external development charges have still not recovered from respondent no. 1, which is clear from the contention of respondent no. 2. Therefore Respondent no. 1 has not obtained completion certificate from Respondent no. 2 M.D.A Meerut.

6. The technical committee constituted by the D.M Meerut had inspected the site on date 30-01-2023. The respondent no. 1 construction co. has not completed internal developments which were found deficient by the technical committee. The respondent no. 1 has not completed internal development which has been mentioned as incomplete in reports submitted by the technical committee in violation order dated 23-11-2023 passed by hon'ble tribunal.

The state of affairs is the same no internal development has been made by respondent no. 1 within period of 3 months granted by hon'ble tribunal. Respondent no. 1 has not constructed drainage system and maintenance of roads are very poor. The residents of society are residing in pitiable conditions.

7. **NAHI** is not according permission to the M.D.A Meerut for replacing damaged sewer line laid by it The Builder co. respondent no. 1 is disposing of the 95% of sewage by pumping it from manhole situated near temple of society towards ghat road in open Rajbhaya of irrigation department. This fact is substantiated by the state of affairs that sum manhole are overflowing in open land of plots and on roads. Perhaps, somewhere, either sewer pipeline laid by respondent no. 1 const. co. is not functional or it is blocked .

8. The M.D.A respondent no. 2 is not issuing completion certificate to construction co. respondent no. 1, because respondent no.1 has not completed internal development and it is not depositing external

development charges, which are outstanding against it as per R.C issued by M.D.A.

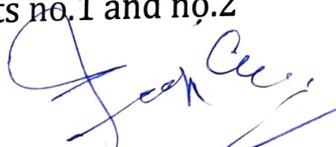
Likewise for paucity of completion certificate the maintenance of our society is not being transferred to the municipal corporation Meerut. Therefore respondent no. 5 Municipal corporation is not taking our maintenance of our society.

It is therefore humbly submitted that the respondent no. 1, neither completed the external development, nor internal development and has not handed over the society to Nagar Nigam Meerut on pretext one or the other. The respondent no.1/OP No.1 builder co., The respondent no. 2 M.D.A Meerut and respondent no. 6 Nagar Nigam Meerut, are Shifting their responsibilities on each other.

The factual state of affairs of the society/ difficulties faced by residents of the society are more or less the same.

date- 8.04.2024.

Applicants no.1 and no.2

  
through learned counsel  
Depak Raj Premi (Advocate)

Adm.