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

ORIGINAL APPLICATION NO. 68 OF 2022

IN THE MATTER OF:

Raman Sharma Appellant

Versus

State of HaryanaRespondent

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Place: Gurugram

Date : 02-02-2026



**Raman Sharma
Appellant**

WRITTEN ARGUMENTS IN ORIGINAL APPLICATION NO. 68 OF 2022

1. That Project Proponent M/s Malibu Estate Pvt Ltd obtained Part Completion Certificates for services without the approval of Service Plan Estimates (**page no. 1022, 1024, 1029 and 1030**) from HUDA/HSVP and DTCP, Haryana.
2. That disposal of Sewage and Storm water was not provided till the year 2012.
3. That some services like disposal of Sewage and Storm water were placed without any prior approval from the HSPCB, HUDA/HSVP and DTCP, Haryana. (**Page no. 1018, 1019, 1020 and 1027**).
4. That Project Proponent M/s Malibu Estate Pvt Ltd has created Third Party Rights for construction purpose on the land falling under various Licenses obtained from 1992 to 1997 (**Page no. 639**) to construct the building under various categories like Plotted, Commercial, Group Housing and Community Building from the year 2001 onwards but failed to give the date of possession of plots to Third Party. Para 2 of **page no. 1491 and Page no. 1499** read with **point no. 3 (c)(iii) of Annexure -1** annexed with this written arguments.
5. That Respondent no. 8 did not disclose a significant amount of construction of buildings like Dispensary and Club, various school buildings etc. before the Hon'ble NGT and did not include the illegal construction carried out on the green belts/Parks. **Annexure -1, 2 and 3**. And **page no. 1490 & 1495, 1500**.
6. That the Respondent no. 4, DTCP, Haryana admit at **Page no. 646** that open space is required to be not less than 45%, whereas Respondent no. 8 on page no. 2006 admit that land under open space was provided only 11.82%.
7. TOTAL AREA UNDER SALEABLE CATEGORY in Integrated Residential Plotted colony namely Malibu Towne, located in Sector-47 & 50, Gurugram developed in area measuring 204.796 Acres is decided through APPROVED LAYOUT PLAN (Drg. No. DGTCP-5626 Dated-28-09-2016)- ;

Sr. no	Details of Documents	Land percentage	Land in Acres
1	Area under Plots –DEMARICATION- Annexure – A – 7 at page no. 901	54.99 %	106.081
2	Area under Commercial - Annexure A-6 at (Page – 901 and 1529)	03.99 %	07.70
3	Area under Group Housing - Annexure – A – 6 at (Page –901 and 1529)	05.80%	11.89
4	Area under Community Buildings - Annexure– A – 15 (Page –908, 1490 and 1529)	07.03 %	15.05
5	Area under Oversized Plots - Annexure – 21 at page no. 1521 .	02.64%	05.42
6	TOTAL AREA SOLD BY PROJECT PROPONENT M/s Malibu Estate Pvt Ltd	74.45%	146.131

7	Area under unapproved construction (as mentioned in Layout plan)	0.411%	0.843
8	Oversized plots between 50 sqm to 840 sqm see page no. 905, 907, 2000 to 2006 – 1521)	Approximately 4%	According to MCG 8.12 Acres
9	Total Green Area (including Parks) as per DTCP, Haryana - Annexure –2 – B and Annexure – 1 at page no. 824, 2143	06.25%	12.064 Acres
10	Area under Green Area as per Respondent no. 7 at page no. 617	06.86%	14.054 Acres
11	Area under PARKS as per Respondent no. 7 excluding Green belts/Green area (page no.931 to 934)	10.407%	21.314 Acres
12	Area under PARKS as per MCG excluding Green belts/Green area(page 931 to 934)	10.407%	21.314 Acres
13	Total Green Area (including Parks) according to Respondent no. 8 before SEIAA and DEMARCATION PLAN approved by DTCP, Haryana. Point no 19 at page no. 1541 and (under sub point no. xii of point no. 2 at page no.1543. (Under sub point no. J of point no. 3 at page no. 2333 & 2334)	30.02% of total plot area.	61.85 Acres (24.30 Acres Parks)

- A. That content under para 3 on **page no. 2143** of written statement Dated – **24-02-2025** by Sh. Chander Shekhar Khare, I.A.S, Director, Town & Country Planning, Haryana, Chandigarh and written statement Dated – **24-07-2023** by Sh. T. L Satyaparkesh, I.A.S, Director General, Town & Country Planning, Haryana, Chandigarh under para 3 on **page no. 824** contains green area of construction project namely Malibu Towne is **12.064 Acres (6.25%)** in contradiction to area under PARKS i.e **24.30 Acres** given in approved Service Plan Estimates by the DTCP, Haryana at **page no. 2333 under sub point j of point no.3 and page no. 2334 under sub point iii of point no.6.**
- B. That Respondent no. 7 stated in reply Dated- **14-03-2023** at **Page no 617** placed the figure of **14.054 Acres (6.86%)** for PARKS in Malibu Town, which is misleading as RWAs are taking payment for the maintenance of PARKS for the **area 21.314 Acres** from MCG- **Page no. 931 to 934.**
- C. That the Service Plan Estimates, Demarcation Plan were submitted by Respondent no. 8 and approved by the DTCP Haryana. The area of PARKS is shown **24.30 Acres (page no. 2333 to 2334).** Later the District Town Planner

- (P), Gurugram submitted actual Demarcation Plan before Sr. Town Planner, Gurugram at **page 1943, confirming illegal construction and encroachment on Green area**. Project proponent **placed development plans before the SEIAA with Green area percentage 30.02 % of 248858.864 SQM = 250291.563 Sqm (page no. 1539 to 1543 & 1661)** which is 61.494 Acres. These details contradict to figures on Green area placed by the DTCP, Haryana.
- D. That the loss to the Environment by increasing pollution by raising additional construction, illegal and unapproved construction causing reduction in Green area & Open Space.
 - E. **That oversize plots were illegally sold by** Project Proponent in large numbers in violation of approved Layout Plan and the sale deed were allowed by the T&CP, Revenue Department and Registrar.
 - F. That only 55% land of 204.796 Acres was permitted to sell as the License Conditions and applicable Act, whereas approximately 75% i.e 154 Acres approximately sold out by Project Proponent.
8. That at **page no. 2185** the minimum Land requirements for Integrated Plotted Colony is provided. Till date **completion certificate** is not granted to Project proponent **as Layout Plan is still not approved**. The existing services were never augmented when additional services were added.
 9. That the record of total sold land is with Project Proponent and the office of DTCP Haryana. The land excess to 55% sold illegally. Approximately 40 Acres (4048 sqm x 40 Acres = 161920 sqm) of land is sold by builder which has established that 77.56 % land has been sold which comes to 144.848 Acres.
 10. That it is proved that LAYOUT PLAN was violated by Project Proponent, hence all Part Completion Certificates are null & void.
 11. That the present case reveals a systemic failure of statutory authorities entrusted with environmental protection, urban planning and pollution control, who either permitted, overlooked or subsequently sought to justify illegal constructions, excess sale of land, and depletion of green areas in clear violation of statutory norms and license conditions. Such conduct amounts to a breach of public trust, as environmental resources and open spaces are held by the State in fiduciary capacity for present and future generations. Unless accountability is fixed upon Project Proponent as well as

erring public officials, and remedial, restitutive and punitive directions are issued, the rule of law in environmental regulation would be rendered illusory and the doctrine of sustainable development reduced to a mere formality.

12. That the constructions raised by the Project Proponent on green belts, parks and mandatory open spaces, as established from the approved plans, demarcation records and official admissions, constitute patent environmental illegality, striking at the heart of sustainable urban planning. Green areas and open spaces are not residual land banks capable of post-facto adjustment, but are non-negotiable environmental safeguards intended to mitigate pollution, preserve ecological balance and ensure liveable urban environments. Any construction raised thereon is per se illegal, incapable of regularisation, and warrants restoration of the original environmental status, as regularisation of such violations would amount to institutionalising environmental degradation and eroding public trust in environmental governance.
13. That all consequential approvals granted to Project Proponent stand vitiated in law, having been obtained on the basis of material suppression, contradictory disclosures, and misrepresentation of core environmental parameters, particularly with respect to green area, open space, sewage, storm water infrastructure and illegal & unapproved Construction. The record placed before the Hon'ble Tribunal unmistakably demonstrates that multiple, irreconcilable figures of green area and parks were selectively presented before different statutory authorities, including DTCP, SEIAA and this Hon'ble Tribunal, thereby defeating the very purpose of environmental appraisal. It is settled law that all approvals obtained by misstatement of material facts or concealment of ground realities is void ab initio, and no equities can flow in favour of a project proponent who has approached statutory authorities with unclean hands.
14. That Hon'ble Supreme Court of India has passed Judgement in WRIT PETITION (CIVIL) NO.295 OF 2022 In Re: Directions in the matter of demolition of structures WITH WRIT PETITION (CRIMINAL) NO. 162 OF 2022 WRIT PETITION (CIVIL) NO. 328 OF 2022-;

- I. Hon'ble Supreme Court of India maintains a zero-tolerance policy towards illegal and unapproved construction on public land, mandating immediate demolition and penal action against violators, rather than regularization. The Court emphasizes that such structures cannot be shielded by technical arguments, the passage of time, or investment, as they violate urban planning and public interest.
- II. **Mandatory Demolition:** Unauthorized structures must be demolished without exception.
- III. **No Judicial Regularization:** Courts must avoid regularizing structures built without proper permission, as this fosters a "culture of impunity".
- IV. **Action Against Officials:** The Supreme Court has directed action against officials who allow illegal constructions to take place.
- V. **Due Process:** A fair hearing and appropriate notice must be provided before demolition, following established legal procedures.
- VI. **Environmental Concerns:** Illegal construction in ecologically sensitive areas is subject to strict scrutiny and demolition, as noted in cases involving violations of environmental norms.
- VII. In a 2025 ruling, the Supreme Court specifically affirmed that no leniency should be shown towards unauthorized constructions, particularly on public land. Recent decisions emphasize that even if a structure is deemed "compoundable," it does not protect it from being demolished if it is unauthorized.

[Link: Supreme Court of India website](#)

https://api.sci.gov.in/supremecourt/2022/12239/12239_2022_2_1501_57147_Judgement_13-Nov-2024.pdf.

With Regards I rest my Case.



Raman Sharma

LIST OF DOCUMENTS

1. Annexure – 1 - Copy of letter Dated 24-09-2025 issued by the DTP (P), Gurugram regarding DEMARCATION of construction project Malibu Towne.
2. Annexure – 2 – Copy of Order Dated -23-10-2019 on DISPENSARY BUILDING.
3. Annexure – 3 – Copy of Occupation Certificate Dated -19-09-2018 of DISPENSARY BUILDING.

Annexure – 1

District Town Planner, Gurugram (Planning)
 DEPARTMENT OF TOWN AND COUNTRY PLANNING
 HUDA Office Complex, Sector-14, Gurugram,
 Tel No.: 0124-2320573, E-mail: dtp6.gurugram.tcp@gmail.com

Memo No: DTP(G)/2025/9982
 Dated: 24-09-2025

To

Senior Town Planner,
 Gurugram Circle, Gurugram.

Subject:- Request for grant of Occupation Certificate for Club Building measuring 2527 acres falling in residential colony namely "Malibu Towne" in Sector-47 & 50, Gurugram being developed by Malibu Estate Private Limited.

Reference:- Your office Memo No. 4146 dated 28.07.2025.

On the subject cited above, it is intimated that vide letter under reference, the site report has been sought regarding grant of Occupation Certificate for subjected Club Building measuring 2.527 acres falling in residential colony namely "Malibu Towne" in Sector-47 & 50, Gurugram being developed by Malibu Estate Private Limited. The Building Plans of subjected cited site were approved vide your good office Memo No. 3010 dated 23.11.1995.

Accordingly, the concerned field official of this office has inspected the site and verified the construction raised at site vis-à-vis aforesaid Building Plans received vide letter under reference and found that the building is complete. The copy of approved Building Plans and "Compounding Performa" enclosed herewith. Further, the detailed report is given below:-

- a. The building has been constructed with Basement, Ground & First Floor.
- b. LED lights for internal and campus lighting have been provided at site.
- c. Fire NOC is not enclosed. Same may kindly be ascertained at your office level.

1. Basement

Attributes	Sanctioned	Achieved	Area without sanctioned	added plan	Deduction Area	Major area	Change
Basement	1015.64	1059.22	68.99		25.41		23.23
Total (In Sqm.)	1015.64	1059.22	68.99		25.41		23.23

2. Building Blocks

Attributes	Sanctioned	Achieved	Ground Coverage		Area added without plan sanctioned	Deduction Area	Major Change area
			Sanctioned	Achieved			
Ground Floor	1643.50	1649.63	1643.50	1649.63	44.68	38.55	336.88
First Floor	1478.01	1488.08	-	-	10.07	-	101.18
Total (In Sqm.)	3121.51	3137.71	1643.50	1649.63	54.75	38.55	438.06

3. Final Description

	Permissible Area	Sanctioned Area	Achieved Area	Balance Area
Ground Coverage	3390.587	1643.50	1649.63	1740.957
FAR	10230.348	3121.53	3137.71	7092.638

- a) Total 52 nos. of car parking has been provided on the surface level.
- b) Swimming pool has been constructed as sanctioned.
- c) During the site visit, following observations have been noticed:

I. The colonizer has not constructed the boundary wall of Club building/site, however a temporary MS Jali fencing has been installed on the boundary.

II. The profile of the site does not match with the sanctioned plan & approved layout plan

III. The site area as per approved layout plan (Drg. No. D.T.C.P-1458 dated 3.1. 2008) & as per revised layout plan (inpricipally approved) vide Drg no. DTCP-5626 dated 28.09.2016 is 2.488 acres and site area as per sanctioned building plan is 2.527 acres, however, as per site and as built drawings submitted by the applicant, the area of the site is 3.406 acres, which is not in order.

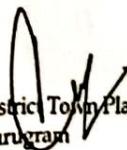
IV. Badminton and tennis court has not been developed at site.

ON THE BASIS OF THE DETAILED REPORT, VIOLATIONS ARE SUMMARIZED AS UNDER:

1. Validity of Building Plan expired = 4137.15 Sqm.
2. DPC Certificate not taken = 1643.50 Sqm.
3. Area added without plan sanctioned = 123.74 Sqm.
4. Major Change area = 461.29 Sqm.
5. Elevation Change = 1 Block

The above report alongwith two sets of sanctioned building plan, latest photographs showing the status of site and duly filled-in Composition Performa is being forwarded for your kind perusal and further necessary action, please.

DA/As above.


District Town Planner,
Gurgaon

DIRECTORATE OF TOWN & COUNTRY PLANNING, HARYANA
 Ayojna Bhawan, Plot no 3, Sector-18-A, Madhya Marg, Chandigarh
 Phone: 0172-2549349; e-mail:tcphry@gmail.com
 http://tcpharyana.gov.in

ORDER

Whereas licence No. 71-75 of 1992 dated 28.10.1992 (valid upto 27.10.2019) was granted in favour Malibu Estate Pvt. Ltd. and others 38, DDA Commercial Complex Kailash Colony Extension (Zamrudpur) New Delhi-110018 for development of Residential Plotted Colony having area 107.682 acres, under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 and rules framed there under.

The dispensary site is a part of licence No. 71-75 of 1992 dated 28.10.1992 having an area measuring 1.053 acres and revised building plan has been approved by Senior Town Planner, Gurugram vide their office memo no. 192 dated 18.03.2015 and also occupation certificate has been issued vide their office memo no. 7350 dated 19.09.2018.

And, whereas, a request was made on 05.08.2019 to grant permission for transfer of dispensary site having area 1.053 acres to Mr. Jagdish Chand Chaudhry which has been examined as per policy dated 04.02.2014. The request has been considered and permission is hereby granted for transfer of dispensary site having area 1.053 acres to Mr. Jagdish Chand Chaudhry, plot no. 4 Aakash Tower, MLU Sector-11, Dwarka, New Delhi-110075.

Dated:
Place:

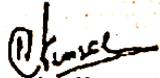

 (K. Makrand Pandurang, IAS)
 Director,
 Town & Country Planning
 Haryana Chandigarh

Encl. No. LC-171-Assn(RK) 2019/26/09

Dated 23-10-2019

A copy is forwarded to the following for information and necessary action:-

1. Malibu Estate Pvt. Ltd. and others 38, DDA Commercial Complex Kailash Colony Extension (Zamrudpur) New Delhi-110018
2. Mr. Jagdish Chand Chaudhry, plot no. 4 Aakash Tower, MLU Sector-11, Dwarka, New Delhi-110075
3. Senior Town Planner, Gurugram.
4. District Town Planner, Gurugram; and
5. Accounts Officer of this Directorate.


 (Natender Kumar)
 District Town Planner (HO)
 For Director, Town & Country Planning
 Haryana Chandigarh

Annexure – 3

FORM-BR-VI
[(See Rule 47 (1))]Memo No. : STP (G)/2018/ 7350
Dated: 19.9.18To
M/s Malibu Estate Dispensary Pvt. Ltd.
38, DDA, Commercial Complex,
Kailash Colony, Extn.
New Delhi-48

Memo No. Dated:

Subject: Grant of Occupation Certificate for Dispensary Building area measuring 1.053 acres at sector-47 & 50 Gurugram for M/s Malibu Estates Dispensary Pvt. Ltd.

Whereas M/s Malibu Estate Dispensary Pvt. Ltd., has applied for the issuance of occupation certificate in respect of the building described below, I hereby grant permission for the occupation of the building after charging the composition charges amounting INR Rs. 2,90561/- (Two Lacs ninety thousand Five hundred sixty one only) for the variations vis-à-vis approved building plans subject to the following conditions:-

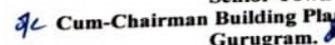
- 1 That the building shall be used for the purpose for which the occupation certificate is being granted and in accordance with the uses defined in the approved Zoning Regulations/Zoning Plan and terms and conditions shall stand automatically cancelled if you change the permitted use of the building or part thereof or raise any additional construction or alteration in the said building without approval of the competent authority and occupy the portion of the said building for which occupation certificate has not been granted and in that case action shall be initiated as per law.
- 2 You will be submitted the Fire NOC from Fire Department within 30 days before habitation.
- 3 That you shall maintain roof top rain water harvesting system properly.
- 4 That the elevation of the building shall not be used for the purpose of advertisement and placement of hoardings.
- 5 That you shall neither erect nor allow the erection of any Communication and Transmission Tower on top or any part of the building blocks.
- 6 That you shall use Compact Fluorescent Lamps (CFL) in the building as well as street lighting.
- 7 That you shall ensure that parking of vehicle is done within the area earmarked for parking in the approved building plan. Parking of any vehicle outside the premises/site will amount to violation of order of Hon'ble High Court passed in CWP No. 17296 of 2011 titled as Krishan Lal Gera Vs State of Haryana and others.

DESCRIPTION OF BUILDING

Lower Basement	:	Area 2397.728 sq m
Upper Basement	:	Area 2508.604 sq m
Ground floor	:	Area 1419.951 sq m
First floor	:	Area 966.367 sq m
Second floor	:	Area 966.367 sq m
Third floor	:	Area 729.105 sq m
Mumty & Machine	:	Area 108.027 sq m



19.9.18
Senior Town Planner

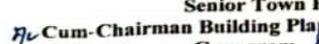


Cum-Chairman Building Plan Composition Committee
Gurugram.
Endst. No. STP(G)/2018/ 7357 - 55 Dated 19.9.18
A copy is forwarded to the following for information and necessary action:-

1. The Director, Town & Country Planning, Haryana, SCO No. 71-75, Sector-17C, Chandigarh.
2. Sr. Fire Station Officer, Gurugram.
3. Superintending Engineer-II, HSVP, Gurugram w.r.t. his office memo no. 7714 dated 24.07.2018 vide which approval from Public Health Point of view has been accorded.
4. District Town Planner (P), Gurugram w.r.t. his office memo no. 7209 dated 03.07.2018.
- ✓ District Town Planner (E), Gurugram.



19.9.18
Senior Town Planner

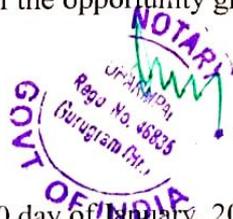


Cum-Chairman Building Plan Composition Committee
Gurugram.



I, Raman Sharma, S/o Narender Nath Sharma, R/o CW-58 FF Malibu Town Gurugram Haryana-122018, do hereby solemnly affirm and state as under:

1. That I am the Deponent in the affidavit and is fully conversant with the facts and circumstances and competent to swear this affidavit.
2. **That pursuant to the opportunity granted by this Hon'ble Court, the Deponent is filing the present written arguments in compliance with the directions so issued by this Hon'ble court.**
3. That the written arguments now being filed are **strictly confined to the pleadings, documents, submissions, and facts already placed on record** before this Hon'ble Court during the course of proceedings.
4. That **no new facts, grounds, or documents** are being introduced through the present written arguments, and the same are based entirely on the existing record.
5. That the written arguments are being filed **only to assist this Hon'ble Tribunal/Court** in appreciating the factual and legal position already argued orally.
6. That the contents of the accompanying written arguments may kindly be **read as part and parcel of this affidavit.**
7. That the present affidavit is being filed **bona fide, in the interest of justice,** and in due compliance of the opportunity granted by this Hon'ble Court



[Signature]
DEPONENT

VERIFICATION

Verified at Gurugram on this 30 day of January, 2026, that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

ATTESTED

30 JAN 2026
SHARMA
Notary Public & Notary
Gurugram, Haryana

[Signature]
DEPONENT