

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 68 OF 2022

IN THE MATTER OF:

RAMAN SHARMA

.....Applicant

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

**Written statement of T.L. Satyaprakash,  
Director General, Department of Town &  
Country Planning, Haryana on behalf of  
respondent no. 4.**

1. That this reply is being filed in compliance to the orders of this Hon'ble Court dated 28.03.2023. It is further submitted that a reply has already been filed on behalf of respondent no.4 on 09.01.2023 & 25.03.2023 and was duly taken on record by this Hon'ble Court and also recorded the submissions in the aforesaid reply in its order dated 28.03.2023.
2. That this Hon'ble Court in para No. 16 of the order dated 28.03.2023 has directed as under:-

*"16. So far as the green area in question is concerned, Respondent No.4 is directed to look into as to (a) whether the DG Sets can be relocated to dedicated captive transformer location area if any and if it can be so done, then relocate the same and restore the green area and (b) if the same is not possible, then whether any equivalent contiguous open land area can be restored/added to the green area and if so available, convert the same as green area."*

*eg*

In reference to above, the DTP, Gurugram vide email dated 18.07.2023 had called a meeting with the Residents Welfare Association and the developer to work out the option as recommended by this Hon'ble Court in para No. 16 of the aforesaid order. In response, the colonizer i.e. respondent no. 8 vide email dated 20.07.2023 has informed that the DG sets are installed by Residents Welfare Association and their company has no relation to setting up of these DG Sets. Further, it has been informed that the colony of Malibu Town has been developed since 1995 and is fully developed/inhabited and also stands transferred to Municipal Corporation Gurugram i.e. respondent no. 3 vide Government orders dated 09.05.2022 w.r.t. maintenance and upkeep of roads, open spaces, public parks and public health services as provided under Section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter referred to as Act of 1975).

Further, the Resident Welfare Association of Malibu Town vide email dated 20.07.2023 (Annexure R-4/1) has informed that they are discussing the matter of relocating the DG sets with residents and the members of the association, as such relocation would create hurdle to the society. They have further informed that already existing green belts has been developed in the society including thick plantation and multiple trees in the society.

In view of above, the Hon'ble Court may consider granting some time on the aspect so same can be decided amicably with the residents of the society.

3. That in reference to the observation made in para no. 20, 22 and 23 of the order dated 28.03.2023 w.r.t the applicability of

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environment clearance as per MOEF notification dated 14.09.2006, it is submitted that the total area of the colony is 204.796 acres. The details of the part completion certificates granted as per provisions of Rule 16 of Rules of 1976 in the above colony are provided as under:

Sr. No	License No.	Date of licenses	Area (in acres)	Validity of license	Date of grant of part completion certificate	Area for which part completion certificate was issued	Balance area for which, CC is to be issued
1	71-75 of 1992	28.10.1992	107.682	27.10.2019	23.02.1996	97.282	10.4 (GH)
2	4-8 of 1993	18.03.1993	16.18	17.03.2020	03.05.1996	16.08	0.10 (GH)
3	15-19 of 1994	08.12.1994	14.962	07.12.2019	03.05.1996 & 06.06.2003	10.332 & 2.94	1.69 (GH)
4	4-8 of 1995	15.11.1995	26.83	14.11.2019	05.02.2003	26.83	Nil
5	36-46 of 1997	21.07.1997	14.461	20.07.2019	05.02.2003	14.461	Nil
6	15 of 2008	31.01.2008	24.681	30.01.2020	27.09.2016	24.681	Nil
<b>Total</b>			<b>204.796</b>	-	-	<b>192.60</b>	<b>12.19</b>
<b>Percentage</b>						<b>94.04</b>	

The above status indicates that part completion certificate for majority of the residential plotted component of the colony i.e. 167.92 acres (82%) was granted upto 05.02.2003 i.e. prior to commencement of MoEF Notification dated 14.09.2006. Subsequently, the part completion certificate for additional area measuring 24.681 acres was also granted on 27.09.2016, making the total completion granted area of the colony as 192.60 acres (94.04%). As regards the applicability vis-à-vis requirement of obtaining the NOC with respect to MOEF notification dated 14.09.2006 qua the licence colony vis-a-vis area of additional licence No. 15 of 2008 dated 31.01.2008 (24.681 acres), the said

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notification is applicable for the projects having area more than 50 Hectare or constructed/built-up area more than 20,000 Sqm, whereas, the area of additional licence no. 15 of 2008 is 24.68 acre i.e. 9.99 Hectare. Therefore, the aforesaid notification may not be applicable on the aforesaid licence area. However, this Hon'ble Court in para No. 23 of the orders dated 28.03.2023 has already directed SEIAA, Haryana i.e. respondent no. 9 to clarify the aspect, therefore, no comments from answering respondent are required at this stage.

4. That the observations have been made in para no. 9 & 15 relating to requirement for enactment of a legislation for protection of green areas/parks/green belts/trees by the Hon'ble NGT, it is submitted that Hon'ble Court as partly recorded the provision made under Rule 4 of Haryana Development and Regulation of Urban Areas Rules, 1976 (hereinafter referred to as Rules of 1976) regarding provision of area under green in residential plotted colonies. However, it is pertinent to mention that the notified Final Development Plan of Gurugram Manesar Urban Complex-2025 AD as well as 2031 AD notified under the section of 5(7) of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 clearly mandates to provide the green area as 2.5 square meters per person, which is reproduced as under: -

*"The minimum area for parks/open spaces in a residential colony/sector shall be planned in such a manner that it shall meet the minimum norm of 2.5 square metres per person."*

As per sanctioned layout plan of the colony in 2008 & 2016, the projected population of residential plotted component

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(excluding group housing and commercial) was considered as 17,586 persons, for which the green area of 7.716 acres with the norm of 4 percent of net planned area of the colony, was provided. Thereafter, adopting the above norm of 2.5 square meter per person as provided under the statute and zoning regulations of notified master plan, the green area requirement works out to 10.86 acres (5.62%), whereas, the green area of 12.064 acres (6.25%) stands provided in revised layout plan approved in-principally in the year, 2019. This indicates that the green area in the colony is provided beyond the requirement norms.

In light of the said facts, it is humbly submitted that the existing legal provisions/norms provides to ensure green areas in the licensed colony.

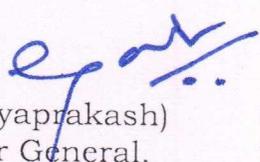
- 5 It is also humbly submitted that the respondent no. 4 being the regulatory authority to implement the conditions of licenses granted under the provisions of Act of 1975 shall ensure that the final completion certificate will only be granted after satisfying the green area as sanctioned in the layout plan as well as the building plan in respect of the group housing component of the colony.

#### Prayer

The above written statement may kindly be taken on record.

Place: Chandigarh

Dated:24.07.2023

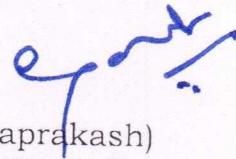
  
(T.L. Satyaprakash)  
Director General,  
Department of Town & Country Planning,  
Haryana on behalf of respondent no. 4.

**VERIFICATION:**

Verified that the contents of para 1 to 5 of this reply are true and correct to my knowledge and based on information derived from the official record which are believed by me to be correct. Legal submissions are based on advice. No part of it is false and nothing material has been concealed therein.

Place: Chandigarh

Dated: 24.07.2023



(T.L. Satyaprakash)  
Director General,  
Department of Town & Country Planning,  
Haryana on behalf of respondent no. 4.



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**OA No. 68 of 2022 titled as Raman Sharma V/s State of Haryana.**

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**Malibu Federation** <malibufederation2020@gmail.com>

20 July 2023 at 10:54

To: dtp6.gurugram.tcp@gmail.com

Cc: Narender Kumar &lt;ntp3.hqnk.tcp@gmail.com&gt;, STP GURUGRAM &lt;stp4.gurugram.tcp@gmail.com&gt;, STP Gurugram &lt;stp5.gurugram.tcp@gmail.com&gt;, malibutowne@hotmail.com, sanjay satyabrat &lt;sanjaysatyabrat@gmail.com&gt;, vijay.s.nath@gmail.com

Dear Sir,

Thankyou for giving your time for the meeting on 18/07/2023 at your office.

Concerning the compliance of Para no.16 for relocation of the gensets; we are still discussing with our various RWA EC members and our various residents for the same.

Unfortunately as this township has been developed in 1995 and is fully developed now; there are no alternate spaces left for relocating them which is creating hurdles for us.

We have taken great efforts for our existing green belts by developing them with multiple trees and thick plantations inside the township.

Best regard,

Vijay Shiv Nath

President, Malibu Towne RWA Floors

Secretary, Malibu RWA's Federation

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**Order OA 68 Raman Sharma 28.03.2023.pdf**

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