

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

O.A. NO. 68 OF 2022

IN THE MATTER OF:

Raman Sharma

...Applicant

-Versus-

State of Haryana & Ors.

...Respondents

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NDoH: 27.02.2026

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Date: 26.02.2026

Place: New Delhi

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WRITTEN SUBMISSIONS ON BEHALF OF RESPONDENT NO. 8

M/s MALIBU ESTATE PVT. LTD.

1. That the above-mentioned Original Application has been filed by one Raman Sharma in the form of a complaint/letter petition dated 03.12.2021 to the Registrar General of this Hon'ble Tribunal alleging environmental violations, including placement of DG sets, violation of Construction and Demolition waste, among others. It is pertinent to note here that there was no specific allegation against the M/s Malibu Estate Pvt. Ltd. ("**Respondent No. 8**").
2. That the Respondent No. 8 was added as a party Respondent vide Order dated 11.01.2023. Further, vide Order dated 28.03.2023, this Hon'ble Tribunal has directed the Respondent No. 8 to clarify whether they had applied for Environmental Clearance, whether any third-party rights have been created, among others. It is pertinent to submit here that a letter petition is limited to the question of setting up DG sets without the requisite permission and the Construction and Demolition Rules, 2016.
3. The proceedings included many hearings at SEIAA on 02.08.2023, 15.09.2023, 19.09.2023, 17.10.2023, and 09.11.2023, 28.06.2024, the question of the applicability of Environmental Clearance in pursuance of the Order dated 28.03.2023 and were finally reserved in June 2024.

4. That subsequently, this Hon'ble Tribunal, vide Order dated 21.01.2025, framed eight queries and directed the Respondent No. 8 to provide additional information regarding the said queries. In compliance thereof, Respondent No. 8 filed its Reply dated 25.02.2025 responding to the said queries (Reply dated 25.02.2025, Pg. 2198-2310). On 19.03.2025, the Judgment was reserved in the matter, but the case was relisted on 31.10.2025 for clarification. Finally, the parties were directed on 30.01.2026 to submit their written submissions. In view of the liberty, the following summarized submissions are hereby advanced.

Applicant Is Not An "Aggrieved Person" Under Section 18 (2) Of the National Green Tribunal Act, 2010

5. That the Applicant is a habitual litigant who has filed multiple complaints against Respondent No.8 before the Lokayukta, Haryana, before trial courts, several quasi-judicial administrative agencies, often based on false and frivolous allegations. In 2021, the Applicant was found liable under Section 182 of the IPC for furnishing false information to the police. Further, on 25.06.2021, the Respondent No. 8 filed a complaint against the Applicant at SHO, Sadar, Gurugram, for blackmailing and extortion. The complaint dated 03.12.2021, which led to the present OA, was filed presumably out of vendetta. **(Para 9, Pg. 742 r/w Annexure R/1 @ Pg 761-766 and R/2 @ Pg 767-771 of Reply of R8 dated 24.07.2023).** Further reliance placed on *State of Uttar Pradesh vs Uday Education and Welfare Trust 2022 SCC OnLine SC 1469*; *Anand Kumar Jha vs. Union of India & Ors (Appeal No. 05/2021/EZ)*; *Satyabrata Sanjeev Kumar Mohanta vs. MoEF & CC & Ors (OA 53/2023/EZ)*. More recently, the criminal cases have also been dismissed on 16.02.2026 and 18.02.2026, respectively, in the Court of Chief Judicial Magistrate, Gurugram.

6. It is further submitted that during the pendency of the present proceedings, the Applicant instituted two more frivolous proceedings before this Hon'ble Tribunal, raising almost similar allegations and prayers as in the present OA against the answering Respondent. In Original Application No.134/2023 Raman Sharma vs State of Haryana (registered on 20.02.2023), the Applicant alleged unscientific dumping of solid waste at the public health site. Further, in Original Application No. 395/2023, Raman Sharma & Ors. vs State of Haryana (registered on 25.05.2023), Applicant alleged dumping of waste and debris in green area by several companies, including the answering Respondent. Pertinently, this Hon'ble Tribunal disposed both of these Applications vide Order dated 28.04.2023 (**Annexure 1@ Pg. 1056-1057 of IA for additional Document dated 01.08.2024**) and Order dated 04.07.2023 (**Annexure 2@ Pg. 1058-1063 of IA for additional Document dated 01.08.2024**) without issuing any notice to the answering Respondent. Pertinently, in the Order dated 04.07.2023, this Hon'ble Tribunal observed that Applicant had raised multiple issues without providing specific details, which is violative of Rule 14 of NGT (Practice and Procedure) Rules, 2011.

Application raises multiple causes of action which is violative of Rule 14 of the National Green Tribunal (Practice and Procedure) Rules, 2011 which bars Plural Remedies

7. The Applicant, in his complaint dated 03.12.2021 and subsequent pleadings filed in the matter, has raised multifarious issues and made sweeping allegations covering various laws, viz. - Solid Waste Management Rules, 2016, Construction & Demolition Waste Management Rules, 2016, Air Act, 1981, Water Act, 1974, Environment Protection Act, 1986, EIA Notification, 2006, etc. which is a gross violation of Rule 14 of the NGT

(Practice and Procedure) Rules, 2011 which clearly provides that an application must be based on a single cause of action (**Para 13, Pg. 743-744 of Reply of R8 dated 24.07.2023**). Reliance is placed on *Vikas K. Tripathi vs. MoEF & Ors.* (M.A. No. 628/2013, O.A. No. 17/2013, Appeal No. 80/2013) and *D.V. Girish & Ors. vs. Secretary, Environment and Ecology, Karnataka, 2015 SCC OnLine NGT 37*.

The Issue regarding Non-Obtainment of Environmental Clearance by Respondent No.8 is Barred by the Principles of Res Judicata

8. A Complaint No. 319/2011 was submitted by the Applicant in the Hon'ble Lokayukta, Haryana, alleging *inter alia* that the Respondent No.8 failed to obtain NOC from the Ministry of Environment, Forest and Climate Change ("MoEF&CC") in respect of license No. 15 of 2008. The said complaint was considered in the meeting dated 20.02.2014, wherein it was observed that NOC from MoEF&CC was not required as the covered area of the project was less than 1,50,000 sq. mts (**refer Annexure R/3 @ Pg. 772-779 of Reply of R8 dated 24.07.2023**). No appeal against the said decision has been made either in the High Court or in this Hon'ble Tribunal, and as a result, the issue of obtaining EC has obtained finality and cannot be re-adjudicated in the present OA. (**Para 14 and 15, Pages 744 – 745 of Reply of R8 dated 24.07.2023**).

O.A. is Hopelessly Barred by Limitation under the provisions of the National Green Tribunal Act, 2010.

9. That the cause of action first arose in the year 2011 when Complaint No. 319/2011 was filed before the Hon'ble Lokayukta, Haryana. Section 14(3) of the National Green Tribunal Act, 2010 clearly provides that no application for adjudication of a dispute shall be entertained unless it is

made within a period of six months from the date on which the cause of action *first* arose, and the said period is extendable by a further period not exceeding sixty days at the discretion of this Hon'ble Tribunal, if sufficient cause is shown. **(Para 17, Pg. 745 of Reply of R8 dated 24.07.2023)**

10. Therefore, present Application was filed much beyond the prescribed limitation period and is liable to be dismissed on the ground alone.

SUBMISSIONS ON MERIT

Respondent No. 8 was not required to obtain Environmental Clearance for the project

11. Respondent No.8 and its associate companies obtained 31 licenses (@ Pg. 2225 – 2289 of Reply of R8 dated 25.02.2025) spread over an area of about 180.116 acres (72.77 ha) in Sector 47, 50 in Gurgaon from 1992 – 2003 for plotted development. Tabulated list of licenses and their areas @ Annexure R/6, Pg. 783 of Reply of R8 dated 24.07.2023. (Para 22, Pg 747 of Reply of R8 dated 24.07.2023)

12. Subsequently, a separate License No. 15 of 2008 dated 31.01.2008 (@ Pg. 2215 of Additional Reply of R8 dated 25.02.2025), for an area of about 24.681 acres (9.97 Hectare), was obtained by over thirty Farmers/ Landowners on 31.01.2008, i.e., after EIA Notification 2006. Out of 24.681 acres of license No. 15 of 2008, about 2.169 acres of land were acquired by the government and for the remaining land, the Respondent No.8 entered into collaboration agreement with said landowners for developing the license area (Para 20.5, Pg. 1583 of Comprehensive Reply of R8 dated 02.12.2024)

13. That out of 180.116 acre (72.77 ha) of 31 licenses (excluding license no. 15 of 2008), land area of about 167.925 acres (approx 67.957 ha) was

utilized for plotted development wherein Respondent No.8 was responsible for undertaking development works such as water supply, sewerage, etc. while individual plot owners were responsible for constructing their buildings in accordance with law. The remaining 11.89 acres of 31 licenses were utilized for constructing Group Housing Scheme (Building 1, 3, 4, 5, 6), Malibu Country Club, Floors and Malibu Shopping Arcade.

14. The plotted development work in about 167.925 acres (approx. 67.957 ha) was completed till June 2003 and the Partial Completion certificates for the aforesaid 31 licenses, which certifies the partial completion of these essential services, were issued at regular intervals (the last being issued on 06.06.2003) for an area admeasuring 167.925 acres (67.957 ha). Tabular details of partial completion certificates (**@ Annexure R/7, Pg. 785 of Reply of R8 dated 24.07.2023**). Copies of part completion certificates (**@ Annexure R/5 (Colly) Pg. 2290 – 2304 of Reply of R8 dated 25.02.2025**).
15. DTCP, in its Affidavit dated 24.02.2025, has also noted that the Part completion for area admeasuring 167.925 acres has already been granted prior to the EIA, Notification dated 14.09.2006. (**Para 10, Pg. 2139 of DTCP Affidavit dated 24.02.2025**)
16. For the remaining area of group housing, Part Completion Certificate for 10.40 acres was granted on 23.02.1996, for 0.10 acres on 03.05.1996 and for 1.39 acres on 06.06.2003. (**Para 20.3, Pg. 1582 of Comprehensive Reply of R8 dated 02.12.2024**)
17. The EIA Notification 1994 (**Annexure-2 @ Pg. 1615 – 1618 of Reply of R8 dated 02.12.2024**) exempted Building and Construction projects from the requirement of EC. Construction projects were first included in the

1994 EIA Notification vide Amendment Notification dated 07.07.2004 (**@ Pg. 1623 – 1625 of Reply of R8 dated 02.12.2024**), however, the amendment was applicable only to new construction projects and where construction work had *not come up to the plinth level*. (**Para 24 and 25, Reply of R8 dated 24.07.2023**) (See **Explanation to the EIA amendment Notification, 07.07.2004 @ page 1624 of Comprehensive Reply of R8 dated 02.12.2024**)

18. That the area of 167.925 acres (67.957 ha) for which the part completion certificate was already granted before the amendment to the EIA Notification dated 07.07.2004, statutorily implies that the said amendment Notification is not applicable on the 167.925 acres of Area. (**Para 26, Reply of R8 dated 24.07.2023**)
19. It is also significant to note that the project was conceived and the 31 licenses were obtained prior to the EIA Notification, 1994. Further, development work on these 31 licenses was completed much beyond the plinth level even before the issuance of EIA Amendment Notification dated 07.07.2004, and consequently, there was no requirement of obtaining Environment Clearance as per the law itself.
20. Arguendo, the total built-up area constructed by the Respondent No.8 on 31 licenses (including group housing, plot development and their floors, shopping arcade, club and other developments) is 1,29,676.27 sq. mts. Table showing break up of built-up area of construction (**@ Page 1679 of Comprehensive Reply and Objections dated 02.12.2024**). (**Para 3.21 of Reply of R8 dated 25.02.2025**)
21. As the construction in respect of the built-up area of 1,29,676.27 sq. mts was completed before 2004, i.e., much before the EIA Amendment Notification dated 07.07.2004, and consequently, there was no

requirement of obtaining EC under the amendment notification. Evidences regarding completion of said built-up area before 2004 is as below: -

- a. **Group housing towers** - Answering Respondent executed **sale deeds** for various flats on different floors of various towers in the group housing project. Tabular chart showing the date and details of sale deeds (**@ Pg. 1745-1748 of Comprehensive Reply of R8 dated 02.12.2024**). (**Para 12, Pg. 1748 in Comprehensive Reply of R8 dated 02.12.2024**)
- b. **Construction of floors** – apart from group housing, answering Respondent undertook construction of floors within project area which are about 444 in number. **Occupation Certificates** were granted by Sr. Town Planner from 15.07.2003 – 25.05.2004 qua the same which shows that the said construction was also completed before 2004. Tabular chart of Occupation Certificate (**Page. 1749 of Comprehensive Reply of R8 dated 02.12.2024**). (**Para 13, Pg. 1748-1749 of Reply dated 15.09.2023 in SEIAA which is annexed in Comprehensive Reply of R8 dated 02.12.2024**)
- c. Similarly, Malibu Country Club and Shopping Arcade have been built before Amendment Notification dated 07.07.2004 and this is corroborated from various orders regarding work orders, measurement book, proof of installation of ACs among others. (**Para 14, Pg. 1749-1750 of Reply dated 15.09.2023 in SEIAA which is annexed in Comprehensive Reply of R8 dated 02.12.2024**). See also pages **Pg. 1680 of Comprehensive Reply dated 02.12.2024**
- d. **Certificates dated 14.05.2010 (@ Pg. 1758 of Comprehensive Reply of R8 dated 02.12.2024)** issued by CA showing gross capital

investment of Rs. 149.69 Cr made by answering Respondent as on 31.03.2004 towards cost of land, building and development. (**Para 15, Pg. 1750 of Reply dated 15.09.2023 in SEIAA which is annexed in Comprehensive Reply of R8 dated 02.12.2024**)

- e. Loan Agreement dated 23.10.1996 (**@ Pg. 1760 of Comprehensive Reply of R8 dated 02.12.2024**) with CITI Bank showing answering Respondent availed loan of Rs. 7,60,00,000 from CITI Bank for financing construction activities. (**Para 17, Pg. 1750-1751 of Reply dated 15.09.2023 in SEIAA which is annexed in Comprehensive Reply of R8 dated 02.12.2024**)
- f. Bank Guarantees issued by Banks as security for the performance of contract. Tabular chart of bank guarantee (**@ Pg. 1751 of Comprehensive Reply of R8 dated 02.12.2024**). This further goes on to show that all construction with respect to 31 licenses had taken place well before 2004 Amendment and before the issuance of the License No. 15 of 2008. Copies of bank guarantees – (**@Pg. 1765-1783 of Comprehensive Reply of R8 dated 02.12.2024**) (**Para 18, Pg. 1751 of Reply dated 15.09.2023 in SEIAA which is annexed in Comprehensive Reply of R8 dated 02.12.2024**).
- g. Various Letters dated 21.09.2001, 24.09.2001, 05.09.2002 and 07.02.2002 (**@ Pg. 1777—1780 of Comprehensive Reply of R8 dated 02.12.2024**) issued by B.L. Gupta (the Building Contractor) informing that flats in tower B-1 and B-2 are completed in all aspects. (**Para 20, Pg. 1752-1753 of Reply dated 15.09.2023 in SEIAA which is annexed in Comprehensive Reply of R8 dated 02.12.2024**)

- h. Measurement Book (@ Pg. 1680 of Comprehensive Reply dated 02.12.2024) showing that most structures were created much beyond the plinth level before 2004. (Para 24 of Reply dated 02.08.2023 fled by R8 in SEIAA and annexed in Comprehensive Reply dated 02.12.2024)
 - i. Occupation Certificate dated 30.08.2000 (Pg. 2305, Reply of R8 dated 25.02.2025) for the Group Housing Scheme was also obtained by answering Respondent. (Para 3.9, Pg. 2203 of Reply of R8 dated 25.02.2025)
22. The Scheme for Amalgamation of Malibu Estate Pvt. Ltd. and subsidiary companies was approved by the Delhi HC on 15.07.2004 (@Pg. 786-787 of Reply of R8 dated 24.07.2023) under the Companies Act, 1956. As a corollary, the Associates Companies stood dissolved without the process of winding up. (Para 28, Pg. 749 of Reply of R8 dated 24.07.2023)
23. The EIA Notification, 2006, was issued on 14.09.2006. As per Item 8(b) of the Schedule of the EIA Notification, 2006, the Township and Area Development Projects would require prior Environment Clearance if the covering area is more than or equal to 50 Ha and or the built-up area is more than and/or equal to 1,50,000 Sq. Mts.
24. On 31.01.2008, one License No. 15 of 2008 (@ Pg. 2215 of Reply of R8 dated 25.02.2025) was obtained by thirty farmers/ landowners for an area of about 24.681 acres (9.97 ha) for the development of plotted development adjacent to the old project. Pertinently, the said land was not part and parcel of any of the earlier licenses. (Para 22 of Reply of R8 dated 24.07.2023)
25. Out of 26.85 acres of license No. 15 of 2008, about 2.169 acres of land were acquired by the government and for the remaining land, the

Respondent No.8 entered into a collaboration agreement with the said landowners for developing the license area. (**Para 6, Pg. 1995 of Reply of R8 dated 13.12.2024**)

26. On 14.07.2008, the Department of Town and Country Planning, Government of Haryana granted a separate approval (**@ Pg. 2220 of Reply of R8 dated 25.02.2025**) for Zoning Plan, 2008 for License No. 15 of 2008 which clearly shows that the said license was not part of the earlier 31 licenses. Significantly, the Zoning Plan, 2008 (**@ Pg. 1609 of Comprehensive Reply dated 02.12.2024 of R8**) itself notes that it is only in respect of “pockets bounded in red colours”. Further, in the Recent judgement dated 20.01.2026 in the case titled “**Raj Singh Gehlot & Ors. versus Amitabha Sen & Ors. 2026 INSC 77**”, the Hon’ble Supreme Court has held that

“104. ...NGT was not justified in interfering with the issues concerning violation of building plans in relation to the construction of commercial premises. We also feel that the aforesaid issues are beyond the scope and purview of the proceedings before the NGT under Section 14 of the NGT Act...

It is humbly submitted that the arguments of the Applicant is mostly revolving around the alleged fact that the Respondent No.8 has shifted the sites among others, which are in-fact denied, further in terms of the above observation such an issue cannot be regarded as a substantial question relating to environment, and it humbly submitted and prayed that this Hon’ble Tribunal may not adjudicate the same.

27. On 27.09.2016, part completion certificate for the License No. 15 of 2008 same was issued by the Department of Town and Country Planning, Haryana. (**Para 30, Pg. 750 of Reply of R8 dated 24.07.2023**)

28. That no construction on the land covered under said license has been undertaken by the Respondent No.8 and the said land was only developed as a plotted development as per the license conditions and were allotted to third parties and no construction was undertaken thereupon. **(Para 6, Pg. 1996 of Reply of R8 dated 13.12.2024).**
29. The fact that no construction has been done on the said license is evident from the tabular chart **(@ Pg. 2000-2006, Reply of R8 dated 13.12.2024)** which provides details about the allotment of plots in license No. 15 of 2008. Copies of sample allotment letters and conveyance deeds executed with various vendors/ third parties **(@ Pg. 2007-2104, Reply of R8 dated 13.12.2024)** have also been submitted to corroborate the fact that no construction has been done on the said land by the Respondent No.8. **(Para 7, Pg. 1996 of Reply of R8 dated 13.12.2024)**
30. About 50 plots in the license No. 15 of 2008 were also earmarked and given to Housing Board, Haryana for Economically Weaker Section in light of Policy for Allotment of plots/ flats in letter dated 08.07.2013 **(Pg. 2105, Reply of R8 dated 13.12.2024).** **(Para 8, Pg. 1996 of Reply of R8 dated 13.12.2024)**
31. It is humbly submitted that prior Environment Clearance is not required for area development of 24.681 acres (9.97 ha) as the area of License No. 15 of 2008 was only 24.681 acres (9.97 ha) i.e., much below the 50-ha threshold under Item 8 (b) of the Schedule to EIA Notification 2006. Further, no construction activity was undertaken on the said land, as noted above, apart from providing basic services, and thus built-up area never exceeded the threshold of 1,50,000 sq m.
32. That the aforesaid license was entered into a collaboration agreement with third parties by Respondent No.8 for plotted development, wherein the

Respondent No.8 was only responsible for area development, while the responsibility of obtaining Environment Clearance ultimately vested with individual plot owners. Two such examples include M/s Nikiyog Buildwell Pvt. Ltd., which obtained EC dated 08.01.2008 (**@ Pg. 1655-1660, Comprehensive Reply of R8 dated 02.12.2024**); and M/s Endure Realty Pvt. Ltd., which obtained EC dated 04.09.2013 (**@ Pg. 1661-1670, Comprehensive Reply of R8 dated 02.12.2024**) for their respective projects in accordance with law. These Environment Clearances were not only granted by SEIAA itself, but they were never challenged by the Applicant. More importantly, the Ld. SEIAA, while granting the said ECs, never held that the developed land where such Environment Clearances were given itself required prior Environment Clearance. (**Para 10, Pg. 1997 of Additional Reply of R8 dated 13.12.2024**)

33. That it is worth reiterating that the Minutes of Proceedings of Hon'ble Lokayukta, Haryana dated 20.02.2014 (**Pg. 772-779 of Reply of R8 dated 24.07.2023**) also corroborates the stand of the Respondent No.8 that Environment Clearance is not required for license No. 15 of 2008.
34. At this juncture, it may be submitted that the Respondent No.8, on wrong legal advice, forwarded application dated 16.04.2015 seeking post facto Environment Clearance for total area of 204.796 acres and TOR was issued on 19.06.2015. Another EC Application 07.09.2017 was also applied on wrong legal advice under EIA Violation Notification dated 14.03.2017 for which TOR was uploaded on 18.12.2020, but the same is neither visible on Parivesh portal not received by Respondent No.8. The Environment Clearance application was however withdrawn on 16.08.2018 (**@ Pg. 788 of Reply of R8 dated 24.07.2023**). There has been no further communication from SEIAA.

35. That the project of the Respondent No.8 has since been handed over to the Municipal Corporation Gurugram (MCG) by Agreement dated 15/16.06.2022 (@ Pg. 1886-1890 of Comprehensive Reply of R8 dated 02.12.2024). (Para 23, Pg. 1595-1596 of Comprehensive Reply of R8 dated 02.12.2024)
36. It is pertinent to add here that no competent authority has ever issued any communication on the said License No. 15 of 2008 asking the Respondent No. 8 to secure an Environmental Clearance.

Regarding requirement of obtaining CTE and CTO under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974

37. The Hon'ble Delhi High Court in its Judgment in "**Splendor Landbase Ltd. vs. Delhi Pollution Control Committee 2010 SCC OnLine Del 3466**" has held that Section 21(1) of the Air Act, 1981 would not be applicable to the residential complex. (Para 41, Pg. 754 of Reply of R8 dated 24.07.2023)
38. Nevertheless, Respondent No.8 had been granted Consent to Operate, which was renewed several times by Respondent No.2-HSPCB without any objections (Para 42, Pg. 754 of Reply of R8 dated 24.07.2023)
39. On 23.12.2022, Respondent No.2-HSPCB issued a Closure Order to the answering Respondent, which was set aside by the Appellate Authority constituted under the Air Act, 1981 and Water Act, 1974 vide Order dated 21.09.2023. The said Closure Order was challenged by the Respondent No. 8 before the Appellate Authority constituted under the Air Act, 1981 and Water Act 1974, Haryana State Pollution Control Board and the same was set aside vide order dated 21.09.2023. The HSPCB has filed an Appeal No. 05 of 2024 impugning the said order of the Appellate

Authority, and the said Appeal has been tagged with the present application and is pending adjudication.

Regarding Issue of running of 10 DG sets in the Green Belt

40. A fresh inspection in respect of DG sets was conducted by District Town Planner(P), Gurugram on 23.03.2023 wherein only 3 DG sets were found to be installed in the Green Area. **(Para 11, Pg. 645 of DTCP Written Statement dated 25.03.2023)**
41. These 3 DG sets comprise an area of only 13.80 sq. mts. whereas, as per the Haryana Development and Regulation of Urban Area Rules, 1796, the percentage of area of colony under roads, open spaces, etc. should not be less than 45% of gross land area, which can be further reduced upto 35%. **(Para 11, Pg. 646 of DTCP Written Statement dated 25.03.2023).**
42. Thus, even if the DG sets are considered for regularization, the gross area of the colony would still be more than the required norms. **(Para 11, Pg. 646 of DTCP Written Statement dated 25.03.2023)**
43. Furthermore, the day-to-day administration of the group housing complex has been taken over by a third party from 31.01.2021 vide Handover Takeover Agreement dated 23.05.2022 **(Para 51, Pg. 757 of Reply of R8 dated 24.07.2023).**
44. On 26.05.2023, the Handover Takeover Agreement was also executed between the answering Respondent and M/s MEPL Maintenance Pvt. Ltd. and Malibu Shopping Arcade Welfare association for land measuring 0.715 acres in which the Shopping Arcade is built (WEF 01.04.2023). **(Para 51, Pg. 757 of Reply of R8 dated 24.07.2023).**
45. Pursuant to the said handover and takeover, none of the DG sets are under the jurisdiction of Respondent No.8.

46. In any case, the project of the Respondent No.8 has been handed over to Municipal Corporation, Gurugram, by Agreement dated 15/16.06.2022 as noted above. (**Para 51, Pg. 757 of Reply of R8 dated 24.07.2023**). Therefore, the issue of DG sets, as far as Respondent No.8 is concerned, no longer survives.

Regarding Violation Construction & Demolition Waste Management Rules, 2016

47. The issue regarding the violation of Construction & Demolition Waste Management Rules, 2016 has been addressed by the Municipal Corporation Gurugram, vide its Reply dated 14.03.2023 filed in the matter and briefly summarized below: -

- a. A dispensary belonging to one Shri Jagdish Chand Chaudhry (owner) was existing in the project area. The owner engaged a private contractor – M/s Goyal Iron Steels for demolition of the dispensary building and the said contractor obtained permission from MCG for disposal of C&D waste as per the 2016 Rules on 29.09.2020. (**Para 2, Pg. 631 of MCG Affidavit dated 14.03.2023**)
 - b. Subsequently, MCG sought details of disposal C&D waste from the contrary, however no information was provided. Consequently, MCG issued notices to the Owner regarding payment of penalty and took over the process of removal of C&D Waste from the dispensary site. (**Paras 5-7, Pg. 633 of MCG Affidavit dated 14.03.2023**).
48. In view of the above-written submissions read with all the pleadings submitted on behalf of Respondent No.8, it is humbly submitted that the Respondent No.8 project does not require the Environmental Clearance and

the project was already handed over either to RWA or the MCG. So, in view of the same, the OA may be dismissed.

Date: 26.02.2026

Place: New Delhi

DRAWN AND FILED BY:



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Service in Raman Sharma Vs. State of Haryana & Ors. (O.A. No. 68/2022/PB)

1 message

ELDF <eldflegal@gmail.com>

Thu, Feb 26, 2026 at 6:35 PM

To: rkhuranalegal@gmail.com, "noopur4@gmail.com" <noopur4@gmail.com>, Radhika Gautam <gautamradhika.r@gmail.com>

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Dear Sir/Ma'am

Please find attached copy of the Written Submissions on behalf of Respondent No. 8 M/s Malibu Estate Pvt. Ltd.

Thanks & Regards

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Sameer Manher*Clerk**Enviro Legal Defence Firm**29, Presidential Estate LGF,**Nizamuddin East New Delhi – 110013**Ph. No. 011-40573181***Written Submissions.pdf**

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