

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.68/2022
(IA No. 145/2023)

Raman Sharma

Applicant

Versus

State of Haryana & Ors.

Respondents

Date of hearing: 21.01.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Rahul Khurana, Advocate for Respondents no. 1 to 4 and 6.
Ms. Noopur Singhal, Advocate for Respondent no. 5 (through VC).
Ms. Radhika Gautam and Mr. Abhishek Singh Chauhan, Advocates for
Respondent no. 7.
Mr. Sanjay Upadhyay, Senior Advocate with Mr. Shubham Upadhyay and
Mr. Surya Gupta, Advocates for Respondent no.8.

ORDER

1. In compliance of order dated 25.07.2023 directing SEIAA, Haryana to take final decision in the matter, SEIAA, Haryana has passed order dated 24.10.2024. The relevant part of order dated 24.10.2024 reads as under:-

“11. After careful examination of the documentary evidences submitted by the complainant, the clarification provided by the Director, Town and Country Planning Department, Haryana vide letter no. CC-3056/JD(RA)2024/32251 dated 23.10.2024 and keeping in view the judgment dated 04.07.2022 passed by the Hon'ble National Green Tribunal in O.A. No. 661 of 2018

*titled as Praveen Kakar & Ors versus MoEF and others, the Authority concludes that the approved zoning plan dated 31.01.2008 shows that area under the subsequent license no. 15 of 2008 was part and parcel of the project and that a composite layout plan and zoning plan was sanctioned by DTCP Haryana including modification in the area or earlier zoning plan. **In view thereof, provisions of EIA notification dated 14.09.2006, applied to the development carried out pursuant to the license dated 31.01.2008 and zoning plan approved on 31.01.2008 but M/s. Malibu Estate Pvt. Ltd. executed development activities without obtaining Prior Environment Clearance and thus violated the Norms of EIA Notification dated 14.09.2006.***

12. Further, the Authority also decided to initiate violations proceedings separately within the scope and meaning of Environment (Protection) Act, 1986 and notifications made thereunder.”

2. As per letter dated 23.10.2024 sent by Director, Town and Country Planning, Haryana sent to SEIAA, Haryana respondent no. 8-M/s. Malibu Estate Pvt. Ltd. was granted licenses no. 71-75 of 1992, 04-08 of 1993, 15-19 of 1994, 04-08 of 1995 and 36-46 of 1997 for residential colonies measuring 180.115 acres before issuance of EIA Notification dated 14.09.2006 and license no. 15 of 2008 for residential colony measuring 24.681 acres was granted to respondent no. 8-M/s. Malibu Estate Pvt. Ltd. after issuance of EIA Notification dated 14.09.2006. SEIAA, Haryana has passed impugned order dated 24.10.2024 on the ground that area under the subsequent license no. 15 of 2008 was part and parcel of the Project and that a composite lay out plan and zoning plan was sanctioned by DTCP, Haryana including modification in the area or earlier zoning plan.

3. The Director, Town and Country Planning, Haryana is directed to file his own affidavit in respect of the following aspects:-

(i) whether land measuring 24.681 acres was part and parcel of any of the earlier licenses granted during the period 1992-1997 before issuance of EIA Notification dated 14.09.2006- if so details of the license in which land measuring 24.681 acres was included may be mentioned;

- (ii) what was the stipulated period within which the residential colonies covered under the above said licenses granted during the period 1992 – 1997 were to be completed;
- (iii) whether residential colonies covered under the above said licenses granted during the period 1992 – 1997 had been completed before grant of license no. 15 of 2008- if not what is the extended completion period of the residential colony not so completed;
- (iv) whether respondent no. 8 filed separate applications for modification of layout plan/zoning plan of residential colonies covered by separate licenses alongwith separate modified layout plan/zoning plan or filed joint application with composite layout plan and zoning plan compositely modifying all layout plans/zoning plans in respect of all the residential colonies covered by licenses granted during the period 1992-1997 alongwith residential colony covered by license no. 15 of 2008;
- (v) what is the land area of the respective residential colonies developed and what is the built up area of the buildings/constructed projects covered by licenses granted during the period 1992-1997 and license no. 15 of 2008 respectively;
- (vi) whether respondent no. 8 took all licenses for townships and area development project/residential colonies for sale of plot by it on which the buildings were to be constructed by the purchasers- if so what is the respective township/development project area developed by respondent no. 8;
- (vii) whether respondent no. 8 took any of the licenses for building or construction projects for sale of building/constructed projects by it for occupation by the purchasers- if so what is the built up area of the buildings/projects constructed by respondent no. 8; and
- (viii) Whether any building or constructed project under license no. 15 of 2008 exceeds exempted built up/constructed project area and due to being

within the ambit of EIA Notification dated 14.09.2006 required EC and whether EC has been obtained for the same or not;

4. The Director, Town and Country Planning, Haryana is directed to ensure that all requisite details are given in and copies of all relevant documents are attached with the affidavit.

5. Respondent no. 8 is also directed to file additional affidavit giving information with respect to all the above mentioned aspects high-lighted in para no. 3 above.

6. Respondent no. 8 is also directed to ensure that all requisite details are given in and copies of all relevant documents are attached with the additional affidavit.

7. Affidavits by the Director, Town and Country Planning, Haryana and respondent no. 8 be filed at least three days before the date of hearing fixed.

8. In case of any delay in filing of such affidavit, the Director, Town and Country Planning, Haryana or respondent no. 8, as the case may be, will be liable to deposit costs of Rs. 10,000/- with the NGT Bar Association, Principal Bench, New Delhi and to file the receipt for such deposit of cost alongwith the affidavit filed with delay after the period stipulated above.

9. List on 27.02.2025 for further hearing.

10. In view of the facts and circumstance of the case, we also consider personal appearance of the Director, Town and Country Planning, Haryana, Member Secretary, HSPCB, Member Secretary, SEIAA, Haryana and duly authorized Director/Officer of respondent no. 8, physically or through VC, before this Tribunal on that date to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in

the case. Accordingly, they are directed to remain present before this Tribunal on that date with the relevant record.

11. A copy of this order be sent by email to the Director, Town and Country Planning, Haryana, Member Secretary, HSPCB, Member Secretary, SEIAA, Haryana and respondent no. 8 for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 21, 2025
O.A. No. 68/2022
AG