

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

**Review Application No. 7 of 2014  
In  
Original Application No. 119 of 2013  
(M.A. No. 651 of 2014)**

**Senior Citizen Forum (Regd.) Vs. HUDA &Anr.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

**Present:** Applicant: Mr. P.K. Sharma, Advocate.  
Respondent No. 1: Ms. Anubha Agrawal, Adv.

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	Item No. 05  March 17, 2015	<p style="text-align: center;"><b><u>Review Application No. 7 of 2014</u></b></p> <p>This is an Application filed by the Applicant for review of the order passed by the Tribunal on 03<sup>rd</sup> September, 2014. The grounds of the challenge primarily are :-</p> <ol style="list-style-type: none"><li>1. That the land does not belong to the HUDA and they could not have allotted the land for establishment of a CNG Station at the site in question;</li><li>2. The site in question in Sector 14 is earmarked as a park and it and any part of it could not be permitted to be used for a CNG station as it would be contrary to the development plan as well as would adversely affect the environment.</li></ol> <p>We may notice that the main Application filed by the Applicant was finally disposed of vide our order dated 03<sup>rd</sup> September, 2014. However nobody appeared for the Applicant. The Applicant moved an Application for being heard which we allowed that is how this Review Application has been heard. It will be appropriate to refer to the</p>

relevant extract of our order dated 03<sup>rd</sup> September, 2014:-

*“The Learned Counsel appearing for HUDA has submitted that the CNG Station has been permitted to be constructed not in the park area. The CNG Station partly would fall in the area marked as green belt and there is a likelihood that 40 trees may have to be transplanted/ cut / fell for construction of the CNG Station. It is submitted on behalf of the authority that the development plan itself earmarks the area as part of the green belt area. The present action is strictly in accordance with the development plan. Copy of the plan has been placed on record before us.*

*In the above circumstances and keeping in view the records before us, we dispose of this Application with the following directions.*

- 1) The Respondents are permitted to build the CNG Station at the place in question.*
- 2) They shall plant ten times the trees which are required to be cut / fell, in the same area.*
- 3) The 400 trees would be planted first before any construction work of the CNG Station is permitted to be started.*
- 4) The concerned authorities particularly the Forest Department of the State of Haryana shall firstly ensure that as many trees as possible out of the 40 trees which are required to be cut/fell are transplanted.*
- 5) The Department as well as the person to whom the construction / operation of the CNG Station is permitted, shall be liable to maintain and ensure appropriate protection, nourishment and growth of the trees so planted till they achieve self sustainable age.*
- 6) As a consequence of Corporate Social responsibility, the person to whom the CNG Station is allotted shall pay a sum of Rs.5.00 lakhs, which shall be utilized only for the purpose of ensuring maintenance and upkeep of the green belt and the trees so planted.*

*The Horticulture Division of HUDA shall be responsible for execution of all the directions in this order. In the event of default, the Head of the Department shall be liable for action in accordance with law.*

*It is needless to notice that no trees shall be fell or cut*

*without permission of the concerned authorities in accordance with law.*

*With the above directions, Original Application No.119 of 2013 is disposed of while leaving the parties to bear their own costs. ”*

As far as the first contention is concerned it raised the land dispute which is not within the ambit and scope of the jurisdiction of this Tribunal. However the Learned counsel appearing for the HUDA has submitted that other persons from same sector had approached the Civil Court and the interim relief prayed by them in the suit was not granted and the present Application in fact is abuse process of the law. Learned counsel appearing for the Applicant submits that any orders if at all passed in other cases cannot bind them. We do not go into this controversy but fact of the matter still remains that the Civil Court vide its order dated 01<sup>st</sup> February, 2013 had declined to grant the interim relief.

The Appeal against this order Civil Misc. Appeal No. 12 of 2015 titled as Resident Welfare Association of Sector 14 (registered), Gurgaon Vs. Administrator of HUDA & Ors was also dismissed by the Additional District Judge, Gurgaon and the controversy in that regard ended there.

Coming to the second contention raised on behalf of the Applicant we confirmed from Learned counsel appearing for the HUDA that the site where CNG station is proposed to be established does not form part of the park. She has placed before us the revised development plan and demarcation plan of Sector 14. It has been noticed in the note to this document that approval of the site for CNG Station in Sector 14 has been given by HUDA vide its resolution No. 2474-2478 dated 24<sup>th</sup> March, 2006, and the

revised demarcation plan showing park and CNG station specifically was drawn. According to the Learned counsel appearing for HUDA this was done in furtherance to the directions issued by the Hon'ble Supreme Court of India vide its order dated 29<sup>th</sup> May, 2005 wherein HUDA was directed to implement the said directions and to take requisite permission from the State for setting up the outlet in Faridabad and Gurgaon for CNG Stations. Besides all this we had still taken due care and had passed stringent order directing allottee of the CNG outlet to comply with the imposed conditions afore-referred and to satisfactorily take care of the environment with plantation of additional trees within the area of the park to add to further greenery. The CNG Station per se cannot be stated to be source of environmental pollution. Of course it has to operate subject to strict compliance of the terms and conditions that may be imposed by concerned Authorities and the Haryana Pollution Control Board. We are informed that the contractor has still not complied with our directions and has not deposited the amount of Rs. 5 lakhs compensatory and otherwise for reforestation. We make it clear that no activity would be permitted to be carried out even on the area in question unless the party concerned complies with the directions contained in the order. Even if the present awardee does not comply with the directions and contract is given to some other party by HUDA, the new awardee shall also abide by the conditions stated in the Order.

In view of the above, we see no merit in this Review Application and the same is dismissed.

Consequently, Review Application No. 07 of 2014 stands disposed of

**M.A. No. 651 of 2014**

This Misc. Application does not survive for consideration in view of the fact that review Application in which the same has been filed itself stands disposed of.

Accordingly, M.A. No. 651 of 2014 stands disposed of.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Prof. A.R. Yousuf)

.....,EM  
(Ranjan Chatterjee)

