

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

ORIGINAL APPLICATION No.: 155 / 2020

IN THE MATTER OF:

1. Dr. (Mrs.) Manorama Sharma & Anr

Both R/o KP 22, Maurya Enclave,
Pitampura, New Delhi 110034

...Applicants

Versus

1. TDI Infrastructure Limited & Ors

10, Shaheed Bhagat Singh Marg,
Gole Market, New Delhi - 110001

...Respondents

INDEX

SL. No	List of Additional Documents	Page No
1	WRITTEN SUBMISSION	1 to 11
2	Copy of Environmental Clearance Annexure-I	12 to 20
3	Copy of Affidavit submitted by Applicants in NCDRD Annexure-II	21 to 24

WRITTEN SUBMISSION ON BEHALF OF APPLICANTS

1. The applicant herein are the plot buyers at plotted project of TDI City Kundli, Sonipat Haryana owned by TDI Infrastructure Ltd, (also referred to as "project proponent" or "PP" in short). It is pertinent to mention that TDI city is a township which is spread over around 1200 acres of land. It has two parts, one is the constructed part comprising residential apartments/commercial building etc. and the rest around 1000 acres which is the major part of the township, comprises of plotted residential colony. The plots are to be constructed by the plot buyers themselves while common amenities like sewerage, electricity, water, horticulture, STP , rain water harvesting etc. are supposed to be provided by the project proponent, which it has failed to provide.

Unfortunately, attempts are being made by the project proponent to mislead this Hon'ble Tribunal, by misappropriating the documents pertaining to adjoining apartment project, for showing development of the plotted project, which is an attempt to play fraud upon this Hon'ble Tribunal

Difference in OA no. 155 of 2020 and OA No. 764 of 2018

2. Besides the present application, there is another case pending before this Hon'ble Tribunal, against the same project proponent being OA No. 764 of 2018. The said case pertains to only built-up apartments of kingsbury-I (11.46 acres) , Kingsbury-II (18.43 acres), Tuscan city (22.86 acres), Group Housing-IV (7 acres) , Kingsbury-III (14.07 acres), My floor-II (14.28 acres), Independent Group

Housing -III (10.14 acres) , in all totalling to 98.24 acres. (Kindly refer to para 4 of order dated 23.10.2019 in OA No. 764 of 2018). The said proceedings in OA No. 764 of 2018 thus do not pertain to plotted project of TDI city (comprising around 1000 acres of land), and which plotted project is a subject matter of present proceedings being OA no. 155 of 2020. Reference in this regard may be made to para VII (page no.5-6) of the OA no. 155 of 2020, wherein the applicants have duly declared, while filing the present application, that they are concerned with plotted part of the project which spreads over around 1000 acres of land and which is completely different from project falling under OA No. 764 of 2018.

3. It is unfortunate that the Project proponent, time and again, has been stating before this Hon'ble Tribunal as well as before Hon'ble Supreme Court in CA no. 7604-7605/2021 (since disposed of) that PP has been subjected by this Hon'ble Tribunal to double jeopardy as two cases have been entertained by the Hon'ble Tribunal with respect to same project.

In respectful submission of the applicants herein, the contention of PP in this regard is completely false and misleading and is liable to be rejected with punitive costs. The PP has already failed to impress the Hon'ble Supreme Court on the aspect of double jeopardy as well as on the aspect that the order has been passed by this Hon'ble Tribunal without affording an opportunity of being heard. Fortunately, the contention of the PP could not survive before the Hon'ble Supreme Court and the matter was disposed of on the very

first date with only a liberty given to PP to approach this Hon'ble Tribunal, without granting any substantial relief in favor of the PP.

Fair opportunity of being heard

4. The applicant respectfully submits that the PP has raised a wrong contention before Hon'ble Supreme Court as well as before this Hon'ble Tribunal to the effect that it was not heard by this Hon'ble Tribunal before passing the orders dated 01.10.2020 and 28.09.2021

In respectful submission of the applicants herein, the contention of PP in this regard is completely false and misleading and is meant to mislead the Hon'ble courts. In the first place, advance notice was served upon the PP, by the applicants themselves before filing the application. The PP has thus sufficient notice of the filing, listing and hearing of the application on the very first date. It is the PP itself which despite opportunity, chose not to appear. In the second instance of notice of proceedings to the PP, the joint committee which was appointed by this Hon'ble Tribunal, issued notice to the PP which is dated 4.11.2020 attached as Annexure -II to the compliance report dated 20.01.2021 filed before this Hon'ble Tribunal by the Joint Committee. In fact pursuant to the notice issued by the Joint committee, the PP submitted a detailed reply to the Joint committee which is Annexure R-1 to the objections filed by the PP on 10.02.22 before this Hon'ble Tribunal. Third instance of knowledge of the present proceedings to the PP is its presence and participation in the survey of the project, conducted by the Joint committee. The Forth instance which proves that PP has sufficient knowledge about the pending proceedings before this Hon'ble

Tribunal is that on 27.07.2021, the PP volunteered another written reply before the Joint committee appointed by this Hon'ble Tribunal. Fifth instance of PP participating in the proceedings is the hearing dated 28.09.2021 before this Hon'ble Tribunal when the lawyer of PP appeared before this Hon'ble Tribunal, and also marked her presence but chose not to make submissions. It was noticed by this Hon'ble Tribunal in its order dated 28.09.2021 in para 7 " *Accordingly, we have considered the matter further with the assistance of learned counsel for the applicants and for the state PCB. Other counsel though present have opted not to participate. Counsel for TDI says that she is merely proxy counsel seeking adjournment.*"

Thus the PP and its counsels have not been fair in submitting that they have not been heard by the Hon'ble Tribunal before the orders were passed.

Reliability of documents filed by PP before this Hon'ble Tribunal and before Joint committee.

5. It is rather a shocking matter that the PP has dared to file on affidavit before this Hon'ble Tribunal misleading documents pertaining to building/apartments, to misrepresent Environmental compliance with respect to plotted project in question.

Starting with Annexure R-1 at page 32 of the objections filed by the PP, the PP has filed a copy of reply that was furnished by the PP to the Joint committee. The said document places reliance on occupancy certificate w.r.t Towers. None of these towers fall under the plotted project and therefore the reliance placed by PP on Tower

OCs is nothing but an attempt to play fraud upon this Hon'ble Tribunal.

Similarly Annexure II page 54 -79 comprises of NOC/CTE all pertaining to apartment and none of these relate to plotted project and yet the PP has filed these documents to prove compliances with respect to plotted project.

Similarly Annexure III page 80-127 comprises CTO documents and other misc documents again pertaining to apartments and do not represent the plotted area of the project. The reliance on these documents is again a fraudulent act on the part of PP.

Similarly photographs filed from page 135 to 162 pertains to some part of the apartment project and as well some part of plotted project. The pictures are misleading and taken from some particular areas. The same do not per se shows the compliances of the environmental norms. The same would rather show that the PP has put on the vacant undeveloped land some poles which do not even have the bulb/electric connection till date.

The Pictures of STP at page 164-166 itself refers to building/apartment (plz see the foot of the page), these pictures again do not pertain to plotted area of the project and have been filed by the PP to mislead this Hon'ble Tribunal.

Page 168-173 is only a Work Order for STP which work order itself came into existence during pendency of the present proceedings. It is rather shocking that as against the mandatory requirement of STP plant with capacity of 16300 KLD (Plz refer to EC certificate or report of Joint committee) for the plotted project , the PP has placed

on record a work order for 125 KLD and that too is only an order and not the real STP .

Pictures at Page 175-181 again do not represent the true nature of roads and connectivity. The pictures annexed by the PP are taken selectively for giving a misleading impression to this Hon'ble Tribunal and the same is therefore not reliable.

Picture at page 183-189 are again from apartment/building project and cannot be relied upon with respect to plotted project in question.

Page 191 is a chart of trees which is prepared by PP itself and is a self-serving documents with no reliability.

Pages 193 -195 are solar water heater and not claimed by PP to be part of plotted project and therefore liable to be discarded.

As per pages 196-204 the PP had undertaken to provide modular STP with capacity of 16300 KLD in the plotted part of the project way back in 2017 but till date no STP exist on the plotted project. These documents goes against the false claims of the PP regarding compliances of environmental norms.

Page 205-207 are photographs of building/apartment area and the same do not pertain to plotted project and is therefore liable to be rejected for the present proceedings.

Pages 208-215 comprises of self-made chart by TDI and cannot be read as compliance of environment norms for the plotted project of TDI city

Pages 217-221 one single EC for the entire project that came as late as on 4.9.2021 after grant of part completion certificate. The certificate filed herein by the PP is a manipulated one as internal page 2 which was most crucial part, has been withheld/concealed. ***(Kindly refer last point 2(iv) on page 217 and first point 2 (xvi) on Page 218 – internal page 2 of 9 has been concealed/withheld). Complete copy of EC is being attached for referral of the Hon'ble bench***

Pages 223-262 comprised CTO documentation pertaining to towers/apartment project and do not relate to the plotted project.

Pages 263-271 are agreement executed by PP after filing of instant proceedings before this Hon'ble Tribunal. Again these are agreements and not compliances per se.

Pages 273-275 are Fire NOC pertaining to building 15 Mts and above and again are not pertaining to plots

Pages 276-316 comprises CTO applied for towers only and not to the part of Plotted project in question

Pages 321-326 are duplicate documents, already discussed herein above

Pages 328-331 are fire documents for buildings and are again not related to plotted project in question

Pages 332-334 is CTO applied, after notice was issued by this Hon'ble Tribunal. The same was rejected in Nov. 2021 by the authority.

Pages 335-338 are agreement as latest as Feb 2022 and they do not depict any environment compliances as these are only agreements. Execution of works per se is not known.

Pages 339-387 comprised only an agreement for waste management that was executed in April 2021. The pictures attached are not giving details regarding date and location nor suggest the ground reality.

Pages 388-433 contains STP tower adequacy report pertaining to apartment project and not plotted project (which still does not have any STP as per admitted case of PP)

Pages 434-435 are some incomplete pages of agreement with invisible date and are not reliable documents.

Pages 436-440 are only agreements and do not depict execution on the ground.

Pages 441-444 are duplicate documents, already discussed herein above

Pages 445-448 is again only an agreement which was executed as late as in Feb 2022. This again is only an agreement and do not depict the ground reality.

Pages 449-457 are showing poles without bulbs and electricity and do not advance the case of the PP from any stretch of imagination.

Page 458 comprises of only a signboard to show way to block K to L and it is completely irrelevant to prove environment norm compliances.

Pages 459-478 are pictures showing some labourers tilling the soil and the same is wholly irrelevant for the present proceedings.

Pages 479-482 Picture of main holes, relevance of which have not been mentioned by the PP, area to which it pertains is also not mentioned.

Pages 483-493 are pictures of dustbin in Apartment area and are not relevant for the present proceedings

Pages 494-497 are pictures showing trucks parked, very irrelevant, as also do not mention the area

Pages 498-499 pertains to pictures of apartments and do not pertain to plotted project in question

Pages 500-505 are payment receipts of HSVP for sewerage connection, dated 14.8.2020 i.e after filing of the case. Unfortunately the area to which it pertains is not mentioned in the said document

Pages 506 is only an assurance of water and not the availability of real water and is of no avail.

Page 507 pertains to Kingsbury tower/apartment and again do not pertain to plotted project in question.

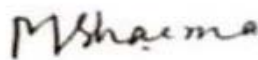
CONDUCT OF PP And Its Counsels

6. The Project Proponent has tried to play fraud upon this Hon'ble Tribunal by manipulating the records. Apart from filing documents pertaining to apartment project to show false development in the plotted project, It can be seen that a single EC for the several sector, has been filed by the PP at pages 217 to 221. In the said EC internal page 2, which is most crucial as it cast certain obligations to make provision for STP with 16300 KLD capacity, biodegradable waste management of 76733 Kg/day as well power requirement of 118167 KVA. The said internal page 2 of the EC is not on record as none of these requirement have been fulfilled on the site. The most relevant page no.2 has thus been deceptively taken out/concealed/withheld by the PP while filing this document. A running pagination has been given by the PP to remaining pages after skipping internal page no. 2, which amounts to a clear attempt to commit fraud on this Hon'ble Tribunal. Shockingly, the said missing internal page 2 further declares at the bottom that “xiii. **There is no court case pending against the project**”. This false declaration has been made to secure EC, despite the fact that dozens of criminal cases and civil/consumer cases are today pending against the PP for last many years. A copy of complete EC is being filed herein as Annexure-I

7. The applicant herein as well as thousands of other plot buyers have been handed over uninhabitable plots by the PP devoid of any development/environment compliances. Today they are being denied justice as deceptive documents and false statements are being presented by the PP and its erudite counsels in the course of these proceedings. An affidavit pointing to the conduct of PP and its

Counsel has been filed by the applicant before the NCDRC. Similar affidavits pointing conduct of TDI builder and its counsel have been filed by various other victims before Hon'ble NCDRC. One such affidavit filed by applicant is attached as Annexure -II.

8. The applicant reiterates the report prepared by the Joint committee appointed by this Hon'ble Tribunal which was made after due inspection of the premises in the presence of applicant as well as representatives of PP, is a true and correct report. Still further, the DT&CP Haryana itself has reported vide letter dated 5.1.2021 (annexed with the report of Joint committee) that the PP is in clear violation of conditions of license and conditions of part completion certificate. It is thus an open and shut case which establishes fraud and failure on the part of project proponent beyond any reasonable doubts. The objections filed by the PP against the said report as well as against the well reasoned orders passed by this Hon'ble Tribunal, are therefore liable to be rejected with punitive costs. The applicant prays this Hon'ble Tribunal to allow the instant application and impose heavy costs on PP for damage to the environment and further direct prosecution of directors/project proponent for filing misleading documents and false affidavits before this Hon'ble Tribunal.



Dr. (Mrs) MANORAMA SHARMA



SANDEEP SACHIN

(Applicants)

Place: New Delhi

Date: 16.04.2022

F. No. 21-62/2016-IA-III
Government of India
Ministry of Environment, Forest and Climate Change
(IA.III Section)

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi - 3

Date: 4th September, 2017

To,

M/s TDI Infrastructure Ltd.,
10, Shaheed Bhagat Singh Marg,
Gole Market, New Delhi-110001
Email: nitesh.kumar@tdiinfra.com

**Subject: Residential Colony "TDI City" at Sector-58, 59, 60, 61, 63 & 64
Sonepat – Kundli, Haryana by M/s TDI Infrastructure Ltd –
Environmental Clearance - reg.**

Sir,

This has reference to your online proposal No. IA/HR/NCP/61778/2014 dated 3rd February, 2017 submitted to this Ministry for grant of Environmental Clearance (EC) in terms of the provisions of the Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986.

2. The proposal for grant of environmental clearance to the project 'Residential Colony "TDI City" at Sector-58, 59, 60, 61, 63 & 64 Sonepat – Kundli, Haryana by M/s TDI Infrastructure Ltd, was considered by the Expert Appraisal Committee (Infra-2) in its meeting held on 12-14 April, 2017 and 26-28 July, 2017. The details of the project, as per the documents submitted by the project proponent, and also as informed during the above meeting, are under:-

- (i) The present proposal is for development of 'Residential Colony "TDI City" at Sector-58, 59, 60, 61, 63 & 64 Sonepat – Kundli, Haryana by M/s TDI Infrastructure Ltd', at Latitude- 28° 53'13.30"N and longitude- 77°7'29.36"E.
- (ii) Project is Expansion project, the construction work has been done for the built-up area less than 39,00,000 sqm as per the Environmental Clearance granted & the same has been clarified in the compliance report received from regional office of MoEF. Now, the construction work has been stopped.
- (iii) The total plot area is 4598807.965 sqm. The project will comprise of General plots, EWS plots, Community Centre/Amenities Area, Commercial areas, Dwelling Units, EWS Units, Servant Units. FAR area will be 4239091.258 sqm and total construction/ built up area will be 6514132.528 sqm. Total General plots – 7049 EWS plots – 1761, 1 Community Centre/Amenities Area, 3 Commercial areas, Dwelling Units – 6349, EWS Units –1130 Servant Units - 680. Maximum height of the building will be 44.95 m. The details are as follows:
- (iv) During construction phase, total water requirement will be met by tanker water supplier from nearby STP. During the construction phase, soak pits and septic tanks will be provided for disposal of waste water. Temporary sanitary toilets will be provided during peak labour force.

- (v) During operational phase, total water demand of the project has been estimated as 28632 KLD and the same will be met by HUDA supply/Ground Water. The total waste water generation will be 18925 KLD. Waste water generated from the complex shall be treated in Modular Sewage Treatment Plants of total capacity 16300 KLD shall be installed for Plotted Area, Community & Amenities Area, STP of 100 KLD installed & Modular STPs having total Capacity- 600 KLD shall be installed for Commercial areas, STP of 500 KLD already installed and it will be further enhanced to 650 KLD for Group Housing-I (11.46 Acres), 2 No. of STPs of 500 KLD and 660 KLD resp. already installed for Group Housing-II (18.43 Acres), 2 no. of STP of 720 KLD & 510 KLD respectively already installed which will be further enhanced to total capacity 1300 KLD for Group Housing-III (22.862 Acres), STP of 350 KLD shall be 186 installed for Group Housing-IV (7.0 Acres), STP of 720 KLD already installed and it will be further enhanced to 850 KLD for Independent Group Housing-I (14.07 Acres), STP of 150 KLD installed & STP having total Capacity 750 KLD shall be installed for Independent Group Housing-II (14.288 Acres), STP of 600 KLD shall be installed for Independent Group Housing-III (10.14 Acres). About 9322 KLD excess treated water will be given to Tanker water supplier for construction purpose.
- (vi) About 76733 Kg/ day solid waste will be generated in the project. The biodegradable waste (53713 Kg/ day) will be sent to Municipal Solid waste site for plotted colony and the waste will be converted into compost in OWC within the site for Group Housing & commercial and the recyclable waste generated (23020 Kg/ day) will be handed over to authorized local vendor/recycler.
- (vii) The total power requirement during construction phase will be met from 2 x 62.5 KVA DG set and total power requirement during operation phase will be 118167 KVA and will be met from Uttar Haryana Bijli Vitran Nigam limited(UHBVN). D.G. sets for power back up is proposed 6 x 500 KVA, 3 x 625 KVA , 2x 250 KVA & 3x140 KVA for Group Housings area, 2 x 250 KVA & 2 x 500 KVA for Commercial area and 2 x 500 KVA & 2 x 750 KVA for Plotted, Community & amenities area).
- (viii) Rainwater of buildings will be collected in 718 RWH pits of dia. 4.8 m & depth 3.8 m for recharging the ground water.
- (ix) For plotted area, adequate parking provision shall be provided within the individual plots as NBC norms & for commercial area, group housings and community area, 18476 ECS shall be provided on surface area & basement area (according to MoEFCC and local norms).
- (x) ToR was granted to the project vide letter No. F.No.HR/SEAC/69/1640 dated 24.11.2016 by SEAC, Haryana.
- (xi) The project is not located within 10 km of Eco Sensitive areas.
- (xii) Area earmarked for greenbelt is 1388831.791 sqm (30.20 % of Plot Area)
- (xiii) There is no court case pending against the project.
- (xiv) Cost of the project is Rs. 1790 Crore.
- (xv) Employment potential: During construction phase 22544 workers.

M.

- (xvi) **Benefits of the project:** Environmental benefits- It will increase Infrastructure of the area & will provide better living style. It will provide housing facility & job opportunities with all basic amenities to various classes of people. It will provide healthy, green & safe premises for living.

3 The EAC, in its meeting held on 26-28 July, 2017, after detailed deliberations on the proposal, has recommended for grant of Environmental Clearance to the project. As per recommendations of the EAC, the Ministry of Environment, Forest and Climate Change hereby accords Environmental Clearance to the project 'Residential Colony "TDI City" at Sector-58, 59, 60, 61, 63 & 64 Sonapat – Kundli, Haryana by M/s TDI Infrastructure Ltd., under the provisions of the EIA Notification, 2006 and amendments/circulars issued thereon, and subject to the specific and general conditions as under:-

PART A – SPECIFIC CONDITIONS:

I. Construction Phase

- (i) The project proponent shall obtain all necessary clearance/ permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.
- (ii) The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site, on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water. Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
- (iii) Construction site shall be adequately barricaded before the construction begins. Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murram and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site. Sand, murram, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution. Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.
- (iv) All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules, 2016. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.
- (v) Provisions shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, creche etc. The

- housing may be in the form of temporary structures to be removed after the completion of the project.
- (vi) At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
 - (vii) Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC. Outdoor and common area lighting shall be LED. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.
 - (viii) Use of water saving devices/ fixtures (viz. low flow flushing systems; use of low flow faucets tap aerators etc) for water conservation shall be incorporated in the building plan.
 - (ix) Installation of dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc and other for supply of recycled water for flushing, landscape irrigation, car washing, thermal cooling, conditioning etc. shall be done.
 - (x) Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
 - (xi) Sewage shall be treated in the STP based on Moving Bed Biofilm Reactor (MBBR) Technology (with tertiary treatment i.e. Ultra Filtration). The treated effluent from STP shall be recycled/re-used for flushing, horticulture & DG cooling. Excess treated effluent shall be supplied to Tanker water supplier for construction purposes as proposed.
 - (xii) The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Byelaws, 2016. As proposed, 718 nos. of rain water harvesting pits shall be provided as per CGWB guidelines.
 - (xiii) Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials. Wet garbage shall be composted in Organic Waste Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste from group housing project will be sent to dumping site.
 - (xiv) Solar based electric power shall be provided to each unit for at least two bulbs/light and one fan. As proposed, central lighting and street lighting shall also be based on solar power.
 - (xv) A First Aid Room shall be provided in the project both during construction and operations of the project

- (xvi) Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
- (xvii) Disposal of muck during construction phase shall not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- (xviii) The diesel generator sets to be used during construction phase shall be low sulphur diesel type and shall conform to Environmental (Protection) prescribed for air and noise emission standards.
- (xix) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- (xx) As proposed, no ground water shall be used during construction/ operation phase of the project.
- (xxi) Approval of the CGWA require before any dewatering for basements.
- (xxii) The approval of the Competent Authority shall be obtained for structural safety of buildings due to earthquakes, adequacy of firefighting equipment etc as per National Building Code including protection measures from lightening etc.
- (xxiii) Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
- (xxiv) Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards be operated only during non-peak hours.
- (xxv) Ambient noise levels shall conform to residential standards both during day and night as per Noise Pollution (Control and Regulation) Rules, 2000. Incremental pollution loads on the ambient air and noise quality shall be closely monitored during construction phase. Adequate measures shall be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB / SPCB.
- (xxvi) Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include Fly Ash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, compressed earth blocks, and other environment friendly materials. Fly ash should be used as building material in the construction as per the provision of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 and 25th January, 2016. Ready mixed concrete must be used in building construction
- (xxvii) An assessment of the cumulative impact of all activities being carried out or proposed to be carried out by the project, shall be made for traffic densities and parking capabilities in a 05 kms radius from the site. A detailed traffic management and a traffic decongestion plan drawn up through an organisation of repute and specialising in Transport Planning shall be implemented to the

satisfaction of the State Urban Development and Transport Departments shall also include the consent of all the concerned implementing agencies.

- (xxviii) A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria.

Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.
Traffic calming measures

Proper design of entry and exit points.

Parking norms as per local regulation

II. Operational Phase

- (i) The gaseous emissions from DG set shall be dispersed through adequate stack height as per CPCB standards. Acoustic enclosure shall be provided to the DG sets to mitigate the noise pollution. Low sulphur diesel shall be used. The location of the DG set and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms
- (ii) For indoor air quality the ventilation provisions as per National Building Code of India.
- (iii) Fresh water requirement from HUDA Supply/ground water. Water Supply shall not exceed 28632 m³/day.
- (iv) Fresh water requirement from Municipal Water Supply shall not exceed 93 m³/day.
- (v) The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
- (vi) The installation of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the Ministry before the project is commissioned for operation. Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odour problem from STP.
- (vii) No sewage or untreated effluent water would be discharged through storm water drains.
- (viii) Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
- (ix) The provisions of the Solid Waste Management Rules, 2016, e-Waste (Management) Rules, 2016, the Construction and Demolition Waste Management Rules, 2016 and the Plastics Waste Management Rules, 2016 shall be followed.
- (x) Solar wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.

- (xi) Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
- (xii) Energy conservation measures like installation of CFLs/ LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning. Used CFLs, TFL and LED shall be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination.
- (xiii) A minimum of 1 tree for every 80 sqm of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species. Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained. As proposed 1388831.79 sqm area shall be provided for green belt development.
- (xiv) An environmental management plan (EMP) shall be prepared and implemented to ensure compliance with the environmental conditions specified above. A dedicated Environment Monitoring Cell with defined functions and responsibility shall be put in place to implement the EMP. The environmental cell shall ensure that the environment infrastructure like Sewage Treatment Plant, Landscaping, Rain Water Harvesting, Energy efficiency and conservation, water efficiency and conservation, solid waste management, renewable energy etc. are kept operational and meet the required standards. The environmental cell shall also keep the record of environment monitoring and those related to the environment infrastructure.
- (xv) The company shall draw up and implement a corporate social Responsibility plan as per the Company's Act of 2013.

PART B - GENERAL CONDITIONS

- (i) A copy of the environmental clearance letter shall also be displayed on the website of the concerned State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tehsildar's office for 30 days.
- (ii) The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year-wise expenditure shall be reported to this Ministry and its concerned Regional Office.
- (iii) Officials from the Regional Office of MoEF&CC, Chandigarh who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents/data by the project proponents during



Page 7 of 9

their inspection. A complete set of all the documents submitted to MoEF&CC shall be forwarded to the APCCF, Regional Office of MoEF&CC, Chandigarh.

- (iv) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.
- (v) The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
- (vi) All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, the Forest Conservation Act, 1980 and the Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.
- (vii) These stipulations would be enforced among others under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and the EIA Notification, 2006.
- (viii) The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment, Forest and Climate Change at <http://www.envfor.nic.in>. The advertisement shall be made within Seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of this Ministry at Chandigarh.
- (ix) Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
- (x) A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.
- (xi) The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
- (xii) The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the

website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.

4. This issues with the approval of the Competent Authority.



(Kushal Vashist)
Director

Copy to:

- 1) The Secretary, Department of Environment, Government of Haryana, Chandigarh.
- 2) The Addl. Chief Conservator of Forests, Additional Principal Conservator of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (NZ), Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh – 160030
- 3) The Chairman, Central Pollution Control Board Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, New Delhi - 110 032.
- 4) The Chairman, Haryana State Pollution Control Board, Plot No. C-11, Sector-6, Panchkula- 134109, Haryana
- 5) Monitoring Cell, MoEF&CC, Indira Paryavaran Bhavan, New Delhi.
- 6) Guard File/ Record File/ Notice Board.
- 7) MoEF&CC Website.



(Kushal Vashist)
Director

BEFORE THE HON'BLE NATIONAL CONSUMER DISPUTES
REDRESSAL COMMISSION, NEW DELHI

Consumer Complaint No. 2901 of 2017

IN THE MATTER OF

TDI City Welfare AssociationCOMPLAINANTS

Versus

TDI Infrastructure LimitedOPPOSITE PARTY

AFFIDAVIT

I, Sandeep Sachin son of Sh. Jai Shanker Sharma aged 54 years resident of KP-22, Pitam Pura, New Delhi do hereby solemnly affirm and declare as under

1. That I and my wife are joint allottees of Plot no. K-581 at TDI City Kundli, Sonapat Haryana, which is subject matter of the aforementioned complaints. We have filed this complaint for refund of money as the plot in question is still devoid of any development and is not at all habitable, even after a lapse of 16 years, since its allotment in 2006.

2. I state that various unfair attempts are being made by the OP builder and its counsels Ms Kanika Agnihotri to mislead the court and to protract the present litigation by adopting unethical measures. I state that I was physically present before this Hon'ble Commission on 28th February 2022 and I had personally witnessed the hearing of our case on the said date.

3. I state that in the first place when the matter was called on 28th February, an attempt was made on behalf of the OP to seek a passover. The same practice was adopted on the previous occasion i.e on 28 December 2021 as well, when a pass over was taken by the builder and the matter never reached the board again.

I state that I along with other allottees who were present in the court on 28th February raised strong objections against pass over practice being adopted by the OP builder and its counsel. Where after, the Hon'ble Court allowed the complainant side to start with their submissions.



5. That I state that Ms. Kanika Agnihotri, advocate, (also referred to as "the said counsel for the OP") appeared on behalf of the OP builder on 28th February before this Hon'ble Commission. The said counsel for the OP had been appearing in this case from the very beginning.

6. The said counsel for the OP, in the course of final hearing on 28 February, when called upon to make submissions for OP, instead of arguing the matter on its merits, started referring and reading pages after pages from a bunch of some 508 fresh pages filed by the OP for the first time at the stage of final arguments. The development being falsely projected by the OP in these 508 pages to be that of plots in question, infact do not pertain to the plot in question at all and the same were therefore unrelated. Irrelevant documents are being falsely presented and argued before this Hon'ble Commission to show as if the plots in question are fully developed and ready for occupation

7. I state that while these unrelated and irrelevant 508 fresh pages were filed by the OP with a covering reply (to IA/7935/2021) merely stating that these are the documents in support of objections filed by the builder before NGT (in OA/155/2020 filed by the deponent before the Hon'ble NGT) and that since the report of the committee (appointed by NGT) is yet to attain finality before Hon'ble NGT, the said report could not be relied upon before this Hon'ble Commission. The said counsel for the OP, had, instead of confining the submissions to the extent stated in their own reply affidavit , started reading pages after pages from this bunch of unrelated and irrelevant 508 fresh pages, to unfairly and falsely project before this Hon'ble Commission that the plots are fully developed and ready for occupation. While our counsel was not permitted by the Hon'ble Commission to interject the submission of the counsel for the OP, this misleading presentation of facts by the counsel for the OP continued for around 2 hours till this Hon'ble Court had risen. The final arguments on 28.02.2022 thus could not be concluded and the matter was kept part heard and was adjourned to 7th March 2022.



8. On 7 March, 2022, in order to pre-empt the perpetuation of the illegality that was being committed by the counsel for the OP on the previous date, we deemed it appropriate to withdraw our application itself i.e IA/7935/2021 under a bonafide belief that the matter would be heard and disposed of on that

day, on its own merits, based on substantial evidence that was already there on the record . Unfortunately, as apprised to me by members physically present in the court on the said day , Ms.KanikaAgnihotri, even at that stage, instead of letting the arguments to proceed, intervened and made a very strong verbal statement, at bar, in open court at the very threshold inter-alia to the effect that after the filing of the present complaint and during its pendency, 5 (five) allottees/complainants in the case have executed sale deed in their favor during the pendency of the complaint and several complainants have settled the matter with the builder. The said Counsel for the OP further stated that the complainants have played fraud upon the court by concealing this fact from the court and therefore this matter cannot survive and cannot be heard or argued any further. And finally the Hon'ble court not only adjourned the matter (without hearing it) but also released the matter from part- heard.

9. I state that so far as my plot is concerned, the conveyance deed was executed by the builder in my name prior to filing of the case which fact is duly mentioned in the complaint itself and copy of sale deed is very much annexed with the complaint. The builder had already filed reply to the said complaint and raised no objection to this effect. The oral statement made by Ms KanikaAgnihotri counsel for the builder regarding execution of any sale deed after filing of complaint or any concealment regarding this from the court, therefore does not pertain to my plot.

10. I state that the oral statement made by the, advocate for the OP builder was incorrect, false and misleading and was meant to play fraud upon the court in connivance with the builder, to derail the case which was being heard finally.



11. I state that even in the past, the said counsel for the OP, keeps adopting various tactics to delay and derail the cause of justice in the present case.

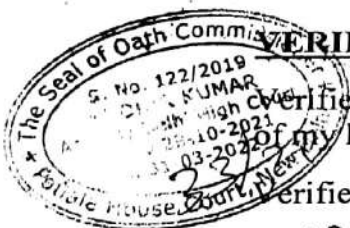
I state that besides making the above false statement on 7 March 2022, in open court, the OP and its counsel are playing clear fraud upon the judicial proceedings by falsely projecting that the plots in question are fully developed and habitable, while the truth is exactly to the contrary as plot and the area around it ,is neither developed nor habitable nor has basic amenities in place.

13. Despite extensive evidence in support of the present case and past judicial precedents with respect to same project and the same block where my plot is located, in which proceedings also the same builder was being represented by the same counsel with respect to same project, yet in the present proceedings for the same project, now the same builder and the same counsel are bent upon projecting by unlawful and unethical means, most of the time verbal, that the entire project is developed and habitable. I am facing gross injustice at the hands of OP and its Counsel who are going completely out of way to deny me justice.

14. That particularly after the aforesaid episode of 7th March, I received unexpected calls offering me to sell my plot in question.

15. That I am a Mechanical Engineer with Masters in Management and hold a senior management position in a global organization, whereas my wife (co-allottee) is a senior bureaucrat with Govt. of India, I am swearing this affidavit with a complete sense of responsibility. I undertake to stand as a witness before any court of law or forum with respect to any of my contentions contained herein pointing conduct of the builder and that of his above named counsel.


Deponent




VERIFICATION

25 MAR 2022

I hereby verified that the contents of above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Verified at New Delhi on this 21st day of March 2022.


Deponent


I Identify the Deponent who
has signed in my presence

25 MAR 2022

IDENTIFIED THAT THE DEPONENT
Mr/Smt/K...
No. W...
No. ...
Residence ...
has soiled ...
on ... at Sl. No. ...
that the contents of the affidavit which have
been read & explained to me are true and
correct to his Knowledge.

Oath Commissioner Delhi