BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 238/2015

Anil Uppal & Ors. Vs. U.O.I. & Ors.

CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present:

Applicant/Appellant(s) Respondent No. 1 :Mr. Piyush Sharma, Mr. Aditya Prasad, Advs. :Mr. Vishwendra Verma, Ms. Shivali Singh, Mr. Yogesh Rathi, Advs.

Respondent Nos. 2to5 & 7 to 11 Respondent No. 6

:Mr. Anil Grover, AAG, Mr. Rahul Khurana, Adv. :Mr. Gaurav Mitra, Mr. Dhruv Kapur, Advs.

Date and Remarks	Orders of the Tribunal
Item No. 3 July 28, 2015	Heard. Perused.
	According to the learned Counsel appearing for
	the Applicant, the subject matter of this application is
10-11	identified and described in the declaration dated
	25.03.2009 at PP 42, Annexure-A/2 in VolII in the
	following terms: area admeasuring 10.98 acres or
	44435.451 sq. meters situated in Khasra Nos. 529
E L	South West 531, 532, 533, 534, 535, 2/2/1 of Lagoon
5.12	Residential Apartment Complex, Ambience Island NH-
	24, Gurgaon Hryana and the Respondent No. 6 –
	Ambience Developers & Infrastructures Private Limited
	in breach of such declaration has not kept the
	park/open spaces as required to maintain salubrious
	environment which the applicants are entitled to. He,
	therefore, presses for urgent interim relief.
	Learned Counsel appearing for the Respondent
	No. 6 submits that he will have to take instructions
	regarding the extent of open /park spaces available
	to the residents in the said locality. He, therefore,
	seeks time to file reply. According to him, the
	occupation certificate in respect of the said development

has been duly granted particularly with reference to the decision of this Tribunal in the matter of "Verdhaman Kaushik V. Union of India & Ors." ; and the applicants having failed to obtain any injunctive relief against the Respondent No. 6 in respect of the subject matter in question before the two legal forum, namely, (i) Civil Judge, Sr. Division, Gurgaon; (ii) Hon'ble High Court of Punjab and Haryana at Chandigarh are now re-agitating the same issue before us.

Other Respondents similarly seek time to file replies. Learned Counsel appearing for Respondent Nos. 2 to 5 and 7 to 11 submit that the status report which was directed to be filed vide order dated 5.6.2015 will be filed along with reply.

Before we act in the matter, it is necessary that the status report also reveals the particulars of the park and open spaces available in the area and whether they are as per the declaration of the Respondent No. 6 which have been put forth in the present application. As regards the air quality, we will also like to examine the role of the occupants of that area. We, therefore, direct the applicant to place before us the details of the number of dwelling units, number of occupants and number of cars in the said area with reference to occupants. The Respondent No. 6 shall also carryout simultaneous enquiry and place before us the said details as regards the number of dwelling units, number of occupants and number of cars in the area with reference to occupants.

Two week's time is granted for filing replies. Advance copies of the replies be furnished to the

