

Directorate of Town & Country Planning, Haryana

SCO-71-75, 2nd Floor, Sector-17-C, Chandigarh, Phone: 0172-2549349

Web site tcpharyana.gov.in - e-mail: tcpharyana7@gmail.com

ORDER

Subject: Cancellation of licence no. 65 of 2008 dated 19.03.2008 granted for setting up of Group Housing Colony over an area measuring 6.98 acres, Sector 14, Palwal, District Palwal-Crown Technobuild Pvt. Ltd.

Whereas the licence no. 65 of 2008 dated 19.03.2008 was granted to Sh. Surinderpal Singh, Harenderpal Singh Ss/o Sh. Bharatpal Singh, Smt. Shakuntla Devi w/o Late Sh. Bharatpal Singh in collaboration with Crown Technobuild Pvt. Ltd. for setting up of group housing colony over an area measuring 6.98 acres, Sector 14, Palwal. Inter-alia, one of the condition for grant of licence was that licensee will comply with the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975, the Rules made there under and the terms and conditions of the LC-IV agreement and the Bilateral Agreement dated 19.03.2008 executed with the Director, Town & Country Planning, Haryana.

2. The license was initially valid upto 18.03.2010 and vide memo no 7525 dated 06.06.2011 the license was renewed for a further period of two years i.e. 18.03.2012. Licensee has submitted an application on 13.02.2012 for renewal of license for a further period of two years, which has been examined and vide memo dated 12.07.2012, observations were conveyed which were not removed, therefore, vide memo no 52045 dated 17.09.2013 before taking any decision and as per provisions of Rule 14 (2) of Haryana Development and Regulation of Urban Areas Rules, 1976 opportunity of personal hearing was granted on 20.09.2013.

3. Sh. Ashish Gupta, General Manager of company was appeared for hearing on 20.09.2013 and submitted a reply stating that the Directors of the company have gone out of country and requested for adjournment, which was considered and hearing has been adjourned on 28.10.2013. It was also clarified the adjournment would be the last opportunity.

4. Sh. J.P. Gupta, V.C. Crown Buildtech Pvt. Ltd. appeared for hearing on 28.10.2013 and submitted a reply against the Show Cause notice, wherein it was stated that: -

"The site is not approachable for movement of trucks carrying construction material from the revenue rasta because of encroachments and 24 m wide road has also not been developed. Moreover there is encroachment in the right of way of that road. He has requested that EDC should not be charged till the development takes place in the Sector. Senior Town Planner (E&V) who is present on behalf of the Department stated that there is no policy as per which the payment of EDC can be postponed. As a matter of fact no such condition is imposed in the license also. Further the licensee is duty bound to make payment of Government dues irrespective of the factum of development of the area. Sh. J.P. Gupta then requested that they have already paid entire amount of IDC, Conversion Charges and Scrutiny fee to the Government and if there is no possibility of development of that area in near future, they will be forced to abandon the project. He has further stated that they are ready to get the dues paid by them forfeited, however interest on EDC should not be charged as per the policy because of peculiar circumstances of the case".

Since there is no such provision at that time, they were asked to submit a representation to the Government so that decision can be taken.

5. Licencee has submitted representation on 20.11.2013 and 30.01.2014 alongwith reasons of non renewal of licence which does not hold any merit. The representation dated 27.04.2015 submitted by the licensee has also been rejected vide memo dated 30.03.2016 with a suggestions that if he desire, he may submit application for surrender of licence as per policy dated 20.04.2010 and 17.05.2010 within a period of 15 days, failing which further action shall be taken as per law. However, rather than submitting any request for surrender of licence, licensee is deferring payment of EDC on the ground that the developments works have not been laid in the areas surrounding the site, which is not acceptable. The licensee has also failed to apply for renewal of licence after 18.03.2014; hence in view of above as per provisions of Rule 14 (2) of Haryana Development and Regulation of Urban Areas Rules, 1976, the licence renewal application is hereby rejected.

6. Further, Licencee has committed violations of the terms & conditions of the licence no. 65 of 2008 dated 19.03.2008, LC-IV agreement and the bilateral agreement, granted and executed under the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and its Rules, 1976 thereof. Therefore, as per provision of Rule 18(1) of the Haryana Development and Regulation of Urban Areas Rules, 1976, vide memo no. 4707 dated 10.03.2017 notice on form LC-X was issued to the licensee, conveying the following deficiencies with a request to remove the same within a period of thirty days. :-

- a) *That you had undertaken to pay the external development charges and the interest on installments from the date of grant of licence, but you have failed to deposit the outstanding dues amounting to Rs. 1828.42 lac (original EDC) and 1525.47 lac (enhanced EDC under stay) as on 20.12.2016, with the Department, thus violated the terms of LC-IV agreement.*
- b) *The documents in compliance of Rules 24, 26, 27 & 28 of the Haryana Development and Regulation of Urban Areas, Rules, 1976 are not submitted.*
- c) *The licence was valid upto 18.03.2012, but you failed to get the same renewed till date.*
- d) *Service plans/estimates have not been approved.*
- e) *The requirement of ultimate power load has not been intimated and approval of Electrical Service plans/Estimates has not been submitted.*
- f) *You have failed to execute the project.*

7. The Licencee has submitted the reply to the notice dated 10.03.2017 vide letter dated 06.04.2017, which was received in this office on 18.04.2017. The reply was examined wherein licensee has submitted the following reasons for the deficiencies conveyed to him in the notice on Form LC-X:

- a) 24 mtrs wide internal road has not been constructed.
- b) Nonpayment of external development charges due to non acquisition of land and not taking any development.
- c) Submission of application under migration policy dated 18.02.2016 for migration of licence under Deen Dayal Jan Awas Yojna.
- d) Non submission of licence renewal application due to the reason of pending representation on EDC for non acquisition by the Government.

8. The reply submitted by the licensee was examined and it was not found satisfactory due to the following reasons:-

- a) The request for grant of licence for setting up of group housing colony was considered on the basis of existing 16'.6" ft. wide revenue rasta and the proposed 24 mtrs wide road is also passing through the site. The department has not assured to the licensee that future connectivity to the proposed road shall be provided by this department.
- b) As per the condition of the licensee, the colonizer have to construct the portion of the 24mtrs wide road passing through his licenced area at his own cost and transfer the same to the Government free of cost.
- c) There was no such condition in the licence that due to non acquisition of land for 24 meter wide internal road, department will not take any development external development charges from the licensee.
- d) The application under migration policy dated 18.02.2016 for migration of licence under Deen Dayal Jan Awas Yojna already stands returned on 26.10.2016 due to incomplete documents. Moreover, Licensee has even failed to submit registered collaboration agreement within a time period of 60 days provided vide memo no 24585 dated 29.09.2017.
- e) Licensee was required to get the licence renewed till grant of final completion certificate as per provisions of Rule 16 of the Haryana Development and Regulation of Urban Areas Rule, 1976 .

9. In view of the facts given in para no. 8 above, vide this office memo no 12726 dated 12.06.2017 show cause notice under Rule 18 (2) of Haryana Development and Regulation of Urban Areas Rules, 1976 was issued.

10. The reply to the notice dated 12.06.2017 received on 19.07.2017 has been examined and observed that licensee is not interested to set aside the deficiencies. Moreover, licensee has failed to re-submit the application under migration for setting of Residential Plotted colony under Deen Dayal Jan Awas Yojna with complete documents. Therefore, as per provisions in Rule 18 (3) of Haryana Development and Regulation of Urban Areas Rules, 1976, an opportunity of personal hearing was given on 24.08.2017.

11. On the date of hearing 24.08.2017 request of licensee was received through email, wherein it has stated that due to agitation, road jam and warnings they are unable to attend the hearing and requested for further adjournment, which has been considered and hearing has been adjourned for 12.09.2017.

12. On the date of hearing 12.09.2017, Sh. R.S. Gandhi and Sh. Ashish Gupta, authorized signatory appeared for hearing and submitted a representation informing that they had applied for migration of licence no 65 of 2008 from Group Housing for an area measuring 6.98 acres, sector-14, Palwal under DDJAY scheme and further informed that they shall submit registered collaboration agreement within 60 days against the said scheme. The request was considered and licensee was allowed to submit registered collaboration agreement within 60 days.

13. However, licensee has neither rectified the deficiencies nor applied for migration of licence no 65 of 2008 from Group Housing for an area measuring 6.98 acres, sector-14, Palwal under DDJAY scheme alongwith registered collaboration agreement even after lapse of more

than six months and failed to fulfill the terms and conditions of licence, hence the aforesaid licence is hereby cancelled and licensee is restrained from creating any third party right on the aforesaid land.

14. Now it is directed to proceed under Rule 19 after cancellation of licence. The Rule 19 prescribes following:-

19. Development works to be carried out by the Director in the colony [Section 8]. –

(1) After cancellation of the licence or permission the Director shall by notice in form LC-XI call upon the colonizer to furnish within a specified time an audited statement of accounts duly certified and signed by the chartered accountant showing the amount actually recovered by him from each plot-holder and the amount he has actually spent on development works in the colony.

(2) The Director shall also ascertain from the plot-holders the amount, paid by them to the colonizer and the balance amount, if any, to be paid by each of them to the colonizer.

(3) The Director shall intimate to the colonizer and the plot-holders the charges he may have to incur on development works in the colony and shall call upon the colonizer and the plot-holders in form LC-XII and LC-XIII to pay these charges within thirty days. In case they fail to pay these charges, the Director, may recover these charges as arrears of land revenue.

Further, the provisions of Section 10A are independent of procedure to be followed in accordance with Rule 19. The Section 10A provides for recovery of outstanding dues, which is reproduced below:-

“10A. Recovery of dues. – all dues payable under the Act, which have not been deposited within the time specified, shall be recovered as arrears of land revenue”.

15. Accordingly following actions be taken after cancellation of licence as the land of the licensee shall deem to vest with the Government:-

- a) STP, Faridabad should take over the Administration of this licenced colony today itself on behalf and should put up a 'Board' at site indicating that the Administration of this licenced colony has been taken over by the Directorate of Town and Country Planning Department, Haryana.
- b) A public notice may be issued in the newspapers which should be released by the CTP, Haryana indicating above fact.
- c) The licensee should be directed under Section 10A of the Act, 1975 to deposit all outstanding dues on account of EDC, IDC etc. and also to give the information of sold and unsold properties within a period of 15 days from today i.e. information in terms of rules 26 (2) and 28 of Rules 1976 so that the unsold properties can be disposed to recover the government dues. The outstanding dues should be calculated till the date of cancellation of licence.
- d) A communication may be sent to the Collector, Palwal for declaring the dues as arrears of land revenue which may be recovered from them under the provisions of relevant Act either by sale of property or by resorting to other permissible methods including arrest of the licensees. In order to restrict 3rd party right on the instant licenced area Deputy Commissioner, Palwal and Sub-Registrar may be directed not to register any sale deed against the licence land. Regarding cut of date for registration of properties same may be taken as today i.e. the date on which Department has imposed an embargo on sale of property.

- e) The details of Accounts of the allottees to be maintained at the level of STP, Faridabad. An account may be opened in the name of Director in this regard. All the allottees if any, may deposit the balance installment with STP, Faridabad who will maintain the account of each and every plot holder.
- f) A committee may be constituted under the Chairmanship of Administrator, HSVP Faridabad, STP, Faridabad will be Member Secretary and DTP, Palwal, XEN, HSVP, Palwal will be the Members of the Committee who will take over the colony for carrying out further necessary action.
- g) A file may be separately submitted for debarring the present Directors of all the companies for grant of any further licence in this State of Haryana. The desirability of issuing Show Cause Notices for cancellation of their existing licences, if any, may also be examined.

Place: Chandigarh
Dated: 21.08.2018

-Sd/-
(K. Makrand Pandurang, IAS)
Director, Town and Country Planning,
Haryana, Chandigarh

Endst No. LC-1589-PA-(SS)/2018/ 24459-468

Dated:- 21-08-2018

A copy is forwarded to the following for information and further necessary action:-

1. Sh. Surinderpal Singh, Harendepal Singh Ss/o Sh. Bharatpal Singh, Smt. Shakuntla Devi w/o Late Sh. Bharapal Singh in collaboration with Crown Technobuild Pvt. Ltd., Corporate Office: E-1/B-1, Mohan Cooperative Industrial Estate, Mathura Road, New Delhi - 110044, Email Id - crowncorporat@gmail.com, crownitpark@gmail.com with the direction under section 10A of the Act, 1975 to deposit all outstanding dues on account of EDC etc. and also to give the information of sold and unsold properties within a period of 15 days from today i.e. information in terms of Rule 26(2) and 28 of Rule 1976 so that unsold properties can be disposed to recover the Government dues.
2. Chief Administrator, HSVP, Sector-6, Panchkula.
3. Administrator, HSVP, Faridabad.
4. Deputy Commissioner, Palwal with the request to recover the above said outstanding dues as arrears of the land revenue in accordance with the orders as above. In order to restrict third party rights on the instant licensed area, it may be ensured that no sale deed against the licensed land may be executed/registered in future.
5. Chief Engineer, HSVP, Sector-6, Panchkula.
6. Senior Town Planner, Faridabad with the request to take over the administration of the licensed colony with immediate effect on behalf of DTCP and take all necessary action as per above orders of DTCP, Hr.
7. District Town Planner, Palwal.
8. Executive Engineer, HSVP, Palwal.
9. Chief Account Officer of this Directorate with the request to communicate updates outstanding dues against the license to the licensee as well as STP, Faridabad.
10. Website Administrator with the request to update the status on Departmental website and upload these orders for information of General Public.

-Sd/-
(Vijender Singh)
District Town Planner (HQ)
For Director, Town & Country Planning
Haryana, Chandigarh