

ORDER

Subject:- Cancellation of license No. 63 of 2010 dated 03.08.2010 granted for setting up Residential Plotted colony over an area measuring 26.552 acres falling in the revenue estate of village Kherpur, Sector 21, Sirsa.

The Show Cause Notice was issued u/s 18(1) vide memo dated 05.06.2017. The following violations were conveyed.

1. That the licence no. 63 of 2010 dated 03.08.2010 granted to you was valid upto 02.08.2016. You were required to get it renewed by submitting the application as per provisions of Rule 13 of Haryana Development and Regulation of Urban Areas Rules, 1976, but you have failed to apply for renewal of the above said licence within the stipulated period, even after issuance of memo no. 22715 dated 19.10.2016, thus committed violation of Rule 13 of the Rules ibid.
2. That you had undertaken to pay the EDC/IDC and the interest on instalments from the date of grant of licence on due dates, but you have failed to deposit the outstanding dues amounting to Rs. 478.12 lacs of EDC as on 19.05.2017 with the Department, thus, violated the terms of the LC-IV agreement/Act 1975/Rules 1976.
3. That you have not submitted the copy of ultimate power load requirement.
4. That you have not submitted the status of transfer of EWS plots to Housing Board, Haryana in compliance of condition no. 7 of renewal order dated 18.05.2015.

No reply was received, therefore, a Show Cause Notice was issued under Rule 18(2) on 02.08.2017. The applicant submitted an application for renewal of licence on 08.06.2017. The application was examined and found in complete. Therefore, an opportunity of hearing was granted under Rule 18(3) for 12.01.2018 on the following grounds:-

1. Rs. 499.31 Lacs is outstanding on account of EDC.
2. To deposit composition fee of Rs. 9.0 Lacs imposed for delay in allotment of EWS plots
3. Original licence has not been submitted.
4. Documents in compliance of Rule 24, 26(2), 27 & 28 of Rules 1976 has not been submitted.
5. Certificate from Chartered Accountant regarding non-collection of stamp duty and registration charges has not been submitted.
6. NOC from the competent authority in pursuance of MOEF Notification dated 14.09.2006 has not been submitted.
7. Ultimate power load requirement of the project to the power utility has not been submitted.
8. Status of EWS plots has not been submitted as per Rule 18(2).
9. Area falls under 45m wide sector road and 45m wide green belt alongwith existing Barnala road has not been transferred to the Department.
10. Status of development works initiated at site and the reasons for not completing the development works has not been given.

The hearing fixed for 25.01.2018, adjourned for 15.03.2018 but no one was appeared on schedule date and time nor any request for adjournment was received. However, in the interest of justice and to take decision on issuance of part completion certificate, a last opportunity of hearing was granted on 30.04.2018 but the same was again adjourned for 09.06.2018 which could not be held due to administrative grounds and further adjourned to 15.06.2018.

Today, the case is listed for hearing but no one is present. I have gone through the record and based on above discussion it is hereby directed that licence No. 63 of 2010 is hereby cancelled under section 8 as the colonizer has contravened the conditions of the licence and the provisions of Act No. 8 of 1975 and Rules thereof.

5. 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.

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

- i) STP, Hisar 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.
- ii) A public notice may be issued in the newspapers which should be released by the CTP, Haryana indicating above fact.
- iii) 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.
- iv) A communication may be sent to the collector, Sirsa 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 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.
- v) The details of Accounts of the allottees to be maintained at the level of STP, Hisar. 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, Hisar who will maintain the account of each and every shop holder.
- vi) A committee is hereby constituted under the Chairmanship of Administrator, HSVP Hisar, STP, Hisar will be Member Secretary and DTP, Sirsa, XEN, HSVP will be the Members of the Committee who will take over the colony for carrying out further necessary action.

- vii) 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: 15.06.2018

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

Endst No. LC-1909-JE(SK)/2018/19512-20

Dated:- 03/07/2018

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

1. VPN Real Estate Pvt. Ltd. S-99, Greater Kailash-II, New Delhi-17 is hereby directed under section 10(a) 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 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, Hisar,
4. Deputy Commissioner, Sirsa 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, Hisar 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, Sirsa.
8. Executive Engineer, HSVP, Sirsa.
9. Website Administrator with the request to update the status on Departmental website and upload these orders for information of general public.

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