

ORDER

Subject: - Cancellation of license No. 117 of 2012 dated 23.11.2012 granted for setting up of setting up of Low Cost/Affordable Housing Project over an area measuring 6.44375 acres in Sector-6, Palwal- SRS Real Estate Pvt. Ltd.

Whereas, license No. License no. 117 of 2012 dated 23.11.2012 was granted to SRS Real Estate Pvt. Ltd for setting up of setting up of Low Cost/Affordable Housing Project over an area measuring 6.44375 acres in Sector-6, Palwal. An agreement on Form LC-IV was also executed by the Society with the Director on 23.11.2012.

2. The licence was granted as per Low Cost Housing Policy dated 20.08.2009, wherein one of the conditions regarding execution of the project was that: -

The developer/applicant company/licencee will be given a maximum period of six months after the grant of licence to get the building plans approved and to notify the scheme in the manner specified at Sr. No. VI and VII. In case licencee fails to do so, his licence would be cancelled and licence fee forfeited. Further, the licencee under this scheme would be given a maximum time of three years for completion of the project and offer possession of units to the eligible applicants. This period will be extendable by a maximum period of one year subject to the payment of penalty equivalent to 5% of the External Development Charges. In case, a licencee/colonizer completes the project before two years, a 5% concession in External Development Charges would be provided by the Government.

3. In respect of aforesaid condition, you were required to complete the project within a period of three years, which is extendable by a maximum period of one year subject to the payment of penalty equivalent to 5% of the External Development Charges. The licence was valid upto 22.11.2016 and during this period licencee got the building plans approved, but the licencee has failed to complete the project within validity of licence, hence liable to pay the penalty of Rs. 146.42 lacs as on 16.10.2015 i.e. equivalent to 5% of EDC which was demanded vide memo no 23318 dated 27.11.2015 has not been deposited even after reminder dated 18.03.2016, 13.10.2016 & 11.11.2016.

4. As per section 7 (B) of Haryana Development and Regulation of Urban Areas Act, 1975 the Government may fix the time limit for completion of a specific category of colony. The relevant provisions of Act is as under: -

7B. Time limit for completion of a specific category of colony.-

- (1) *Notwithstanding anything contained in this Act, the Government may, by notification, specify a time limit for completion of a specific category of colony. If the coloniser fails to complete the laying out of any such specific category of colony in accordance with the approved lay out plans or to execute internal development works as per the approved design and specifications or to apply for grant of completion certificate under sub-section(6) of section 3 within the specified time limit, the Director shall not entertain any application for renewal of the licence and shall issue a show cause as to why the licence granted may not be treated as lapsed. The coloniser shall reply to the show cause notice within a period of thirty days from the receipt of such a notice.*
- (2) *On receipt of the reply to the show cause notice issued under sub section (1), the Director shall give an opportunity of hearing and after making such enquiry, as deemed necessary and*

for reasons to be recorded in writing, - (i) if satisfied, that the delay in execution of development work was for reasons beyond the control of the colonizer, renew the licence for a maximum period of twenty-four months, or part thereof, on deposit of fee at double the rate of fee prescribed for grant of the licence: Provide that in case the renewal of the licence is allowed for a period less than twenty-four months, then proportionate renewal fee shall be deposited against such period; 1 Inserted by Haryana Act No. 27 of 2013 dated 15-10-2013 The Haryana Development and Regulation of Urban Areas Act, 1975 [22] (ii) if not satisfied, order that the licence has lapsed, and thereafter, within one month, shall cause a public notice to be published about the lapse of the licence in atleast two newspapers, one each in Hindi and English, having circulation in such locality.

(3) *After passing the order under clause(ii) of sub-section (2), the procedure laid down under sub-sections (2),(3),(4) & (5) of section 8 shall be followed.*

3. In view of above, the aforesaid licence deserves to be cancelled. However, before taking any decision vide memo no 14844 dated 16.05.2018 an opportunity of personal hearing on 30.06.2018 at 12.00 Noon which has been adjourned on 10.07.2018. However, on the date of hearing no one appeared for hearing. As per the policy for Low cost/Affordable Housing Projects under which licence no 117 of 2012 dated 23.11.2012 was granted, licensee has to complete the project within a period of three years which is extendable by a maximum period of one year i.e. upto 23.11.2016 subject to payment of 5% of the EDC. Licensee has applied for grant of occupation certificate but as the building was not ready for occupation certificate this application was rejected on 21.06.2017. As there is no provisions in the policy for Low cost/Affordable Housing Projects for extension of time beyond four years. The licensee company has failed to fulfil its commitment as per terms and conditions of licence, therefore, the licence is hereby cancelled.

6. Now it is directed to proceed under Rule 19 after cancelation 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.*

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

- i) 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.
- 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, 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 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, 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.
- vi) 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.
- 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

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

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

1. SRS Real Estate Ltd.,SRS Tower, 3rd Floor, Near Metro Station Mewla Maharajpur, Delhi- Mathura Road, Faridabad NCR Delhi - 121003 Email Id - realestate@srsparivar.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 update 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