

## ORDER

**Subject: - Cancellation of licence no. 70 of 2014 granted for setting up of an Affordable Group Housing Colony over an area measuring 10 acres falling in Sector 7, Palwal, District-Palwal - SRS Real Estates Ltd.**

Whereas licence 70 of 2014 was granted to Mansha Realtech Pvt. Ltd. & Premier Realbuild Pvt. Ltd. in collaboration with SRS Real Estate Ltd., SRS Tower, 14/5 Mathura Road, Faridabad to develop the Affordable Group Housing Colony on the land measuring 10.00 acres falling in the revenue estate of village Palwal in Sector-7, Palwal which is valid upto 24.07.2019.

2. Inter-alia, one of the terms and conditions 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 executed by you with the Director, Town & Country Planning, Haryana. On the request of licensee dated 08.02.2016 an in-principle approval for change in developer in favour of Ninety Five Infratech Pvt. Ltd. has been granted vide this office memo no 15077 dated 03.07.2017, but the same lapsed due to non compliance.

3. When it was noticed that licensee has committed various violations of the provisions of the Act and the rules made thereunder and the agreements executed, than vide memo no 15798 dated 07.07.2017, while issuing notice under Rule 18 (1) of Rules, 1976 licensee was requested to set aside the deficiencies. However, the licensee has failed to set aside the deficiencies within prescribed time period of 15 days, hence vide this office memo no 20512 dated 21.08.2017 notice under rule 18 (2) of Rules, 1976 has been issued. It was also clarified in the notice that in case licensee failed to rectify the deficiencies within prescribed time period of 30 days, then as per provisions in Rule 18 (3) of Haryana Development and Regulation of Urban Areas Rules, 1976 licensee was required to appear before on 28.09.2017 alongwith original record.

4. Licensee has not submitted any reply to the notice under rule 18 (2) of Rules, 1976 and no one appear on the date of hearing on 28.09.2017 at 2.30 PM even though the case called number of time between 2.30 PM to 5.00 PM. However, in the interest of justice one more opportunity of personal hearing was given on 30.10.2017, but again no one appear on this date of hearing.

5. Therefore, vide this office memo no 28628 dated 13.11.2017, last opportunity of 15 days was given to clear the outstanding dues. However, the licensee has not fulfilled the following terms and conditions of licence:-

- a) Licensee has failed to deposit the outstanding dues amounting to Rs. 371.25 lacs against original EDC as on 17.04.2018, with the Department, thus violated the terms of LC-IV agreement.

- b) Licensee has not furnish bank guarantees against total realization from the project @ 15% within 90 days from the commencement of the project as per policy dated 19.08.2013.
  - c) The portion of Sector/Master plan road which shall form part of the licensed area has not been transferred free of cost to the Government in accordance with the provisions of Section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
  - d) Ultimate power load requirement has not been conveyed.
  - e) Approval of Electrical Service Plan/Estimates has not been submitted.
  - f) Service plans/Estimates for public health services have not been got approved.
  - g) An amount of Rs. 1,00,000/- against delay compliance of Rules for the period upto 31.03.2016 have not been deposited.
6. After go through the facts of the case, it is clear that licensee has failed to fulfill the terms and conditions of licence, hence the licence is hereby cancelled on the aforesaid reasons.
7. 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.*

8. 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 3<sup>rd</sup> 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. **Mansha Realtech Pvt. Ltd. & Premier Realbuild Pvt. Ltd. in collaboration with SRS Real Estate Ltd.**, SRS Multiplex, Top Floor, City Center, Sector-12, Faridabad (NCR Delhi) - 121007, Email id - [palmhomes@srsparivar.com](mailto:palmhomes@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