

## ORDER

This order is being passed in compliance of the orders dated 10.07.2019 passed by the Hon'ble Punjab and Haryana High Court in CWP No. 18427 of 2019 titled as Eros City Developers Pvt. Ltd. Vs. State of Haryana.

The relevant part of the orders dated 10.07.2019 is hereby reproduced:-

*“Keeping in view the limited prayer of the petitioner, the present writ petition is disposed of with a direction to respondent No.2 to consider representation dated 05.06.2019 (Annexure P-16) and pass necessary orders in accordance with law within a period of four weeks from the date of receipt of certified copy of this order. In case, the presence of the petitioner is required, he be given an opportunity of hearing.*

*However, the petitioner is at liberty to apply for renewal of his licence within a period of one week from today, which will be subject to outcome of the decision of representation.*

*Learned counsel for the petitioner undertakes to deposit the necessary fee in case, any adverse order is passed.*

*Meanwhile, the petitioner be allowed to apply for renewal of licence without any fee. In case, the order is passed in favour of the petitioner, then no fee is required to be paid and if the order is otherwise, the petitioner will have to pay the amount of licence fee”*

1. That the above orders alongwith Annexure P-16 were received in this office on 23.07.2019. In Annexure P-16/representation dated 05.06.2019, the petitioner has informed that Eros City Developers Pvt. Ltd. alongwith its associate companies are the owner of licensed land measuring 126.503 acres situated in village-Lakkarpur in District-Faridabad and has developed the licenced residential colony in the name of 'Lakewood City' therein after taking licence no. 147-148 of 1995 and licence no. 5-7 of 2000 which are valid and subsisting. Due to erroneous mapping and inadequate data, the Central Empowered Committee (CEC) vide its report dated 15.01.2009 opined that part of Lakewood City falls under section 4 & 5 of PLPA, 1900 and thus in pursuance thereto the State Government of Haryana through DTCP has stopped the development and construction works in the entire Lakewood City vide letter dated 05.03.2009.

The petitioner in this representation (Annexure P-16) has further informed that on the basis of clearance granted by Central Empowered Committee (CEC) dated 13.05.2011 it was decided by the Department that licensee company can initiate the construction activities on the area measuring approx 105 acres in village-Lakkarpur and accordingly company was informed vide letter dated 18.08.2011. The remaining area being considered to be part of village-Anangpur by the CEC, was restricted for development till the final decision of Hon'ble Apex Court.

On the basis of above grounds, the petitioner in this representation has requested as under:-

- i. That since the company was not able to carry out the development work in the entire 126.503 acres land of this colony for a period of 29 months, therefore, this period from 05.03.2009 to 18.08.2011 may be declared as zero period for the entire 126.503 acres land of this colony.
  - ii. The company is not able to carry out the development and construction work in approximately 21 acres land for the period from 18.08.2011 till date, therefore, such period may also be declared as zero period for 21 acres of land.
  - iii. For such zero period in respect of entire 126.503 acres of land and approximately 21 acres land, the licence fee including interest amount of Rs. 1,99,47,119/- may be adjusted against further renewal of licence in respect of approximately 105 acres of land and the balance sum after adjustment be refunded to the company.
  - iv. The licence no. 147-148 for approximately 21 acres of land be renewed without any payment of licence renewal fee till the clearance of the same by the Hon'ble Court of Law/Appropriate Authority/CEC.
2. The office record of this matter reveals that:
- i. On the basis of report of Central Empowered Committee (CEC) constituted by Hon'ble Apex Court, this office vide memo no. 2091 dated 05.03.2009 had directed the licensee to stop any further development activities at site in licence no. 147-148 of 1995 dated 30.12.1995 and licence no. 5-7 of 2000 dated 03.03.2000 granted to develop the residential plotted colony in Faridabad.
  - ii. As per orders of CEC dated 13.05.2011, the licensee was informed vide this office memo no. 12121 dated 18.08.2011 that out of total licensed area measuring 126.503 acres, an area measuring 105 acres approximately is not covered under section 4 & 5 of PLPA 1900 and Aravali Plantation Project for which the clearance granted by Central Empowered Committee (CEC) vide its letter dated 13.05.2011 and balance area being considered to be part of village- Anangpur by CEC, is still restricted for development activities till the final decision of Hon'ble Apex Court.
  - iii. Earlier also the work in licence no. 147-148 of 1995 was suspended from 10.05.1996 to 29.12.1997, on which similar request of the licensee company was received and the matter was referred to Law and Legislative Department for examination & legal advice and after receiving advice on this issue from LR, Haryana, vide this office memo dated 25.11.1998 the licensee was informed as under:-

*"After examination of the matter Law and Legislative Department has opined that the licence period should be extended for the period, for which the construction remained*

*suspended from 10.05.1996 to 29.12.1997 due to the direction of Hon'ble Supreme Court. Similarly the period from 10.05.1996 to the date of renewal should held as Zero Period for which no interest be charged on the payment of External Development Charges. "*

On the basis of the above mentioned letter, the Hon'ble Supreme Court of India had passed the order dated 30.11.1998 in IA No. 445 in IA No. 29 in writ petition (C) No. 4677 of 1985 as under: -

*"Mr. HN Salve, learned Senior counsel for the applicant states that he has received a letter dated 25.11.1998 from the office of Director, Town & Country Planning, Haryana that the licence period from 10.05.1998 to the date of renewal of licence shall be treated as zero period and in view of this, the IA No. 445 is not pressed. The I.A. is dismissed as not pressed."*

After receiving the orders of Hon'ble Supreme Court of India the Department considered the request of the licensee and extended the period of licence for one year and eight months from 30.12.1997, after treating the period in which the work was suspended as zero period. Accordingly, the licensee was informed vide this office memo dated 11.12.1998.

3. That for more clarity on the issue, an opportunity of personal hearing is granted to the licensee on 13.08.2019. Sh. Varinder Kaushal GM Legal and Sh. D.L. Banga authorized signatory of the company were appeared on 13.08.2019 and submitted that the entire period for which development works in their colony were stalled by the Department may be treated as zero period and the licence fee including interest of this period may be adjusted against the further renewal of licence and the balance amount after adjustment be refunded to the company. After hearing the petitioner/licensee, it is ordered that:

- i. In the whole licensed area measuring 126.503 acres, the development works were suspended by the Department from 05.03.2009 to 18.08.2011 on the basis of recommendation of Central Empowered Committee (CEC) constituted by Hon'ble Supreme Court of India. This situation is similar to earlier situation as in 1996-97 as mentioned in 2(iii) above, the first request of petitioner to treat this suspended period of 29 months as zero period is genuine, therefore, the licence period/validity of both the licences is hereby ordered to be extended for a period of Two Year, Five Months and Twelve Days as under:-

Sr. no.	Licence no.	Renewed upto	Extended upto
1	147-148 of 1995	10.08.2019	22.01.2022
2	5-7 of 2000	02.03.2020	14.08.2022

- ii. The second request with respect to approximately 21 acres licenced land in which development works are stalled till date from 18.08.2011 to treat as zero period is same as the first one and also genuine hence ordered to be treated as zero period till the clearance of same from CEC/Hon'ble Court.
- iii. The third request of the petitioner/licencee regarding refund of licence fee Rs. 1,99,47,119/- including interest of the suspended period is ungenune as in this period though the work was suspended, the petitioner/licencee neither applied for dellicence the area in which work was suspended nor department has delicensed this area, both the licences of complete 126.503 acres were alive in the period of which development activities were stalled, hence, this request of petitioner/licencee is declined.
- iv. The fourth request of the petitioner/licencee regarding renewal of licence no. 147-148 for approximately 21 acres of land without payment of licence renewal fee till the clearance of the same from the Hon'ble Court/CEC is premature in the light of recommendation in para no. 3(i) above. This request of the petitioner/licencee be dealt in future in a similar manner as proposed above.

Place: Chandigarh

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

Endst No. LC-227-JE (SK) - 2019/23261-63

Dated:-17-09-2019

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

1. Eros City Developers Pvt. Ltd. S-1, American Plaza, International Trade Tower, Nehru Place New Delhi – 110019. Email ID – corporate@eros.co.in
2. Senior Town Planner, Faridabad.
3. District Town Planner, Faridabad.

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