ORDER  
No.LC-769 Vol-II/CAO/AO-III/2020/2451  Dated:16.06.2020  

Subject: - Release of Bank Guarantee on account of Enhanced EDC.

The Hon'ble High Court in CWP No. 5835 of 2013 titled as Balwan Singh Vs. State of Haryana has stayed operation of HUDA (now HSVP) memo No.HUDA-CCF-Acctt-I-2011/24224 dated 14.07.2011 vide order dated 19.03.2013 due to which the Department is not insisting for payment of enhanced EDC from the colonisers for the time being.

2. Now, the matter regarding release of Bank Guarantees of enhanced EDC w.r.t. licences issued prior to 14.07.2011 has been deliberated and it has been observed that in most of such cases, the licensees are not extending the validity of BGs and the department cannot invoke these Bank Guarantees. On invocation of Bank Guarantee, the amount encashed towards enhanced EDC will be treated as recovery of enhanced EDC and the same will amount to contempt of Court.

In view of the facts stated above, a uniform decision has been taken that the BGs submitted on account of enhanced EDC against all the licences w.r.t. licences issued prior to 14.07.2011 in the State may be considered for release subject to the following conditions:-

1. Original EDC/IDC alongwith interest has been fully paid by the licensee in respect of all the licenses granted in the name of the same Licensee/Developer by the Department.
2. In case, if any amount of EDC is outstanding in any other license or in the same license then, after invoking the BG, the amount shall be adjusted towards outstanding EDC/IDC or as down payment of EDC re-schedulement policy and excess amount of Bank Guarantee will be released.
3. Submission of undertaking by the licensee that they shall comply with final order of Hon'ble High Court in CWP No. 5835 of 2013 titled as Balwan Singh and others Vs. State of Haryana and deposit the BG required as per provisions of the Act, 1975.

Sd/
Dated:17th Feb, 2020  
(K. Makrand Pandurang, IAS)  
Director General, Town & Country Planning  
Department, Haryana, Chandigarh.


A copy is forwarded to the following for information and further necessary action as per above:
1. PS/DGTCP  
2. PA/CTP Hr., PA/CTP (IT&M).  
3. All STPs/DTPs (HQ).  
4. Alls AOs/SOs  
5. All JEs/Assistants of Colony Branch.  
6. Sh. Rajiv Sehdev PMIT, with the request to host this order on the website of the Department for information of all the colonizers.

Chief Account Officer  
for Director General, Town & Country Planning  
Department, Haryana, Chandigarh.