

From

Financial Commissioner and Principal Secretary to Government,
Haryana, Town & Country Planning Department,
Chandigarh

To

Director General,
Town & Country Planning,
Haryana, Chandigarh

Memo No: PF-37/5/32/2009-2TCP; Dated April 12th, 2012

SUBJECT: POLICY FOR RECOVERY OF EDC AND INTEREST DUES FROM COLONISERS IN CASE OF DEFAULT IN PAYMENT OF SCHEDULED INSTALLMENTS & RELIEF IN TERMS OF APPROVALS/ PERMISSIONS AFTER SECURING ADDITIONAL BANK GUARANTEE ETC.

In accordance with the powers conferred under Section 9-A of the Haryana Development and Regulation of Urban Areas Act, 1975, the Governor of Haryana is pleased to pronounce the following policy parameters on the subject mentioned above:

1.0 Applicability:

- 1.1 The policy parameters proposed herewith shall be applicable to all licenced colonies of the State except those falling in the Gurgaon Manesar Urban Complex.
- 1.2 All references to 'overdue EDC amount' in this policy may be read as 'overdue EDC amount including overdue Enhanced EDC amount and interest/penal interest dues thereon'.
- 1.3 This policy provides relief in the form of grant of certain approvals inspite of overdue EDC amount, subject to certain conditions. No relief in the rates or levy of EDC/ Enhanced EDC/ interest/ penal interest as such is being allowed. Any renewal/ approval under the present policy shall be considered only if all other Government dues, viz., IDC, Renewal fees, scrutiny fees etc as applicable in respective cases is cleared by the licensee as per the mandatory provisions, wherein no relief whatsoever shall be allowed. In addition, the licensee will pay the future installments of EDC and Enhanced EDC as and when they become due.

2.0 Renewal of Licence Cases:

- 2.1 The renewal of any licence irrespective of overdue EDC amount, may be considered under the present policy subject to submission of
 - 2.1.1 An additional bank guarantee for 25% amount of the gross overdue EDC amount on the date of grant of such approval.
 - 2.1.2 The bank guarantee shall be valid for a period of 15 months from the date of such approval. The bank guarantee shall not be released in parts. The

entire BG shall be released in one go after the receipt of such overdue EDC amount.

2.1.3 An undertaking from the licensee to clear the overdue EDC amount in four quarterly installments spread over a period of one year from such approval. The first installment shall be due after 3 months from the date of such approval.

2.1.4 The revalidation of the original bank guarantee for the period concurrent with the validity/renewal of licence.

2.2 Any case once considered under the present policy for renewal, can again be considered for renewal under this policy for a subsequent term subject to the clearance of overdue EDC amount and fulfillment of all conditions as prescribed at the time of renewal of licence for the previous term and submission of additional bank guarantee applicable as on date.

3.0 Approval of (i) Zoning Plan & Service Plan estimates of all licenced colonies; and (ii) Building Plans/ Occupation Certificate for community sites (without any 3rd/ 4th party rights) and Group Housing EWS flats/blocks.

3.1 The renewal of licence shall be a pre-requisite for allowing any approval mentioned under para 3.0 above. However, the approval of building plan and grant of occupation certificate of independent residential/ industrial plots in residential/ industrial plotted colonies shall continue to be considered on individual merits irrespective of the status of renewal of licence as per present practice.

3.2 In case any licence stands renewed either under the present policy or otherwise, for the purpose of following approvals, the Department shall not insist for the clearance of overdue EDC amount on the date of following approval/ clearances:

3.1.1 Zoning Plan and Service Plan Estimates of all licenced colonies;

3.1.3 Building Plans and Occupation Certificate for community sites where third party rights have not been created and

3.1.4 Building Plans and Occupation Certificate for GH EWS flats/ blocks.

3.3 The building plans and Occupation certificate for Group Housing/ Commercial/ Cyber Park/ Cyber City either independent licence or sites in plotted colony shall not be governed under this clause.

4.0 Approval of (i) Building Plan of Group Housing/ Commercial/ Cyber Park/City (independent licenced projects or sites within plotted colonies) (ii) Occupation Certificate for upto 50% of permitted FAR for Group Housing/ Commercial/ Cyber Park/ City (independent licence or sites in plotted colonies) except those under para 3.0 above; and (iii) Community sites (transferred to 3rd/ 4th party):

4.1 The renewal of licence under the present policy or otherwise, shall be a pre-requisite for allowing any approval indicated under para 4.0 above.

4.2 Approvals as indicated under para 4.0 above shall also be considered under the present policy parameters indicated under 2.1.1 to 2.1.4 above, provided any of the following conditions is fulfilled:

4.2.1 The licensee has never earlier availed the benefit of present policy; or,

4.2.2 The licensee may have availed the benefit of present policy at some earlier date but has already complied with all the conditions within the stipulated one year period

5.0 General Conditions and Dispensations :

5.1 No Occupation Certificate beyond 50% of permitted FAR for Group Housing/ Commercial sites (independent licenced projects or sites within plotted colonies) or Cyber Park/City shall be considered under the present policy. No part-completion/ final completion certificate shall be considered/ allowed under the present policy parameters. The licensee would be required to clear all outstanding dues for grant of such occupation certificate or completion certificate.

5.2 The due dates for payment shall be strictly adhered to by the licensee and any default in scheduled payment would make the licensee liable for encashment of the bank guarantee without any notice. This condition shall stand incorporated in all such Bank Guarantees received under the present policy.

5.3 The licensee will continue to make payment of installments of EDC/ Enhanced EDC along with interest/ penal interest which will become due after the grant of approval under this policy within the prescribed period as specified in the bilateral agreement.

Sd/-

(T.C.Gupta, IAS)

Special Secretary

For: Financial Commissioner and Principal Secy to Government,
Haryana, Town & Country Planning Department, Chandigarh.

Endst No

Dated

A copy of the above is also forwarded to the Chief Administrator, HUDA, Sector 6, Panchkula, for information and record.

Sd/-

(T.C.Gupta, IAS)

Special Secretary

For: Financial Commissioner and Principal Secy to Government,
Haryana, Town & Country Planning Department, Chandigarh.