

PUBLIC NOTICE

The Arbitrator appointed by Hon'ble Supreme Court of India in WP(C) No. 876 of 1996 titled as Okhla Enclave Plot Holders Welfare Association Versus Union of India has hold its first meeting on 20.2.2016 and the proceedings of the said meeting as received in this office stands hosted on the website of the Department, i.e. www.tcpharyana.gov.in . It is further informed that all the parties shall assemble on 19.03.2016. As per the proceedings :-

- (i) Parties are directed to forward suggested issues within four weeks from today.
- (ii) Next meeting at 11.00 am on 19.03.2016 at Niti Bagh Club, Near Asiad Village, New Delhi.

This is for information of all concerned parties.

Sd/-
(Arun Kumar Gupta, IAS)
Director General,
Town & Country Planning,
Haryana, Chandigarh

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Dated: 25.02.2016

To

The Director General
Town & Country Planners
Chandigarh Haryana.

Sub Arbitration proceedings held on 20.02.2016 at New Delhi
IN

W.P. (C) No. 876/1996

OKHLA ENCLAVE PLOT HOLDERS WEL. ASON.

VS.

U O I & ORS

Sir,

The undersigned on instruction from the office of Hon'ble
Advocate General Chandigarh had attended the above
mentioned proceedings.

The proceedings are enclosed herewith for your kind
consideration and timely action.

Thanking you.

Yours faithfully,

Dr. Monika Gusain
Advocate-on-record
For State of Haryana

2024

234 Acres located at Badarpur Border in involved in present matter.

Court Commissioner was also appointed

OBJECTIONS

DURGA BUILDERS

1	Allotment of Plots 3000 allottees, plots deficient	Director General applied formula of Court Commissioner and prepared list of 800 or 100. Duplication to be deleted. 16, 17 th July list on website Court 18 th July composite order.
2	Encroachment to be removed	Court Commissioner identified land, it is on record that 46 acres was encroached. New management took over by agreement of 1997 entered into with old management Not part of Family Director General filed status reports that Rs. 23 crores required internal & external developments i.e. sewer, roads Paths Poles and Allottee has to bear expenses for it.
3		Development of Land
4		Allottee to pay to builder. The License fee fixed will be passed on by Builder to Government of Haryana. Possession + Registry – Builder refused so led to contempt of Court for 492 plots.
		844 found eligible. 21/10 order of justice Pasayath led to Approach to Local Commissioner. 368 W.P. in High Court were withdrawn to be heard by Director General – but as not found eligible by

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		DGTP therefore approached Supreme Court again.
		DGTP- order of rejecting them has to be seen. Cut off date of payment fixed by Supreme Court is important because Order is on particular date fixed by DGTP. Question is it arbitrarily fixed by DGTP.
31 Dec.		List prepared by Court Commission & DGTP Nov. 2015 affidavit-prorata reduction (Proposed during discussion).
		Mr. Gupta Director General called meeting of Advocates in Chandigarh Criteria – prorata reduction. Question is - if a few have regard sale deeds, How can their plots be decreased in area Such in persons are members of all Association.
5/7/15 Order		Issues to be given for framing – what are areas disagreement between Parties.
		Then file statement - What relief is being asked by all including DGTP.
		500 allottees left with DGTP to be included.
		Directors application for 3986 plots before Supreme Court – 60 sq. yd. [627 plots] common area - General category plots.
Decrease size of plots		Affidavit few allottees for decrease of all plots in size was filed in supreme Court
		Land grabbers, property dealers are encroaching and no action by local administration.
		Faridabad Development Authority has developed plots nearby
		Sec 37 HUDA nearby in 1986 was developed with

		Rs. 100/- as market price.
		New colonizer with development plan not filed in Court.
	Arbitrator	What happens to encroachers on permanent basis? Mr. Rastogi - 40% Allottees are cronies, disentitled successors - those who have booked to plots, must have one plot only. Allottees agree to it.
		Duplication, multiple plots, one family dependants, to have one plot only. This way 700 plots can be reduced. Check if entire list on soft copy is available with government on basis of information from associations
	Builder 2014	Old management V. Subha Subramanium represented old colonizer but was not in the proceedings.
		235 acres – 4 entities – 1. Durga, 2. Panchsheel, 3. Rajdhani, 4. ? Diff. Phases. Maximum land with Durga (instead of R.K. Nanda)
	1995	1995-Agreement 1996-Writ Petition was filed. 1997-allocation Agreement with Nanda – number of plots to be have given. 1997-2014 (2008 affidavit of DGTP - RK Nanda sold

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	<p>same plots to different buyers,</p> <p>Genuine plot holders to be allotted.</p>
	<p>No association was allotted plots People came together as association Allotment is there to General category</p> <p>Encroachers have bought in 2nd and 3rd sales Encroachers can go all over and get stay? 235/3002 claimants + encroachment + General Category + Bigger stake holders.</p>
	<p>Supreme Court observed that Encroachers are to be removed. But encroachers in Civil Courts got stay order against demolition</p>
Comment	Verify Actual No. of allottees
	<p>Enough land for Genuine allottees? + If include Stake holders + Encroachment by injunction order in 235</p>
	<p>Plot nos. have also been allotted in Eden Burgh City.</p> <p>Clarify – Status of land, - Stake holders - See development in light of latest HUDA Policy</p>
Comment	<p>Section - 8 of HUDA – license issue – consistent default by builders, Licensee- State Govt. to take it over and develop and allot</p>
	<p>Court Commissioner Report is extensive, but objection were filed, then withdrawn, and</p>

	suggestion were given.
Comment	Mark out double allottees – identify them Govt. has 3002 allottees wherein 702 are duplicate done.
	EWS ear marked by Restogi MPNL 60 sq. yds. Pro-rata basis reduction
	No. of actual allottees Size if decreased by how much for EWS: what is minimum that Govt. is required to allot If number will be same? Avoid duplication
	EWS, MPNL: if can be adjusted in flats.
Allottees	Payment-made to Nanda, Mr. V. Subha Subramaniam representing them Wife of Nanda is Director . In 2014- CLB order-Arun Mehra, Nina Mehra 1997 on wards dispute between Arun Mehra & Nanda Company Appeal of Nanda is pending in High Court CLB recognized Arun Mehra. Nanda went to High Court
Arbitrator	If CLB recognized Arun Mehra, why not accept Arun Mehra Subject to orders of High Court.
Allottees:	Section-3, Section-8 of HUDA be invoked- DGTP to do internal, external development, Allotments of plots and by pass Builders.
Arbitrator	If State of Haryana is party in injunction order passed

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		in civil courts by Encroachers, what is done to encroachers.
		How many individual plots are with DGTP to day?
		Minimize Losses 3500 per sq. yards is rate of development Charges.
	Advertisement	As plots are with DGTP today "Arbitration Proceedings have started in this case. Any body interested can contact – District Town Planner Faridabad Haryana" The copy of advertisement to be pasted on all relevant sites including plot, Mini-Secretariat Faridabad.

Maps

Affidavit of 1/9/2015 on the basis of affidavit of DGTP dated 15/7/15

	Phase-I	Stay on demolition or on possession of holding plot - Get it regularized or not is concern of encroachers
	Phase –II	60% is encroached.
	DGTP to clarify-	If new management Arun Mehra is legal owner / developer 19/5/97 agreement with Nanda, Arun Mehra. Nanda Collected license fee but did not deposit with DGTP.
		New management was given Right to develop by Durga builders, Nanda.
		Govt. Dues verified by State of Haryana will be paid by Arun Mehra
		How much Payment made by Arun Mehra to Govt. SLP (C) No. 567/2013

	Steps to be taken
1)	<p>Draft issues</p> <p>DGTCP shall cause to be issued advertisement in Faridabad-Local newspaper (Hindi – Dainik Jagran or Punjab Kesari in Haryana informing all concerned parties (of holding of today's ^{date} proceedings) as well as that this Tribunal shall Next assemble on 19.03.2016 (within 2- weeks)</p>
2)	<p>It appears that some encroachments have approached Civil Courts and have obtained injunction against demolition of construction carried out in site. Details of litigation pending in this regard should be collected by Director General and forwarded to the Tribunal within 3 weeks from today.</p>
3)	<p>Director General shall also file copies of all status reports filed with regard to present dispute in Hon'ble Supreme Court within 3 weeks.</p>
4)	<p>Dispute between Nanda and representative in favour of his client by CLB (Northern Region) Principal Bench 11-3-2014 order. Presently Judicial determination in favour of his clients, up dated ROC record to show they are clients of.</p>

5. (1) Parties are directed to forward suggested issues within 4 weeks from today.

6. (1) Next meeting at 11:00 am on 19/3/2016 at Niti Bagh Club, Near Asiad Village, New Delhi.

Proportionate fee shall be remitted written 3 days from today.