

DIRECTORATE OF TOWN & COUNTRY PLANNING, HARYANA

SCO 71-75, Sector 17C, Chandigarh

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http://tcpharyana.gov.in

LC-IX

{See Rule 16(2)}

Regd.

To

Puri Construction Pvt. Ltd. & others
4-7B, Ground Floor, Tolstoy House,
15 & 17, Tolstoy Marg, New Delhi.

Subject:

Memo No. LC-257-PA(B)/2018/ 5371

Dated: 09-02-18

Request for grant of part completion certificate for an area measuring 15.565 acres, out of the total licensed land measuring 48.76 acres bearing license No. 69-74 of 1996, 52-57 of 1997, 1079-1080 of 2002 & 191 of 2007 granted for development of group housing colony in Sector 53, 54, Gurugram.

Please refer to your application dated 08.11.2012 & subsequent reminder dated 09.02.2016 on the matter cited as subject above.

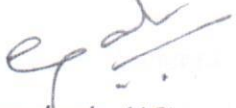
2. The above referred application submitted for grant of part completion certificate for an area measuring 15.565 acres, out of the total licensed land measuring 48.76 acres bearing license No. 69-74 of 1996, 52-57 of 1997, 1079-1080 of 2002 & 191 of 2007 granted for development of group housing colony in Sector 53, 54, Gurugram has been examined and noticed that completion certificate for the entire group housing colony is issued in one go as per the present practice of the department after completing the colony in all respect including construction of community sites etc. The request for grant of completion certificate cannot be considered in piece meal. Moreover, the development/marketing rights of this much area have been transferred in favour of Emaar MGF Land Ltd. without taking prior approval of the department. Hence, the request for grant of part completion certificate is liable to be rejected. However, before taking final decision in the matter, opportunity of hearing was granted for 18.12.2017.

3. Nobody appeared for hearing on your behalf, however, Mr. Kamal Kant Sehgal, Asstt. Vice President (Coordination) and Ms. Anjana Bali appeared on behalf of Emaar MGF Land Ltd. and submitted written submissions. The company has itself admitted that they had entered into development agreement with you for development of an area measuring 15.565 acres, out of the total licensed area measuring 48.76 acres of the group housing colony. It has further been contended that the said area is situated in a separate pocket and building plans/OC for the same has been issued independently by the department. Moreover, the draw of lots of 57 Nos. of EWS units, falling within this area has also conducted independently, therefore, the said area may be considered for grant of completion certificate irrespective of rest of licensed land. It has been mentioned that no community facility is situated within this area, therefore, colony may be construed to be complete for issuance of completion certificate. Further, since, the development agreement between the two companies was executed much before the execution of policy dated 18.02.2015, therefore, the case does not cover under the policy dated 18.02.2015 and no permission for change of beneficiary interest is required.

4. Although, the Emaar MGF Land Ltd. has not been recognized as licensee or developer in the present case, therefore, the submissions made by them cannot be taken on record and are not legally tenable. However, detailed examination of the same reveals that the contentions made therein are not correct and beyond the facts. The department has

never accepted application of renewal of licenses involved in the colony on behalf of Emaar MGF Land Ltd. All the corresponding in this regard has been made by you or by authorized signatory of your company. As far as question of approval of building plans and grant of OC for this much area is concerned, these can be approved/issued for the part licensed land and the provisions of Act/Rules does not debar the department for the same, whereas, completion certificate is required to be granted for the entire licensed colony in one go. The company has admitted that there is no community site falling within this component of 15.565 acres, which means that community site for the population comprised in this much area has been proposed in the pocket B and thus, the entire licensed area is to be taken into account while considering application for grant of completion certificate. Similarly, the submission made in respect of non-applicability of policy dated 18.02.2015 is also not correct. Since, beneficiary interest has been changed without taking prior permission of the department, therefore, same need formalization as per policy dated 18.02.2015. The two other developers i.e. Parsavnath & Neelkanth, involved in the licensed colony have already submitted requisite applications for grant of permission for transfer of requisite beneficiary interest and permission to Neelkanth has already been issued.

5. In view of above, the submissions made by Emaar MGF Land Ltd. can neither be taken on record, nor tenable in eyes of law. Therefore, the application submitted for grant of part completion certificate for an area measuring 15.565 acres is hereby rejected.



(T.L. Satyaprakash, IAS)
Director,
Town & Country Planning,
Haryana, Chandigarh

Endst. No. LC-257-PA(B)-2018/ 5374

Dated: 09-02-18

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

1. Senior Town Planner, Gurugram.
2. District Town Planner, Gurugram.
3. Website Administrator with the request to update the status on Departmental website.
4. Emaar MGF Ltd., Emaar MGF Business Park, Gurugram Mehrauli Road, Sikanderpur Chowk, Sector 28, Gurugram.


(Rajesh Kaushik)
Distt. Town Planner (HQ)
For Director, Town & Country Planning
Haryana, Chandigarh