

ORDER

Subject:- Cancellation of license No. 10 of 2010 dated 23.01.2010 granted for setting up of Group Housing Colony over an area measuring 10.931 acres Sector-85 & 88, Faridabad - Universal Buildcon Pvt. Ltd.

Whereas, license No. 10 of 2010 dated 23.01.2010 granted in favour of Universal Buildcon Pvt. Ltd in collaboration with Landmark Apartment Pvt. Ltd. for setting up of Group Housing Colony over an area measuring 10.931 acres Sector-85 & 88, Faridabad, which was valid upto 22.01.2014. Inter-alia, one of the terms and conditions of the license was that the licensee shall comply with the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and Rules framed thereunder and the terms and conditions of the agreement/ bilateral agreement executed with the Director, but it was noticed that licensee had failed to pay the External Development Charges alongwith interest update as per the schedule issued by the Department and an amount of Rs. 1807.71 lac on account of EDC was outstanding as on 03.04.2017. Moreover, service plan estimates of the colony have also not been got approved.

2. License renewal application submitted on 01.07.2014 for the period of 23.01.2014 to 22.01.2016 has been examined and deficiencies were conveyed vide memo no. 1529 dated 27.01.2015. The reply submitted by licensee on 23.01.2015 has been examined and deficiencies were conveyed vide memo no. 8203 dated 26.05.2015 with a request to rectify the deficiencies period of 10 days, but the same has not been rectified even after reminder dated 13.08.2015. Therefore, as per provisions of Rule 14 of Haryana Development and Regulation of Urban Areas Rules, 1976, an opportunity of personal hearing was granted on 09.11.2015, but no one appeared on the date of hearing, hence hearing adjourned for 21.05.2015, 28.12.2015, 20.01.2016.

3. Sh. Rajeev, Chief Coordinator appeared for hearing on behalf of Universal Buildcon Pvt. Ltd. on 20.01.2016 and requested for adjournment and stated that they had already applied for availing the benefit of EDC relief policy. Request of adjournment was considered and while granting two months time period Sh. Rajeev directed to comply with the terms and conditions of EDC relief policy within the above time period, but licensee failed to comply to do so. Moreover, till date licensee has not even applied for renewal of licence for the period of from 23.01.2016 to 22.01.2018 and from 23.01.2018 to 22.01.2020.

4. Therefore, notice under Rule 18(1) of Rules 1976 was issued vide this office memo No. 13332 dated 16.06.2017 with the directions to set aside the deviations/deficiencies pointed out there in within 15 days. On non-receipt of any reply/response, show cause notice under Rule 18(2) of Rules ibid was issued vide memo No. 15811 dated 07.07.2017 to the licensee with the direction to rectify the deficiencies conveyed vide notice dated 16.06.2017 within 30 days.

5. The reply of show cause notice submitted on 04.08.2017 has been examined and your assurance to opt the benefit of EDC Relief Policy dated 12.04.2012 for payment of outstanding dues was found unsatisfactory and hence an opportunity of hearing under Rule 18(3) of Rules ibid was given vide memo No. 21073 dated 28.08.2017, to appear on 04.10.2017.

6. Sh. Rajeev Jogpal, Authorized signatory appeared for hearing on 04.10.2017 and submitted written request of Sh. Raman Puri, Director of Universal Buildwell Pvt. Ltd. to give some more time as he is not well, which has been accepted and next date of hearing fixed on 30.10.2017. Sh. Sandeep on behalf of Landmark Apartment Pvt. Ltd. also appeared on 04.10.2017 and requested to decide the application for bifurcation of license, as there is no policy of bifurcation of licence, this application of Landmark Apartment Pvt. Ltd. has been declined vide memo no 26953 dated 26.10.2017. On the date of hearing 30.10.2017 a request has been received from Sh. Rajeev Jogpal, Chief Co-coordinator of company Universal Buildcon Pvt. Ltd. to adjourn the hearing up to 02.12.2017 which has been considered and last opportunity of 15 days was granted to clear the outstanding dues. On 11.12.2017 Sh. Raman Puri, Managing Director, Universal Buildcon Pvt. Ltd appeared and requested for more time to arrange the funds to pay the outstanding dues of EDC, which was accepted and next date of hearing is fixed on 24.01.2018, again on the written request adjourned for 22.02.2018, 28.04.2018, 09.06.2018 and 15.06.2018.

7. Before taking final decision last opportunity has been given for 17.07.2018, but no one appeared for hearing. Even after granting reasonable time / opportunities for payment of outstanding dues, renewal of licence and to remove other deficiencies, licensee failed to get the license renewed and fulfil its commitment. Hence, therefore, the licence No. 10 of 2010 dated 23.01.2010 is hereby cancelled under section 8 of Act 8 of 1975 and Rules framed thereunder as the colonizer has contravened the conditions of the licence and the provisions of Act/Rules *ibid*.

8. Now it is directed to proceed under Rule 19 after cancelation of licence. The Rule 19 prescribes following:-

19. Development works to be carried out by the Director in the colony [Section 8]. – (1) After cancellation of the licence or permission the Director shall by notice in form LC-XI call upon the colonizer to furnish within a specified time an audited statement of accounts duly certified and signed by the chartered accountant showing the amount actually recovered by him from each plot-holder and the amount he has actually spent on development works in the colony. (2) The Director shall also ascertain from the plot-holders the amount, paid by them to the colonizer and the balance amount, if any, to be paid by each of them to the colonizer. (3) The Director shall intimate to the colonizer and the plot-holders the charges he may have to incur on development works in the colony and shall call upon the colonizer and the plot-holders in form LC-XII and LC-XIII to pay these charges within thirty days. In case they fail to pay these charges, the Director, may recover these charges as arrears of land revenue.

Further, the provisions of Section 10A are independent of procedure to be followed in accordance with Rule 19. The Section 10A provides for recovery of outstanding dues, which is reproduced below:-

10A. Recovery of dues.—All dues payable under the Act, which have not been deposited within the time specified, shall be recovered as arrears of land revenue.

9. Accordingly following actions be taken after cancellation of licence as the land of the licensee shall deem to vest with the Government:-

- a) STP, Faridabad should take over the Administration of this licenced colony today itself on behalf and should put up a 'Board' at site indicating that the Administration of this licenced colony has been taken over by the Directorate of Town and Country Planning Department, Haryana.
- b) A public notice may be issued in the newspapers which should be released by the CTP, Haryana indicating above fact.
- c) The licensee should be directed under Section 10A of the Act, 1975 to deposit all outstanding dues on account of EDC, IDC etc. and also to give the information of sold and unsold properties within a period of 15 days from today i.e. information in terms of rules 26(2) and 28 of Rules 1976 so that the unsold properties can be disposed to recover the government dues. The outstanding dues should be calculated till the date of cancellation of licence.
- d) A communication may be sent to the collector, Faridabad for declaring the dues as arrears of land revenue which may be recovered from them under the provisions of relevant Act either by sale of property or by resorting to other permissible methods including arrest of the licensees. In order to restrict 3rd party right on the instant licenced area Deputy Commissioner and Sub-Registrar may be directed not to register any sale deed against the licence land. Regarding cut of date for registration of properties same may be taken as today i.e. the date on which Department has imposed an embargo on sale of property.
- e) The details of Accounts of the allottees to be maintained at the level of STP, Faridabad. An account may be opened in the name of Director in this regard. All the allottees if any, may deposit the balance installment with STP, Faridabad who will maintain the account of each and every plot holder.
- f) A committee may be constituted under the Chairmanship of Administrator, HSVP Faridabad, STP, Faridabad will be Member Secretary and DTP, Faridabad, XEN, HSVP, Faridabad will be the Members of the Committee who will take over the colony for carrying out further necessary action.
- g) A file may be separately submitted for debarring the present Directors of all the companies for grant of any further licence in this State of Haryana. The desirability of issuing Show Cause Notices for cancellation of their existing licences, if any, may also be examined.

Place: Chandigarh
Dated: 17.07.2018

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

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

1. Landmark Apartments Pvt. Ltd., Landmark House, 85, Sector-44, Gurugram Haryana
Email ID - info@landmarkgoc.com with the direction under section 10A of the Act, 1975 to deposit all outstanding dues on account of EDC etc. and also to give the information of sold and unsold properties within a period of 15 days from today i.e. information in terms of Rule 26(2) and 28 of Rule 1976 so that unsold properties can be disposed to recover the Government dues.
2. Landmark Apartments Pvt. Ltd., Universal Trade Tower C/o 8th Floor, Sector-49, Gurgaon Sohna Road, Gurgaon-122018, Haryana Email ID - contact@universalgroupindia.com with the direction under section 10A of the Act, 1975 to deposit all outstanding dues on account of EDC etc. and also to give the information of sold and unsold properties within a period of 15 days from today i.e. information in terms of Rule 26(2) and 28 of Rule 1976 so that unsold properties can be disposed to recover the Government dues.
3. Chief Administrator, HSVP, Sector-6, Panchkula.
4. Deputy Commissioner, Faridabad with the request to recover the above said outstanding dues as arrears of the land revenue in accordance with the orders as above. In order to restrict third party rights on the instant licensed area, it may be ensured that no sale deed against the licensed land may be executed/registered in future.
5. Administrator, HSVP, Faridabad.
6. Senior Town Planner, Faridabad with the request to take over the administration of the licensed colony with immediate effect on behalf of DTCP and take all necessary action as per above orders of DTCP, Hr.
7. District Town Planner, Faridabad.
8. Executive Engineer, HSVP, Faridabad.
9. Chief Account Officer of this Directorate with the request to communicate updates outstanding dues against the license to the licensee as well as STP, Faridabad.
10. Website Administrator with the request to update the status on Departmental website and upload these orders for information of General Public.

-Sd/-

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