

Directorate of Town and Country Planning, Haryana

SCO No. 71-75, 2nd Floor, Sector-17 C, Chandigarh, web site: tcpharyana.gov.in

Phone: 0172-2549349; e-mail: tcpharyana3@gmail.com

ORDER

[See Rule 18(3)]

To

Vesta Builders & Estates Developers Pvt. Ltd.,
Orchid Centre, Ground and 2nd Floor, Golf Course Road,
Sector-53, Gurgaon-122002
Email ID – bhagwani@vigneshwara.in

Memo No. LC-1525-JE (BR)-2016/24245

Dated: 03-11-2016

Subject: Cancellation of licence no. 93 of 2011 dated 24.10.2011 granted to develop IT Park Colony over an area measuring 6.19167 acres in the revenue estate of village Badshahpur and Fazilpur Jharsa, District Gurgaon Sector-70, Gurgaon-Manesar Urban Complex.

Licence no 93 of 2011 dated 24.10.2011 was granted for development of IT Park Colony over an area measuring 6.19167 acres falling in Khasra no 47//11, 12/1, 12/2, 13/1, 8/2, 13/2/1/1, 1, 2, 9, 18/2, 10 of village Badshahpur and Khasra no 56//8/2 of village Fazilpur Jharsa, District Gurgaon, Sector-70, Gurgaon-Manesar Urban Complex. You were required to comply with the terms and conditions of licence as per provisions of the Haryana Development and Regulation of Urban Areas Act, 1975, the Rules made there under and also the terms and conditions of the LC-IV agreement/Bilateral Agreement dated 24.10.2011 executed by you with the Director, Town & Country Planning, Haryana executed at the time of grant of licence.

It has observed that terms and conditions of licence are not complied with, therefore, deficiencies were conveyed vide letter dated 09.07.2013, but you failed to rectify the deficiencies, hence notice under Rule 18(1) of the Haryana Development and Regulation of Urban Areas Rules, 1976 was issued by this office vide memo no 49517 dated 23.08.2013 to remove the following deficiencies:-

- i) *That as per condition no. 1 (a) (i) of the LC-IV agreement, you had undertaken to pay the External Development Charges and the interest on installments from the date of grant of licence, but you failed to deposit the outstanding dues amounting to Rs. 352.65 lac as on 29.04.2013.*
- ii) *That you were required to deposit an amount of Rs. 44.07 lac on account of IDC as on 29.04.2013, you failed to deposit the said amount.*
- iii) *In compliance of condition no 3(e), you were required to complete at least 30% of IT area within initial period of 3 years, whereas no development works have been undertaken even after lapse of more than one year. Even the building plans are not approved till date.*
- iv) *The compliance of Rules 24, 26 (2), & 28 of the Haryana Development and Regulation of Urban Areas, Rules, 1976 have not been submitted.*
- v) *As per condition no 3(i) of aforesaid licence, NOC/approval from Ministry of Environment and Forest, Govt. of India has not been submitted.*
- vi) *Service plans/estimates have not been submitted for approval.*

You had submitted the replies vide letters dated 25.07.2013, dated 21.09.2013 and dated 30.09.2013 which were examined and observed that you failed to rectify the deficiencies except submission of environment clearance. Therefore, an opportunity of personal hearing was

granted on 28.02.2014 under Rule 18(2) of the Haryana Development and Regulation of Urban Areas Rules, 1976, which was conveyed vide memo no. 1016 dated 14.01.2014. No one appeared on the date of hearing on 28.02.2014 and matter was adjourned for 11.04.2014 and 23.05.2014 respectively.

Finally, Sh. Sunil Kumar Dahiya and Sh. Dariyao Singh Dahiya appeared on 30.06.2014 and submitted a reply which was examined and observed that following deficiencies are still unattended:-

- i) Compliance of Rules 24, 26 (2) & 28 of the Haryana Development and Regulation of Urban Areas, Rules, 1976 has not been submitted and your contention/reply that project has not been sold is not considerable. You were required to submit the compliance with a request for composition of delay alongwith Rs. 3,01,000/- as composition fee, which has not been deposited till date.
- ii) An amount of Rs. 1465.80 Lac is outstanding against EDC as on 04.09.2016. Your request to avail the benefit of EDC relief policy is not considerable as you have to submit the requisite bank guarantee and other requisite documents along with application which has not been submitted.
- iii) Your contention towards execution of project that the development of project could not be started on account of non availability of approach due to litigation relating to acquisition of southern peripheral road, is not tenable as licence is granted only after developer/applicant is able to secure proper access to the site as per policy of the Department.
- iv) You failed to remove the deficiencies even allowing final opportunity of 30 days communicated by this office memo no 20369 dated 28.08.2014.
- v) Licence was granted to you to develop IT Park on 04.11.2011. In spite of lapse of almost 5 year, you have not started development works at site.

A final opportunity of 30 days was granted to you under Rule 18(3) of Rules of 1976 to remove the above deficiencies but same are not removed till date. In view of above, it is amply clear that you are not interested to develop the project and failed to rectify the deficiencies even after availing various opportunities. Hence, the licence no. 93 of 2011 dated 24.10.2011 is hereby cancelled/rejected.

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

Endst. No. LC-1525-JE (BR)/2016/ 24245-47

Dated: 03-11-2016

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

1. Senior Town Planner, Gurgaon.
2. District Town Planner, Gurgaon.
3. Nodal Officer for website updation.

Sd/-
(S. K. Sehrawat)
District Town Planner (HQ),
For Director General, Town & Country Planning,
Haryana, Chandigarh