

FORM LC-VII
[See Rule-14(2)]

Memo No. LC-873/2013/

Dated:

Regd.

To

1. Neel Gagan Realtors Pvt. Ltd.,
2. Yamuna Buildwell Pvt. Ltd.,
3. Emerald Buildwell Pvt. Ltd.,
C/o Parsvnath Developers Ltd.,
6th Floor, Arunachal Building, 19,
Bara Khamba Road, New Delhi-1.

Subject: Refusal of renewal of License No. 1186 to 1188 of 2006 dated 27.09.2006 granted for setting up of Group Housing Colony on the land measuring 18.94 acres in the revenue estate of village Fazilpur, Garh Shahajanpur, Sector-10 & 11 of Sonipat-Parsvnath Developers Ltd.

Please refer to your application dated 31.07.2010 & 10.07.2012 on the subject cited above.

1. Licence No. 1186 to 1188 of 2006 dated 27.09.2006 has been granted for setting up of Group Housing Colony on the land measuring 18.94 acres in the revenue estate of village Fazilpur, Garh Shahajanpur, Sector-10 & 11 of Sonipat - Kundli Multifunctional Urban Complex Development Plan. The licence was valid upto 26.09.2008.
2. As per provision of Section 3(4) of the Haryana Development and Regulation of Urban Areas Act, 1975, read with Rule-13 of the Haryana Development and Regulation of Urban Areas Rules, 1976, you were required to submit an application for renewal of above said licence. Vide letter dated 31.07.2010 & 10.07.2012, you have applied for renewal of licence for the period 27.09.2008 to 26.09.2011 & 27.09.2011 to 26.09.2013. The case of renewal of licence No. 1186 to 1188 of 2006 dated 27.09.2006 was examined and following deficiencies were noticed:-
 - (i) You have not paid the external development charges as per terms and conditions of the agreement executed on Form-LC-IV. Vide this office memo Nos. 10213 dated 19.08.2010 and 13568 dated 12.10.2010, you were requested to make payment of outstanding amount of external development charges. Since, no reply was received from you, therefore, a show cause notice for hearing before undersigned on 11.06.2012 was sent to you vide memo No. 8555 dated 17.05.2012. On your request through e-mail to postpone the hearing, the case was accordingly adjourned for 16.07.2012. On the next date of hearing also, the same request for adjournment of hearing was received through e-mail. The case was accordingly adjourned to 19.11.2012. The hearing was held on 19.11.2012 before the Director General, Town and Country Planning. Sh. P.K. Jain, President alongwith Sh. R.K. Sinha, Authorized Representative of your company appeared in hearing. During the hearing, the representatives submitted that the point-wise reply to the observations conveyed vide memo No. 8555 dated 17.05.2012 has already been submitted vide letter dated 23.08.2012. Sh. P.K. Jain had submitted that they are in the process of getting the Bank Guarantees issued from concerned Banks to get the licences renewed in terms of policy dated 12.04.2012. As per policy, you were required to deposit 25% Bank Guarantee of the outstanding external development charges and an undertaking. However, you failed to deposit the 25% Bank Guarantee of the outstanding external development charges and also an undertaking. Now, as on 03.05.2013, an amount of Rs.1754.72 lacs is outstanding on account of external development charges.

- (ii) You have not obtained the approval of building plans even after a lapse of more than six years since the grant of licence. This shows that you are not interested to execute the project.
 - (iii) The Bank Guarantees of external development charges and internal development works stand expired on 13.09.2009. You have not submitted the revalidated Bank Guarantees.
 - (iv) Documents in compliance of Rule-24,26,27 & 28 of Haryana Development and Regulations of Urban Areas Rules, 1976 have not been submitted.
 - (v) The copy of No Objection Certificate issued by Ministry of Environment & Forest, Government of India has not been submitted.
3. In view of the deficiencies mentioned above, your application for renewal of licence deserves to be rejected. However, as per provision of Rule-14(2) of the Haryana Development and Regulation of Urban Areas Rules, 1976, before rejection of your application, an opportunity of personal hearing was granted to you for 11.06.2012, which was further adjourned to 16.07.2012 and thereafter 19.11.2012 on receipt of request for adjournment through e-mail from Sh. R.K. Sinha, Authorized Representative of your company.
4. On the date of hearing i.e. on 19.11.2012, the representatives have been heard and reply submitted was not found satisfactory, because payment of EDC has not been made till date. The representatives also submitted that they have made payment of Rs. 40 crores as EDC on account of its various projects. This contention was also not found tenable because they have not kept their commitment regarding payment of outstanding dues which was given at the time of grant of new licences. Merely deposition of Rs. 40 crores against various licences cannot entitle the company for renewal of licence because the total outstanding dues are much more. Moreover, the policy dated 12.04.2012 is in place for the last more than seven months but till date, the Bank Guarantees have not been submitted. Thus, it is a perfect case where the renewal of licence may be refused. However, on persistent demand and assurance by the authorized representatives, 30 days time was granted for depositing the Bank Guarantees. This was also conveyed vide this office memo No. LC-873/2012/24120 dated 29.11.2012. But, you failed to submit the Bank Guarantees even after a lapse of more than five months.

I have gone through the entire case including all the facts and circumstances prevailing in this case and I am of the considered opinion that the request for renewal of licence may be refused due to the deficiencies mentioned in para 2 on pre-pages and accordingly, it is regretted that your request to renew the licence is refused. Since, the request for renewal of licence is refused, therefore, the licence automatically stands cancelled due to non renewal.

Sd/-
(Anurag Rastogi, IAS)
Director General,
Town and Country Planning,
Haryana, Chandigarh.

Endst. No. LC-873/2013/41635-639

Dated : 4/6/2013

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

1. Chief Administrative HUDA, Panchkula.
2. Senior Town Planner, Rohtak Circle, Rohtak.
3. District Town Planner, Sonipat.
4. District Town Planner (HQ), PPS with a request to update the status on website.
5. Chief Accounts Officer of the Directorate.

Sd/-
(Babita Goyal)
Assistant Town Planner (HQ),
O/o Director General, Town and Country Planning,
Haryana, Chandigarh.