

FORM LC-VII

[See Rule-14(2)]

Memo No. LC-874/2013/

Dated:

Regd.

To

Dreamweaver Realtors Pvt. Ltd.,
C/o Parsvnath Developers Ltd,
6th Floor, Arunachal Building,
19, Barakhamba Road,
New Delhi-1100011.

Subject: Refusal of renewal of Licence No. 1205-06 of 2006 dated 06.10.2006 granted for setting up of a residential group housing colony over an area measuring 28.106 acres in the revenue estate of village Shahpur Turk falling in Sector-9/18 of Sonipat - Kundli Multifunctional Urban Complex- Development Plan.

Please refer to your application dated 01.03.2012 on the subject cited above.

1. Licence No. 1205-06 of 2006 dated 06.10.2006 has been granted for setting up of a residential group housing colony over an area measuring 28.106 acres in the revenue estate of village Shahpur Turk falling in Sector-9/18 of Sonipat - Kundli Multifunctional Urban Complex Development Plan. The licence was valid upto 05.10.2008.
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 & 01.03.2012, you have applied for renewal of licence for the period 06.10.2008 to 05.10.2009, 06.10.2009 to 05.10.2011 & 06.10.2011 to 05.10.2013. The case of renewal of licence No. 1205-06 of 2006 dated 06.10.2006 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. 9795 dated 12.11.2008, 5922 dated 07.05.2010, 6871 dated 26.05.2010 and 13620 dated 13.10.2010, 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 bearing memo no. 13430 dated 12.09.2011 was issued to you and a hearing was held on 26.09.2011 before the Director General, Town and Country Planning. Sh. R.K. Sinha, your Authorized Representative appeared in hearing. During the hearing, Sh. Sinha had given a suggestion that due to fund constraints and the fact that the real estate market in Sonapat has not picked up, they are prepared to open an 'Escrow Account' with the Department in a Bank to be designated by us from which certain proportion of future sale proceeds shall be automatically transferred to account of HUDA towards payment of EDC. Shri Sinha was asked to give a firm written proposal containing a list of unsold properties in respect of this licence, possible sale proceeds from these unsold properties, percentage of amount which will be transferred, within 15 days so that a decision can be taken thereon as this will be a first and unique experiment in the Department. However, you failed to submit the written proposal.
 - (ii) Subsequent to above, the Govt. has introduced a policy dated 12.04.2012 for the colonizers who failed to deposit the external development charges. Vide memo no. 13073 dated 27.07.2012, an opportunity was given to you to avail this policy and accordingly, 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 01.01.2013, an amount of Rs. 3478.10 lacs is outstanding on account of external development charges.

- (iii) You have not undertaken any construction/development works at site 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.
- (iv) The bank guarantees of internal development works stand expired on 19.09.2012 and of external development charges on 20.09.2009. You have not submitted the revalidated bank guarantees.
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 on 19.11.2012 at 11.00 AM.
4. On the date of hearing i.e. on 19.11.2012, Sh. P.K. Jain, President of the licensee company and Sh. R.K. Sinha Authorized Representative were present for hearing. They have submitted that point wise reply to the observations conveyed vide memo no. 13073 dated 27.07.2012 have already been submitted. However, it was not found satisfactory because payment of EDC has not been made till date. On this point, the representatives submitted that the company is in the process of getting the bank guarantees issued from the concerned banks to get licences renewed in terms of policy dated 12.04.2012. It was 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 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 given for depositing the bank guarantees. This was also conveyed vide this office memo no. LC-874-2012/24047 dated 29.11.2012. But, you failed to submit the bank guarantees even after a lapse of more than two 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-874/2013/30317-321

Dated: 07.02.2013

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.