

ORDER

Subject: - Cancellation of license No. 190 of 2007 dated 28.06.2007 for an area measuring 29.937 acres granted for setting up of a residential plotted colony in the revenue estate of village Vaidwala, District Sirsa.

Sh. P.S Bhullar appeared on behalf of colonizer and requested for further adjournment. Since ample opportunities have been granted, therefore, the request is not accepted.

2. The record is perused and matter is examined. Outstanding EDC as on 12.12.2018 are Rs. 1143.86 Lacs. In this case, the applicant company is playing delaying tactics.

3. The Show Cause Notice was issued u/s 18(1) vide memo dated 15.06.2017. The following violations were conveyed.

1. That you had undertaken to pay the external development charges and the interest on instalments from the date of grant of licence, but you have failed to deposit the outstanding dues amounting to Rs. 953.39 lac (under policy dated 12.04.2012) as on 05.06.2017, with the Department, even after reminder dated 22.02.2017, thus violated the terms of LC-IV agreement.
2. The documents in compliance of Rules 24, 26, 27 & 28 of the Haryana Development and Regulation of Urban Areas, Rules 1976 are not submitted.
3. The licence was valid upto 27.06.2013, but you failed to get the same renewed till date.
4. The requirement of ultimate power load has not been intimated and approval of Electrical Service plans/Estimates has not been submitted.
5. The status of construction of community sites and transfer of EWS plots to Housing Board Haryana are not submitted.

4. In reference to the notice dated 15.06.2017 the applicant, submitted an application for renewal of licence on the prescribed form LC-VI on 15.07.2017. The same was examined and it was observed that the application is not as per the provisions of Rule 13 of the Haryana Development and Regulation of Urban Areas Rules 1976 as the application was not accompanied with licence renewal fee. Therefore, a Show Cause Notice was issued under Rule 18(2) on 14.09.2017 and hearing was granted for 23.10.2017 with the above mentioned violations. No one appeared for hearing. However, in the interest of justice another opportunity of hearing was granted for 30.11.2017. Sh. Vineet Shegal, Advocate appeared for the hearing and the requested that one month time for payment of outstanding dues as per EDC relief policy may be given.

His request was considered subject to the considered that the licensee shall pay 10% of the outstanding dues on account of EDC as on date as well as entire licence renewal fee within 15 days i.e. 15.12.2017. The licensee was also directed to deposit the outstanding dues on account of EDC relief policy within one month upto 15.01.2018.

Apart from the above, since, the licensee had applied for grant of part completion certificate as well as the renewal of licence therefore, it was desirable that before cancellation of licence as per the provisions of Rule 18 of the Rules 1976, an opportunity of hearing may be granted before rejection of his request for grant of part completion certificate and renewal of licence, therefore, an opportunity of hearing was granted on 02.06.2018. The hearing was further postponed for 08/09.06.20018, 13.07.2018, 19.07.2018. Sh. Devi Dayal representative of the company appeared for hearing on 19.07.2018 and requested for some more time. The request was accepted and hearing was postponed for 27.08.2018 which was further adjourned to 12.09.2018 and 08.10.2018.

No one appeared on 08.10.2018. However request in writing was received as per which it was informed that the representative of the company is not well, therefore, the hearing may be postponed. The request was accepted and hearing was postponed for 05.11.2018. Sh. P.S. Bhullar appeared for hearing on the scheduled date and again requested for adjournment. Though ample opportunities had already been granted, but another opportunity was granted and the hearing was postponed for 11.12.2018.

Sh. P.S. Bhullar appeared for hearing on 11.12.2018 and again requested for an adjournment. Since, ample opportunities have already been granted therefore, further adjournment is not allowed. I have gone through the record and based on above discussion it is hereby directed that the request for renewal of licence and grant of part completion certificate is hereby refused.

Further, since the hearing as per the provisions of Act no. 8 of 1975 and Rules made thereunder, therefore, the licence No. **190 of 2007 dated 28.06.2007** is hereby cancelled under section 8 as the colonizer has contravened the conditions of the licence and the provisions of Act No. 8 of 1975 and Rules thereof.

5. 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.

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

- i) STP, Hisar 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.
- ii) A public notice may be issued in the newspapers which should be released by the CTP, Haryana indicating above fact.
- iii) 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.
- iv) A communication may be sent to the Collector, Hisar 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.
- v) The details of Accounts of the allottees to be maintained at the level of STP, Hisar. 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, Hisar who will maintain the account of each and every plot holder.

- vi) A committee may be constituted under the Chairmanship of Administrator, HSVP Hisar, STP, Hisar will be Member Secretary and DTP, Hisar, XEN, HSVP, will be the Members of the Committee who will take over the colony for carrying out further necessary action.
- vii) 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.

-Sd/-

(K. Makrand Pandurang)

**Director, Town and Country Planning,
Department Haryana, Chandigarh.**

Place: Chandigarh
Dated:

Endst. No. LC-911/JE(SS)/2019/ 1916-1924

Dated:22.01.2019

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

1. VPN Buildtech Pvt. Ltd. VPN Buildcon Pvt. Ltd. C/o VPN Management & Consulting Ltd. B-292, Chandra Kanta Complex, Shop No. 8, near Metro Pillar No. 161, New Ashok Nagar, Delhi-110096 is hereby directed under section 10(a) 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 Rule 26(2) and 28 of Rule 1976 so that unsold properties can be disposed to recover the Government dues.
2. Chief Administrator, HSVP, Sector-6, Panchkula.
3. Administrator, HSVP, Hisar,
4. Deputy Commissioner, Sirsa 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. Chief Engineer, HSVP, Sector-6, Panchkula.
6. Senior Town Planner, Hisar 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, Sirsa.
8. Executive Engineer, HSVP, Sirsa.
9. Website Administrator with the request to update the status on Departmental website and upload these orders for information of General Public.

-Sd/-

(Lalit Kumar)

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