

ORDER

Whereas, Licence No. 10 of 2008 dated 25.01.2008 was granted to Snowtemp Engineering Company Ltd. 14, Mile Stone, Delhi-Mathura Road under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 to develop an IT Park on the land measuring 13.287 acres in Sector-27B, Faridabad. As per terms and conditions of the licence and the LC-IV Agreement executed by the above said licensee company at the time of grant of licence, inter-alia, the licensee company was also required to pay proportionate External Development Charges at the tentative rate of Rs. 83.69 lacs per gross acre for IT Park of 13.287 acres, Rs. 104.44 lacs per acre for commercial area of 4% measuring 0.53 acres. The 1st installment was to be paid within a period of 30 days from the date of grant of licence and balance in seven equal quarterly installments alongwith interest @ 15% per annum. Further, the Bank Guarantees submitted by the licensee on account of payment of External Development Charges for Rs. 280.75 lacs and execution of Internal Development works for Rs. 124.57 lacs were valid upto 25.06.2010 and 25.12.2009 respectively which were required to be revalidated after the expiry of the above said period. Licence No. 10 of 2008 granted to the company was valid upto 24.01.2010 and was required to be renewed by the licensee after this date by submitting application alongwith license renewal fee.

2. However, the licensee failed to comply with the terms and conditions of the above said licence and the agreements executed by it with the Director, Town & Country Planning as per provisions of the Act of 1975 and Rules of 1976 framed under the Act ibid and committed various lapses. The lapses constitute non renewal of licence beyond 24.01.2010, non deposit of EDC/IDC, not getting the Bank Guarantees revalidated and failure to fulfill the requirements of the Rules of 1976. Accordingly, a show cause notice was issued to the licensee vide this office letter no. DS(N)-LC-1443/2010/10770 dated 30.08.2010 for explaining the reasons for the above said lapses. But, no reply was received to the above said notice.

3. That further a notice was issued under Rule 18 (1) of the Rules of 1976 to the above said Licensee vide this office memo no. DS(N)-LC-1443/2012/25697 dated 14.12.2012 pointing out the following lapses/deficiencies :-

- a. That in terms of the conditions of the agreement dated 25.01.2008 executed by the company at the time of grant of licence, a sum of Rs. 1770.29 lacs on account of original EDC and Rs. 935.02 lacs on account of enhanced EDC as on 13.08.2012 was outstanding against the company.
- b. That the Bank Guarantees no. 99/07 dated 26.12.2007 for Rs. 280.75 lacs on account of EDC and BG No. 100/07 dated 26.12.2007 for Rs. 124.57 lacs on account of IDW have not been got revalidated beyond 25.06.2010 and 25.12.2009 respectively.
- c. That the licence which was valid up to 24.01.2010 has not been got revalidated after 24.01.2010 despite issuance of letters dated 02.07.2010 and 30.08.2010 issued by this office.
- d. That the licensee has failed to deposit IDC amounting to Rs. 104.59 lacs as due on 13.08.2012 against the above said licence.
- e. That as per clause (e) of the conditions for grant of licence, the licensee was required to complete at least 30% of the IT area within the initial period of three years, failing

which he was required to deposit the conversion charges and the licence fee at commercial rate for the entire IT Park. But the licensee had not even got the building plans approved for the said project from the Department.

- f. That the licensee has not complied with Rule 24, 26 (2), 27 and 28 of the Rules of 1976.

The licensee company was directed to remove the above said lapses within a period of 30 days, however, no reply to the said notice was received.

4. That thereafter a show cause notice under Rule 18 (2) for cancellation of Licence no. 10 of 2008 dated 25.01.2008 was issued to the licensee vide this office memo no. DS(N)-LC-1443/20113/31076 dated 19.02.2013. It was specifically stated in the said notice that in case no reply is received within one month from the date of receipt of notice, further action shall be taken in accordance with the Rules. However, this notice was received back undelivered. Efforts were also made to serve the notice personally through the District Town Planner, Faridabad. However, it was reported that the office premises of the licensee company was locked since long time. No further address of the company was available. The notice was also sent through Email on 20.03.2013 at 5:37 PM on email Id snowtempinifiniti@gmail.com (Id available with the Deptt.). But no response was received from the licensee.

5. However, in order to give one more opportunity to the licensee company, a Public Notice was got published in the newspapers on 27.04.2013 in 'The Tribune' Chandigarh, 'The Tribune' Jalandhar, 'Dainik Bhaskar' Delhi, 'Dainik Bhaskar' Faridabad, 'Times of India' Delhi, 'Divya Himachal', Chandigarh and 'Rozana Spokesman', Chandigarh pointing out the lapses committed by the licensee. Through this Public Notice, as per requirement of Rule 18 (3) of the Rules of 1976, the licensee was also directed to appear for personal hearing before the undersigned on 06.05.2013 at 11:00 AM in my office. However, neither any reply was received nor the licensee appeared for personal hearing on the date and time fixed.

6. I have examined the case carefully and also gone through the relevant office record. It is on record that the above said licensee company inter-alia has violated the following conditions of licence and agreements executed by it at the time of grant of licence:-

- A. Licence No. 10 of 2008 for development of IT Park in Sector-27B, Faridabad granted to the above said company on 25.01.2008 was valid upto 24.01.2010.
- B. As per terms of the LC-IV Agreement, the licensee has failed to deposit the outstanding originally conveyed EDC amounting to Rs. 1897.43 lacs and enhanced EDC amounting to Rs. 1304.68 lacs as on 23.04.2013. Further, the licensee has not deposited the outstanding Infrastructure Development Charges amounting to Rs. 113.01 lacs due as on 23.04.2013. Further. The licensee has not deposited the outstanding Infrastructure Charges amounting to Rs. 113.01 lacs due as on 23.4.2013.
- C. The Bank Guarantees amounting to Rs. 280.75 lacs on account of External Development Charges and Rs. 124.57 lacs on account of IDW expired on 25.06.2010 and 25.12.2009 respectively. The licensee has not got these bank guarantees revalidated despite notice issued by this office vide letter dated 31.12.2009.

- D. As per conditions of licence, construction of at least 30% of the IT area was to be completed within the initial period of three years, but the licensee has even failed to submit the building plans for approval of the said project till date.
- E. The licensee has not complied with the terms and conditions of Rules 24, 26 (2), 27 and 28 of Rules of 1976.

The licensee has even failed to reply to the show cause notices dated 31.08.2010, 14.12.2010, 19.02.2013 and also the Public Notice issued in the leading newspapers on 27.04.2013. No one appeared for personal hearing despite being informed through Public Notice. It seems that the licensee is not interested in further perusing the project. The above said lapses on the part of the company constitute major violation of the conditions of licence granted and the agreement executed at the time of grant of licence. No more opportunity to explain the reasons for above lapses is required to be given to the licensee. In the circumstances, in exercise of the powers vested in undersigned under Section 8 of the Act of 1975 read with Rule 18 of the Rules of 1976, I hereby cancel the Licence No. 10 of 2008 dated 25.01.2008 granted to Snowtemp Engineering Company Ltd. 14, Mile Stone, Delhi Mathura Road to develop an IT Park on the land measuring 13.287 acres in Sector-27B, Faridabad. The licensee is also restrained from undertaking any further development works in the colony area.

Dated: 01.06.2013

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

Endst No. (NC)LC-1443/2013/41581-593

Dated: 04/06/2013

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

1. Snowtemp Engineering Co. Ltd. 14, Mile Stone Delhi Mathura Road, Faridabad.
2. Chief Administrator, HUDA, Panchkula.
3. Managing Director, HVPN, Planning Directorate, Shakti Bhawan, Sector-6, Panchkula.
4. Addl. Director Urban Estates, Haryana, Panchkula.
5. Chief Engineer, HUDA, Panchkula.
6. Superintending Engineer, HUDA, Faridabad.
7. Land Acquisition Officer, Faridabad.
8. Senior Town Planner (Enforcement), Haryana, Chandigarh.
9. Senior Town Planner (Monitoring Cell) Haryana, Chandigarh.
10. Senior Town Planner, Faridabad.
11. District Town Planner, Faridabad.
12. District Town Planner (Enforcement), Faridabad.
13. Chief Accounts Officer of this Directorate.

Sd/-
(Sunita Sethi)
District Town Planner (Hq)
For Director General, Town and Country
Haryana, Chandigarh