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INDIA NON JUDICIAL

Chandigarh Administration

e-Stamp

Certificate No.	:	IN-CH49551482191052W
Certificate Issued Date	:	08-May-2024 01:35 PM
Certificate Issued By	:	chmemdvil
Account Reference	:	NEWIMPACC (GV)/ chspicg07/ E-SAMPARK SEC-18/ CH-CH
Unique Doc. Reference	:	SUBIN-CHCHSPICG0796712001983989W
Purchased by	:	PARVEEN
Description of Document	:	Article 5 Agreement or Memorandum of an agreement
Property Description	:	Not Applicable
Consideration Price (Rs.)	:	0 (Zero)
First Party	:	MODGEN DEVELOPERS PVT LTD
Second Party	:	DTCP HRY
Stamp Duty Paid By	:	MODGEN DEVELOPERS PVT LTD
Stamp Duty Amount(Rs.)	:	100 (One Hundred only)

Please write or type below this line

LC-IV

AGREEMENT BY THE OWNER OF LAND INTENDING TO SET UP A MIXED LAND USE COLONY

For Modgen Developers Private Limited

Authorised Signatory

Director
Town & Country Planning
Haryana, Chandigarh

VETTED DDA (HQ)

IRD 0021711305

Statutory Alert:
1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

THIS **AGREEMENT** is made on 18th day of July, 2024 (Two Thousand and Twenty-Four)

BETWEEN

Modgen Developers Private Limited, a Company incorporated under the Companies Act 1956, having its registered Office no. 41st Floor, Tower-1, M3M International Financial Centre, Sector- 66, Gurugram-122101 (hereinafter called the "OWNER") which expression shall unless repugnant to the context or meaning thereof be deemed to include their successors, administrator, attorney, nominees and permitted assigns); represented herein by its Authorized Signatory Sh. Parveen Arora of the **FIRST PART**.

AND

THE GOVERNOR OF HARYANA, acting through THE DIRECTOR, TOWN AND COUNTRY PLANNING, HARYANA (hereinafter referred to as the "**DIRECTOR**") of the **OTHER PART**.

WHEREAS the Owner is in possession of the land mentioned in Annexure hereto for the purpose of converting into a Mixed Land Use.

VETTED DDA (HQ)

AND WHEREAS under Rule 11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 (hereinafter referred to as the said "Rules"), one of the conditions for the grant of license is that the Owner shall enter into an agreement for carrying out and completion of development works in accordance with the license finally granted for setting up a Mixed Land Use colony (98% Residential + 2% Commercial) under TOD Policy over an area measuring 11.66875 acres (area measuring 11.5 acres after migration from licence no. 29 of 2009 granted for setting up of IT Park for an area measuring 15.00 acres and fresh applied area measuring 0.16875 acres) in the revenue estate of Fazilpur Jharsa & Badshahpur, Sector-66, Gurugram.

For Modgen Developers Private Limited

Authorised Signatory

Director
Town & Country Planning
Haryana, Chandigarh

NOW THIS DEED WITNESSTH AS FOLLOWS:

1. In consideration of the Director agreeing to grant license to the Owner to set up the said Mixed Land Use Colony (98% Residential and 2% Commercial) on the land mentioned in Annexure hereto on the fulfillment of all conditions laid down in Rule-11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 the Owner hereby covenants as follows:

   a. That the owner shall integrate the bank account in which 70% allottee receipts are credited under Section 4(2)(I)(D) of the Real Estate Regulation and Development Act, 2016, with the online application/ payment gateway of the department in such manner, so as to ensure that 10% of the total receipt from each payment made by an allottee is automatically deducted and gets credited to the EDC head in the State Treasury.

   b. That such 10% of the total receipt from each payment made by the allottee, which is received by the Department shall get automatically credited, on the date of receipt in the Government treasury against EDC Dues.

   c. That such 10% deduction shall continue to operate till the total EDC dues get recovered from the owner/developer.

   d. That the implementation of such mechanism shall, however, have no bearing on EDC instalment schedule conveyed to the owner/developer. The Owner/Developer shall continue to supplement such automatic EDC deductions with payments from its own funds to ensure that by the EDC instalments that are due for payment are paid as per prescribed schedule.

   e. That the owners shall deposit 30% of the amount realized by them from flat holders/ commercial space holders from time to time within 10 days of its realization in a separate account to be maintained in a Scheduled bank and that this amount shall only

VETTED DDA (HQ)

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

be utilized by the owners towards meeting the cost of internal development works in the colony.

f. That the owners undertake to pay proportionate external development charges (EDC) for the area earmarked for commercial colony scheme, as per rate, schedule and conditions annexed hereto:

I. That the Owner undertakes to pay proportionate external development charges at tentative rate of Rs. 972.26 lacs per acre for Commercial Component and tentative rate of Rs. 624.60 lacs per acre for Group Housing Component of the Colony. These charges shall be payable to Director, Town and Country Planning, Haryana either in lump-sum within 30 days from the date of grant of licence or in ten equal half yearly installments of 10% each in the following manner: -

a. First Installment of 10% of the amount of External Development Charges shall be payable within a period of 30 days from the date of grant of licence.

b. Balance 90% in nine equal half yearly installments alongwith interest at the rate of 12% (Simple) per annum on the unpaid portion of the amount worked out at the tentative rate of Rs. 972.26 lacs per acre for the aforesaid Colony. However, at the time of grant of occupation certificate nothing will be outstanding on account of EDC.

VETTED DDA (HQ)

II. The EDC rates have been calculated on the basis of indexation mechanism for calculation of EDC dated 11.02.2016 in the State of Haryana. The EDC rates are based on 2015-year level and are effective from 01.01.2016 for period upto 31.03.2019. In the event of substantial increase in the above tentative EDC rates, the Owner shall pay the enhanced amount of EDC and the interest on installments, if any, from the date of grant of license and shall furnish the Additional Bank Guarantee, if any, on the enhanced EDC rates.

For Modgen Developers Private Limited

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Director
Town & Country Planning
Haryana, Chandigarh

III. For grant of completion certificate, the payment of External Development Charges shall be pre-requisite along with valid licence and bank guarantee.

IV. The unpaid amount of External Development Charges would carry an interest of 12% (Simple) per annum and in case of any delay in the payment of installments on the due date an additional penal interest of 3% per annum (making the total payable interest as 15% per annum) would be chargeable up to a period of three months and an additional three months with the permission of Director.

V. In case Haryana Urban Development Authority executes external development works before final payment of external development charges, the Director shall be empowered to call upon the Owner to pay the balance amount of external development charges in lump sum even before completion of licence period and the owner shall bound to make the payment within period so specified.

VI. Enhanced compensation on land cost, if any, shall be payable extra as decided by Director from time to time.

VII. The Owner shall arrange the electric connection from outside source for electrification of their colony from Haryana Vidhyut Parsaran Nigam (HVPN). If the owner fails to provide electric connection from Haryana Vidhyut Parsaran Nigam the Director shall recover the cost from the owner and deposit the same with Haryana Vidhyut Parsaran Nigam. However, the installation of internal electricity distribution infrastructure as per the peak load requirement of the colony shall be responsibility of the colonizer, for which the colonizer will be required to get the "electrical (distribution) service plan/ estimates" approved from the agency responsible for installation of "external electrical services" i.e. Haryana Vidhyut Parsaran Nigam/ Uttari Haryana Bijlee Vitran Nigam/ Dakshin Haryana Bijlee Vitran Nigam Limited, Haryana

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

and complete the same before obtaining completion certificate for the colony.

VIII. No EDC would be recovered from the EWS categories of allottees.

a. That the owners shall be responsible for the maintenance and up- keep of all roads, open spaces, public parks, public health services for five years from the date of issue of the completion Certificate under Rule 16 unless earlier relieved of this responsibility, which the Owners shall transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be.

b. The owners shall construct at its own cost or get constructed by any other institution or individual at its own cost school, hospital, community centers and other community buildings on the land set apart for this purpose within 4 years from the date of grant of licence extendable by Director for another period of two years failing which the land shall vest with the Government after such specified period free of cost in which case the Government shall be liberty to transfer such land to any person or institution including a local Authority on such terms and conditions as it may lay down.

VETTED DDA (HQ)

c. No third-party right shall be created on the community sites without obtaining the prior permission of the Director, Town & Country Planning, Haryana, Chandigarh. The Colonizer shall construct all the community buildings within a period of four years from the date of grant of licence.

d. That the owner shall be individually as well as jointly be responsible for the development of Mixed Land Use Colony.

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

e. That the owner shall compete the internal development works within four years of the grant of licence.

f. That the owner undertakes to pay proportionate External Development Charges (EDC) for the area marked for Mixed Land Use Scheme, as per rate schedule terms and conditions given in clause -1(f) of agreement.

i. That the rates schedule of terms and conditions of external development charges as mentioned above may be revised by the Director during the licence period as and when necessary and the owners shall be bound to pay the balance of the enhanced changes if any, in accordance with rates, schedule and terms & Conditions determined by him along with interest from date of grant of licence.

ii. That all the buildings to be constructed shall be with approval of the competent authority and shall in addition to provision of zoning plan of the site, conform to the Building Code 2017/ National Building Code amended from time to time with regard to the inter se distances between various blocks, light and ventilation, structural safety, fire safety, sanitary requirements and circulation (vertical and horizontal).

iii. That the owners shall famish the layout plan of Mixed Land Use Scheme along with the service plan/detailed estimates together with the Bank Guarantee equal to 25% of the local cost of development works (both for internal and external) for the area under the Group Housing scheme within a period of 60 days from the date of grant of licence.

iv. That in case of Mixed land Use Colony adequate accommodation shall be provided for domestic servants and other service population of economically weaker section and number of such dwelling units shall not be less

VETTED DDA (HQ)

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

than 15% of the number of main dwelling units and the area of such a unit shall not be less than 200 sq. ft. which will cater to the minimum size of the room along with bath and water closet.

v. That in case of Mixed Land use the owners shall deposit 30% of the amount realized by him from flat holders from time to time within 10 days of its realization in a separate account to be maintained in a Scheduled Bank and that this amount shall only be unitized by the owners towards meeting the cost of internal development works and construction works in the colony.

vi. That adequate educational, health, recreational and cultural amenities to the norms and standards provided in the respective development plan of the area shall be provided.

vii. No third-party rights will be created without obtaining the prior permission of the Director, Town and Country Planning, Haryana, Chandigarh. All the community buildings will be got constructed by the colonizer within a time of four years from the date of grant of licence.

g. That the owner shall pay Infrastructure Development Charges @ Rs. 1000/- per square meter for the commercial area and @ Rs. 625/- per square meter for the Group Housing Area in two equal installments. First installment will be due within 60 days of grant of licence and second installment within six months of grant of licence failing which 18% P.A interest will be liable for the delayed period.

h. That the owner shall deposit balance amount of conversion charges as demanded in LOI issued to it vide memo no. LC-5319-PA(SK)2024/9298 dated 13.03.2024, either complete in compliance of LOI or 50% amount of same in compliance of LOI and balance 50% after grant of licence in 2 equal installments of

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

3 Months each alongwith normal interest of 12% p.a. and penal interest of 3% over and above normal interest for the delayed period. If option of making payment in instalments is opted, then building plans will be approved on after recovery of full fees and charges as per above stipulation.

i. That owner shall deposit the balance licence as demanded in LOI issue to it vide memo no. LC-5319-PA(SK)2024/9298 dated 13.03.2024, either complete amount in LOI compliance or additional 25% amount of licence fee within 60 days of LOI and balance 50% amount of licence fee after grant of licence in two equal installments of 3 months period each alongwith interest 12% p.a. and with additional penal interest of 3% over and above of normal interest for delayed period. If option of making payment in installments is opted, then building plans will be approved only after recovery of full fees and charges as per above stipulation.

j. That the owner shall carryout at his own expensed any other works which the Director may think necessary and reasonable in the interest of proper development of the colony.

VETTED DDA (HQ)

k. That the owner shall permit the director or any other officer authorized by them in this behalf to inspect the execution of the layout and the development works in the mixed land use colony and the colonizer shall carry out all directions issued to them for ensuring due compliance of the execution of the layout plans and the development works in accordance with the licence granted.

l. That without prejudice to anything contained in this agreement all the provisions contained in the Act and the rules shall be binding on the owners.

m. That the owners shall give the requisite land for treatment works (Oxidation ponds) and for broad irrigation purposes at his own cost till completion of External Sewerage system by HUDA and make their own arrangements for temporary disposal or give the

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

requisite land. That the owner shall make arrangement for water supply, sewerage, drainage etc., to the satisfaction of DTCP till the services are made available from the external infrastructure to be laid by HDUA.

n. That we shall convey "Ultimate Power Load Requirement" of the project to the concerned power utility, with a copy to the Director, within two-month period from the date of grant of licence to enable provision of site in our land for Transformers/Switching Station/Electric Sub-Stations as per the norms prescribed by the power utility in the zoning plan of the project.

VETTED DD(HQ)

2. Provided always and it is hereby agreed that should the Owner commit any breach of the terms and conditions of this Agreement or Bilateral Agreement or violate any provisions of the Act or the Rules, then and in any such case and notwithstanding the waiver of any previous clause or right, the Director, may cancel the license granted to the Owner.
3. Upon cancellation of the license under clause- 2 above, the action shall be taken as provided in the Haryana Development and Regulation of the Urban Areas Act, 1975 and the Haryana Development and Regulation of Urban Areas Rules, 1976 as amended upto date. The bank guarantee in that event shall stand forfeited in favour of the Director.
4. The stamp duty and registration charges on this deed shall be borne by the Owner.
5. The expression "the Owner" hereinbefore used shall include his heirs, legal representatives, and successors and permitted assignees.
6. After the development works in respect of the mixed land use colony have been completed by the Owner in accordance with the approved plans and specifications and a completion certificate in respect thereof have been issued, the Director may, on an application in this behalf, from the Owner, release the bank guarantee or part thereof, as the case may be. Provided that, if the completion of the Mixed Land Use Colony

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

VETTED
DDA (HQ)

is taken in parts, only part of the Bank Guarantee corresponding to the part of the Mixed Land Use Colony completed shall be released and provided further that the Bank Guarantee equivalent to a 1/5th amount thereof, shall be kept un-released to ensure upkeep and maintenance of the colony for a period of five years from the date of issue of completion certificate under Rule-16 or earlier in case, the Owner is relieved of the responsibilities in this behalf by the Government. However, the Bank Guarantee regarding the external development charges shall be released by the Director in proportion to the payment of the external development charges received form the Owner.

IN WITNESS WHEREOF THE OWNER AND THE DIRCTOR HAVE SIGNED THIS DEED ON THE DATE AND THE YEAR FIRST ABOVE WRITTEN.

WITNESSES

1.

Sanjay Sood, Sukhe Singh
1068/3B, Ad

2.

OWNER

For Modgen Developers Private Limited

Authorised Signatory

Director
Town & Country Planning
Haryana, Chandigarh

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e-Stamp

Certificate No.	:	IN-CH49551665662087W
Certificate Issued Date	:	08-May-2024 01:40 PM
Certificate Issued By	:	chmemdvii
Account Reference	:	NEWIMPACC (GV)/ chspicg07/ E-SAMPARK SEC-18/ CH-CH
Unique Doc. Reference	:	SUBIN-CHCHSPICG0796711968338161W
Purchased by	:	PARVEEN
Description of Document	:	Article 5 Agreement or Memorandum of an agreement
Property Description	:	Not Applicable
Consideration Price (Rs.)	:	0 (Zero)
First Party	:	MODGEN DEVELOPERS PVT LTD
Second Party	:	DTCP HRY
Stamp Duty Paid By	:	MODGEN DEVELOPERS PVT LTD
Stamp Duty Amount(Rs.)	:	100 (One Hundred only)

Please write or type below this line

VETTED DDA (HQ)

FORM LC- IV -B

BILATERAL AGREEMENT BY OWNER OF LAND INTENDING TO SET UP A MIXED LAND USE COLONY

For Modgen Developers Private Limited

Authorised Signatory

Director
Town & Country Planning
Haryana, Chandigarh

IRD 0021711304

Statutory Alert:
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3. In case of any discrepancy please inform the Competent Authority.

THIS **AGREEMENT** is made on 18th day of July, 2024 (Two Thousand and Twenty-Four)

BETWEEN

Modgen Developers Private Limited, a Company incorporated under the Companies Act 1956, having its registered Office no. 41st Floor, Tower-1, M3M International Financial Centre, Sector- 66, Gurugram-122101 (hereinafter called the "OWNER") which expression shall unless repugnant to the context or meaning thereof be deemed to include their successors, administrator, attorney, nominees and permitted assigns); represented herein by its Authorized Signatory Sh. Parveen Arora of the **FIRST PART.**

AND

THE GOVERNOR OF HARYANA, acting through THE DIRECTOR, TOWN AND COUNTRY PLANNING, HARYANA (hereinafter referred to as the "**DIRECTOR**") of the **OTHER PART.**

VETTED DDA (HQ)

WHEREAS the Owner is in possession of the land mentioned in Annexure hereto for the purpose of converting into a Mixed Land Use Colony.

AND WHEREAS under Rule 11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 (hereinafter referred to as the said "Rules"), one of the conditions for the grant of license is that the Owner shall enter into an agreement for carrying out and completion of development works in accordance with the license finally granted for setting up a Mixed Land Use colony (98% Residential + 2% Commercial) under TOD Policy over an area measuring 11.66875 acres (area measuring 11.5 acres after migration from licence no. 29 of 2009 granted for setting up of IT Park for an area measuring 15.00 acres and fresh applied area measuring 0.16875 acres) in the revenue estate of Fazilpur Jharsa & Badshahpur, Sector-66, Gurugram.

For Modgen Developers Private Limited

Authorised Signatory

Director
Town & Country Planning
Haryana, Chandigarh

NOW THIS DEED OF BILATERAL AGREEMENT WITNESSETH AS FOLLOWS: -

1. In consideration of the Director agreeing to grant license to the Owner/Developer to set up the said Mixed Land Use Colony in TOD on the land mentioned in Annexure to form LC-IV and on the fulfillment of the conditions of this Bilateral Agreement, the Owner/Developer, his partners, legal representatives, authorized agents, assignees, executors etc, shall be bound by the terms and conditions of this Bilateral Agreement executed by the Owners/Developer hereunder covenanted by him as follows:

   a) That in case of Mixed Land Use adequate accommodation shall be provided for domestic servants and other services population of economically weaker section and number of such dwelling units shall not be less than 15% of the number of main dwelling units and the area of such a unit shall not be less than 200 Sq. ft. which will cater to the minimum size of the room along with bath and water closet.

   b) That all the buildings to be constructed shall be with approval of the competent authority and shall conform to the building by-laws and regulations in force in that area and shall conform to the Haryana Building Code 2017, National building Code with regard to the inter se distances between various blocks, structural safety, fire safety, sanitary requirements and circulation (vertical and horizontal).

   c) That adequate educational, health, recreational and community amenities to the norms and standards provided in the respective development plan of the area shall be provided by the Owners.

   d) The owners shall at their own cost construct the primary-cum-nursery school, community buildings/dispensary and first aid centre on the land set apart for this purpose within a period of four years from the date of grant of licence extendable by the Director for another period of two years, for reasons to be

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

recorded in writing, failing which , the land shall vest with the Government after such specified period , free of cost in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may lay down.

e) No third-party right will be created without obtaining the prior permission of the Director, Town and Country Planning, Haryana, Chandigarh.

f) That the Owners undertake to pay proportional external development (EDC) for the area earmarked for Commercial scheme, as per rate, schedule and conditions annexed hereto.

g) That the rates, schedule and terms and conditions of external development charges as mentioned above may be revised by the Director during the license period as and when necessary and the owners shall be bound to pay the balance of the enhanced charges, if any, in accordance with rates, schedule and terms and conditions determined by him along with interest from date of grant of license.

h) That the Owners shall not be allowed to recover any amount on account of internal community building from the flat's holders.

i) That the Owners shall ensure that the flats/dwelling units are sold/leased/transferred by them keeping in view the provision of the Haryana Apartment Ownership Act, 1983.

j) That the Owners shall abide by the provisions of the Haryana Apartment Ownership Act, 1983.

k) That the responsibility of the ownership of the common area and facilities as well as their management and maintenance shall continue to vest with the colonizer till such time the responsibility is transferred to the Owners of the dwelling unit under the Haryana Apartment Ownership Act, 1983.

l) That the owners shall be responsible of the maintenance and up- keep of all roads, open spaces, public parks, public health

VETTED DDA (HQ)

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

services for five years from the date of issue of the completion certificate under Rule 16 unless earlier relieved of this responsibility, which the Owners shall transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be.

m) That the Owners shall deposit 30% of the amount realized by them from flat holders/ unit holders from time to time within 10 days of its realization in a separate account to be maintained in a Scheduled Bank. This amount shall only be utilized by the Owners towards meetings the cost of internal development works and construction works in the colony.

n) That the owners shall permit the Director or any other officer authorized by them in this behalf to inspect the execution of the layout and the development works in the Mixed Land Use colony and the colonizer shall carry out all directions issued to them for ensuring due compliance of the execution of the layout plans and the development works in accordance with the licence granted.

o) That the pace of construction shall be at least in accordance with our sale agreement with the buyers of the flats as and when scheme is launched.

p) That the owners shall pay Infrastructure Development Charges @ Rs. 1000/- per square meter for the commercial area and @ Rs. 625/- per square meter for the Group Housing Area, in two equal installments. First installment will be due within 60 days of grant of licence and Second installment within six months of grant of Licence failing which 18% P.A. interest will be liable for the delayed period.

q) That owner shall deposit the balance amount of conversion charges as demanded in LOI issued to it vide memo no. LC-5319-PA(SK)2024/9298 dated 13.03.2024, either complete in compliance of LOI or 50% amount of same in compliance of LOI and balance 50% after grant of licence in two equal instalments of 3 Months each alongwith normal interest of 12% p.a. and penal interest of 3% over and above normal interest for the delayed period. If option of making payment in instalments is

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

opted, then building plans will be approved only after recovery of full fees and charges as per above stipulation.

r) That owner shall deposit the Infrastructure Augmentation Charges as demanded in LOI issued to it vide memo no. LC-5319-PA(SK)2024/9298 dated 13.03.2024, either complete amount in compliance of LOI or 50% of same in compliance of LOI and balance 50% after grant of licence in two equal instalments of 3 Months each along with normal interest of 12% p.a. and penal interest of 3% over and above normal interest for the delayed period. If option of making payment in instalments is opted, then building plans will be approved only after recovery of full fees and charges as per above stipulation.

s) That owner shall deposit the Balance Licence fee as demanded in LOI issued to it vide memo no. LC-5319-PA(SK)2024/9298 dated 13.03.2024, either complete amount in compliance of LOI or additional 25% amount of licence fee within 60 days of LOI and balance 50% amount of Licence Fee after grant of licence in two equal instalments of 3 Months period each alongwith interest 12% p.a. and with additional penal interest of 3% over and above of normal interest for delayed period. If option of making payment in instalments is opted, then building plans will be approved only after recovery of full fees and charges as per above stipulation.

t) That the owners shall carryout at his own expenses any other works which the Director may think necessary and reasonable in the interest of proper development of the colony.

VETTED DDA (HQ)

u) That the Owners shall reserve 15% of the total number of flats Developed or proposed to be developed for allotment to economically weaker sections categories and the area of such a flat shall not be less than 200 sq ft. These flats shall be allotted at the maximum cost of Rs. 1,50,000/- in the following manner:

-

i. That for the allotment of the flats the owners shall invite applications for allotment through open press from eligible member of economically weaker sections

For Modgen Developers Private Limited
Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

categories, as defined by the State Government/Housing Board, Haryana. The owners shall also announce the tentative number of flats, its price along with sizes available for such sale.

ii. That if the number of applications exceeds the number of flats, the allotment shall be made though the method of lottery/draw, by the owners after giving due publicity and in the presence of the representative of the State Government. The successful applicants will be allotted flats after complying with the usual business conditions with regard to the payment of the earnest money and acceptance of terms and condition of the sale within the stipulated time period prescribed by the owners.

iii. That the Owners while calling the applications for the allotment of economically weaker section/lower income group categories of flats in the colony shall charge not more than 10% of the total tentative cost of such flats as registration/earnest money.

iii (a) That the person/applicant to whom EWS flats would be allotted, should have domicile of Haryana and should be completed 18 years of age at the time of registration of application and the person/applicant or his/her spouse or his/her dependent children who were earlier allotted plot/house by the Housing Board, Haryana, HUDA or any colonizer will not be entitled to make application, even if the person (belongs to EWS category) have transferred the same to some other person.

iv. That any person registered under BPL family and includes his/her spouse or his/her dependent children who do not own any flat/plot in HUDA Sector/licensed colony in any of the Urban Area in the State, will be eligible for making the application.

v. That first preference will be given to the BPL families listed in the same town and followed by listed in the District and the State.

VETTED DDA (HQ)

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

vi. That complete scheme shall be floated for allotment in one go within four months from issuance of part occupation certificate of EWS flats.

vii. That the owners will make the scheme transparent, advertisement will be given in one of the leading English National dailies and two newspapers in vernacular languages having circulation of more than ten thousand copies in the said district and should include details like schedule of payment, number of plots/flats, size etc., The advertisement should also highlight the other essential requirements as envisaged in the policy of government.

vii (a) That the colonizer / owner after scrutinizing the applications i.e. EWS categories will submit the list of eligible candidates to the concerned senior town planner within a period of 8 weeks and shall take following action as the case may be: -

If some applications are incomplete in terms of minor deficiencies like signature/ BPL proof etc, the colonizer shall give chance to them by writing a letter and giving advertisement in same leading newspapers in special circumstances. However, these applicants may be included in the draw and if such applicants become successful in draw, 15 days time period maybe granted to them to remove the said shortcomings, falling which their claim shall stand forfeited.

viii. That the allotment will be done through draw of lots in the presence of Committee consisting of Deputy Commissioner or his representative (at least cadre of Haryana civil Services), Senior Town Planner of the Circle, representative of the Director, Town and Country Planning (DTCP) and Developers/Colonizers concerned.

ix. That the date of draw of lots will be fixed by the concerned STP, within 4 weeks after scrutiny of the applications and the result will also be published in the newspapers as referred in (vii) above.

ix (a) That the colonizer/ owner will advertise the date of draw of allotment of EWS categories flats and when of draw of

ETTED DDA (HQ)

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh

lot in same newspaper and also the list of successful allottees alongwith waiting list of 25% of total number of flats shall be published in same newspaper as mentioned in clause vii of this agreement.

ix (b) That in case, the person/ successful applicants do not remove the deficiencies in their application within the prescribed period of 15 days, then in such a situation, the flats can be offered to the applicants under waiting list as per the seniority in the waiting list. However, the entire process of allotment after this period of 15 days shall be completed within 3 months.

ix (c) That for unsuccessful candidates, refund of registration/ earnest shall be made within two months from the date of draw, but the same shall be without interest/compensation. The earnest money of the person/applicants in the waiting list may be retained by the colonizers/ owners till the process of allotment of successful allottees/ applicants is complete. Thereafter, the case any person/applicant in waiting list requests for refund of earnest money, even during the process of allotment, the colonizer/ owner shall refund the same within a period of one month from receipt of the request without making any deductions.

x (d) That the allottee of EWS flats shall not be allowed to further transfer the flats to any other person within a period of five years after getting the possession. The breach of this condition will attract penalty equivalent to 100% of selling price of the allotted unit to be paid by the purchaser. Execution of irrevocable power of attorney in favour of any person other than blood relation alongwith irrevocable will and for consideration passed on to the executor of irrevocable power of attorney or to anybody on his behalf, shall be construed as sale of property for this purpose. This penalty is meant for misuse of such flat and allotment of flat shall also be liable for cancellation.

xi (e) That the owners will get commensurate number of buildings plans of EWS component approved while

VETTED DDA (HQ)

For Modgen Developers Private Limited

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submitting the building plans of main component in Group Housing Component.

x. That owners will ensure that at the time of grant of occupation certificate in case of Mixed land use colony and grant of part completion certificate for plotted colonies that the proportionate number of EWS units stand constructed and allotted and plots reserved for EWS are also allotted.

xi. That the allotment of these plots/flats can also be made with the approval of the Govt. to a specific category of people in public interest on recommendation of a committee headed by the Divisional Commissioner consisting of concerned Deputy Commissioner, Administrator, HUDA, STP and DTP. This category may include slum-dweller, occupying precious Govt. land and who are to be rehabilitated as per policy/court orders etc., or persons who have constructed houses on the acquired land and are eligible for rehabilitations as per Govt. decisions/court orders or the persons who have to be allotted outsees quota but the same are not readily available with HUDA/Govt.

xii. That no maintenance charge is recoverable from EWS flat holders. However, Colonizer/ Association can recover user charges like water supply, sewerage, electricity etc. from beneficiaries if such services are proved by the Colonizers/Association.

xiii. The colonizer can execute a flat Buyer Agreement with the allottee of EWS plot/flat, but the same should be within the purview of the EWS policy framed by the State Govt.

xiv. No scrutiny deposit or refundable contingency deposit shall be demanded by the colonizer from the EWS flat holder.

xv. If there is an increase in the prescribed minimum Size of EWS flat, then extra amount can be recovered at the prescribed rate from the EWS flat holders.

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v) That the Owners shall derive maximum net profits @ 15% of the total project cost of development of a colony after making provisions of statutory taxes. In case the profit exceeds 15% after completion of the project period, surplus amount shall either be deposited within two months in the State Government Treasury by the Owners or they shall spend this money on further amenities/ facilities in their colony for the benefit of the resident therein. The owner shall have option either to deposit the Infrastructure Augmentation Charges as applicable from time to time at any stage before grant of completion certificate and get the exemption of this condition of the restriction of net profit beyond 15% or deposit the surplus amount as per above condition.

Further the Owners shall submit the following certificates to the Director within ninety days of the full and final completion of the project from a Chartered Accountant that: -

(a) The overall net profit (after making provision for the payment of taxes) have not exceeded 15% of the total project cost of the scheme;

(b) A minimum of 15% in case of economically weaker section/lower income group flats as provided in sub clause (n) have been allotted at the prescribed subsidized price.

(c) The Owners while determining the sale price of the flats in open market shall compute the net profit @ 15% and the details of which including the cost of acquisition of land shall be supplied to the director as and when demanded by him. The total project shall mean a defined phase or a compact area of the colony, as approved by the Director.

w) After the layout plans and development works or part thereof in respect of the Mixed Land Use colony or part of thereof have been completed and a completion certificate in respect thereof has been issued, the Director may, on an application in this behalf, from the Owners, release the bank Guarantee or part thereof, as the case may be. Provided that, if the completion of the of the Mixed Land Use Colony is taken in parts, only the part of the Bank Guarantee corresponding to the part of the

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Director
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Mixed Land Use colony completed shall be released and provided further that the bank guarantee equivalent to one fifth amount thereof shall be kept unreleased to ensure upkeep and maintenance of the Mixed Land Use Colony or (he part thereof, as the case may be, for a period five year from the date of issue of completion certificate under Rule 16 or earlier in case the Owner is relived of the responsibility in this behalf by the Government. However, the Bank Guarantee regarding the External Development Charges shall be released by the Director in Proportion to the payment of the External Development Charges received from the Owners.

x) That the bank guarantee of the internal development works has been furnished on the interim rates for development works and construction of the community buildings. The Owners shall submit the additional bank guarantee, if any, at the time of approval of service plan/estimates according to the approved layout plan. In case of community buildings, the bank guarantee is based on the interim rate of construction, as on 01.01.1995 with an increase in the cost of construction and an increase in the number of facilities in the layout plan, the Owners will furnish an additional bank guarantee within thirty days on demand.

2. Provided always and it is hereby agreed that if the Owners commit any Breach of terms and conditions of this agreement or violate any provisions of the Act and Rules, then and in any such case and notwithstanding the waiver or any previous clause of right, the Director, may cancel the licence granted to them.
3. Upon cancellation of the license under clause 2 above, the action shall be taken as provided in the Haryana Development and Regulation of the Urban Areas Act, 1975 and the Haryana Development and Regulation of Urban Areas Rules, 1976 as amended up to date, the bank guarantee in that event shall stand forfeited in favour of the Director.
4. That the Owners shall give the requisite land for treatment works (Oxidation ponds) and for broad irrigation purposes at his own cost till completion of External sewerage system by HUDA and make their own arrangements for temporary disposal or give the requisite land. That the owner shall make arrangement for water supply, sewerage, drainage etc., to the satisfaction of DTCP till the services

For Modgen Developers Private Limited

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are made available from the external infrastructure to be laid by HUDA.

5. That the owner shall convey the "ultimate power load requirement" of the project to the concerned power utility with a copy to the Director within two months' period from the date of grant of Licence to enable provision of site in Licensed land for transformer/switching stations electric substations as per the norms prescribed by the power utility in the zoning plan of the project.
6. The stamp duty and registration charges on this deed shall be borne by the Owner.
7. The expression the "Owners" hereinbefore used/ shall include their heirs legal representatives, successors and permitted assignees.
8. That any other condition which the Director may think necessary in public interest can be imposed.
9. That the owner shall pay the Labour Cess charges as per the policy instructions issued by Haryana Government vide memo no. Misc-2057-5/25/2008/2TCP dated 25.02.2010.

IN WITNESS WHEREOF THE OWNER AND THE DIRCTOR HAVE SIGNED THIS DEED ON THE DATE AND THE YEAR FIRST ABOVE WRITTEN.

WITNESSES

1. Sanjay
Sanjay Sharma S/o. Sh Subedigh
1068/SIB, Gla

2.

OWNER

For Modgen Developers Private Limited

Authorized Signatory

Director
Town & Country Planning
Haryana, Chandigarh