

Directorate of Town & Country Planning, Haryana

SCO-71-75, 2nd Floor, Sector-17-C, Chandigarh, Phone: 0172-2549349

Web site tcp.haryana.gov.in - e-mail: tcp.hry@gmail.com

FORM LC-V
(See Rule 12)

LICENCE NO. 49 OF 2014

This License has been granted under the Haryana Development and Regulation of Urban Areas Act, 1975 & the Rules, 1976 made thereunder to MVN Infrastructure Pvt Ltd., House No 695, Sector-17, Faridabad for development of Affordable Group Housing Colony over an area measuring 6.5 acres in the revenue estate of village Sohna, Sector-5 of Sohna, District Gurgaon.

2. The particulars of the land, wherein the aforesaid Commercial Colony is to be set up, are given in the Schedule annexed hereto and duly signed by the Director General, Town & Country Planning, Haryana.

3 The License is granted subject to the following conditions:-

- a) That licensee shall follow the terms and conditions in respect of policy issued vide memo no PF-27/48921 dated 19.08.2013 issued for Affordable Group Housing.
- b) That Affordable Group Housing Colony shall be laid out in confirmation to the approved layout plan and development works are executed according to the designs and specifications shown in the approved plan
- c) That conditions of the agreements already executed are duly fulfilled and the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and the Rules 1976 made there under are duly complied with
- d) That portion of Sector/Master plan road which shall form part of the licensed area shall be transferred free of cost to the Government in accordance with the provisions of Section 3(3) (a) (iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
- e) That licensee shall construct the 12/18/24 m wide service road forming part of the site area at his own cost and the entire area under road shall be transferred free of cost to the Government
- f) That licensee shall integrate the services with HUDA services as per approved service plans and as & when made available.
- g) That licensee shall have no objection to the regularization of the boundaries of the license through give and take with the land, that HUDA is finally able to acquire in the interest of planned development and integrated services. The decision of the competent authority shall be binding in this regard
- h) That licensee shall make arrangements for water supply, sewerage, drainage etc to the satisfaction of DG, TCP till these services are made available from External Infrastructure to be laid by HUDA/HSIIDC.
- i) That development/construction cost of 24 m/18 m wide major internal roads is not included in the EDC rates and you shall pay the proportionate cost for acquisition of land, if any, alongwith the construction cost of the same as and when finalized and demanded by DGTCP, Haryana
- j) That licensee shall submit NOC as required under notification dated 14 09.06 issued by MOEF, GOI before actual execution of development works at site.
- k) That licensee shall obtain clearance from competent authority, if required under PLPA, 1900 and any other clearance required under any other law
- l) That licensee shall pay the labour cess charges as per policy dated 4 5 2010

For MVN Infrastructure Pvt. Ltd.

Auth. Signature

For MVN Infrastructure Pvt. Ltd.

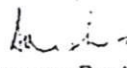
Director

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- m) That licensee shall provide rain water harvesting system at site as per Central Ground Water Authority norms/Haryana Govt. notification, as applicable.
- n) That licensee shall make the provision of solar water heating system as per recommendations of HAREDA and shall make it operational, where applicable, before applying for Occupation Certificate.
- o) That licensee shall use only CFL fittings for internal as well as for campus lighting
- p) That in compliance of Rule 27 of Rules 1976 & Section 5 of Haryana Development and Regulation of Urban Areas Act, 1975, you shall inform account number and full particulars of the scheduled bank wherein you have to deposit thirty percentum of the amount from the plot/flat holders for meeting the cost of internal development works in the colony
- q) That at the time of booking of the residential/commercial spaces in the licenced colony, if the specified rates of residential/commercial spaces do not include IDC/EDC rates and are to be charged separately as per rates fixed by the government from the plots/flats/commercial spaces owners, you shall also provide details of calculations per Sqm/per Sq ft to the allottee while raising such demand of EDC.
- r) That pace of construction should be atleast in accordance with your (licensee) sale agreement with the buyers of the flats/shops as and when scheme is launched, after approval of building plans.
- s) That licence shall maintain the ROW along HT line
- t) That licensee shall not create third party rights, before approval of building plans
- u) That licensee shall obey all the directions/restriction given by this Department time to time in public interest
- v) That provision of External Development Facilities may take long time by HUDA the Applicant Company shall not claim any damages against the Department for loss occurred if any
- w) That licensee shall get extended validity of Bank Guarantee against EDC up-to 5 years (from the date of grant of license) and submit the same within 30 days of grant of license.
- x) That licensee shall specify the detail of calculations per Sqm/per sq ft, which is being demanded from the plot owners on account of IDC/EDC, if being charged separately as per rates fixed by Govt.

4. The license is valid up to 17/6/2019.

Place: Chandigarh
Dated: 18/6/2014.




(Anurag Rastogi)
Director General, Town & Country Planning
Haryana, Chandigarh

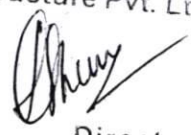
Endst.No.LC-2998-JE (S)-2014/

Dated


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

- Regd.
1. MVN Infrastructure Pvt Ltd., House No 695, Sector-17, Faridabad alongwith copies of agreement/bilateral agreement, schedule of land and zoning plan
 2. Chief Administrator, HUDA, Panchkula alongwith a copy of agreement
 3. Chief Administrator, Haryana Housing Board, Panchkula alongwith a copy of agreement
 4. MD, HVPN, Planning Director, Shakti Bhawan, Sector-6, Panchkula.
 5. MD, Haryana State Pollution Control Board, Panchkula.
 6. Addl Director, Urban Estates Haryana Panchkula

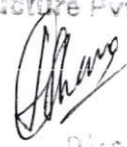



For MVN Infrastructure Pvt. Ltd

Director

- 7 Administrator, HUDA, Gurgaon
- 8 Chief Engineer, HUDA, Panchkula
- 9 Superintending Engineer, HUDA, Gurgaon, along with a copy of agreement.
- 10 Land Acquisition Officer, Gurgaon.
- 11 Senior Town Planner (E & V) Haryana, Chandigarh.
- 12 Senior Town Planner, Gurgaon. *Along with zoning plan.*
- 13 District Town Planner, Gurgaon along with a copy of agreement. *& zoning plan.*
- 14 Chief Accounts Officer of this Directorate


(Kamveer Singh)
District Town Planner (HQ)
For Director General, Town & Country Planning
Haryana, Chandigarh

For MYN Infrastructure Pvt. Ltd.



Director


Auth. Signature

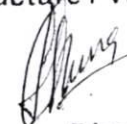
To be read with License No. 49..... of 2014/18.6/2014

Detail of land owned by M.V.N. Infrastructure Pvt. Ltd., Sohna, Distt. Gurgaon.

Village	Rect No.	Killa No.	Area K-M	
Sohana	179	9/2 ✓	5-18	
		10 ✓	8-0	
		12 ✓	5-0	
		140	22/2 ✓	6-13
			23/1 ✓	1-6
		179	2 ✓	10-4
			9/1 ✓	1-17
		140	12/3 ✓	3-10
			19 ✓	8-6
			22/1 ✓	1-7
	Total	52-1 or 6.50625		


Director General
Town and Country Planning
Haryana, Chandigarh

For MVN Infrastructure Pvt. Ltd


Director

For MVN Infrastructure Pvt. Ltd

Auth. Sign 

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Directorate of Town and Country Planning Haryana

SCO No. 71-75, Sector-17-C, Chandigarh web site: tcpharyana.gov.in
Phone: 0172-2549349; e-mail: tcphry7@gmail.com

To


✓ MVN Infrastructure Pvt. Ltd.
H-695, Sector-17,
Faridabad

Subject: Memo No. LC-2998-Asstt.(AK)/2018/ 27260 Dated 20-9-18
Order passed by DTCP in compliance of the order dated 26.09.2017 of Hon'ble High Court in CWP No. 18929 of 2014- MVN Infrastructure Pvt. Ltd. Vs State of Haryana and others regarding licence no. 49 of 2014 granted for AGH colony in sector-5, Sohna, Gurugram.

Reference:- Your representation dated 16.10.2017 received in the office on 23.10.2017.

Kindly find attached the subject cited order passed by DTCP dated 13.09.2018 for your kind information and necessary action please.

DA/as above.


(Rajesh Kaushik)
District Town Planner (HQ)
For: Director, Town & Country Planning
Haryana, Chandigarh

Endst No. LC-2998-Asstt.(AK)/2018/ Dated

A copy is forwarded to the following for information and further necessary action please.

1. Senior Town Planner, Gurugram.
2. District Town Planner, Gurugram.

/
(Rajesh Kaushik)
District Town Planner (HQ)
For: Director, Town & Country Planning
Haryana, Chandigarh

ORDER

This order is being passed in compliance of the order Hon'ble High Court of Punjab and Haryana dated 26.07.2017 in CWP No. 18929 of 2014 titled as MVN Infrastructure Pvt Ltd. Vs State of Haryana and others. The relevant part of the order is reproduced as under:-

"In my opinion, once the main grouse of the petitioner has been redressed, it would be appropriate if they make a representation with respect to this subsidiary claim before respondent no. 3. If any such representation is made before respondent no. 3, he shall take reasoned decision within a period of three months thereafter."

Brief facts of the case are that License No. 49 of 2014 was granted to MVN Infrastructure Pvt Ltd for development of Affordable Group Housing colony over an area admeasuring 6.50625 acres falling in Sector 5, Sohna District Gurugram. The Zoning Plan and Building Plan of the project were approved on 18.06.2014 and 05.09.2014 respectively by this office. However, it was noticed by the licensee company on 24.08.2014 that certain electrical works were being carried out on the land near to the project for erection of two electrical poles and location of these electrical poles were such that in the event wires were to connect the two poles that would pass through a portion of the licensed land. Licensee Company has informed that they had made efforts with the HVPNL to change the alignment of the HT line but the request was not considered and further no relief was granted to them. Accordingly, licencee company had filed CWP No. 18929 of 2014 before the Hon'ble' High Court of Punjab and Haryana challenging action of the HVPNL regarding alignment of the HT line.

This Department was also impleaded as a respondent in the said petition and it was clarified by the Department in reply to the said petition that if the installation of the proposed electrical poles cannot be avoided by the executing agency, then the petitioner has the option to get the revised Zoning Plans/Building Plans from the Department so as to avoid passing of the high tension wires over the buildings proposed to be constructed by the petitioner as per the approved building plans.

During the pendency of the said petition, the licensee company applied for revision of the zoning plan/building plans and which was approved by the Department on 16.05.2016 wherein no portion of the proposed building comes under the HT lines. The counsel for the petitioner made a statement before the Hon'ble High Court that they had submitted the revised building has been approved. A prayer was also made before the Hon'ble Court that the petitioner has lost time in getting the revising building plans approved and the time period lost to be set off against the period for execution of the project.

Accordingly, the petition was disposed of by the Hon'ble High Court vide order dated 26.07.2017 with a direction to the petitioner to make a representation to this Department, which is to be decided by passing reasoned order.

Accordingly, the licensee company i.e. MVN Infrastructure Pvt. Ltd. submitted a representation dated 16.10.2017 which was received in this office 23.10.2017 wherein a request was made to exclude time that had been lost from the period within which they had to execute the project.

However, during this period, this office has issued a show cause notice under Rule 18 (1) of Rules, 1976 on 23.10.2017 for removal of the deficiencies i.e. nonpayment of External Development Charges amounting to Rs. 145.2 Lacs, non execution of the development works at site, not obtaining NOC from MOEF and non approval of the service plan estimates etc. However, no satisfactory reply was received and accordingly a fresh show cause notice was issued to the licensee by this office on 14.03.2018 and 01.05.2018. The licensee company was also directed to appear for personal hearing on 03.05.2018, which was adjourned to 16.06.2018 and then to 03.07.2018.

Sh. Ashish Chopra, Advocate appeared on behalf of the licensee company on 03.07.2018 stated that the amount of Rs. 58.17 Lacs outstanding against the company on account of External Development Charges would be deposited within period of 15 days.

Further regarding considering zero time period between approval of the revised building plans (16.05.2016) and earlier approved building plan (05.09.2014) i.e. one year and eight months, I have gone through office record and facts of the case alongwith the representation dated 16.10.2017 submitted by the licensee. A perusal of the record reveals that in the present case, license was granted under the Affordable Housing Policy-2013 as published vide notification dated 19.08.2013. *Clause 1(iv) of the policy provides that all such projects shall be required to be necessarily completed within 4 years from the approval of the building plans or grant of Environmental Clearance, whichever is later.* This date shall be referred to as the date of commencement of project for the purpose of this policy. The licenses shall not be renewed beyond said 4 years period from the date of commencement of the project.

Thus under Affordable Housing Policy, the licensee is required to complete the project within a stipulated period. The date of the commencement of the project is approval of the building plans or grant of Environmental Clearance, whichever is later. In the present case, the building plans were firstly approved on 05.09.2014 and further revised on 16.05.2016 due to installation of the HT line by HVPN. The NOC from MOEF was obtained by the licensee company on 05.01.2015 so commencement of project in the present case shall be considered as 16.05.2016.

Further my attention is also drawn towards the notification dated 30.05.2014. The relevant section 7B of the Act 1975 is reproduced as under:-

7B. Time limit for completion of a specific category of colony.-

(1) Notwithstanding anything contained in this Act, the Government may, by notification, specify a time limit for completion of a specific category of colony. If the coloniser fails to complete the laying out of any such specific category of colony in accordance with the approved lay out plans or to execute internal development works as per the approved design and specifications or to apply for grant of completion certificate under sub-section(6) of section 3 within the specified time limit, the Director shall not entertain any application for renewal of the licence and shall issue a show cause as to why the licence granted may not be treated as lapsed. The coloniser shall reply to the show cause notice within a period of thirty days from the receipt of such a notice.

(2) On receipt of the reply to the show cause notice issued under subsection (1), the Director shall give an opportunity of hearing and after making such enquiry, as deemed necessary and for reasons to be recorded in writing, -

(i) if satisfied, that the delay in execution of development work was for reasons beyond the control of the colonizer, renew the licence for a maximum period of twenty-four months, or part thereof, on deposit of fee at double the rate of fee prescribed for grant of the licence:

Provide that in case the renewal of the licence is allowed for a period less than twenty-four months, then proportionate renewal fee shall be deposited against such period;

(ii) if not satisfied, order that the licence has lapsed, and thereafter, within one month, shall cause a public notice to be published about the lapse of the licence in atleast two newspapers, one each in Hindi and English, having circulation in such locality.

(3) After passing the order under clause(ii) of sub-section (2), the procedure laid down under sub-sections (2),(3),(4) & (5) of section 8 shall be followed.]

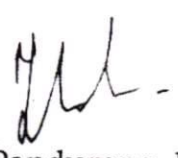
In this case, the project was stalled for approx 1 year and 8 months and reasons were beyond the control of colonizer. Therefore, I am of the considered view that the time period from 05.09.2014 to 16.05.2016 be treated as zero period for the purposes of commencement of project and extension in the period of license as the licensee in the present case was restrained from undertaking development works of the project due to installation of power line near the project land by HVPNL and in case the development works were executed by the licensee as per the original approved building plans, the HT line would have passed through the constructed area putting the life of the inhabitants at risk for which ROW is to be kept as per the IS code. The licensee company at its own had taken the initiative and submitted the revised building plans to avoid passing of the HT lines through the constructed area.

Further, the relief provided in the present case would not be treated as a precedent for other cases as the same is being granted in view of peculiar circumstances of the case.

This order may be conveyed to the concerned parties.

Chandigarh

Place: 13/9/2018
Date:



K. Makrand Pandurang, IAS
Director
Town & Country Planning Department,
Haryana, Chandigarh