

Directorate of Town & Country Planning, Haryana

Nagar Yojana Bhavan, Plot No. 3, Sector 18 A, Madhya Marg, Chandigarh

Phone: 0172-2549349 e-mail:tcpharyana7@gmail.com

website:-http://tcpharyana.gov.in

Regd.

(LC-III, See Rule 10)

To

Smt. Sunita Kumari W/o Sh. Ashok Kumar,
Sh. Dharminder-Parveen Ss/o Sh. Raj Singh,
Maninder – Parmod Ss/o Sh. Ramesh Kumar,
Saroj Wd/o Sh. Ramesh Kumar,
Mamta D/o Sh. Ramesh, Rakesh S/o Sh. Ram Bhaj
Sh. Satish S/o Rati Ram
In collaboration with Aviana Green Estates Pvt. Ltd.
303, Tower-1, Beverly Park, Plot No. 2,
Sector-22, Dwarka, New Delhi

Memo No. LC-3980/Asstt.(MS) 2021/ 19811

Dated: 13-08-2021

Subject:- Letter of Intent - Grant of licence for setting up Group Housing Colony over an area measuring 4.1875 acres falling in Sector 103, Gurugram under the Transit Orient Development Policy dated 09.02.2016 being developed by Aviana Green Estates Pvt. Ltd.

Please refer to your application dated 15.07.2021 on the subject cited above.

2. Your request for the grant of license under section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 and the Haryana Development and Regulation of Urban Areas Rules, 1976 framed thereunder for the development of a Group Housing Colony over an area measuring 4.1875 acres falling in Sector 103, Gurugram has been examined and considered by the Department and it is proposed to grant license under TOD policy dated 09.02.2016 for an area measuring 4.1875 acres for an FAR of 2.50 falling under Transit Zone. You are, therefore, called upon to fulfill the following requirements/pre-requisites laid down in Rule 11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 within a period of 60 days from the date of issuance of this notice, failing which the grant of license shall be refused.

3. To furnish the bank guarantees on account of Internal Development Charges and the External Development Charges for the amount calculated as under:-

(A) INTERNAL DEVELOPMENT WORKS (IDW)

Description	Area	Rate	Amount required (lacs)	25% Bank Guarantee required (lacs)	Remarks
	In acres	In acres			
GH Component (under transit zone)	4.1666	50.0 lacs	208.33	52.344	25% Bank Guarantee of Rs. 52.344 Lacs (Valid for 5 years) in favour of DTCP.
Commercial Component (under transit zone)	0.0209	50.0 lacs	1.045		
Total			209.375		

(B) EXTERNAL DEVELOPMENT CHARGES (EDC)

Description	Area (In acres)	Rate (In acres)	Amount (In lacs)	25% Bank Guarantee required (in lacs)	Remarks
GH Component (under transit zone)	4.1666	312.3/1.75 x 2.50	1858.898829	468.355	25% Bank Guarantee i.e. Rs. 468.355 Lacs within 60 days from the issuance of in- principle approval <u>Option No. 1:-</u> Deposit lump sum amount of Rs. 1873.418357 lacs within 30 days from the issuance of final permission. <u>Option No. 2:-</u> EDC to be paid as per existing procedure in 10 equal quarterly instalments with interest @ 12% and 3% additional on delayed period. 1 st instalment would be paid within 30 days from the final permission
Commercial Component (under transit zone)	0.0209	486.13/1.75 x 2.50	14.51952857		
		Total	1873.418357		

Or

* You shall have an option to furnish mortgage deed against 10% of the saleable area/built up area each against IDW as well as EDC. Thus in case you do not wish to submit any BG, you shall mortgage 20% of saleable area/built-up area in the same licenced colony.

It is made clear that the Bank Guarantee of Internal Development Works has been worked out on the interim rates and you have to submit the additional Bank Guarantee if any, required at the time of approval of Service Plan/Estimate according to the approved building plan. With an increase in the cost of construction and an increase in the number of facilities in the building plan, you would be required to furnish an additional bank guarantee within 30 days on demand.

In the event of increase of rates of external development charges, you will have to pay the enhanced rates of external development charges as finally determined and as and when demanded by the DTCP, Haryana and furnish additional bank guarantee and submit an undertaking in this regard.

- To execute two agreements i.e. LC-IV & LC-IV-A prescribed on Non-Judicial Stamp Paper of ₹ 10/-. Two copies of Specimen copies of the said agreements are enclosed herewith for necessary action. Further, following additional clauses shall be added in LC-IV agreement as per Government instruction dated 14.08.2020:-

RECEIVED
DTCP, HARYANA
14/08/2020

- I. That the owner/developer shall integrate the bank account in which 70 percent 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.
 - II. 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.
 - III. That such 10% deduction shall continue to operate till the total EDC dues get recovered from the owner/developer.
 - IV. The implementation of such mechanism shall, however, have no bearing on EDC installment 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 installments that are due for payment that paid as per the prescribed schedule.
5. To submit an undertaking that you shall deposit balance amount of Rs. 19,91,869/- (Rupees Nineteen lacs ninety one thousand eight hundred sixty nine only) i.e. 50% on account of conversion charges in favour of Director, Town & Country Planning, Haryana, payable at Chandigarh be deposited online at website www.tcpharyana.gov.in in two equal installments of 3 months each with normal interest of 12% p.a. and penal interest of 3% for the delayed period.
 6. To submit an undertaking that you shall deposit an amount of Rs. 1,24,10,400/- (Rupees one crore twenty four lacs ten thousand four hundred only) on account of balance 50% licence fee in favour of Director, Town & Country Planning, Haryana, payable at Chandigarh be deposited online at website i.e. www.tcpharyana.gov.in in two equal installments of 3 months each with normal interest of 12% p.a. and penal interest of 3% for the delayed period.
 7. To submit an undertaking that you shall deposit an amount of Rs. 1,46,89,578/- (Rupees One Crore Forty Six lacs Eighty nine thousand Five hundred Seventy Eight only) on account of balance 50% Infrastructure Augmentation charges in favour of Director, Town & Country Planning, Haryana, payable at Chandigarh be deposited online at website www.tcpharyana.gov.in in two equal installments of 3 months each with normal interest of 12% p.a. and penal interest of 3% for the delayed period.
 8. That the Building plans will be approved only after recovery of complete licence fee, conversion charges, IDC and 50% Infrastructure Augmentation Charges including applicable interest against all such fee and charges as per above schedule.
 9. To furnish an undertaking on non judicial stamp paper of Rs. 10/-:-
 - i. That you shall pay the Infrastructure Development Charges amounting to Rs. 265.5869 Lacs (Rupees Two crore sixty five lacs fifty eight thousand six hundred ninety only), in two equal installments. First Instalment will be due within 60 days of grant of license and second Instalment within six months of grant of license failing which 18% PA interest will be liable for the delayed period.
 - ii. You shall submit the additional bank guarantee, if any required at the time of approval of Service Plans/Estimate. With an increase in the cost of construction and increase in the number of facilities in Layout Plan, you would be required to furnish an additional bank guarantee within 30 days on demand. It is made clear that bank guarantee of Internal Development Works/EDC has been worked out on the interim rates.

- iii. That you shall maintain and upkeep of all roads, open spaces, public park and public health services for a period of five years from the date of issue of the completion certificate unless earlier relieved of this responsibility and thereupon to transfer all such roads, open spaces, public parks and public health services free of cost to the Govt. or the local authority, as the case may be, in accordance with the provisions of Section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
- iv. You shall construct at your own cost, or get constructed by any other institution or individual at its cost, schools, hospitals, community centers and other community buildings on the lands set apart for this purpose, in a period as may be specified, and failing which action as per the Act / Rules shall be initiated. 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, for the said purposes, on such terms and conditions, as it may deem fit.
- v. You shall pay the proportionate cost of construction of such percentage of sites of such school, hospital, community centre and other community building and at such rates as specified by the Director.
- vi. You shall permit the Director or any other officer authorized by him to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the license granted.
- vii. You shall construct 18/24 m wide internal circulation road forming part of licensed area at your own costs and transfer the same free of cost to the Government.
- viii. You shall submit NOC from the Ministry of Environment & Forest, Govt. of India with respect to their notification dated 14.09.2006 and clearance regarding PLPA, 1900 from competent authority before executing development works.
- ix. You shall make arrangement for water supply, sewerage, drainage etc to the satisfaction of DTCP till these services are made available from external infrastructure to be laid by HSVP.
- x. You 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 license to enable provision of site in your land for Transformers / Switching Station/Electric Sub-Stations as per the norms prescribed by the power utility in the zoning plan of the project.
- xi. You shall provide the rain water harvesting system as per Central Ground Water Authority Norms/Haryana Govt. notification as applicable.
- xii. You are aware that the development/construction cost of 24/30 m wide road/major internal road 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 24/30 m wide road/major internal road as and when finalized and demanded by the Director General Town & Country Planning, Haryana.
- xiii. To submit an undertaking that you shall provide the Solar Photovoltaic Power Plant System as provisions of HAREDA and shall be made operational where applicable before applying for an occupation certificate.
- xiv. That you shall use only LED fitting for internal lighting as well as campus lighting.
- xv. You shall submit compliance of Rule 24, 26, 27 & 28 of Rules 1976 & Section 5 of Haryana Development and Regulation of Urban Areas Act, 1975, and shall inform account number and full particulars of the scheduled Bank wherein you have to deposit thirty percentum of the amount from the Flat/shop buyers for meeting the cost of Internal Development Works in the colony.
- xvi. You shall keep the pace of construction atleast in accordance with sale agreement executed with the buyers of the flats as and when scheme is launched.

- xvii. You shall pay the labour cess as per policy instructions issued by Haryana Government vide Memo No. Misc. 2057-5/25/2008/2TCP dated 25.02.2010.
- xviii. You shall not pre-launch/sale of Commercial sites before approval of the building plans.
- xix. You shall not use the ground water for the purpose of construction of building. The building plans shall be approved only after the source of water for construction proposal is explained to the satisfaction of HUDA Authority in terms of orders of the Hon'ble High Court dated 16.07.2012 in CWP's no. 20032 of 2008, 13594 of 2009 and 807 of 2012.
- xx. You shall obey all the directions/restrictions imposed by the Department from time to time in public interest.
- xxi. You shall specify the detail of calculations per Sqm/per Sq.ft, which is being demanded from the shop owners on account of IDC/EDC, if being charges separately as per rates fixed by Govt.
- xxii. That you shall not give any marketing and selling rights to any other company other than the collaborator company.
- xxiii. That you will integrate the services with the HSVP services as and when made available.
9. You shall submit a certificate from the District Revenue Authority, Gurugram stating that there is no further sale of the land applied for license till date and applicant companies/individual are owners of the land.
10. That you shall submit the NOC from Divisional Forest Officer Gurugram regarding applicability of any Forest Law/notifications.
11. You will intimate your official "email ID" to the Department and correspondence done by Department on this ID shall be treated as official intimation & legally valid.
12. To submit an affidavit duly attested by 1st Class Magistrate, to the effect that you have not submitted any other application for grant of license for development of the said land or part thereof for any purpose under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 or any application seeking permission for change of land use under the provision of the Punjab Schedule Roads and Controlled Areas restrictions of Unregulated Development Act, 1963 or have not applied for license / permission under any other law for the time being in force.
13. That you shall furnish addendum registered agreement in continuation of the collaboration agreement submitted by Aviana Green Estate Pvt. Ltd. to the effect that:-
- a. Aviana Green Estate Pvt. Ltd. shall be responsible for compliance of all terms and conditions of license/provisions of Act 8 of 1975 and Rules 1976 till the grant of final completion certificate to the colony or relieved of the responsibility by the DTCP, Haryana, whichever is earlier.
- b. The said agreement is still valid and shall be irrevocable and no modification/ alteration etc. in the terms and conditions of the said agreement can be undertaken, except after obtaining prior approval of DTCP, Haryana.
14. To submit an affidavit from the land owning companies / land owners that this land has not been sold to any person after entering into collaboration agreement with the colonizer to whom LOI is being issued and also that presently there is no collaboration agreement enforced with any other person for the same land.
15. You will submit the affidavit that the applied land does not exceed the ceiling prescribed in the Land Ceiling Act, 1972 at the time of application for licence.

16. The fee and charges being conveyed are subject to audit and reconciliation of accounts.
17. That you shall submit an undertaking that all the terms & conditions as stipulated in the notification regarding TOD policy dated 09.02.2016 and its amendment carried out from time to time.
18. You shall complete the demarcation at site within 7 days and will submit the demarcation Plan in the office of District Town Planner, Gurugram within 15 days of issuance of this memo.

DA/copy of specimen of agreements
and schedule of land.



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

Endst. LC-3980/Asstt.(MS)/2021/

Dated:

A copy is forwarded to the following alongwith copy of land schedule for information and necessary action:-

1. Chief Administrator HSVP, Sector-6, Panchkula.
2. Additional Director, Urban Estates, Sector-6, Panchkula.
3. Senior Town Planner, Gurugram.
4. District Town Planner, Gurugram, with the direction to verify demarcation at the site.
5. CAO O/o DTCP, Haryana.
6. Nodal Officer (Website) O/o DTCP, Hr.


(S.K. Sehrawat)
District Town Planner (HQ)
For: Director, Town & Country Planning
Haryana Chandigarh