

हरियाणा HARYANA

V 891235

FORM LC- IV -A

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

2/JUNE/2023.

(i) Mrs. Neeru Devi Jain W/o Late Sh. N.C.Jain resident of 12, Sultanpur Farms, Mehrauli, New Delhi-110 030, (ii) Mr. Anangpal (iii) Mr. Mahesh Chand (iv) Mr. Manoj Kumar all sons of Mr. Natthi Mal (v) Mr. Sanjay Kumar, (vi) Mr. Anil Kumar both sons of Mr. Rajpal and all residents resident of Sector 61, Ullahwas (83), Tehsil Badshahpur, District Gurugram in collaboration with and through M/s **Conscient Infrastructure Pvt. Ltd.**, a Company incorporated under the Companies Act 1956, having its Corporate Office at 10<sup>th</sup> Floor, Tower-D, Global Business Park, Mehrauli-Gurugram Road, Gurugram (Haryana)-122 002 (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.**

  
Director General  
Town & Country Planning  
Haryana, Chandigarh



Consent Infra structure Pvt Ltd Regd

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| SHYAM DASS     |        |
| STAMP VENDOR   |        |
| GURGAON        |        |
| 28 APR 2023    |        |
| Sr. No.....    | 1713   |
| Purpose.....   |        |
| Signature..... | APR 27 |



AND

**THE GOVERNOR OF HARYANA**, acting through **THE DIRECTOR GENERAL, 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 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 (78% Residential and 22% Commercial component) under TOD Policy over the said land admeasuring 4.84375 acres situated in village Ullahwas, Sector-62, Gurugram.

**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 cultural amenities to the norms and standards provided in the respective development plan of the area shall be provided by the Owners.

*[Signature]*  
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- 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 license extendable by the Director for another period of two years, for reasons to be 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 flats 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 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 license 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 license and Second installment within six months of grant of License 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-5044/JE(DS)/2023/11141 dated 19.04.2023, either complete in compliance of LOI or 50% amount of same in compliance of LOI and balance 50% after grant of license 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 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-5044-JE(DS)-2023/11141 dated 19.04.2023, either complete amount in compliance of LOI or 50% of same in compliance of LOI and balance 50% after grant of license 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.

  
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- s) That owner shall deposit the Balance License fee as demanded in LOI issued to it vide memo no. LC-5044/JE(DS)/2023/11141 dated 19.04.2023, either complete amount in compliance of LOI or additional 25% amount of license fee within 60 days of LOI and balance 50% amount of License Fee after grant of license 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.
- 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 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


  
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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.
- 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, failing 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.

  
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- 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 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.

  
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- xi (e) That the owners will get commensurate number of buildings plans of EWS component approved while 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, HSVP, 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 oustees quota but the same are not readily available with HSVP/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.
- 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

  
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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 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

  
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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 license 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 HSP 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 are made available from the external infrastructure to be laid by HSVP.
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 License 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.

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



WITNESSES

1.

*Mahendra*  
MAHENDRA SHARMA  
H.NO. 1660/31, LAXMAN VIHAR II  
GURU GRAM

2.

*Ajay Kumar*  
F-116C Ajay Nagar  
New Delhi - 110047

DEVELOPER



Director General  
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