

Project Name: Parsvnath City, Sector-33-A, Rohtak, Haryana.

Name of the applicant: Parsvnath Developers Ltd.

Before the Bench of

Sh. Rajan Gupta Chairman
Sh. Dilbag Singh Member

Present: Mr. Manoj Kapoor, Authorised representative of Parsvnath Developers Ltd.

Date of consideration of the application: 20.03.2018

The applicant M/s Parsvnath Developers Ltd. filed an application for registration of their project "Parsvnath City", Sector-33-A, Rohtak on 31.07.2017 before the Interim RERA, Haryana. The application being incomplete, deficiencies were conveyed to the applicant on 23.08.2017. The applicant submitted a fresh application on 29.09.2017. In this application, he did not annex any document to show that his license for development of the colony was valid. This matter could not be finally decided by the Interim Authority constituted by the State Government.

2. In the meantime, the regular Real Estate Regulatory Authority, Panchkula was constituted. The regular Authority notified The Haryana Real Estate Regulatory Authority, Panchkula (Registration of Projects) Regulations, 2018, under which the Proforma REP-I in which the applications for registration were to be filed, was revised. Accordingly all the applicants

including the present applicant were asked to submit fresh applications in accordance with the revised Proforma. The applicant has now filed the fresh application dated 26.02.2018 which was listed for consideration before the Authority today. The application is for registration of a project being set up over land measuring 104.038 acres in Rohtak.

3. The documents placed on file reveal that license number 36 of 2010 dated 07.05.2010 was valid upto 06.05.2014. As per record, the license has been addressed to a group of companies "C/o M/s Parsvnath Developers Ltd." Form LC-IV and bilateral agreement is also available on record executed between the companies C/o M/s Parsvnath Developers Ltd. and the Director, Town and Country Planning without any reference to the developer. In this case, authorized signatory on behalf of companies is M/s Parsvnath Developers Ltd.

Further documents/ correspondence available on record reveal that some correspondence has been undertaken by the applicant M/s Parsvnath Developers Ltd. However, most of the correspondence is addressed to the land owners with the suffixed expression "C/o Parsvnath Developers Ltd."

4. On record also available is an unregistered supplementary agreement dated 31.08.2006 between 10 land owning companies and M/s

Parsvnath Developers Ltd. (Agreement dated 08.12.2005 and 20.01.2006 of the 9 companies with the developer are not enclosed.) and agreement dated 15.02.2007 made on Rs. 100 stamp paper has been executed between 12 land owning companies and M/s Parsvnath Developers Ltd. Another agreement dated 17.08.2012 between the 12 land owning companies and M/s Parsvnath Developers Ltd., gives all development rights including the Authority for getting various plans approved from the State Government and for booking of the plots and for receiving money from the plot buyers etc. has been delegated to the collaborators M/s Parsvnath Developers Ltd. It is also mentioned that in this case, four of the agreements were prior to the grant of license and one agreement was post the grant of license. It is further noteworthy that license no. 36 of 2010 was granted on 07.05.2010 which was valid for a period of 4 years i.e. upto 06.05.2014 . On 07.10.2015, the developer applied for renewal of license for a period from 07.05.2014 to 06.05.2016. Subsequently, the developer again requested the department on 29.09.2017 for renewal of their license from 07.05.2016 to 06.05.2018. Both these applications are still pending with the Town & Country Planning Department. In the light of the above observations following questions arise before this Authority:

- i. The ordinary meaning of addressing a letter "C/o somebody" means that the addressee shall receive the correspondence addressed to him/ her



at the address of the "C/o". In other words, the letter is addressed only to the principle person and the place where that person may receive the letter is "C/o" that person. In this case, while license has been granted to a group of Companies, M/s Parsvnath Developers Ltd. can be treated only as a place where the land owners may receive the letter of grant of license only addressing the licensees as C/O M/s Parsvnath Developers Ltd. would not confer any legal right upon M/s Parsvnath Developers Ltd. Thus without a specific recognition of the developer as the authorized licensee of the land by the Town and Country Planning Department whether the applicant M/s Parsvnath Developers Ltd. can be considered legally authorized developer by the Town and Country Planning Department, and a person capable of discharging all responsibilities cast upon the licensee by the conditions of the license?

- ii. Under the provisions of the Real Estate (Regulation and Development) Act, 2016 the title of the land/ apartments after completion has to be transferred. Whether the applicant-developer can legally convey ownership rights to the buyers is not clear?
- iii. Since the plots/apartments are being marketed and sold only by the developer, apparently he is neither the land owner nor authorized by

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the State Government to do so, to whom the apartment/ plot buyers will approach for remedies in case of any default by the developer?

- iv. Registration of project by RERA would imply that the title of the land is clear and the registered promoter has full legal capacity to undertake development and sale of the project. Would it not amount to misleading the public about ownership of the land as has been highlighted in the foregoing paras. The Authority decided to seek reply of the Town and Country Planning Department, the applicant-promoter and the licensees on each of the issues raised above.

5. Certain other deficiencies as listed below were observed in the application:

- i. The license of the colony has not been renewed since May, 2014. An application for renewal of the license is stated have been filed in October, 2015. The license is yet to be renewed. The reasons why the license has not been renewed and reasons why there has been a delay of one and a half year in even filing the application for renewal of license needs to be replied to by the applicant.
- ii. The letter relating to the approval of layout plan has not been submitted.

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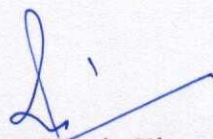
- iii. No letter of approval/ NOC has been enclosed showing approval from MOEF before the starting of development works. Whereas Part-C of REP-I mentions that 61% of the works have been completed.
- iv. The annexures have not been signed/ authenticated.
- v. Part-F of the form has overwriting.
- vi. The photographs in Annexure-II Part-A do not show the name of the Directors.
- vii. Information relating to approval of service plan estimates has not been furnished. Even the cost of different services has not been stated. Apparently, as per the practice in the Town and Country Planning Department, the service plan estimates have to be got approved from them after getting the same approved from the Engineering Wing of HUDA. This however does not include the plan and estimates for supply of electricity. The electrification plan has to be got approved from the concerned Electricity Distribution Company. No information in this regard is available.
- viii. Several other informations are also missing from the proforma and the same have been stated to have been annexed as annexures. Information should be stated in an affirmative manner in the proforma which may be supported by annexures.



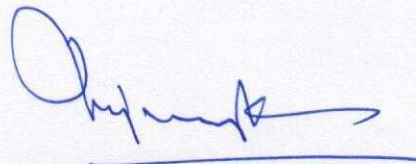
6. The applicant sought adjournment to furnish the above information. The Authority is of the view that the applicant is submitting incomplete information repeatedly. A cost of Rs. 50,000 should be imposed on them. The representative of the applicant Mr. Manoj Kapoor requested that the Authority itself has revised the proforma's in the month of February and the applicant are in the process of understanding the requirements of the Authority, therefore, the cost may be reconsidered.

7. The Authority reconsidered the matter with regard to the cost and decided that if required information in the prescribed format is not received well before the next date of hearing, a heavier penalty will be imposed. For the present the cost was decided not to be imposed.

8. Adjourned to 11.04.2018. Notices be issued to the Director, Town and Country Planning Department, Haryana, the licensees and the developer for submitting reply to the issues raised in these orders. Director, Town and Country Planning shall also depute a senior officer along with the original record of the matter to assist the Authority in its deliberations.



Dilbag Singh Sihag
Member



Rajan Gupta
Chairman