



**HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.**

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**Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 20.12.2021.**

**Item No. 160.10**

**(xiv) Promoter : RCNP Builders & Developers Pvt. Ltd.**

**Project : "Sai Residency" - Affordable Residential Plotted Colony under DDJAY-2016 on land measuring 6.363 acres in revenue estate of Village Uchana, Sector-45, Karnal.**

**Temp ID: RERA-PKL-994-2021**

1. This application has been filed jointly by RCNP Builders and Developers Pvt Ltd. and Sh. Dinesh Kumar bearing license no.78 of 2021 granted by Town & Country Planning Department to Dinesh Kumar in collaboration with RCNP Builders & Developers Pvt. Ltd in respect of 6.363 acres situated in Sector-45, Karnal.

2. Initially, an application by promoter RCNP Builders & Developers Pvt. Ltd. was filed for development of the said project named "Sai Residency" before the Authority vide temp id 973-2021 which had come up for hearing on 18.10.2021 vide item No.154.11, the operative part of the orders passed by Authority is below:-

*" (i) License no. 78 of 2021 was granted by the Town & Country planning Department to Dinesh Kumar in collaboration with RCNP Builders & Developers Pvt Ltd. on 01.10.2021. Thereafter, the Collaboration agreement was executed on 21.01.2021 between Dinesh Kumar and RCNP Builders & Developers Pvt Ltd which is not irrevocable as per clause 16.2 and the same has been reproduced below:*

*"Agreement is irrevocable and no modification/ alteration etc. in the terms and conditions of this agreement can be undertaken, except mutually agreed, in writing and signed by an authorized representative of both the parties."*



*In collaboration agreement no powers to execute conveyance deed has been conferred.*

3. *In view of the above, the applicant-promoter is directed to submit a valid, registered/irrevocable Collaboration agreement conferring upon the promoter/developer powers to execute conveyance deeds.*

*(ii) Since no sharing of consideration between landowner and developer in collaboration agreement and power of attorney is defined, therefore, promoter is directed to specify the same.*

4. *In case, the promoters furnish the aforesaid information before the next date of hearing, their application shall be considered by the Authority up in its Monday's meeting soon thereafter.*

*Adjourned to 22.11.2021."*

3. The matter was again listed before the Authority in meeting held on 15.11.2021 wherein vide item no. 157.11, operative part of orders passed is below:-

*"A statement has been made by Shri Jyoti Sidana and the Directors of the respondent company that they want to file fresh application jointly by M/s RCNP Builders and the landowners.*

*Further, they wish to withdraw the present application. Application is allowed to be taken back with the direction that the fee already deposited may be retained with the Authority and the same may be adjusted against the fresh application which will be submitted by the applicant/promoter later on.*

*Disposed of."*

4. Thereafter, an another application had been filed only by Dinesh Kumar which was considered by the Authority on 29.11.2021 wherein following observations were made:-

*"This project is being developed in pursuance of license No. 78 of 2021 granted by Town & Country Planning Department in respect of 6.363 acres situated in Sector-45, Karnal. Previously, an application by promoter RCNP Builders & Developers Pvt. Ltd. was filed for development of the said project named "Sai Residency". This matter had come up for hearing on 15.11.2021 vide item*



No.157.11. Certain observations have made by the Authority on 18.10.2021 especially that clause 16.2 of Collaboration Agreement makes the agreement revocable. Further, clear Powers of Attorney should be conferred upon the promoter to develop and sell the colony and to execute conveyance deed which had not been conferred by the land owners.

2. Because of the said observations the application was withdrawn by the promoters.

3. Now a fresh application has been filed in respect of same land and same project by the land owner Shri Dinesh Kumar. Shri Dinesh Kumar is owner of entire land and M/s RCNP is builder and developer. License to colony has been granted to Dinesh Kumar in collaboration with RCNP Builders and Developers Pvt Ltd. Present application makes no mention of the collaboration agreement by virtue of which license had been granted. It is reiterated that license has been granted to Shri Dinesh Kumar in collaboration with M/s RCNP builder. Town & Country Planning Department may not have granted license only to the land owner Shri Dinesh Kumar. While granting license capability of the licensee has to be assessed. It is presumed that capability of Dinesh Kumar was assessed on the basis of collaboration agreement executed with RCNP. For these reasons, Shri Dinesh Kumar is not legally entitled to develop the colony at his own level.

4. For above reason, this application is liable to be rejected. The land owner and collaborators however are granted an opportunity to revisit their arrangements. Either license should be got transferred in favor of one of the parties or the land owner Dinesh Kumar should confer all powers upon promoter-developer to develop colony, to sell plots and to execute conveyance deeds. Thereafter, the collaborating company can be registered as a promoter. Without conferring all powers upon the developer or without license being granted only to Shri Dinesh Kumar this project cannot be registered.

5. The applicant promoters should make up their mind about the course of the action they want to adopt.



*If they do not present a clear picture in this regard by the next date of hearing this application will be rejected.*

*7. Adjourned to 17.01.2022. If the applicants are able to revise their arrangements on the lines given above before that date, they may file an application for early hearing. Upon receipt of such application, Authority will list the matter for an early date."*


5. Now, a fresh application bearing temp id 994-2021 has been filed jointly by RCNP Builders and Developers Pvt Ltd. and Sh. Dinesh Kumar along with a request for withdrawal of earlier application bearing temp id 986 of 2021 filed by Dinesh Kumar.

6. On examination of this application, it is observed that promoter has again submitted the same application along with documents which were submitted while application dated 18.10.2021 vide temp id 973-2021. He has again not submitted a registered and irrevocable collaboration agreement and power of attorney conferring all powers upon the promoter for development of project, sale of plots and executing conveyance deed.

7. In view of the above, the Authority observes that without submissions of aforesaid documents of irrevocable collaboration agreement and Power of attorney, the project cannot be registered.

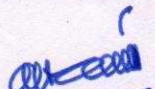
8. Adjourned to 14.02.2022 to enable the applicant to submit their documents. If the applicants are able to revise their arrangements on the lines given above before that date, they may file an application for early hearing. Upon receipt of such application, Authority will list the matter for an early date.

True copy

  
Executive Director,  
HRERA, Panchkula



A copy of the above is forwarded to CTP, HRERA Panchkula, for information and taking further action in the matter.

  
21/1/22  
LA (Anupam)