



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

Mini Secretariat (2nd and 3rd Floor), Sector-1, Panchkula.

Telephone No: 0172-2584232, 2585232

E-mail: officer.rera.hry@gmail.com, hcrapkl-hry@gov.in

Website: www.haryanarera.gov.in

Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 29.11.2021.

Item No. 158.14

(xv) Promoter : Dinesh Kumar

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

Temp ID: RERA-PKL-986-2021

Present: Shri Jyoti Sidana, Representative for the applicant/promoter along with Shri Neeraj and Rajeev Kumar, Directors of the company.

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 Because of the said observations the application was withdrawn by the promoters.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

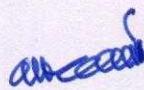
6. Adjourned to 17.01.2022. If the applicants are able to revise their arrangements on the lines given above before that date, they may file an application for early hearing. Upon receipt of such application, Authority will list the matter for an early date.

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.

 6/12/21

LA (Anupam)