



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

(iv) Promoter : BPTP Ltd.

Project: "Park Central" – Commercial Colony on land measuring 1.701 Acres forming part of a larger plotted colony measuring 572.65 acres in Sector-85, Faridabad.

Temp ID: RERA-PKL-652-2019

Present: Sh. Hemant Saini, Counsel for applicant/promoter.

1. Detailed background of the matter as captured from several orders passed by the Authority are reproduced below: -

On 23.08.2021, the Authority observed as follows:

"This matter pertains to registration of a commercial colony already constructed by the promoter on land measuring 1.701 acres in Sector-85, Faridabad. Even though the project is near about complete, the possession of its commercial spaces has not been handed over to the allottees for the reason that its entire building plans are yet to be approved by the Town & Country Planning Department. These building plans in turn have not been approved for the reason that the license of the larger colony measuring 572.65 acres has not been renewed on account of disputes pending relating to payment of EDC. The question regarding quantum of EDC payable by the promoter is sub-judice before the Hon'ble Punjab & Haryana High Court and Hon'ble Supreme Court.

2. The project is in a Catch-22 situation because on the basis of original license given by the Town & Country Planning Department the promoter has constructed this commercial



complex; and its building plans needs revision but the same is not done on account of non-payment of EDC pertaining to the larger project and the matter is sub-judice before Hon'ble Apex court.

3. The rational way framed in this matter is to delink the issue of approval of building plan from the payment of EDC and renewal of license of the larger colony. It has to be realised by administration and policy makers of the department that on account of dispute pending between the department and the promoter, it is only the allottees who are ultimate sufferers. They are losing time and opportunity to do business in the purchased commercial spaces.

4. In considered view of this Authority, after creation of third-party rights in a licensed colony, the disputes relating to the renewal of the license recovery of overdue EDC should remain confined between the promoter and the department. The allottees must not suffer such situations. The allottees have purchase apartments on the basis of a sovereign assurance given by the State to them that the colonies are authorised and it is safe to invest in it.

5. This Authority has repeatedly reiterated its view that the question of renewal of the license and the recovery on EDC should be delinked from the approval of building plans. The Town & Country Planning Department has taken a similar action in respect of a colony being developed by M/s Parsvnath Developers, Rohtak, but no action is being taken in this matter.

6. The Authority decides to send a copy of this order along with a copy of the order dated 9.8.2021 to the Principal Secretary to the Government, Haryana, Town & Country Planning Department for his intervention in an appropriate manner to direct the directorate of Town & Country Planning Department to expeditiously approve the building plans of the colony to end harassment of the allottees. A Copy be sent to the Director,



Town & Country Planning Department, Haryana for reporting progress in the matter on the next date of hearing. ”

2. Shri Hemant Saini, learned counsel appeared on behalf of applicants/promoters.
3. No response has still been received from Town and Country Planning Department. A D.O. letter dated 13.12.2021 had been written to Principal Secretary to Government of Haryana, Town and Country Planning Department but still there is no response.
4. The Authority in its powers conferred upon it by Section 35 of RERA Act, decides to summon Chief Town Planner and District Town Planner (HQ) to appear before this Authority on the next date of hearing along with original record on the subject to apprise the Authority what action has been by the department on directions issued by this Authority.
5. Adjourned to 14.02.2022.

True copy



dm
Executive Director,
HRERA, Panchkula

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

(A/Indu)