



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Promoter: M/s SVC and Lahari
Project Name: "Urban Blossom" an Affordable Plotted Colony under DDJAY on land measuring 5.00 Acres, situated in revenue Estate Village Sarai Khawaja, Sector-43, Faridabad
Date of consideration: 09.06.2022
Present: Sh. Hardeep Kumar, learned counsel for the respondent
Temp id. 1054-2022

1. This matter had come up for hearing before the Authority on 09.05.2022 when Authority had observed that the license granted by the Licensing Department carries a Condition No. 5 as reproduced below: -

"5. That the final decision of State Level Committee on the recommendation of District Level Sub Committee regarding inclusion/exclusion of applied land from NCZ category shall be binding upon you and you shall abide by the same. In case of any decision of State Level Committee contrary to the recommendation of District Level Committee, the license shall be withdrawn and no claim, whatsoever, shall be entertained."

2. The Authority had further observed that since license has been granted with the condition that it could be withdrawn at a later stage, therefore, it is not possible to register the project with such condition because after granting the RERA registration, third party rights will be created by promoters and in the event of withdrawal of the license, ultimately, allottees will be sufferers, therefore, Authority directed the applicant/promoter to get this condition removed in the license from Licensing Department.

3. In response to above observations, promoters have submitted a letter dated 01.06.2022 issued by Director Town and Country Planning Department, in which condition No. 5 has been modified as under: -

“That the final decision of State Level Committee on the recommendation of District Level Sub Committee regarding inclusion/exclusion of applied land from NCZ category shall be binding upon you and you shall abide by the same.

4. The Authority observes that substantially there is no difference in the earlier clause and the modified clause. Both have the same effect of making license conditional, because if permission is denied by the State Level Committee, license will become infructuous, therefore, Authority cannot allow such conditional registration because it could adversely affects rights of prospective allottees.

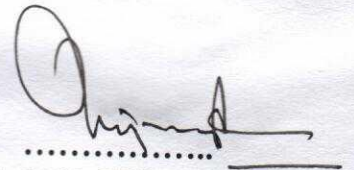
5. Shri Hardeep Kumar, learned counsel who appeared on behalf of applicant/promoter through video conferencing argued that applicants are in full compliance of law. They have been granted license for development of colony by the Department. For no fault of theirs, approval of State Level Committee is getting delayed. Further, State Enterprises Policy mandates that all clearance must be issued within prescribed time frame. On account of delay being caused in clearance by the State Level Committee, licensee/promoters are suffering financial loss. He prayed for grant of conditional registration because District Level Committee has already ascended its approval.

6. The Authority express its inability to grant conditional registration. Conditions which could affect very existence of the licensee itself cannot be incorporated in the registration certificate. If for whatever reason approval is not granted by State Level Committee, it would jeopardize interest of allottees. Authority however, agrees with Shri Hardeep Kumar, Ld. Counsel, that a clearance from State Level Committee may be got expedited. Authority accordingly decides to ask Ld. Secretary, State Level Committee to convene a

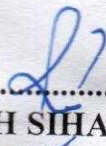
meeting of Committee at the earliest and place this item before the Committee for an early decision.

7. As requested by learned counsel, copy of this order be supplied to applicants/promoters to enable them to pursue the matter with Secretary, State Level Committee.

8. Adjourned to 04.07.2022.



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RAJAN GUPTA
[CHAIRMAN]



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DILBAG SINGH SIHAG
[MEMBER]