



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Promoter

BPTP Ltd.

Project Name:

“Park Central” a commercial Colony on land measuring 1.701 Acres forming part of a larger plotted colony measuring 572.65 Acres in Sector-85, Faridabad

Date of consideration:

17.05.2022

Present

Sh. Hemant Saini, Counsel for applicant/promoter.

Temp Id

652-2019

ORDER: (Rajan Gupta – Chairman)

When the matter was placed before the Authority for consideration on 17.05.2022, Authority had reserved its order. Now, after examination Authority has decided to pass this order.

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

On 23.08.2021, the Authority had 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.

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3. The Town and Country Planning Department vide its reply dated 16.05.2022 has informed that the license of the colony has not been renewed and approval of Building Plan cannot be considered without valid or renewed license.

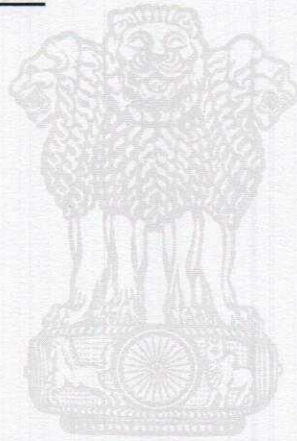
4. The Authority while reiterating its earlier stand is of the view that on account of dispute pending between the department and the promoter, it is only the allottees who are suffering. They are losing time and opportunity to do business in the purchased commercial spaces. The Authority has repeatedly reiterated its view

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that in completed projects or in which third party interests have been created, the question of renewal of license and recovery of EDC should be delinked from the approval of building plans.

5. In view of above the Authority again decides to send a copy of this order to Principal Secretary to Government Haryana, Town and Country Planning Department for his intervention for expeditious approval of compounded plans to end harassment of allottees. A copy of order be also sent to Director Town and Country Planning Department, Haryana.

7. Adjourned to 17.10.2022.



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RAJAN GUPTA
[CHAIRMAN]

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DILBAG SINGH SIHAG
[MEMBER]