BEFORE THE REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

Project Name:	"10.925 acres" situated in Sector -75, 76, Faridabad.
Name of the Applicant:	SLF Anushree Apartments.
Date of hearing:	27.08.2018
Present:	Shri Pankaj Kumar Dua on behalf of the applicant.
Quorum	Chairman and Both the Members of the Authority.

ORDER:-

This is an application for development of a project named SLF Anushree Apartments, Sector-75 & 76, Faridabad. This is an ongoing project being set up on 10.925 acres of land. Most of the towers of the colony have already been completed for issuance of part occupation certificate. Some of the towers are still under constructions. While rest of the information for registration of the project is in order, there are certain observations relating to the ownership of the land of the project and validity of the licence. The Authority after consideration of the facts presented by the applicant, and after hearing Shri Pankaj Kumar Dua

representative of the company observed as follows:-

(i) Licence No.61 was initially granted by the Town & Country Planning Department in favour of the owner of the land M/s Anushree Home Developers Pvt. Ltd. It was issued C/o M/s Swatantrata Land & Finance Private Ltd. in 2011. The licence has been renewed five times. The renewal letter twice is addressed to M/s Anushree Home Developers and twice to the M/s Swatantrata Land & Finance Private Ltd.

2. During the hearing Shri Pankaj Kumar Dua presented a further renewal of the licence up to 2020. This renewal letter is addressed to M/s Swatantrata Land & Finance Private Ltd.

3. Shri Dua stated that the land owner licensee M/s Anushree Home Developers and the developers M/s Swatantrata Land & Finance Private Ltd. have entered into an agreement for creation of an Association of Persons (AOP). He further stated that the AOP can be treated as a juristic person as it is recognised as such under the Income Tax Act.

The Authority at the stage observed that two collaborating persons could create a firm, limited liability partnership, company, society etc. All such entities are created under a specific statute and are treated juristic person with certain rights and responsibilities. There is no statute

in the knowledge of the Authority under which AOPs are created. Shri Dua was asked to submit the relevant law under which such AOPs are created which can be treated as a juristic person.

4. The collaboration agreement between the two parties is not registered. The ownership of the land is with M/s Anushree Home Developers Pvt. Ltd. They only are entitled to conveyance the apartments in favour of the allottees. However, now the licence has been renewed in favour of M/s Swatantrata Land & Finance Private Ltd. It needs to be clarified or needs to be got amended from the Government.

5. The Authority observed that if the registration is being sought in favour of the AOP then the legal position in this regard should be clarified and the same legal position should also be intimated to the Town & Country Planning Department. Alternately, the licence should be got renewed in favour of the land owner licensee i.e. M/s Anushree Home Developers Pvt. Ltd. who then alone should apply for registration of the project.

6. Shri Dua sought time for clarifying these issues. Adjourned to 26.09.2018.

Dilbag Singh Sihag
Member

A.K. Panwar
Member

Rajan Gupta 28/8.
Chairman