

**Project Name:** Paliwal City, Sector-38-39, Panipat, Haryana.

**Name of the applicant:** Parsvnath Developers Ltd.

**Before the Bench of**

**Sh. Rajan Gupta** Chairman  
**Sh. Dilbag Singh** Member

**Present:** Mr. Manoj Kapoor, Authorised representative of Parsvnath Developers Ltd.

Date of consideration of the application: 20.03.2018

The applicant M/s Parsvnath Developers Ltd. filed an application for registration of their project "Paliwal City", Sector-38, 39, Panipat on 31.07.2017 before the Interim RERA, Haryana. The application being incomplete, deficiencies were conveyed to the applicant on 23.08.2017. The applicant submitted a fresh application on 29.09.2017. In this application he did not annex any document to show whether his license for development of the colony was valid. This matter could not be finally decided by the Interim Authority constituted by the State Government.

2. In the meantime the regular Real Estate Regulatory Authority, Panchkula was constituted. The regular Authority notified The Haryana Real Estate Regulatory Authority, Panchkula (Registration of Projects), Regulations, 2018, under which the Proforma REP-I in which the applications for registration were to be filed, was revised. Accordingly all the applicants



including the present applicant were asked to submit fresh applications in accordance with the revised Proforma. The applicant has now filed the fresh application dated 26.02.2018 which was listed for consideration before the Authority today. The application is for registration of a project being set up over land measuring 162.48 acres in Panipat.

3. The documents placed on file reveal that 9 licenses numbering 163-171 of 2007 were issued in favour of various individuals and companies. As per record each of the license has been addressed to an individual company "C/o M/s Parsvnath Developers Ltd." A bilateral agreement is also available on record between the representative of the land owner and the Director, Town and Country Planning Department without any reference to the developer.

Further documents/ correspondence available on record reveal that some correspondence like approval of layout plan has been undertaken by the Town and Country Planning Department, Haryana with the applicant M/s Parsvnath Developers Ltd. Most of the correspondence however is addressed to one or the other land owner with the suffixed expression "C/o Parsvnath Developers Ltd."

4. On record also available is an unregistered agreement made on Rs. 100 stamp paper between the 11 land owners and M/s Parsvnath Developers Ltd. By virtue of this agreement all development rights including



the authority for getting various plans approved from the State Government and for booking of the plots/ apartments and for receiving money from the apartment buyers etc. has been delegated to the collaborators M/s Parsvnath Developers Ltd. It is noteworthy that the collaboration agreement is of 19.10.2006 which is prior to grant of licenses dated 31.03.2007. It is further noteworthy that all the licenses which were initially granted in 2007 were valid upto 30.03.2009 i.e. only for a period of 2 years. They have however been renewed repeatedly. In the light of the above observations following questions arise before this Authority:

- i. The ordinary meaning of addressing a letter "C/o somebody" means that the addressee shall receive the correspondence addressed to him/ her at the address of the "C/o". In other words, the letter is addressed only to the principle person and the place where that person may receive the letter is "C/o" that person. In this case while each of the license has been granted to an individual, M/s Parsvnath Developers Ltd. can be treated only as a place where the land owners may receive the letter of grant of license only addressing the licensees as C/O M/s Parsvnath Developers Ltd. would not confer any legal right upon M/s Parsvnath Developers Ltd. Thus without a specific recognition of the developer as the authorized licensee of the land by the Town and Country Planning

4



Department whether the applicant M/s Parsvnath Developers Ltd. can be considered a legally authorized as developer by the Town and Country Planning Department, and a person capable of discharging all responsibilities cast upon the licensee by the conditions of the license?

- ii. It appears that the fact of collaboration agreement between the land owners and the applicant was not revealed to the Town and Country Planning Department prior to issuance of license. It is not clear whether Town and Country Planning Department now recognizes the applicant as authorized developer of the land in question?
- iii. Under the provisions of the Real Estate (Regulation and Development) Act, 2016 the title of the land/ apartments after completion has to be transferred. Whether the applicant-developer can legally convey ownership rights to the buyers is not clear?
- iv. Since the plots/apartments are being marketed and sold only by the developer, apparently he is neither the land owner nor authorized by the State Government to do so, to whom the apartment/ plot buyers will approach for remedies in case of any default by the developer?
- v. Registration of project by RERA would imply that the title of the land is clear and the registered promoter has full legal capacity to undertake development and sale of the project. Would it not amount to misleading

4



the public without a clarity about the ownership of the land as has been highlighted in the foregoing paras. The Authority decided to seek a reply of the Town and Country Planning Department, the applicant-promoter and also the licensees of each of the issues raised above.

5. Certain other deficiencies as listed below were observed in the application:

- i. The license of the colony has not been renewed since 2015. An application for renewal of the license has been stated to be filed in the year 2017. The license is yet to be renewed. The reasons why the license has not been renewed and reasons why there has been delay of two years in even filing an application for renewal of license between 2015 and 2017 needs to be replied to by the applicant.
- ii. Information relating to approval of service plan estimates has not been furnished. Even the cost of different services has not been stated. Apparently, as per the practice of Town and Country Planning Department, the service plan estimates have to be got approved from them after getting the same approved from the Engineering Wing of the HUDA. This however does not include the plan and estimates for supply of electricity. The electrification plan has to be got approved from the



concerned Electricity Distribution Company. No information in this regard is available.

- iii. Several other informations were missing from the proforma and the same have been stated to have been annexed as annexures, information should be stated in an affirmative manner in a proforma which can be supported by annexures.


6. The applicant sought an adjournment to furnish the above information. The Authority was of the view that the applicant is submitting incomplete information repeatedly. A cost of Rs. 50,000 should be imposed on them. The representative of the applicant Mr. Manoj Kapoor requested that the Authority itself has revised the proformas in the month of February and the applicant are in the process of understanding the requirements of the Authority, therefore, the cost may be reconsidered.

7. The Authority reconsidered the matter with regard to the cost and decided that if required information in the prescribed format is not received well before the next date of hearing, a heavier penalty will be imposed. For the present the cost was decided not to be imposed.

8. Adjourned to 11.04.2018 when the matter will be taken up. A notice be issued to the Director, Town and Country Planning Department, Haryana, the licensees and the developer for submitting reply to the issues



raised in these orders. Director, Town and Country Planning Department shall also depute a senior officer along with the original record of the matter to assist the Authority in its deliberations.



Dilbag Singh Sihag  
Member



Rajan Gupta  
Chairman