

Directorate of Town & Country Planning, Haryana

Aayojna Bhawan, Madhya Marg, Sector 18A, Chandigarh.

Phone : 0172-2549349 Email: tcp_haryana7@gmail.com

Website: http://tcp_haryana.gov.in

Regd.

To

1. Commander Realtors Pvt. Ltd.,
Adson Software Pvt. Ltd.,
Bulls Realtors Pvt. Ltd., Buzz Hotels Pvt. Ltd.,
High Responsible Realtors Pvt. Ltd., Hi-Energy Realtors Pvt. Ltd.,
High Star Builders Pvt. Ltd., Ireo Pvt. Ltd.,
Ornament Realtors Pvt. Ltd., Regal Green Lands Pvt. Ltd.,
Five Rivers Buildcon Pvt. Ltd.,
Nathi adopt, Makhan, Attar Singh, Rajpal Ss/o Medan,
Kesar Singh S/o Bhikah Singh
2. Suposhaa Realcon Pvt. Ltd.
Regd. Office:-94, T/F, Triveni Apartment,
Jhilmil Colony, ESI Hospital,
Delhi-110095.

Memo No. LC-4339-JE (VA)/2021/ 11870

Dated:

17-05-2021

Subject:-

Letter of Intent:- Grant of license for setting up of Affordable Plotted colony (under DDJAY) over an area measuring 20.60902 acres including 18.09027 acres under migration from licence no. 63 of 2009, (13.0278 acres), licence no. 107 of 2010, (2.0125 acres), licence no. 60 of 2012 (1.41875 acres) & licence no. 26 of 2009 (1.63125 acres) alongwith fresh applied area measuring 2.51875 acres at village Ullawas & Behrampur, Sector-61, Gurugram & In principle approval for change of developer to Suposhaa Realcon Pvt. Ltd for area measuring 18.09027 acres under migration from licence no. 63 of 2009, (13.0278 acres), licence no. 107 of 2010, (2.0125 acres), licence no. 60 of 2012 (1.41875 acres) & licence no. 26 of 2009 (1.63125 acres)

Please refer your application dated 02.11.2020, 02.12.2020, 30.12.2020, 07.01.2021, 11.01.2021, 29.01.2021, 14.01.2021, 12.03.2021 & 16.03.2021 on the matter as subject cited above.

Your request for grant of licence under section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 and Rules, 1976 framed there under for development of Affordable Plotted colony (under DDJAY) over an area measuring 20.60902 acres including 18.09027 acres under migration from licence no. 63 of 2009, (13.0278 acres), licence no. 107 of 2010, (2.0125 acres), licence no. 60 of 2012 (1.41875 acres) & licence no. 26 of 2009 (1.63125 acres) alongwith fresh applied area measuring 2.51875 acres at village-Ullawas & Behrampur, sector-61, Gurugram & for grant permission for change of developer from Commander Realtors Pvt. Ltd to the name of Suposhaa Realcon Pvt. Ltd. over an area measuring 18.09027 acres under migration from licence no. 63 of 2009 (13.0278 acres), licence no. 107 of 2010 (2.0125 acres), licence no. 60 of 2012 (1.41875 acres) & licence no. 26 of 2009 (1.63125 acres) at village Ullawas & Behrampur, Sector-61, Gurugram Manesar Urban Complex has been considered in accordance with policy dated 18.02.2015.

Accordingly, I have been directed to inform you that in principle approval for change of developer is hereby granted subject to the orders of Hon'ble Supreme

Court in CA No. 8977 of 2014 titled as Jai Narayan @ Jai Bhagwan & others V/s State of Haryana and final outcome of CBI investigation under process. Further, you are called upon to fulfill the following requirements/ pre-requisites laid down in Rule, 11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 within a period of 60 days from the date of issue of this letter, failing which request for grant of license shall be refused.

2. To furnish the bank guarantees on account of Internal Development Works and the External Development Charges for the amount calculated as under:-

<u>INTERNAL DEVELOPMENT WORKS:</u>	
• Residential component = 19.78472 acres x ₹ 20,00,000/-=₹395.6944 lacs	
• Commercial component = 0.8243 acres x ₹ 50,00,000/-= ₹ 41.215 lacs	
• Total amount of IDW = 436.9094 lacs against which 25% BG amounting to ₹ 109.22735 lacs is required to be deposited or to mortgage 15% of saleable area	
<u>EXTERNAL DEVELOPMENT CHARGES</u>	
• Total EDC amount required after adjustment = ₹1244.28567 lacs	
• An amount to be deposited = ₹ 311.07 lacs	
• 25% BG Required = ₹ 233.30 lacs	

3. It is made clear that the Bank Guarantee of Internal Development Works has been worked out on the interim rates and you have to submit the additional Bank Guarantee if any, required at the time of approval of Service Plan/Estimate according to the approved layout plan. With an increase in the cost of construction and an increase in the number of facilities in the layout plan, you would be required to furnish an additional bank guarantee within 30 days on demand. In the event of increase of rates of external development charges, you will have to pay the enhanced rates of external development charges as finally determined and as and when demanded by the DTCP, Haryana and furnish additional bank guarantee and submit an undertaking in this regard.

4. To execute two agreements i.e. LC-IV & LC-IV-A Bilateral Agreement on Non-Judicial Stamp Paper of 10/-. Specimen copies of the said agreements are enclosed herewith for necessary action. Further, following additional clauses shall be added in LC-IV agreement as per Government instruction dated 14.08.2020.
 - I. *That the owner/developer (new entity) shall integrate the bank account in which 70 percent allottee receipts are credited under Section-4(2)(I)(D) of the Real Estate Regulation and Development Act, 2016 with the online application/payment gateway of the Department, in such manner, so as to ensure that 10% of the total receipt from each payment made by an allottee is automatically deducted and gets credited to the EDC head in the State treasury.*
 - II. *That such 10% of the total receipt from each payment made by the allottee, which is received by the Department shall get automatically credited, on the date of receipt in the Government treasury against EDC dues.*
 - III. *That such 10% deduction shall continue to operate till the total EDC dues get recovered from the owner/developer.*
 - IV. *The implementation of such mechanism shall, however, have no bearing on EDC installment schedule conveyed to the owner/developer. The owner/developer shall continue to supplement such automatic EDC deductions with payments from its own funds to ensure that by the EDC*

installments that are due for payment that paid as per the prescribed schedule.

5. That you shall deposit an amount of ₹ 4,03,18,675/- (Rupees Four Crore Three Lac Eighteen Thousand Six Hundred Seventy Five only) on account of license fee and conversion charges ₹ 59,39,852/- (Rupees Fifty Nine lacs Thirty Nine Thousands Eight Hundred Fifty Two only) to be deposited online at website i.e. www.tcpharyana.gov.in.
6. To deposit an amount of ₹ 1244.28567 lacs on account of External Development Charges in favour of Director, Town & country Planning, Haryana, Chandigarh through online on e-payment portal of the Department. You have option to either make payment of complete amount of EDC in compliance of LOI before grant of licence or 25% of same in compliance of LOI and balance 75% in three half yearly installments each with normal interest of 12% p.a. and penal interest of 3% for the delayed period in favour of Director, Town & Country Planning, Haryana, payable at Chandigarh. Further, as per policy dated 05.12.2018, 25% is to be recovered before grant of license i.e. 311.07 lacs alongwith Bank Guarantee of ₹ 233.30 lacs (valid at least for five years) i.e. equal to 25% of balance amount of Bank Guarantee ₹ 933.21 lacs against EDC.
7. To furnish the Bank Guarantee of ₹ **109.22735 lacs** on account of Internal Development works to be deposited online at website i.e. www.tcpharyana.gov.in. You have an option to mortgage 15% saleable area against submission of above said Bank Guarantee and in case, said option is adopted, then the area to be mortgaged may be indicated on the layout plan to be issued alongwith the license alongwith the revenue details thereof. The mortgage deed in this regard shall be executed as per the directions of the Department.
8. To furnish an undertaking on non-judicial stamp paper to the following effect:-
 - i) That you will pay the State Infrastructure Development Charges amounting to ₹ **84,25,912** ₹ 1000/- per sq. mtr for the commercial area, and ₹ 500/- for plotted area in two equal instalments. First Instalments will be due within 60 days of grant of license and second Instalments within six months of grant of license failing which 18% PA interest will be liable for the delayed period.
 - ii) That you shall maintain and upkeep of all roads, open spaces, public park and public health services for a period of five years from the date of issue of the completion certificate unless earlier relieved of this responsibility and thereupon to transfer all such roads, open spaces, public parks and public health services free of cost to the Govt. or the local authority, as the case may be, in accordance with the provisions of Section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
 - iii) That you shall construct 18/24/30 m wide internal circulation road forming part of licenced area at your own costs and transfer the same free of cost to the Government.
 - iv) That area coming under the sector roads and restricted belt/green belt, if any, which forms part of licensed area and in lieu of which benefit to the extent permissible as per policy towards FAR is being granted, shall be transferred free of cost to the Govt.
 - v) That you shall integrate the services with Haryana Shahari Vikas Pradhikaran services as and when made available.


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- vi) That you have not submitted any other application for grant of license for development of the said land or part thereof for any purpose under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 or any application seeking permission for change of land use under the provision of the Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963.
- vii) That you will transfer 10% area of the licenced colony free of cost to the Government for provision of community facilities. This will give flexibility to the Director to work out the requirement of community infrastructure at sector level and accordingly make provisions. The said area will be earmarked on the layout plan to be approved alongwith the license.
- viii) That you understand that the development/construction cost of 24 m/18 m major internal roads is not included in the EDC rates and they shall pay the proportionate cost for acquisition of land, if any, alongwith the construction cost of 24 m/18 m wide major internal roads as and when finalized and demanded by the Department.
- ix) That you shall obtain NOC/Clearance as per provisions of notification dated 14.09.2006 issued by Ministry of Environment & Forest, Govt. of India, if applicable before execution of development works at site.
- x) That you shall make your own arrangements for water supply, sewerage, drainage etc. to the satisfaction of DTCP till these services are made available and the same is made functional from External Infrastructure to be laid by Haryana Shehri Vikas Pradhikaran or any other execution agency.
- xi) That you shall obtain clearance from competent authority, if required under Punjab Land Preservation Act, 1900 and any other clearance required under any other law.
- xii) That the rain water harvesting system shall be provided as per Central Ground Water Authority Norms/Haryana Govt. notification as applicable.
- xiii) That the provision of solar water heating system shall be as per guidelines of Haryana Renewable Energy Development Agency and shall be made operational where applicable before applying for an Occupation Certificate.
- xiv) That you shall use only LED fitting for internal lighting as well as campus lighting.
- xv) That you shall convey the 'Ultimate Power Load Requirement' of the project to the concerned power utility, with a copy to the Director, within two months period from the date of grant of license to enable provision of site in licensed land for Transformers/Switching Stations/Electric Sub Stations as per the norms prescribed by the power utility in the zoning plan of the project.
- xvi) That it will be made clear at the time of booking of plots/commercial space that specified rates include or do not include EDC. In case of not inclusion of EDC in the booking rates, then it may be specified that same are to be charged separately as per rate fixed by the Govt. You shall also provide detail of calculation of EDC per Sqm/per sqft. to the Allottees while raising such demand from the plot owners.
- xvii) That you shall keep pace of development atleast in accordance with sale agreement executed with the buyers of the plots as and when scheme is launched.
- xviii) That you shall arrange power connection from UHBVNL/DHBVNL for electrification of the colony and shall install the electricity distribution infrastructure as per the peak load requirement of the colony for which licence shall get the electrical (distribution) service plan/estimates approved from the agency responsible for installation of external electric services i.e.

UHBVNL/DHBVNL and complete the same before obtaining completion certificate for the colony.

- xix) That you shall complete the project within seven years (5+2 years) from date of grant of license as per clause 1(ii) of the policy notified on 01.04.2016.
- xx) That no clubbing of residential plots for approval of integrated zoning plan of two adjoining plots under same ownership shall be permitted.
- xxi) That you will pay the labour cess as per policy instructions issued by Haryana Government vide Memo No. Misc. 2057-5/25/2008/2TCP dated 25.02.2010.
- xxii) That you shall submit compliance of Rule 24, 26, 27 & 28 of Rules 1976 & Section 5 of Haryana Development and Regulation of Urban Areas Act, 1975, and shall inform account number and full particulars of the scheduled bank wherein you have to deposit thirty percentum of the amount received from the plot holders for meeting the cost of Internal Development Works in the colony.
- xxiii) That no further sale has taken place after submitting application for grant of license.
- xxiv) That you shall not give any advertisement for sale of plots/commercial area before the approval of layout plan.
- xxv) That you shall construct the access to the site upto higher order road in concurrence with the concerned authority before allotment of plot.
- xxvi) That you shall follow the provisions of the Real Estate (Regulations and Development) Act, 2016 and Rules framed thereunder shall be followed by the applicant in letter and spirit.
- xxvii) That no provision of the Haryana Ceiling on Land Holding Act, 1972 has been violated due to purchase of applied land.
- xxviii) That the owner/developer shall integrate the bank account in which 70 percent allottee receipts are credited under Section-4(2)(I)(D) of the Real Estate Regulation and Development Act, 2016 with the online application/payment gateway of the Department, in such manner, so as to ensure that 10% of the total receipt from each payment made by an allottee is automatically deducted and gets credited to the EDC head in the State treasury.
- xxix) That such 10% of the total receipt from each payment made by the allottee, which is received by the Department shall get automatically credited, on the date of receipt in the Government treasury against EDC dues.
- xxx) That such 10% deduction shall continue to operate till the total EDC dues get recovered from the owner/developer.
- xxxi) The implementation of such mechanism shall, however, have no bearing on EDC instalment schedule conveyed to the owner/developer. The owner/developer shall continue to supplement such automatic EDC deductions with payments from its own funds to ensure that by the EDC instalments that are due for payment that paid as per the prescribed schedule.
- xxxii) That you shall abide by the terms and conditions of policy of DDJAY and other direction given by the Director time to time to execute the project.
- xxxiii) That you shall execute the development works as per Environmental Clearance and company with the provisions of Environment Protection Act, 1986, Air (Prevention and Control of Pollution of Act 1981) and Water


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(Prevention and Control of Pollution of 1974). In case of any violation of the provisions of said statutes, applicant shall be liable for penal action by Haryana State Pollution Control Board or any other Authority Administering the said Act.

xxxiv) That you shall not encroach the revenue rasta passing through the site and shall not object for free movement.

xxxv) That you shall abide by the provisions of Act/Rules and all the directions that may be issued by the DTCP in connection with the above said licenses.

xxxvi) That new entity will settle all the pending/outstanding issues, if any, in respect of all the prospective allottees for area where developer is being changed.

xxxvii) That new entity will be liable to pay all outstanding dues on account of EDC/IDC and interest thereon, if any, as on date, where developer is being changed from parent licenses.

xxxviii) That all the liabilities of the transferors/owners will be owned by new entity qua area where developer is being changed from parent licenses.

9. That you shall earmark 50% saleable area in the layout plan, to be issued alongwith the license alongwith revenue detail, which is to be freed as per clause 5(i) of the policy, dated 08.02.2016. The area so freed shall be allowed to sell only after completion of all Internal Development Works in the colony.

10. That you shall submit a certificate from the Deputy Commissioner/District Revenue Authority stating that there is no further sale of the land applied for licence till date and applicant companies/individual are owners of the land.

11. That you will submit an affidavit duly attested by 1st Class Magistrate, to the effect that applicants have not submitted any other application for grant of licence for development of the said land or part thereof for any purpose under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 or any application seeking permission for change of land use under the provision of the Punjab Schedule Roads and Controlled Areas restrictions of Unregulated Development Act, 1963 or have not applied for licence / permission under any other law for the time being in force.

12. That you will submit an undertaking from the individual land owners that this land has not been sold to any person after entering into collaboration agreement with the colonizer to whom LOI is being issued and also that presently there is no collaboration agreement enforced with any other person for the same land.

13. That as per policy dated 07.02.2017 and instructions dated 25.01.2021, you shall invite objections from existing allottees regarding the proposed migration to DDJAY colony & amendment in the layout plan through public notice to be issued at least in three National newspapers widely circulated in District, of which one should be in Hindi Language, within a period of 10 days from the issuance of approval. Further, each existing allottee shall also be informed about the proposed revision through registered post with a copy endorsed to the Senior Town Planner, Gurugram in case of layout within two days from the public notice clearly indicating the last date for submission of objection. A certified list of all existing allottees shall also be submitted to the Senior Town

Planner, Gurugram. Also all the requirement as per policy dated 25.01.2021 shall be adhered to.

The proposed revision in the originally approved layout plan of the complete colony, earlier approved layout plan and the proposed layout plan due to carving out of DDJAY colony be made available on the website of colonizer, at the office of Developer/ Colonizer as well as in the office of concerned STP & DTP (Planning). The Colonizer shall submit report clearly indicating the objection, if any, received by him from allottee and action taken thereof alongwith an undertaking to the effect that the rights of the existing plot holders have not been infringed. Any allottee having any objection on revised layout plan or on grant of licence for DDJAY scheme, may file his/ her objection in the office of concerned Senior Town Planner & District Town Planner.

14. That you shall get renewed the license no. 26 of 2009 before the grant of license.

15. That both new entity and Commander Realtors Pvt. Ltd. shall submit the Indemnity bond regarding compliance of the orders of Hon'ble Supreme Court in CA No. 8977 of 2014 titled as Jai Narayan @ Jai Bhagwan & others V/s State of Haryana and final outcome of CBI investigation under process.

16. That Suposhaa Realcon Pvt. Ltd. shall submit a fresh registered supplementary irrevocable agreement with the land owning companies w.r.t. migrated land in the agreement it should be clearly mentioned that:

(a) The developer company, i.e., Suposhaa Realcon Pvt. Ltd. shall be responsible for compliance of all terms & conditions of licence/provisions of Act of 1975 & Rules 1976 till the grant of final completion certificate to the colony or relieved of the responsibility by the DTCP, Haryana whichever is earlier.

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(b) The agreement shall be irrevocable and no modification/ alteration etc in the terms & conditions of such agreement can be undertaken, except after obtaining prior approval of the DTCP, Haryana.

17. That the Commander Realtors Pvt. Ltd. will submit the request for withdrawn of their license application regarding migration of applied land from Residential Plotted/Group Housing to the DDJAY.

18. That you shall construct the 24 mtr. wide internal circulation road of parent license(s) providing access to the applied land (especially community site) and transfer the same to the Government free of cost before the grant of license.

19. That you shall submit the original licence no. 63 of 2009, licence no. 107 of 2010, licence no. 60 of 2012 & licence no. 26 of 2009 alongwith schedules of land.

20. That you shall intimate your official Email ID and the correspondence made to this email ID by the Department shall be treated receipt of such correspondence.

DA/As above

(K. Makrand Pandurang, IAS)
Director, Town & Country Planning
Haryana, Chandigarh

A copy is forwarded to the followings for information and necessary action:-

1. The Deputy Commissioner, Gurugram.
2. The Additional Director, Urban Estate, Haryana, Sector-6 Panchkula.
3. Senior Town Planner, Gurugram with a request that after examination of the proposal in respect of objections on migration of licence/ Change in layout plan, forward to this office within 7 days from the receipt of report from concerned District Town Planner, Gurugram. If the matter is delayed by the concerned officer for more than 7 days, the cause of delay shall be mentioned in the report. The policy dated 07.02.2017 is available on website www.tcpharyana.gov.in.
4. District Town Planner, Gurugram with a request that shall forward the proposal in respect of objections on migration of licence and objections received if any to Senior Town Planner, Gurugram alongwith recommendation within 7 days from the receipt of report from colonizer. The policy dated 07.02.2017 is available on website www.tcpharyana.gov.in.

(Narender Kumar)
District Town Planner (HQ)
For: Director, Town & Country Planning
Haryana, Chandigarh