



हरियाणा शहरी विकास प्राधिकरण

HARYANA URBAN
DEVELOPMENT AUTHORITY

NO. HUDA-CCF-ACCTT-II-2016/- 105084-85

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DATED:- 4/11/16

To

1. Sh. Umesh Yadav S/o Sh. Bharat Pal Yadav,
861, Sector-47,
Gurugram.
2. Sh. Raman Yadav S/o Sh. Bharat Pal Yadav,
861, Sector-47,
Gurugram.

Subject:- Speaking order passed in compliance with the orders of Hon'ble Punjab & Haryana High Court in CWP No. 7184 of 2015-Umesh Yadav & Others Vs Haryana Urban Development Authority & Other.

1. Please refer to the subject cited above.
2. Please find enclosed herewith the copy of speaking order No. 8/2016 passed by the Chief Administrator, HUDA, in case of CWP No. 7184 of 2015 titled as Sh. Umesh Yadav & Others Vs Haryana Urban Development Authority & Other of Sector- 51, Gurugram, in compliance of Hon'ble High Court vide order dated 21.04.2015.

DA/As above:


Sr. Accounts Officer,
For Chief Administrator,
HUDA, Panchkula

Endst.No.HUDA-CCF-Acctt-II-2016/- 105086-87 Dated:- 4/11/16

3. A copy of the above is forwarded to the following for information and necessary action please :-
 - (i) District Attorney, Legal Cell, HUDA, Panchkula.
 - (ii) Estate Officer-II, HUDA, Gurugram.

DA/As above:


Sr. Accounts Officer,
For Chief Administrator,
HUDA, Panchkula

SPEAKING ORDER No.8/2016

Passed in compliance with the orders of Hon'ble Punjab & Haryana High Court in CWP No. 7184 of 2015-Umesh Yadav & Others vs Haryana Urban Development Authority & Other.

1. This speaking order is passed in respect of Sector-51, Gurgaon in compliance of the orders dated 21.4.2015 of Hon'ble Punjab & Haryana High Court in CWP No. 7184 titled as Umesh Yadav & Others vs Haryana Urban Development Authority & Others The orders dated 21.4.2015 are reproduced as under:-

"After hearing learned counsel for the petitioners perusing the present petition and without expressing any opinion on the merit of the case, we dispose of the present petition by directing respondent No. 1 to take a decision on the representation dated 21.08.2014 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order."

2. Before passing the speaking order, it is relevant to mention to discuss the following important clauses/provisions made in the Allotment letter issued to the petitioners, The Haryana Urban Development (Disposal of Land & Building) Regulations, 1978 and The Land Acquisition Act, 1894.

(a) Clause no. 9 of the allotment letter provides as under:-

"The above price is tentative to the extent that any enhancement in the cost of land awarded by the competent authority under the Land Acquisition Act shall also be payable proportionately, as determined by the Authority. The additional price determined shall be paid within 30 days of its demand."

(b) Section-4 of The Haryana Urban Development (Disposal of Land and Building) Regulations, 1978, defines the tentative price as under:-

"The tentative price/premium for the disposal of land or building by the Authority shall be such as may be determined by the authority taking into consideration the cost of land, estimated cost of development, cost of buildings and other direct and indirect charges as may be determined by the Authority from time to time.

(c) Regulation-10 of The Haryana Urban Development (Disposal of Land and Building) Regulations, 1978, defines the tentative price/premium as under:-

- i) In the case of sale/lease of land/building by allotment the transferee or lessee shall be liable to pay to the Authority, in addition to the tentative price/premium, the additional price/premium, if any, determined in respect thereof under these regulations.

- ii) The additional price/premium shall be payable by the transferee or lessee within a period of thirty days of the date of demand made in this behalf by the Estate Officer without interest or in such number of installments with interest as may be determined by the Chief Administrator.

(d) Regulation -2(b) of The Haryana Urban Development (Disposal of Land & Building) Regulations, 1978 further provides as under:-

"ADDITIONAL PRICE" and ADDITIONAL PREMIUM" means such sum of money as may be determined by the Chief Administrator in respect of the sale or lease of land or building by allotment which may become payable by the transferee or lessee with respect to land or building sold or leased to him in a sector on account of the enhancement of compensation of any land or building in the same sector by the Court on a reference made under section 18 of the Land Acquisition Act, 1894 and the amount of cost incurred in respect of such reference."

(e) Section-28 of The Land Acquisition Act, 1894 provides as under:-

"Collector may be directed to pay interest on excess compensation:- If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of (nine per centum) per annum from the date on which he took possession of the land to the date of payment of such excess into Court:

Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry."

Record of Personal hearing

3. As per the orders of the Hon'ble High Court, personal hearing in the case was given to the petitioner on 15.9.2016. During hearing, the matter was discussed with the petitioner in detail. The petitioner submitted a letter and requested to pass the speaking orders on the points raised in his representation dated 21.8.2014 (Annexure P-6).

Discussions and Findings

4. Before taking up the matter, it is clarified that additional price on account of the enhanced compensation is recovered from the allottees, as worked out by the Chief Administrator as per Regulation 2(b) of Haryana Urban Development (Disposal of Land & Building) Regulations, 1978 on account of the enhancement of compensation of any land in the same sector by the Court. This amount is calculated sector wise and is applicable for the full sector.

There is a lot of litigation and queries from the plot owners about the manner of determination of additional price. A need has been felt to notify the procedure required to be followed while determining the additional price under Regulation 2(b) of Haryana Urban Development (Disposal of Land & Building) Regulations, 1978. Therefore, a policy has now been approved by the HUDA Authority in its 111th meeting held on 27.7.2016 at Agenda item No.22. For the guidance of the public, the guiding principles on the basis of which enhancement is calculated by HUDA are available on HUDA Website under the link [https://www.huda.gov.in/layouts/CCF/Policy regarding recovery of enhanced compensation from allottees in case of sale of land or building by allotment.pdf](https://www.huda.gov.in/layouts/CCF/Policy%20regarding%20recovery%20of%20enhanced%20compensation%20from%20allottees%20in%20case%20of%20sale%20of%20land%20or%20building%20by%20allotment.pdf).

The enhancement case of the petitioner has also been considered in view of the above said policy and necessary benefits have also been given to the petitioners and other allottees of Sector-51, Gurgaon by making the revised calculations of enhanced compensation. In this regard, CTP, HUDA was asked to certify the detail of actual acquired and planned area as per latest layout plan of Sector-51, Gurgaon. On the basis of detail of land area and as per the above said policy, revised calculations of 3rd recovery of enhancement has now been made and 3rd enhancement, which was earlier communicated on 11.01.2012, is now worked out for **₹260.80 per sq. yd. (311.90 per sq. mtr.) instead of ₹ 4666.06 (₹ 5580.61 per sq. mtr..) for General category and ₹ 38.83 per Sq. Yd. (₹ 46.44 per Sq. mtr..) instead of ₹ 697.68 per Sq. Yd (₹ 834.43 per Sq. mtr.) and EWS category** after giving the benefit of updated interest on the on excess paid amount of previous enhancements as per detail given below:-

Particulars	General Category		EWS Category	
	Per Sq. Yd.	Per Sq. mtr	Per Sq. Yd.	Per Sq. mtr
1st enhancement dt. 24.02.2010	1759.33	2104.16	263.16	314.74
2nd enhancement dt. 23.05.2011	3330.8	3983.64	498.03	595.64
3rd enhancement dt. 11.01.20.12	4666.06	5580.61	697.68	834.43
Benefit of interest of 1st Enhancement Compensation @ 15% P.A. W.e.f 24.02.2010 to 31.12.2011	485.14	580.23	72.75	86.79
Benefit of interest of 2nd Enhancement Compensation @ 15% P.A. W.e.f 23.05.2011 to 31.12.2011	297.03	355.25	44.41	53.11
Total	10538.36	12603.89	1575.85	1884.71
New Recovery	6133.10	7335.18	917.00	1092.73
Benefit for General/EWS category	4405.26	5268.71	658.85	787.98

Detailed calculations are also annexed herewith at "Annexure-1"

However, para wise comments on the representation dated 21.08.2014 (Annexure P-6 of CWP No.7184 of 2015) are as under:-

Para 1:

The Petitioners has stated that please provide me Preamble of HUDA. Apprise me if there is any provision in HUDA laws wherein compensation paid by HUDA for acquisition of any land has to be reimbursed by plot owners whose plot lie on such acquired land.

- a) If such provision exists than why the money earned by the sale of Commercial sites, School sites, Nursing Home sites is not reimbursed amongst plot owners in whose sectors such sites exists.
- b) If such provision does not exist then HUDA shall have no ground to claim such enhancements as per its own convenience.

Findings:

The Urban Estates Department acquires the land on which the sectors are developed by HUDA. The tentative price of the plot under Regulation 4 of The Haryana Urban Development (Disposal of Land & Buildings) Regulations, 1978, for allotment is fixed by considering the cost of acquisition of land. If subsequently the land-owners are awarded higher compensation by the court in appeal procedures, the additional amount is liable to be paid by HUDA. In turn, such cost needs to be passed on to the allottees of the same sector. Regulation 2(h) of The Haryana Urban Development (Disposal of Land & Buildings) Regulations, 1978 stipulate that fixation of sale price/premium has to be done Sector wise. Similarly, additional amount of compensation to be paid after court's orders is also to be distributed over the same sector as per Regulation 2(b) of The Haryana Urban Development (Disposal of Land & Buildings) Regulations, 1978 Therefore, the cost incurred by HUDA for acquisition of land has to be distributed over the same particular sector.

As per Regulation ^{3(c)} of the Haryana urban Development (Disposal of Land & Buildings) Regulations, 1978, the plots are given either by allotment or by auction. The residential plots are allotted on the tentative price worked out on coming method on basis of initial acquisition cost of land, prescribed under Regulation 6 of Haryana Urban Development (Disposal of Land & Buildings) Regulation, 1978.

Therefore, the allotment of residential plots and commercial plots are governed by entirely two separate methods. For the purpose of calculation of additional price the incidence on account of commercial area is not cross subsidized and passed on to the residential plot-holder Any amount payable on account of enhanced compensation of the commercial area is borne by HUDA and is taken outside the purview of the calculation made for determining the additional price payable by the residential.

Para No 2: Some portions of present land of sector 51 were acquired under the acquisition of Sector-46 Gurgaon. What is the area of such land whether HUDA has reduced this area while calculating chargeable plotted area for Sector-51, Gurgaon.

Findings: The awards for the development of Sector 51, Gurgaon were announced by the Land Acquisition Collector, Gurgaon vide award No.4,5 & 6 dated 13.05.2000 for the land area of 170.93 Acres. As per details submitted by the Chief Town Planner, HUDA, Panchkula, total acquired land for Sector 51 is 159.33 acres after deducting the land which was not planned for this Sector and enhancement of Sector-51, Gurgaon is now calculated on the basis of planned area of Sector-51, Gurgaon as supplied by the Chief Town Planner, HUDA 53.92 acre area of award no.8 dated 23.03.1993 of Sector-46, Gurgaon has been included in Sector-51, Gurgaon as per detail provided by CTP, HUDA.

On the basis of detail of land area and as per the above said policy, revised calculations of 3rd recovery of enhancement has now been made and 3rd enhancement is reduced to the tune of ₹4405.26 per sq. yd. (₹ 5268.71 per Sq. mtr.) and ₹658.85 (₹ 787.98 per Sq. mtr.) for the General and EWS category respectively in 3rd enhancement has been given now.

Para No3: During and after acquisition of land for Sector-51 Gurgaon, how much land has been sold/allotted to private developers like M/S. MAYFIELD, M/S TODAY, M/S M2K & M/S. ORCHID etc and other societies in Sector-51, Gurgaon. Please clarify whether Private developers & societies have been made to pay enhancement for this land, if not why, when they are also enjoying all facilities available in this sector at the cost of plot owner.

Findings: An area measuring 3.95 acres of acquired land has been allotted to Private Licensees and an area of 24.22 acres has been allotted to M/s Sheetal International Pvt. Ltd. as intimated by the Chief Town Planner, HUDA. The enhancement in respect of these pockets have not been loaded on the HUDA plot owner

There are two tiers of development process in an urban estate. The first tier relates to providing and integration of town level facilities and services under external development works. This component is funded through levy and recovery of external development charges (EDC). The charges on account of external development works are divided proportionately on all the sectors in the urban estate i.e. both private colonizers as well as HUDA plot owners.

The second tier relates to facilities within the sector under internal development works, this is recovered in the form of internal development charges (IDC). But charges on internal development works are to be accounted for under "Development Cost" in the price fixation formula for the sector.

Therefore, it is revealed that common facilities of only external development works can be charged to the private builders proportionately in the form of EDC levied by the DGTCP at the time of grant of license. The internal development works within the private licensed area are borne by the private builder. Similarly internal development works within the HUDA allottee area are to be borne only by the HUDA allottees.

Para No.4: I would like to ask, why HUDA has included the area for the sites such as boosting station, high school, college, nursery school, office of Joint commissioner traffic police, electricity substation area etc. for whose compensation plot owners have been charged with enhancement where as all the above sites are for the use of Public at large and the usage is not confined to residents of sector 51 exclusively. Please distribute the cost of enhancement to the private developers and the societies also who have their stake in sector-51 as you have done in the case of other Urban Estates of Haryana.

Findings: The averments made in the findings of para No.3 are also reiterated here. The common facilities of external development works can be charged to the private builders proportionately in the form of EDC levied by the DGTCP at the time of grant of license. The internal development works within the private licensed area are borne by the private builder. Similarly internal development works within the HUDA allottee area are to be borne only by the HUDA allottees.

Para No. 5: There has been a lot of changes in the site plan since the inception of this sector-51, Gurgaon but the area under plotting shown in all the 3 calculation sheets of enhancements are same. Besides these there have been changes in sizes of sites marked as PS, NS, GROUP HOUSING, COLLEGES etc, but the enhancements cost has not been adjusted accordingly.

Findings: In this regard, CTP, HUDA was asked to certify the detail of actual acquired and planned area as per latest layout plan of Sector-51, Gurgaon. The awards for the development of Sector 51, Gurgaon were announced by the Land Acquisition Collector, Gurgaon vide award No.4,5 & 6 dated 13.05.2000 for the land area of 170.93 Acres. As per details submitted by the Chief Town Planner, HUDA, Panchkula, total acquired land for Sector 51 is 159.33 acres after deducting the

land which was not planned for this Sector and enhancement of Sector-51, Gurgaon is now calculated on the basis of planned area of Sector-51, Gurgaon as supplied by the Chief Town Planner, HUDA. On the basis reduced planned area of Sector-51, Gurgaon, revised calculations of 3rd recovery of enhancement has now been made and 3rd enhancement is reduced to the tune of ₹4405.26 and ₹658.85 for the General and EWS category respectively.

Para No. 6: HUDA In their enhancement calculation sheet has shown area under group housing schemes as 9.567 acres where as it appears that the actual area under the group housing is much more. I would like to know why the increased area is not been shown in calculation sheet. I fail to understand the logic behind 90% calculations of the total for GHS and 100% in case of plots.

Findings: As per attached revised calculation sheet, the area under Group Housing Scheme is 9.27 acres which is supplied by CTP, HUDA, Panchkula as per latest layout plan of Sector-51, Gurgaon.

Para No.7: The subsidy in levying of enhancements to EWS housing has been once again burdened on other plot owners like me. Why should general public suffer because of generous claims and commitments of governments towards EWS. Being a welfare state HUDA should have born the cost.

Findings: The plots under EWS Category are allotted at the concessional rates through cross subsidization from other allottees of the same sector This issue has also been upheld by the Punjab and Haryana High Court in CWP No.1483/1997 in case of Bhisham Sawrup and ors and this also bought finality in Hon'ble Supreme Court of India on 11.02.2014.

Para No.8: The calculation sheet shows that the park area of sector 51 comprises of 6.132 acres whereas no park is available in this sector because this area has been converted into residential area and handed over to private developer

Findings: As per the latest area supplied by the CTP, HUDA, no specific area of parks in Sector-51, Gurgaon is mentioned and revised calculations have also been made accordingly.

Para No.9: HUDA has sufficient commercial land in this sector which still to be sold or to be auctioned. Analyzing the current scenario and the price which HUDA is getting on sale of such commercial space is enormously high HUDA could have easily sold this piece of land & paid compensation to farmers from its auction proceeds without burdening the plot owner If HUDA has not sold that land as of now and plans to sell it later then it could have anticipated the price and adjusted notional price that it would have fetched in future .

- a) Sector 44 and sector 29 which are exclusively commercial sectors and there is no compensation cases in these sectors, the money HUDA is earning from sale of such commercial spaces could have easily adjusted in payment of compensation to farmers/land owner.
- b) 5 Star Hotel sites in sector - 47 for which HUDA has fixed reserved price as ₹ 100 Crore per acre for a 5 acres plot. Besides this whole of commercial complex of sector-47 is to be auctioned and once again there are no compensation cases in sector 47. Why such discrimination,
- c) Not only above mentioned sites HUDA has been auctioning commercial sites in other sectors in which HUDA has no compensation liability.

Please explain does HUDA pocket all the money they earn from sale of such property or they reimburse such earned money to plot owners of respective sector. If money is not reimbursed then HUDA has no locus stand to seek compensation money as enhancements.

Findings: As per Regulation 3(c) of the Haryana Urban Development (Disposal of Land & Buildings) Regulations, 1978, the plots are given either by allotment or by auction. The residential plots are allotted on the tentative price worked out on costing method on basis of initial acquisition cost of land, prescribed under Regulation 4 of Haryana Urban Development (Disposal of Land & Buildings) Regulations, 1978.

The procedure of allotment is by draw of lots prescribed by Regulation 5 of Haryana Urban Development (Disposal of Land & Buildings) Regulations, 1978. But in case of commercial plots, tentative price of land so determined is taken as initial reserve price of auction and allotment is to the highest bidder by auction under Regulation 6 of Haryana Urban Development (Disposal of Land & Buildings) Regulations, 1978.

Therefore, the allotment of residential plots and commercial plots are governed by entirely two separate methods. There is no legal provision to recover enhanced compensation from the plot-owners to whom allotment was made as a result of auction. But for the purpose of calculation of additional price, the incidence on account of commercial area is not cross subsidized and passed on to the residential plot-holder. Any amount payable on account of enhanced compensation of the commercial area is born by HUDA and is taken outside the purview of the calculations made for determining the additional price payable by the residential.

Para No.10:

Land for the sector 51 was acquired in 2000 & was allotted in 2003 and thereafter, HUDA is charging enhancements since 2000 along with heavy interest where as if at all it requires to claim it should be from the date of allotment of plots.

Findings:

Now, revised calculations have been made on the basis of actual liability of HUDA regarding payments of enhanced compensation to the land owners of the acquired land. While making the calculations of actual liability, land cost has been deducted from the enhanced cost of the land at the initial stage. As such, extra interest liability is reduced and no extra burden of interest is passed to the allottees.

Para No.11:

The illegal enhancement is being claimed at very high rate of interest and adding woes, like a shrewd money lender who charges interest on delayed payments higher than any financial institution. It reminds us of feudal system wherein the land owner was left with no other option to get his land confiscated from the clutches of moneylender. Please at least appear that you care public at large.

Findings:

Additional price of acquired land is determined by the Chief Administrator in respect of the sale or lease of land or building by allotment which may become payable by the transferee or lessee with respect to land or building sold or leased to him in a sector on account of the enhancement of compensation of any land or building in the same sector by the Court on a reference made under section 18 of the Land Acquisition Act, 1894 and the amount of cost incurred in respect of such reference." and as per Section-28 of The Land Acquisition Act, 1894

"Collector may be directed to pay interest on excess compensation:- If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of (nine per centum) per annum from the date on which he took possession of the land to the date of payment of such excess into Court:

Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry."

As such, HUDA is bound to pay interest as per the Land Acquisition Act to Land Owners and the same is charged from allottees so no excess amount of interest is charged from the petitioner and other allottees of Sector 51, Gurgaon.

Para No.12: I am being made to pay for the wrong decision and incapability of HUDA & other government officials who failed to take up the matter correctly & wisely in courts wherein the land owners / farmers had appealed. HUDA has lost in court it had contested. It was the Land Acquisition Officer and his department that failed to assess the correct price which should have been given to farmers at the time of acquisition. Now I as plot owner is being made to pay for the bad decisions of incapable officers from the year 2000 retrospectively.

Findings: Comments of para No.11 are reiterated here.

Para No.13: HUDA paid ₹ 361 per Sq. yards to farmers/land owners and allotted the land to plot owners at the rates as high as ₹3600.00 per sq. meter. Provide me the calculation sheet explaining full details of working and explain the difference. Please provide the minutes detail of the above abnormal difference in acquisition and allotment cost.

Findings: The Urban Estates Department acquires the land on which the sectors are developed by HUDA. The tentative price of the plot under Regulation 4 of The Haryana Urban Development (Disposal of Land & Buildings) Regulations, 1978, for allotment is fixed by considering the cost of acquisition of land. If subsequently the land-owners are awarded higher compensation by the court in appeal procedures, the additional amount is liable to be paid by HUDA. In turn, such cost needs to be passed on to the allottees of the same sector. Regulation 2(h) of The Haryana Urban Development (Disposal of Land & Buildings) Regulations, 1978 stipulate that fixation of sale price/premium has to be done Sector wise. Similarly, additional amount of compensation to be paid after court's orders is also to be distributed over the same sector as per Regulation 2(b) of The Haryana Urban Development (Disposal of Land & Buildings) Regulations, 1978. Therefore, the cost incurred by HUDA for acquisition of land has to be distributed over the same particular sector.

Para No.14: Plots owners wrongly made to pay for the delay and lethargic attitude of HUDA as it failed to calculate and pass on the enhancements to plot owners as and when Hon'ble Court pronounced verdicts to enhance compensation to farmers.

- a) 1st enhancements of ₹2,104 per sq. mtr was demanded in March 2010 where as the Sessions Court enhanced compensation to villagers from collector rate of ₹212 per sq. yards to ₹361 pr sq. yards. Much before the allotments of the HUDA plots.
- b) 2nd Enhancement of ₹ 3984 per sq. meter was demanded in Sept., 2011 where as Sessions Court on being remanded by Hon'ble High Court enhanced the compensation to villagers from ₹361 to ₹515 per sq. yards in the year 2006.

- c) 3rd enhancement of ₹5581 per sq. mtr. was demanded in Feb. 2012 whereas the Hon'ble High Court enhanced the compensation to farmers/ land owners in the year 2010.

Clearly there has been unexplainable delay in passing on the enhancements cost onto plot owners because of which plot owners are made to hefty amount as enhancements and interest w.e.f from year 2000 without any logic and rationale.

Findings: Comments of para No.11 are reiterated here. Enhanced compensation is calculated as per rate awarded by the Hon'ble courts .

Para No.15: Further I would like to know about Khasra/kila no. of land acquired by HUDA for sector-51 including the area of sector-46 used for sector 51.

Findings: Not relevant as Land for Sector-51 acquired by HUDA under award no. 4,5, & 6 dated 13.05.2000 as verified by LAO, Gurgaon now. Calculation have been made accordingly.

Para No.16: Applications for the sector-51 were invited by HUDA in year 2002 for the allotments of residential plots and even at that time HUDA was having full knowledge about court cases by farmers, rather one compensation was granted to farmer before allotment but kept secret by HUDA from the allottees which has been passed on allottees only during the year March 2010 whereas allottees should have been told all these factors before inviting application. Even after the allotment HUDA never intimated the plot owners about the progress in court cases concerning them directly.

Findings: Additional amount of compensation to be paid after court's orders is to be distributed over the same sector as per Regulation 2(b) of The Haryana Urban Development (Disposal of land & Buildings) Regulations, 1978. Therefore, the cost incurred by HUDA for acquisition of land has to be distributed over the same particular sector.

Para No.17: Haryana Government has withdrawn similar enhancement notice in CWP 26149 of 2012 filed in Hon'ble High Court of PUNJAB & HARYANA by the resident of Galaxy Apartments, Sector - 43 Gurgaon. Same formula should be applicable for me also. Besides this you have suo moto reduced the amount of enhancement of sector 27, Gurgaon as observed in orders of CWP 1078 of 2012. It is further added that relief in paying enhancements to the residents have been granted by Hon'ble High court Punjab & Haryana as a decision of CWP no. 1939 of 2013 filed by The Progressive Citizen Welfare Association Sector-52, Gurgaon.

Findings: The fresh calculation for sector-51, Gurgaon are now being made as per the policy decided by the Authority. The same particular were followed for sector 52 Gurgaon also.

Para No.18: There has been various instances in HUDA sectors of Panchkula, Faridabad etc. where in HUDA has reduced the enhancement cost substantially. This clearly points to the fact that there are and there has been error in calculation of enhancement cost. Kindly apprise the reason of such reductions and how is Sector-51, Gurgaon is different from Panchkula, Faridabad & others various sectors of Gurgaon.

Findings: Revised calculation of 3rd recovery of enhancement are now being made and the 3rd enhancement, which was earlier communicated on 11.01.2012, is now worked out to be ₹ 260.80 per sq. yd (₹ 311.90 per sq. mtr.) instead of ₹ 4666.06 (₹ 5580.61 per sq. mtr.) for General Category and ₹ 38.83 (₹ 46.45 per Sq. mtr.) instead of ₹ 697.68 Per Sq Yd. (₹ 834.43 Per Sq. mtr.) for EWS Category.

Order

In view of the above findings, the re-calculated additional price is as per Annexure.

The 1st rate of recovery of enhanced compensation of ₹1759.33 per Sq. Yd (₹ 2104.16 per Sq. mtr.) General Category and 263.16 per Sq. Yd (₹ 314.74 per Sq. mtr.) for EWS Category will remain intact.

1. As already conveyed by this office No.CCF-Acctt-II-2011/17723 dated 23.05.2011, the 2nd rate of recovery of enhanced compensation of ₹3330.80 per sq. yd. (₹ 3983.64 per Sq. mtr.) for General Category and ₹ 498.03 Per Sq. Yd (₹ 595.64 per Sq. mtr.) for EWS Category will remain intact.

2. 3rd rate of recovery of enhanced compensation worked out for ₹260.80 per sq. yd. (₹ 311.90 per sq. mtr.) as on 01.01.2012 instead of ₹ 4666.06 per sq. yd. (₹ 5580.61 per sq. mtr.) for General category and ₹ 38.83 per sq. yd. (₹ 46.45 per sq. mtr.) instead of 697.68 per Sq. Yd (₹ 834.43 per sq. mtr.) and EWS category on the basis of revised enhancement of ₹ 6133.10/- Per Sq. Yd (₹ 7335.18 per sq. mtr.) and ₹ 917/- Per Sq. yd (₹ 1092.73 per sq. mtr.) for General Category and EWS Category as by giving the benefit of updated interest on excess amount of previous enhancements :-

				Amount in ₹
Particulars	General Category		EWS Category	
	Per Sq. Yd.	Per Sq. mtr	Per Sq. Yd.	Per Sq. mtr
1st enhancement dt. 24.02.2010	1759.33	2104.16	263.16	314.74
2nd enhancement dt. 23.05.2011	3330.8	3983.64	498.03	595.64
3rd enhancement dt. 11.01.20.12	4666.06	5580.61	697.68	834.43
Benefit of interest of 1st Enhancement Compensation @ 15% P.A. W.e.f 24.02.2010 to 31.12.2011	485.14	580.23	72.75	86.79
Benefit of interest of 2nd Enhancement Compensation @ 15% P.A. W.e.f 23.05.2011 to 31.12.2011	297.03	355.25	44.41	53.11
Total	10538.36	12603.89	1575.85	1884.71
New Recovery	6133.10	7335.18	917.00	1092.73
Benefit for General/EWS category	4405.26	5268.71	658.85	787.98


SAO(HQ), HUDA


CCF, HUDA


CA, HUDA

Sector-51, Gurgaon

Sr		Area of Sector-51, Gurgaon
1	2	3
		(Area in Acre)
1	Total area under scheme	159.33
2	Area of HUDA land (not planned)	0.45
3	Area released for private licensees	28.17
3	Area of released land	0.68
	Net planned area	130.03
Details of planned area of the Sector		
1	Area Under residential Plots	46.12
2	Area under clinic	0.25
3	Area under nursing home	0.55
4	Area under college	9.02
5	Area under Hospital	8.3
6	Area under Bossting station	8
7	Area under Nursery School/Creche/Pry. School	3.29
8	Area under Elect.Sub Station	1.21
9	Area for religious building	0.2
10	Area under police station	2
11	Area under Group Housing	9.27
12	Area under Commercial area	5.02
13	Area under Roads & open spaces	36.8
	Total Area	130.03

✓

Sector-51, Gurgaon

SNO		Total Saleable	Proportionate Area of Saleable / Common Area	Total (3+4) (In Acres)	Total Chargeable / Common area	Common Facility for other sectors
1	2	3	4	5	6	
1	Area Under residential Plots	46.12	33.14	79.26	0	
2	Area under clinic	0.25	0.18	0.43		
3	Area under nursing home	0.55	0.40	0.95		
4	Area under college	4.51	3.24	7.75	4.51	
5	Area under Hospital	8.3	5.96	14.26		
6	Area under Bossting station		0.00	0.00	8	
7	Area under Nursery School/Creche/Pry. School	1.64	1.18	2.82	1.65	
8	Area under Elect.Sub Station		0.00	0.00	1.21	
9	Area for religious building	0	0.00	0.00	0.2	
10	Area under police station		0.00	0.00	2	
11	Area under Group Housing	9.27	6.66	15.93	0	
12	Area under Commercial area	5.02	3.61	8.63	0	
13	Area under Roads & open spaces	0	0.00	0.00	36.80	
	Total Area	75.66	54.37	130.03	54.37	0

Sector 51, Gurgaon

A		Days				Amounts in ₹
		From	To	Total Days		
	Rate Per Acre (As Awarded by Hon'ble High Court on dated 1.10.2010 in RFA No.1824 of 2006 in various LA cases (Rs.1216 per sq. yards X 4840)					58,85,440.00
Less:	Rate as per LAC Award (per acre)					6,73,023.00
					Price of Land	52,12,417.00
Add:	30% Solatium				(Section 23(2) of LA Act, 1894)	15,63,725.00
Add:	12% additional interest	15-05-1997	14-05-2000	1095	(Section 23 (IA) of LA Act, 1894)	18,76,470.00
					Total	86,52,612.00
Add:	9% additional interest (one year)	14-05-2000	14-05-2001	365	(Section 28 of LA Act, 1894)	7,78,735.00
Add:	15% Interest	14-05-2001	01-01-2012	3884	(Section 28 of LA Act, 1894)	1,38,10,991.00
					Grand Total	2,32,42,338.00
	Total Liability 105.41 x 23242338				(A)	2,44,99,74,849.00

Sector 51, Gurgaon

B		Days				Amounts in ₹
		From.	To	Total Days		
	Rate Per Acre (As Awarded by Hon'ble High Court on dated 1.10.2010 in RFA No.1824 of 2006 in various LA cases (Rs.212 per sq. yards X 4840)					10,26,080.00
Less:	Rate as per LAC Award (per acre)					3,92,455.00
					Price of Land	6,33,625.00
Add:	30% Solatium				(Section 23(2) of LA Act, 1894)	1,90,088.00
Add:	12% additional interset	20-04-1990	23-03-1993	1068	(Section 23 (IA) of LA Act, 1894)	2,22,480.00
					Total	10,46,193.00
Add:	9% additional interset (one year)	24-03-1993	24-03-1994	365	(Section 28 of LA Act, 1894)	94,157.00
Add:	15% Interset	24-03-1994	01-01-2012	6492	(Section 28 of LA Act, 1894)	27,91,186.00
					Grand Total	39,31,536.00
	Total Liability 53.92 x 3931278				(B)	21,19,88,421.00
					(A) + (B)	2,66,19,63,270.00

Sector-51, Gurgaon

1	Total Liability	2,66,19,63,270.00			
2	Total Land as per layout plan	159.33			
3	EC per Acre	1,67,07,232.00			
4	Total Area	130.03			
5	Total recoverable amount	2,17,24,41,376.96			
6	Rate of General	3,344.00	Per Sq.yd		
7	Rate of EWS Category	500.00	Per Sq.yd		
8	Proportionate Ratio				
i)	General Category	(A)	(72.75x3344x4840)	1,17,74,55,840.00	
ii)	EWS Category	(B)	(2.91x500x4840)	70,42,200.00	
		(C)	Total	1,18,44,98,040.00	
9	Amount for EC (General Category)	(A/Cx2172441377)		2,15,95,25,554.00	
10	Amount for EC (EWS Category)	(B/Cx2172441377)		1,29,15,823.00	
11	E.C. for General Category	(2159525554/72.75/4840)		6,133.10	Per Sq.yd
12	E.C. for EWS Category	(12915823/2.91/4840)		917.00	Per Sq.yd

Amount in ₹				
Particulars	General Category		EWS Category	
	Per Sq. Yd.	Per Sq. mtr	Per Sq. Yd.	Per Sq. mtr
1st enhancement dt. 24.02.2010	1759.33	2104.16	263.16	314.74
2nd enhancement dt. 23.05.2011	3330.8	3983.64	498.03	595.64
3rd enhancement dt. 11.01.20.12	4666.06	5580.61	697.68	834.43
Benefit of interest of 1st Enhancement Compensation @ 15% P.A. W.e.f 24.02.2010 to 31.12.2011	485.14	580.23	72.75	86.79
Benefit of interest of 2nd Enhancement Compensation @ 15% P.A. W.e.f 23.05.2011 to 31.12.2011	297.03	355.25	44.41	53.11
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