

372

HARYANA URBAN DEVELOPMENT AUTHORITY
SECTOR-6, PANCHKULA.

egds
No. HUDA-CCF-Acctt-II-2014/19554-63

Dated: 4/8/14

To

1. Sh. A.G. Ansari, President
Urja Vihar Co-op, Group Housing Society,
GH-9, Sector-45,
Faridabad.
2. Sh. Surinder Chaudhay, Chairman, JAC
151, Sunrise Apartment, Sector-45,
Faridabad.
3. Sh. Surinder Chaudhay, President,
Sunrise Towers Co-op, Group Housing Society,
GH-7, Sector-45,
Faridabad.
4. Sh. Surrender Kumar, Secretary,
Sabzaar Co-op, Group Housing Society,
GH-4, Sector-45,
Faridabad.
5. Sh. S.P. Sharma, President,
Rail Vihar Co-op, Group Housing Society,
GH-IRWO, Sector-45,
Faridabad.
6. Sh.S.K. Samnol, Member,
Krishilok Co-op, Group Housing Society,
GH-3, Sector-45,
Faridabad.
7. Sh. M. Kannan, Member
Vaish Co-op, Group Housing Society,
GH-5, Sector-45,
Faridabad.
8. Sh. M.P. Singh, Secretary,
Lord Krishna Co-op, Group Housing Society,
GH-2, Sector-45,
Faridabad.
9. Sh. Roshan Lal Kashkari, Member,
Hare Krishna Co-op, Group Housing Society,
GH-1, Sector-45,
Faridabad.
10. Sh. Vijay Bhan, Presient,
Gayatri Co-op, Group Housing Society,
GH-6, Sector-45,
Faridabad.

Subject:

**Regarding in respect of CWP No. 11363 of 2011 - Urja Vihar
Coop. Society V/s State of Haryana, Sector-45, Faridabad.**

Please refer to the subject cited on above.

Find enclosed herewith the copy of speaking order passed on 28.07.2014 by the Committee constituted for this purpose and it is for your information please.

DA/As above:


(Surjeet Singh),
Accounts Officer,
For Administrator (HQ),
HUDA, Panchkula.

Endst.No.HUDA-CCF-Acctt-II-2014/-19564

Dated:- 4/8/14

A copy of the above is forwarded to the Estate Officer, HUDA, Faridabad for information and necessary action.

DA/As above:


(Surjeet Singh),
Accounts Officer,
for Administrator (HQ),
HUDA, Panchkula.

SPEAKING ORDER No.3/2014

Passed in respect of Sector 45, Faridabad in compliance with the orders dated 7.11.2012 of Hon'ble Punjab & Haryana High Court in CWP No. 11363 of 2011

This speaking order is passed in compliance of the orders dated 7.11.2012 of Hon'ble Punjab & Haryana High Court in CWP No. 11363 of 2011 titled as The Urja Vihar Co-operative Group Housing Society Ltd., Faridabad and others Vs. State of Haryana and others. The orders dated 7.11.2012 are reproduced as under:-

"In terms of directions given in CWP No.18681 of 2011, the case of the petitioners be also consider and dispose of by the Committee. The Committee shall be constituted within 15 days from today. On receipt of a notice from the said Committee, the petitioners/their representatives are directed to appear before committee on a given date. The entire process will be completed within two months from the date of receipts of a copy of this order."

Records of personal hearing

2. As per the orders of the Hon'ble High Court, opportunity of hearing was given to the petitioner on 21.02.2013, 20.09.2013 and 13.05.2014 the same was attended by the representative of the petitioner society. During the hearing on 13.5.2014, the petitioners agreed that they have been supplied complete information in terms of orders of Hon'ble High Court. They agreed that they will file their objections within seven days. The petitioner societies thereafter submitted the representation on 23.05.2014 vide their letter dated 19.5.2014.

Discussions and findings of the Committee on the issues raised in letter dated 19.5.2014 by the petitioners.

- (i) Para 1 & 2:- Require no comments.
- (ii) Para 3 (a),(b) & (c):-

Difference between allotment price of Individual and Group Housing Societies plots:

Contention :- The petitioner has objected that the allotment of plots to individual plot holders and to Cooperative Group Housing Societies have been made under different Policies of HUDA and at different terms and prices, therefore same calculation sheet cannot be applicable to the both for calculation of enhanced compensation(EC).

They have contended that at the time of price fixation, the cost of land for the plotted area was taken Rs.3,82,073/- while the cost of land for GHS plots was taken on 1.04.1990 as Rs.5.00 lacs per acres for the price fixation of Group Housing sites. The cost of land was taken more for Group Housing sites for which the petitioner want to recalculate the enhanced compensation on the basis of land cost taken in the price fixation.



They have also committed that interest has already been charged on the land cost from the petitioner societies as well as the enhanced cost of land. They have requested that excess amount paid by them on account of interest should be fully compensated for.

Findings of Committee: - The Committee agrees that benefit of the land price which was accounted for in arriving at the allotment price shall be given to the petitioners while calculating demand on account of payment of enhancement. Similarly, benefit of excess interest, if any, paid by petitioner society shall also be given.

(iii) Para 4 (a) :- Change in land use, Licensed area and water works:

The petitioner has objected that the HUDA has allowed to change in land use by allowing existing Industry/Structures to construct Residential/Commercial Complex in sector-45, Faridabad. Water works also available to feed green field, Green Valley and Charmwood village. So the load of common facilities to be loaded on these area.

They have also contended that development cost should also be shared by the licensed area user on equitable basis.

Findings of Committee: - The Committee has already decided similar issue in Speaking Order No.1/2014 passed in compliance of the orders dated 24.11.2012 of Hon'ble Punjab & Haryana High Court in CWP No. 10718 of 2012 (O&M) titled as Resident Welfare Association (Sector-27, Gurgaon) holding that that the load of common facility cannot be loaded on private developer and Committee also observed that private colonizers are governed by the Haryana Development and Regulation of Urban Areas Act, 1975. The private colonizer acquire his land at his own level and gets licenses issued under Section 3 of from the Haryana Development and Regulation of Urban Areas Act, 1975. Any dispute or enhancement in respect of land of private colonizer is to be sorted out by private colonizers. Similarly, in respect of HUDA land, if any enhanced compensation is to be paid and is borne by HUDA, then it will pass on the same to its residential plot-holders of the sector.

Regarding the contention that development cost should also be shared by the licensed area user on equitable basis, the Committee finds that the issue of development cost is not relevant in this Speaking Order. The demand in this case is on account of additional price defined under Regulation 2(b) of the Haryana Urban Development (Disposal of Land and Building) Regulations, 1978 (herein after referred as Regulations). This has no relation to the development works.

(iv) Para 4 (b):- The benefit of water works may be given on proportionate area basis as Superintending Engineer intimated to the petitioner vide letter no. 2055-56 dated 26.02.2013 that the water works is being utilize for Green field, Green valley and Charmwood Village. So the area detail of Green field, Green Valley and Charmwood Village will be obtained from **Chief Engineer for revision.**

10/18

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Findings of Committee: - The Committee finds that private colonizers are governed by the Haryana Development and Regulation of Urban Areas Act, 1975. The private colonizer acquire his land at his own level and gets licenses issued under Section 3 of from the Haryana Development and Regulation of Urban Areas Act, 1975. Any dispute or enhancement in respect of land of private colonizer is to be sorted out by private colonizers. Similarly, in respect of HUDA land, if any enhanced compensation is to be paid and is borne by HUDA, then it will pass on the same to its residential plot-holders of the sector.

(iv) Para 5:-Areas to be planned with sector-44:

The petitioner has objected that the equitable cost of 2.22 acre to be planned with sector-44, be deducted from EC.

Findings of Committee: - The Committee agrees that if the area of 2.22 acres is planned in Sector-44, the same may be excluded from sector-45 for calculation of demand.

(v) Para 6 :-Area under forest Zone:

The petitioner has objected that the proposed 30 mtr. wide common Road between sector-45 & sector-44 on western side of the sector-45 falls in forest zone and has not been constructed, but the area under the road has been included in the head "Area under roads & open spaces". So the enhancement should be deducted.

Findings of Committee: - The Committee finds that CTP, HUDA has reported that the impugned land under Forest Zone is acquired land of HUDA and matter is subjudice before Apex Court of India. As per decision of the Hon'ble Court the acquired land shall be utilized by HUDA as planned for once. Since, the land was acquired by HUDA, the load of same on account of enhanced compensation is to be passed on to sector-45, Faridabad. So the benefit cannot be given.

(vi) Para 7 : Common Area:

The petitioner has objected that the area under road and open spaces, Religious building, Community Centre, Public Utility Services and 50% Educational Sites to be treated as common area.

Findings of Committee: - The Committee finds that as per HUDA policy the 50% educational site are disposed of by way of auction and 50% is allotted to education Department free of cost. Therefore the Committee agrees that the area under road and Open Spaces, Religious Building, Public Utility services and 50% area of School sites may be treated as common area and load of enhancement compensation of common area to be loaded on saleable area on proportionate basis.



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(vii) **Para 8 : Distribution/sharing of EC of common area:**

The petitioner has objected that the EC of common area should be distributed among various users of the common area.

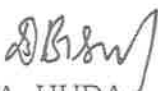
Findings of Committee: - The Committee finds that the load of enhanced compensation of common area e.g. roads, open space, community centre, public utility service, religious may be loaded on all users i.e. plot-owners, group housing societies, commercial area based upon their respective sealable area on proportionate basis.

(viii) **Para 9: Proposed Calculation:**

The calculations procedure of the petitioner is not acceptable. The same shall be modified in terms of this Speaking Order.

Conclusion:-

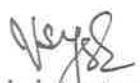
The enhanced compensation in respect of Sector-45, Faridabad shall be revised as explained above. If any plot holder/GHS have deposited the excess amount, than the excess amount may be refunded alongwith simple interest @ 15% p.a., on the similar pattern the simple interest @ 15% p.a. may be charged on the delayed payment. The speaking order may be conveyed to the petitioner societies through registered post.


DA, HUDA
Panchkula


CE, HUDA
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CTP, HUDA
Panchkula


CCF, HUDA
Panchkula


Administrator, (HQ)
HUDA, Panchkula.