

Directorate of Town & Country Planning, Haryana

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

Phone : 0172-2549349 Email: tcpharyana7@gmail.com

Website: <http://tcpharyana.gov.in>

LC-III
(See Rule 10)

To

✓ Commander Realtors Pvt. Ltd.,
C-4, 1st Floor, Malviya Nagar,
New Delhi-110017.

Memo No. LC-5281-III/JE (RK)/2024 707

Dated: 07-01-2025

Subject: Letter of Intent: Request for grant of licence for setting up of Mix Land Use Colony (95% residential & 5% commercial) under TOD policy-09.02.2016 over an area measuring 14.81875 acres after migration part area measuring 0.3375 acre from license no. 63 of 2009, 14.25625 acres from license no. 107 of 2010 & 0.225 acre from license no. 60 of 2012 in the revenue estate of village Ghata, Sector 58, Gurugram.

Please refer your application dated 05.12.2023 on the subject cited matter.

Your request for grant of licence for setting up of Mix Land Use Colony (95% residential & 5% commercial) under TOD policy-09.02.2016 over an area measuring 14.81875 acres after migration part area measuring 0.3375 acre from license no. 63 of 2009, 14.25625 acres from license no. 107 of 2010 & 0.225 acre from license no. 60 of 2012 in the revenue estate of village Ghata, Sector 58, Gurugram has been considered and it is proposed to grant a licence for setting up of aforesaid colony. You are, therefore, 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 licence shall be refused:-

1. To furnish the bank guarantees on account of Internal Development works and the External Development Charges (valid for five years alongwith minimum 3 months claim period) for the amount calculated as under:-

A. INTERNAL DEVELOPMENT WORKS (IDW):

GH component = 14.0778125 acres x 50 lac = Rs. 703.891 lacs

Commercial component = 0.7409375 acres x 50 lac = Rs. 37.0469 lacs

Total amount of IDW = Rs. 740.9379 lacs,

25% BG Required = Rs. 185.234475 lacs or to mortgage 10% of saleable area.

It is made clear that bank guarantee of Internal Development Works has been worked out on the interim rates and you will have to submit the additional bank guarantee, if any required at the time of approval of Service Plan/Estimate. With an increase in the cost of construction, you would be required to furnish an additional bank guarantee within 30 days on demand.

B. EXTERNAL DEVELOPMENT CHARGES (EDC):-

Director
Town & Country Planning
Haryana, Chandigarh

GH component = $14.0778125 \times 374.748 \times 3.5/1.75$ = Rs. 10551.2642 lacs

Commercial = $0.7409375 \times 583.358 \times 2.5/1.75$ = Rs. 864.46364 lacs

Total = Rs. 11415.72784 lacs

Adjusted = Rs. 1620.45 lacs (NP/145)

Balance EDC required = Rs. 9795.27784 lacs

25% BG Required = Rs. 2448.81946 lacs or to mortgage 10% of saleable area

The EDC rates have been calculated on the basis of indexation mechanism for calculation of EDC dated 11.02.2016 & amendment dated 31.12.2024 in the State of Haryana. 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.

2. That you shall deposit an amount of **Rs. Rs. 14,05,52,250/-** on account of balance licence fee and an amount of **Rs. 1,44,79,000/-** on account of conversion charges online at website i.e. www.tcpharyana.gov.in. OR applicant company has option to deposit balance license fee and conversion charges as per amendment dated 26.12.2018 in TOD policy dated 09.02.2016.
3. That you shall deposit an amount of **Rs. 21,51,47,689/-** on account of Infrastructure Augmentation Charges online at website i.e. www.tcpharyana.gov.in. OR applicant company has option to deposit Infrastructure Augmentation Charges as per amendment dated 26.12.2018 in TOD policy dated 09.02.2016.
4. To execute two agreements i.e. LC-IV & Bilateral Agreement on Non-Judicial Stamp Paper of Rs.100/-. Further, following additional clauses shall be added in LC-IV agreement as per Government instruction dated 14.08.2020.
 - I. *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.*
 - 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 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.*
5. To furnish an undertaking on non-judicial stamp paper to the following effect:-
 - a. That you shall pay the Infrastructure Development Charges amounting to **Rs.11,59,84,000/-** in two equal installments. First Installment will be due

within 60 days of grant of license and second Installment within six months of grant of license failing which 18% PA interest will be liable for the delayed period.

- b. 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.
- c. 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.
- d. That you shall construct portion of service road, internal circulation roads, forming the part of site area at your own cost and shall transfer the land falling within alignment of same free of cost to the Govt. u/s 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
- e. That you shall be liable to pay the actual rates of External Development Charges as and when determined and demanded as per prescribed schedule by the DTCP, Haryana.
- f. That you shall integrate the services with Haryana Shehari Vikas Pradhikaran services as and when made available.
- g. 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 Restrictions of Unregulated Development Act, 1963.
- h. That you shall has understood that the development /construction cost of 24 m/18m major internal roads is not included in the EDC rates and applicant company 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.
- i. That you shall obtain NOC/Clearance as per provisions of notification dated 14.09.06 issued by Ministry of Environment & Forest, Govt. of India before execution of development works at site.
- j. That you shall make arrangements for water supply, sewerage, drainage etc. to the satisfaction of DTCP till these services are made available from External Infrastructure to be laid by Haryana Shehari Vikas Pradhikaran.
- k. That the rain water harvesting system shall be provided as per Central Ground Water Authority Norms/Haryana Govt. notification as applicable.

- l. That you shall make provision of solar power system as per guidelines of Haryana Renewable Energy Development Agency and shall make operational where applicable before applying for an Occupation Certificate.
- m. That you shall use only LED fitting for internal lighting as well as campus lighting.
- n. 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.
- o. 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 applicant company has to deposit thirty percentum of the amount from the floor/space holders for meeting the cost of Internal Development Works in the colony.
- p. That you shall permit the Director or any other office authorized by him to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the license granted.
- q. That you shall not give any advertisement for sale of applied /licensed area before the approval of layout plan / building plans of the same.
- r. That you shall 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 & its further amendments from time to time.
- s. That you shall keep pace of construction at least in accordance with sale agreement executed with the buyers of the flats as and when scheme is launched.
- t. That you shall submit the additional bank guarantee, if any required at the time of approval of Service Plans/Estimate. With an increase in the cost of construction and increase in the number of facilities in Layout Plan, applicant company would be required to furnish an additional bank guarantee within 30 days on demand. It is made clear that bank guarantee of Internal Development Works/EDC has been worked out on the interim rates.
- u. That you shall specify the detail of calculations per Sqm/per sqft, which is being demanded from the flat/shop owners on account of IDC/EDC, if being charged separately as per rates fixed by Govt.
- v. That the provisions of the Real Estate (Regulation and Development) Act, 2016 and rules framed thereunder shall be followed by the applicant in letter and spirit.
- w. That no pre-launch/sale of applied/licensed area will be undertaken before approval of the layout plan.

- x. That you shall execute the development works as per Environmental Clearance and comply with the provisions of Environment Protection Act, 1986, Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974. In case of any violation of the provisions of said statutes, you shall be liable for penal action by Haryana State Pollution Control Board or any other Authority Administering the said Act.
 - y. That you shall abide by with the Act/Rules and the policies notified by the Department for development of commercial colonies and other instructions issued by the Director under section 9A of the Haryana Development and Regulations of Urban Areas Act, Haryana Development and Regulations of Urban Areas Act, Haryana Development and Regulations of Urban Areas Act, 1975.
 - z. That licenced land forming the part of Sector, Road, Service roads, Green belts and 24/18 mtrs wide road as the case may be land pockets which are earmarked for community sites shall be transferred within a period of 30 days in favour of Government from the date of approval of Zoning Plan.
 - aa. That you shall obey all the directions/restrictions imposed by the Department from time to time.
 - bb. That you shall abide by all the provisions of Act no. 8 of 1975 and Rules framed thereunder as amended time to time.
 - cc. That you shall complete the project as per the policy dated 09.02.2016 and as amended time to time.
 - dd. That you shall not encroach the revenue rastas passing through the applied site and shall provide unrestricted access through the same of general public.
 - ee. That you shall take prior permission from the Divisional Forest Officer, Gurugram regarding cutting of any tree at applied site.
 - ff. That you shall maintain the ROW along 1 no. BPL pipeline passing through the site.
- 6. That you shall submit the NOC from Divisional Forest Officer, Gurugram before grant of final permission.
 - 7. That certificate from DRO/Deputy Commissioner, Gurugram will be submitted certifying that the applied land is still under ownership of applicant company.
 - 8. That you shall undertake to indemnify State Govt. / Department for loss occurred or legal complication arising due to pending litigation and the land owning / developer company will be responsible for the same in respect of applied land.
 - 9. That you shall submit an indemnity bond, indemnifying by the DTCP against any loss/claim arising out of any pending litigation.
 - 10. That land owning company and individual land owners is required to submit the indemnity bond on the prescribed Performa, indemnifying the Director from any legal or financial liabilities that may arise upon compliance of the orders of Hon'ble Supreme Court in CA No. 8977 of 2014 titled as Jai Narayan@Jai Bhagwan & Others Vs State of Haryana & Others with Civil Appeal No. 13828 of 2015 and Civil Appeal

No. 9211-9213 of 2016 titled State of Haryana Vs Dev Dutt and final outcome of CBI investigation under process.

11. That you shall 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 shall complete the demarcation at site within 7 days and will submit the Demarcation Plan in the office of District Town Planner, Gurugram within 15 days of issuance of this memo.
13. That you shall invite objections/suggestions from the general public / allottees through publication in the three leading newspapers (Two English & One Hindi). Further, the objections from existing allottees shall be invited in respect of proposed migration through registered post & email ID within a period of 10 days from issuance of this letter as per the procedure laid down in the Departmental policy dated 25.01.2021, the proof of inviting objections alongwith detail of the objections so received shall be submitted in the office of STP, Gurugram/DTP, Gurugram for verification. After expiry of 30 days, Senior Town Planner, Gurugram will submit his report on the objections received from the third party right holders, if any received on the proposed migration alongwith his comments.
14. That you shall submit the consent of allottees of the area measuring 14.81875 acres proposed to be migrated as per provision of Rule 17(A)1 of Rules 1976.
15. That you shall intimate your official "email ID" to the Department and correspondence done by Department on this ID shall be treated as official intimation & legally valid.
16. That you have not submitted the documents in compliance of condition no. 3 of this office memo no. 38235 dated 05.12.2024, therefore, you shall submit the following documents before grant of license so that revised land schedule, layout plan & requisite orders for balance area can be issued accordingly:
 - a) Sanctioned mutation of gift deed no. 5623 dated 21.06.2024.
 - b) The latest revenue documents for an area measuring 288.637155 acres.
 - c) The verification report from DC, Gurugram for area measuring of the colony 331.609375 acres as sought vide letter dated 17.09.2024.
 - d) The complete details of all the migrated, surrendered and de-licensed area from the subject cited colony.
17. The above demanded fee and charges are subject to audit and reconciliation of accounts.

DA/As above.

(Amit Khatri, I.A.S)
Director, Town & Country Planning
Haryana, Chandigarh

Endst. No. LC-5281-III/JE (RK)/2024/

Dated:


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

1. Deputy Commissioner, Gurugram.
2. Additional Director, Urban Estate, Haryana, Sector-6, Panchkula.
3. Senior Town Planner, Gurugram.
4. District Town Planner, Gurugram.
5. Oberoi Realty Ltd., Commerz, 3rd Floor, International Business Park, Oberoi Garden City, OFF western Express Highway, Goregaon (E), Mumbai-400063.

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

To be read with LOI Memo No.....⁷⁰⁷.....dated.....⁰⁷⁻⁰¹.....of 2024⁵

Village	Name of owner	Rect.No	Killa No.	Area (K-M)
Ghata	Oberoi Realty Ltd.	37	17/1	2-5
		49	6/3	2-4
		37	18/1/1	1-10
			19/1/1/1	0-9
			18/2/1	0-15
			16	7-7
			25	8-0
		48	11/2	5-5
		49	5/1	5-8
			6/2	2-5
		38	19	7-7
			20	7-7
			21	8-0
			22	8-0
		48	1	8-0
			10	8-0
			2/1	4-6
			9/2	6-1
		49	5/2	2-12
			6/1	3-11
		48	19/1	4-0
			20/1	5-0
			12	7-12
			26	1-16
		38	18/1	1-11
			Total	118-11 Or 14.81875 Acres


Director
Town & Country Planning
Haryana, Chandigarh
Person Name