



केन्द्रीय सरकारी कर्मचारी कल्याण आवास संगठन
CENTRAL GOVERNMENT EMPLOYEES
WELFARE HOUSING ORGANISATION

(Ministry of Housing & Urban Poverty Alleviation, Govt. of India)

छटा तल, ए खण्ड, जनपथ भवन,
जनपथ, नई दिल्ली-110 001
दूरभाष : 23739722 / 23717249 / 23355408
फैक्स : 23717250

6th Floor, 'A' Wing, Janpath Bhawan,
Janpath, New Delhi - 110 001
Phones : 23739722 / 23717249 / 23355408
Fax : 23717250
E-mail : cgewho@nic.in

T-106/4/II

29th May 2017

To

1. The President/Secretary,
Kendriya Vihar-II Apartment Co-operative
Group Housing (Maintenance) Society Ltd.,
Sector- 25, Panchkula, HR.
2. All Flat Owner(s) of Kendriya Vihar-II Complex,
Sector- 25, Panchkula, HR

Subject : **Demand notice for enhancement in the cost of land for Kendriya Vihar,
Panchkula Phase-II received from HUDA.**

Sir/Madam,

CGEWHO is in receipt of a notice from the Estate Officer HUDA, Panchkula, stating that an amount of **Rs.4,22,83,246/-** is due to be paid towards enhancement in the land cost. In this regard CGEWHO attend a hearing in the office of the Estate Officer, HUDA, Panchkula on 18.05.2017.

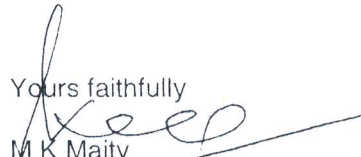
2. During the hearing held on 18.05.2017, it was brought to the notice of Estate Officer HUDA that CGEWHO had also received letter dated 19.12.2012 and a show cause notice dated 29.04.2016 and CGEWHO sought certain clarifications vide letter dated 21.01.2013 & 25.05.2016 which are still unreplied. The Estate Officer stated that the enhancements were as per the order of the Hon'ble High Court & subsequent order of Chief Account Officer, HUDA dated 25.01.2017. Copies of letters received from HUDA and written by CGEWHO along with Order dated 25/01/2017 are enclosed herewith as Annexure-I.

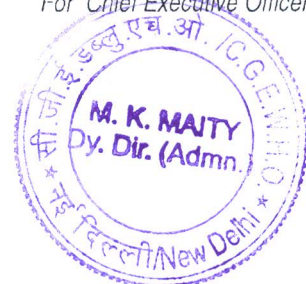
3. It now emerges that the enhancement needs to be paid to HUDA immediately. As, CGEWHO has already settled the accounts of the individual beneficiaries on no profit no loss basis, the amount now sought by HUDA is to be paid by the owners of each dwelling unit according to clause No. 6 of 'Deed of Conveyance' executed between CGEWHO & Beneficiaries of aforesaid Housing Project. The Apartment Owners Association may intimate the existing owners of the individual DU for depositing the proportionate amount in the ratio of the cost. The amount to be paid towards each type of DU is appended in the next page. It may be noted that non- payment of amount to HUDA may lead to penalties or any other actions for which the individual owners shall only be accountable. It is, therefore, advised that the amount may be paid to HUDA with an intimation to this office.

Encl : Notice/ Letter of HUDA & replies by CGEWHO.

CC : For Web-publication

Yours faithfully


M. K. Maity
Dy. Director (Admn.)
For Chief Executive Officer



**APPORTIONING SHEET FOR EACH TYPE OF OWNER(S) FOR
ENHANCEMENT AMOUNT TO BE PAID FOR GH PLOT NO 8 SECTOR
25 PANCHKULA**

**TOTAL AMOUNT TO BE PAID TO
HUDA**

=

42283246

TYPE	NOS	COST (in Rs.)/EACH	LAIBILITY FOR ENHANCED COMP./EACH	TOTAL (in Rs.)
1	2	3	4	5
A (1BHK)	16	710642	93121	1489937
B (2BHK)	64	1079395	141442	9052268
C (3BHK)	160	1413518	185224	29635916
CAR PARKING	129	115000	15069	1943948
SCOOTER PARKING	41	30000	3931	161177
		TOTAL		42283246

PANCHKULA (PHASE II) HOUSING SCHEME

LIST OF ALLOTTEE(S) / BENEFICIARIES WITH RESPECTIVE AMOUNT TO BE PAID

SR.NO	BLOCK	FLAT	FLOOR	PARKING1	PARKING2	PARKING3	T. AMOUNT (in Rs.)
1	1	1	01				93121
2	1	2	01	CS	2		108190
3	1	3	01				93121
4	1	4	01				93121
5	1	5	02				93121
6	1	6	02				93121
7	1	7	02				93121
8	1	8	02	CS	4	SS 5	97052
9	1	9	03				108190
10	1	10	03				93121
11	1	11	03				93121
12	1	12	03				93121
13	1	13	04				93121
14	1	14	04			SS 1	97052
15	1	15	04				93121
16	1	16	04				93121

SR.NO	BLOCK	FLAT	FLOOR	PARKING1	PARKING2	PARKING3	T. AMOUNT (in Rs.)
1	2	17	01				141442
2	2	18	01	CS	18		156511
3	2	19	01				141442
4	2	20	01				141442
5	2	21	02				141442
6	2	22	02				141442
7	2	23	02				141442
8	2	24	02	CS	11		141442
9	2	25	03	CS	8		156511
10	2	26	03				141442
11	2	27	03	CS	9		156511
12	2	28	03				141442
13	2	29	04				141442
14	2	30	04	CS	7		141442
15	2	31	04				156511
16	2	32	04	CS	12		141442
17	2	33	01				156511
18	2	34	01	CS	10		141442
19	2	35	01				156511
20	2	36	01				141442
21	2	37	02	CS	14		141442
22	2	38	02	CS	16	SS 19	156511
23	2	39	02				160442
24	2	40	02				141442
25	2	41	03	CS	13		141442
26	2	42	03				156511
27	2	43	03	CS	5		141442
28	2	44	03				156511
29	2	45	04			SS 17	141442
							145373

30	2	46	04	CS	15					156511
31	2	47	04	CS	20					156511
32	2	48	04							141442
33	8	209	01	CS	119					156511
34	8	210	01							141442
35	8	211	01							141442
36	8	212	01	CS	123					156511
37	8	213	02	SS	106	SS	107	SS	95	153235
38	8	214	02	CS	120					156511
39	8	215	02	CS	122					156511
40	8	216	02	CS	124					156511
41	8	217	03			SS	93			145373
42	8	218	03							141442
43	8	219	03							141442
44	8	220	03							141442
45	8	221	04	SS	91					145373
46	8	222	04							141442
47	8	223	04	CS	121					156511
48	8	224	04							141442
49	8	225	01							141442
50	8	226	01	CS	128					156511
51	8	227	01							141442
52	8	228	01	CS	126					156511
53	8	229	02							141442
54	8	230	02	CS	125					156511
55	8	231	02	CS	118					156511
56	8	232	02							141442
57	8	233	03							141442
58	8	234	03	CS	127					156511
59	8	235	03	CS	129					156511
60	8	236	03							141442
61	8	237	04							141442
62	8	238	04	CS	6					156511
63	8	239	04			SS	109			145373
64	8	240	04							141442
SR.NO	BLOCK	FLAT	FLOOR	PARKING1	PARKING2	PARKING3				T. AMOUNT (in Rs.)
1	3	49	01	CS	24					200294
2	3	50	01	CS	25					200294
3	3	51	01							185224
4	3	52	01							185224
5	3	53	02							185224
6	3	54	02							185224
7	3	55	02	SS	28	SS	27	SS	26	197018
8	3	56	02							185224
9	3	57	03	CS	21					200294
10	3	58	03	CS	23					200294
11	3	59	03							185224
12	3	60	03	CS	30					200294
13	3	61	04	CS	22					200294

14	3	62	04							185224
15	3	63	04	CS	29	SS	29			204225
16	3	64	04							185224
17	3	65	01	CS	28					200294
18	3	66	01	CS	33					200294
19	3	67	01	CS	17					200294
20	3	68	01	CS	39	SS	36			204225
21	3	69	02	CS	32					200294
22	3	70	02							185224
23	3	71	02	CS	36					200294
24	3	72	02							185224
25	3	73	03							185224
26	3	74	03	CS	34					200294
27	3	75	03	CS	37					200294
28	3	76	03							185224
29	3	77	04							185224
30	3	78	04							185224
31	3	79	04	CS	38	SS	34			204225
32	3	80	04							185224
33	4	81	01	CS	41					200294
34	4	82	01							185224
35	4	83	01	CS	56					200294
36	4	84	01	CS	48	SS	40			204225
37	4	85	02	CS	42					200294
38	4	86	02	SS	41					189156
39	4	87	02	CS	47					200294
40	4	88	02	CS	50	CS	19			215363
41	4	89	03							185224
42	4	90	03							185224
43	4	91	03	CS	52					200294
44	4	92	03	CS	43					200294
45	4	93	04	CS	44					200294
46	4	94	04	CS	45					200294
47	4	95	04	CS	46					200294
48	4	96	04	CS	49	SS	42	SS	38	208156
49	4	97	01	CS	51					200294
50	4	98	01							185224
51	4	99	01	CS	3					200294
52	4	100	01	CS	58					200294
53	4	101	02							185224
54	4	102	02							185224
55	4	103	02			SS	47			189156
56	4	104	02	CS	60					200294
57	4	105	03							185224
58	4	106	03	CS	53	SS	45			204225
59	4	107	03	CS	57					200294
60	4	108	03							185224
61	4	109	04	CS	54					200294
62	4	110	04	CS	55	SS	44			204225
63	4	111	04							185224

64	4	112	04	SS	46					189156
65	5	113	01	CS	61					200294
66	5	114	01	SS	50					189156
67	5	115	01	CS	69	SS	54			204225
68	5	116	01	SS	53					189156
69	5	117	02							185224
70	5	118	02	CS	65					200294
71	5	119	02	CS	67					200294
72	5	120	02	SS	56					189156
73	5	121	03	CS	62					200294
74	5	122	03	CS	63					200294
75	5	123	03	CS	66					200294
76	5	124	03							185224
77	5	125	04	CS	70					200294
78	5	126	04	CS	64					200294
79	5	127	04							185224
80	5	128	04							185224
81	5	129	01	CS	71					200294
82	5	130	01	CS	74					200294
83	5	131	01							185224
84	5	132	01	CS	78	SS	58			204225
85	5	133	02	CS	77					200294
86	5	134	02							185224
87	5	135	02			SS	59			189156
88	5	136	02	CS	80					200294
89	5	137	03			SS	55			189156
90	5	138	03	CS	73					200294
91	5	139	03	CS	76					200294
92	5	140	03	CS	79	SS	60			204225
93	5	141	04	CS	72					200294
94	5	142	04	CS	75					200294
95	5	143	04							185224
96	5	144	04	CS	68					200294
97	6	145	01							185224
98	6	146	01	CS	82					200294
99	6	147	01							185224
100	6	148	01							185224
101	6	149	02							185224
102	6	150	02	CS	81					200294
103	6	151	02	CS	85					200294
104	6	152	02							185224
105	6	153	03							185224
106	6	154	03	CS	40					200294
107	6	155	03	CS	86					200294
108	6	156	03	CS	89					200294
109	6	157	04							185224
110	6	158	04							185224
111	6	159	04	CS	87					200294
112	6	160	04							185224
113	6	161	01	CS	88					200294

REGISTERED.

HARYANA URBAN DEVELOPMENT AUTHORITY

O/O Estate Officer, HUDA, Panchkula

1868

Memo No.: ZO004/EO012/UE020/US172/0000000003 **Dated:** 03/05/2017

to

Sh./Smt. The central govt. Employees welfare

s/o,d/o,w/o,c/o - -

JANPATH BHAWAN

JANPATH

NEW DELHI

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As

URGENT

Subject: Notice for hearing under Section 17(2) of the Haryana Urban Development Authority Act, 1977 in respect of Group Housing Societies - 5.00 Acer, Plot No. 8 Sector 25, Urban Estate Panchkula.

Sir/Madam,

Whereas a show cause notice under section 17(1) of the said act was served upon you vide this office letter No. ZO004/EO012/UE020/US171/0000000043 dated 29/04/2016.

*Whereas your reply in this regard has been considered and found to be unsatisfactory

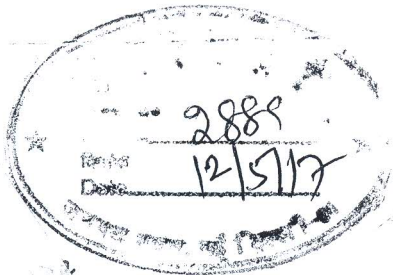
Now, therefore, you are hereby given an opportunity of being heard in the matter. In case you want to be heard, you may either appear in person or through a duly authorised representative on 18/05/2017 at 11 A.M. in the office of the undersigned.

In case you fail to appear, exparte proceedings will be taken in the matter.

The outstanding dues against your site upto 03/05/2017 are Rs. 4,22,83,246.00 and Extension Fees Rs. 0.00

(Subject to audit)

2004/EO012/UE020/US172



Urwa

[Signature]
Estate Officer

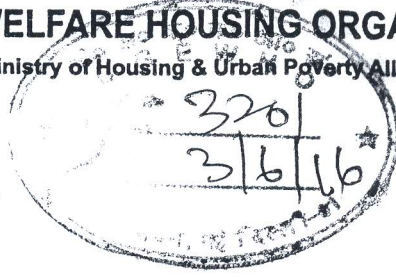
Haryana Urban Development Authority
Panchkula



Kind Attn. Sh. K.K. Purohita, DDO

केन्द्रीय सरकारी कर्मचारी कल्याण आवास संगठन
CENTRAL GOVERNMENT EMPLOYEES
WELFARE HOUSING ORGANISATION

(Ministry of Housing & Urban Poverty Alleviation, Govt. of India)



①
385

छठा तल, ए खण्ड, जनपथ भवन,
जनपथ, नई दिल्ली-110 001
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Phones : 23739722 / 23717249 / 23355408
Fax : 23717250
E-mail : cgewho@nic.in

Receipt with Dairiy No.
received from Estate office
HUDA office at page No. 2.
A.A.O.

25th May, 2016
D.D. 107 E
A

No.T-106/4/II

The Estate Officer
HUDA
Panchkula

Sub: Show Cause notice order dtd 29.4.2016 in respect of Group Housing Societies – 5 Marla (Auction), Plot No.8, Sector-25, Panchkula issued to CGEWHO.

Sir,

Please refer to your memo no.Z0004/E0012/UE020/US(2)/0000000043 dated 29.04.2016, whereby we have been asked to show cause within a period of 30 days from the issue of the above said memo towards imposing penalty in respect of the plot allotted to CGEWHO in Sector-25, Panchkula.

2. In your above said notice, you have mentioned the area of the land as 5 marla (auction). We would like to clarify that the plot allotted to us measures 20000 Sqmt and not 5 marla (auction). There seems to be some mistake either in the memo or the content.

3. In this connection, you may also refer to the memo no.Z0004/ E0012/UE020/ DELET/0000005462 & 5463 dated 19.12.2012, whereby an amount of Rs.33,39,978/= was sought from us and this office letter no.T-106/4/II dated 21.01.2013 forwarded to you by Registered Post. Copy placed at Annexure- 'A'. Vide our above referred letter 21.01.2013, it was intimated by us that the enhanced compensation in respect of the plot no.GH-8 of Sector-25 had already been sought by you vide your earlier memo no.23909 dated 04.12.2000 as Rs.315.68/Sqmt. The said amount was paid by us in two installments as sought by you. In the same letter, it was also stated that how such a heavy amount of enhancement had been sought after a very long intervening period of 12 years more, so when the enhancement had already been charged by you earlier in December 2000. It was possible that the enhancement had been sought by mistake. Therefore, you were requested to send us a copy of the court order / Competent Authority through which such compensation had been awarded, so that further necessary action in this regard could be taken. The matter was stated to be urgent, to be given top priority.

4. We however, did not receive any reply to our above referred letter no.T-106/4/II dated 22.01.2013, instead we have now received your revised memorandum for payment of revised amount. It is therefore requested that as sought in our previous letter dated 21.01.2013, a copy of court order/Competent Authority through which the compensation has been awarded may be forwarded to us, so that the same can be analyzed and immediate necessary action can be taken.

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D.D. 107 E
3/6/16

03/6

(2)
384

5. You may also like to refer to the following correspondence in this regard.

- (i) Your memo no. 23909 dtd 4.12.2000 towards payment of enhanced compensation which was paid vide this office letter no. T-106/4 dtd 22.01.2001, along which, DD no. 047379 dtd 22.1.2001 for Rs. 45,97,731/= was enclosed. The second installment towards the memo no. 23909 was paid vide DD no. 047526 dtd 25.5.2001. Copies of letters and receipt enclosed at Annexure 'B'.
- (ii) Your memo no. 7693 dtd 21.6.2001 regarding interest on enhanced compensation. The same was paid vide our 366481 dtd 21.8.2001 for Rs. 2,24,500/= copy enclosed at Annexure 'C'.
- (iii) Your memo 17307 dtd 3.10.2002 vide which it was intimated that the court had enhanced the acquired cost @ Rs. 155.20 per sq mtr, which was paid vide our letter no. T-106/4/1 dtd 3.7.2003 and a total amount of Rs. 34,58,621/= was paid by us vide DD no. 146225 dtd 3.7.2003. Copy enclosed at Annexure 'D'.
- (iv) Our letter no. T-106/4/1 dtd 16.10.2002 regarding reduction in enhancement of compensation due to passing of HT line from our plot of land. Copy enclosed at Annexure 'E'.
- (v) Your memo no. 4599 dtd 26.6.2006 vide which enhanced compensation of Rs.70,14,700/= was sought from us, stating that issuance of Occupancy Certificate was pending for payment of the same. The same was also paid by us vide DD no. 195220 dtd 28.6.2006 for Rs. 70,14,700 drawn on Canara Bank (copies enclosed as Annexure-F). Subsequent to it conveyance deed was signed by you in our favour & intimation of the same was forwarded to us vide your memo no. 10340 dtd 2.8.2006 copy placed at Annexure 'G'.

6. As you may be aware, CGEWHO, an autonomous body of, Ministry of Housing and Urban Poverty Alleviation, Government of India constructs housing complex for the welfare of the Central Govt Employees on No Profit No Loss basis. Further the project account in respect of the Panchkula project has also been closed, hence any amount can therefore be paid only after collecting the same from the beneficiaries which can only be demanded by showing supporting documents. The complete supporting documents towards enhancement may therefore be forwarded to this office as sought in our earlier letter no. T-106/4/II dtd 21.01.2013 immediately.

7. This matter may be treated as urgent and given top priority. This letter is issued to you without prejudice to all the rights and remedies which CGEWHO may have as per provisions of the law.

REGIONAL OFFICE, HUDA
SEC. 6 PANCHKULA
27 MAY 2016
Delivery no. 53929

Yours faithfully,

(A K Purswani) 25.5.

Dy. Director (Tech)
For Chief Executive Officer

Copy to: (i) Chief Administrator, HUDA, Panchkula.
(ii) PM Mohali for follow up.

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381
4425

HARYANA URBAN DEVELOPMENT AUTHORITY
O/O Estate Officer, HUDA, Panchkula

Memo Number: ZO004/EO012/UE020/US171/0000000043 **Dated:** 29/04/2016

To

Sh./Smt. The central govt. Employees welfare

s/o,d/o,w/o,c/o. --

JANPATH BHAWAN

JANPATH

NEW DELHI

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Subject: Show Cause Notice under Section 17(1) of HUDA Act, 1977 in respect of Group Housing Societies - 5 Marla (Auction), Plot No. 8, Sector 25, Urban Estate Panchkula.

Sir/Madam,

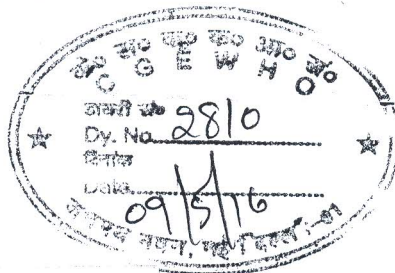
Whereas a Group Housing Societies - 5 Marla (Auction), Plot No. 8, Sector 25 at Urban Estate Panchkula was allotted to you vide this office letter No. 11328 dated 08/09/1999.


And whereas as per terms and conditions of allotment letter, you were required to remit Rs. 38407499.00 upto 29/04/2016 (Subject to audit)(For details visit www.huda.gov.in).

And whereas no payment to this effect has been received from you so far. You have thus made default in the payment of the aforesaid amount.

Now, therefore, in exercise of the powers vested in me under section 17(1) of the Act, you are hereby called upon to show cause within a period of thirty days from the date of issue of this letter as to why a penalty of Rs. 3840750.00 be not imposed upon you.

In case no reply is received from you within the stipulated period it will be presumed that you have nothing to say in the matter.




Estate Officer,

Haryana Urban Development Authority

Panchkula

same letter as earlier

8/25/Group Housing Societies/5 Marla (Auction)



केन्द्रीय सरकारी कर्मचारी कल्याण आवास संगठन
Central Government Employees
Welfare Housing Organisation
(Ministry of Housing & Urban Poverty Alleviation, Govt. of India)

Annexure A

388
①

छठा तल, ए खण्ड, जनपथ भवन,
जनपथ, नई दिल्ली- 110 001
दूरभाष : 23739722 / 23717249 / 23355408
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Fax : 23717250
E-mail : cgewho@nic.in

T-106/4/II

21.1.2013

The Estate Officer
Plot no. C-3, HUDA Complex, Sector, 6
Panchkula, Haryana-134109

Registered AP

Sub: Enhanced compensation in respect of land for the CGEWHO Housing Project at Sector-25 Panchkula.

Sir,

Reference memo no. Z0004/E0012/UE020/DELET/0000005462 & 5463 dt. 19.12.2012 and your earlier memo no. 23909 dt. 4.12.2000.

2. The enhanced compensation in respect of the plot no. GH-8 in Sector-25 (allotted to us vide your allotment letter no. 11328 dt. 8.9.1999) was sought by you vide your memo no. 23909 dt. 4.12.2000. We are now in receipt of further enhancement in compensation vide your memos referred above. It is not understood as to how such a heavy amount of enhancement has been charged after a very long intervening period of 12yrs, more so, when the enhancement has already been charged by you once in December 2000 as referred above and paid by this organisation.

3. We therefore request you to send us a copy of the court order/competent authority through which such compensation has been awarded, so that, further necessary action in this regard can be taken.

4. This may be treated as urgent and given top priority.

5. This letter is issued to you without prejudice to all the rights and remedies which CGEWHO may have under the provisions of law.

Yours faithfully

(Signature)

(A K Purswani)

Dy. Director(Tech)

For Chief Executive Officer

Copy

1. Chief Administrator,
HUDA Panchkula
2. PM Mohali for information
CGEWHO

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To,

Sh./Smt. The central govt. Employees welfare

~~Ho, S/O, Welfare~~ -- 6th Floor - A Wing.

JANPATH BHAWAN

JANPATH

NEW DELHI

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Memo Number : ZO004/EO012/UE020/DELET/0000005462

Effective Date : 28/12/2012

Subject : Payment of Enhanced Compensation for Category Group Housing Societies(5.00 Acer),

Plot No. 8, Sector 25, Urban Estate Panchkula.ZO004/EO012/UE020/DELET/0000005462

Sir/Madam,

Plot Number 8 measuring 19,893.85 Sq.Mtrs in Sector 25 of Urban Estate Panchkula was allotted / re-allotted to you.

According to condition number 9/3 of the allotment /re-allotement letter respectively, the price of the said plot is subject to variation with reference to the enhancement of compensation in acquisition cost of land by the court. The court has enhanced the acquisition cost of land in this sector i.e. Rs. 167.89/- per sq.mtrs . As such an amount of Rs. 3,339,978.00/- is recoverable from you.

You are, therefore, requested to pay this amount by means of a Bank Draft drawn in favour of the Estate Officer, HUDA Panchkula payable at Panchkula within 30 days from the date of issue of this letter failing which interest @ 15.00% per annum will be charged from the date of issue of this letter till the date of payment. However, payment can also be made in 1 installment(s) of equal amount with interest @ 15.00% per annum as per following schedule:

Installment Number	Due Date	Principal Amount	Interest @15.00% P.A.	Total Amount (Rs.)
1	26/01/2013	3,339,978.00	0.00	3,339,978.00

DA: Calculation Sheet

Estate Officer
HUDA,
Panchkula

Print Date: 18/12/2012

8/25/Group Housing Societies/5.00 Acer

Pl. put up with
Panchkula Land File
urgently.

Ms. Nalwa

To,

Sh./Smt. The central govt. Employees welfare

~~Plot No. 8, Sector 25, Urban Estate Panchkula~~ - 6th Floor - A Wing.

JANPATH BHAWAN

JANPATH

NEW DELHI

-- 0

Memo Number : ZO004/EO012/UE020/DELET/0000005463

Effective Date : 28/12/2012

Subject : Payment of Enhanced Compensation for Category Group Housing Societies(5.00 Acer),
Plot No. 8, Sector 25, Urban Estate Panchkula.ZO004/EO012/UE020/DELET/0000005463

Sir/Madam,

Plot Number 8 measuring 19,893.85 Sq.Mtrs in Sector 25 of Urban Estate Panchkula was allotted / re-allotted to you.

According to condition number 9/3 of the allotment /re-allotement letter respectively, the price of the said plot is subject to variation with reference to the enhancement of compensation in acquisition cost of land by the court. The court has enhanced the acquisition cost of land in this sector i.e. Rs. 1,116.84/- per sq.mtrs . As such an amount of Rs. 22,218,247.00/- is recoverable from you.

You are, therefore, requested to pay this amount by means of a Bank Draft drawn in favour of the Estate Officer, HUDA Panchkula payable at Panchkula within 30 days from the date of issue of this letter failing which interest @ 15.00% per annum will be charged from the date of issue of this letter till the date of payment. However, payment can also be made in 5 installment(s) of equal amount with interest @ 15.00% per annum as per following schedule:

Installment Number	Due Date	Principal Amount	Interest @15.00% P.A.	Total Amount (Rs.)
1	26/01/2013	4,443,649.00	264,793.00	4,708,442.00
2	28/06/2013	4,443,649.00	1,117,608.00	5,561,257.00
3	28/12/2013	4,443,649.00	1,002,560.00	5,446,209.00
4	28/06/2014	4,443,649.00	664,721.00	5,108,370.00
5	28/12/2014	4,443,651.00	334,187.00	4,777,838.00

DA: Calculation Sheet

Estate Officer
HUDA,
Panchkula

Print Date: 18/12/2012

8/25/Group Housing Societies/5.00 Acer

REGISTERED

FORM 'C' (G.H.S.-'B')
(See Regulation 5(3))

(Form of allotment letter, for allotment made on free-hold basis. To be used for residential/industrial/commercial plots/buildings disposed of by allotment only.)

From

The Estate Officer,
Haryana Urban Development Authority,
Panchkula.

To

SH./SMT.COL. S.MOHAN
THE CENTRAL GOVT. EMPLOYEES WELFARE ~~H-OR~~
~~CENTRAL GOVT. EMPLOYEES WELFARE~~
HOUSING ORGANISATION 6th FLOOR
A JANPATH BHAWAN JANPATH N. Delhi-1

Memo.No.

11328

dated. 8/9/99

Subject : Allotment by sale of Group Housing plot No. GH-8
in Sector 25 at Panchkula on free hold basis.

Please refer to your application for the allotment of a Group Housing Plot at Panchkula.

2. Your application has been considered and a Group Housing plot as detailed below, has been allotted to you on free hold basis as per the following terms & conditions and subject to provisions of the Haryana Urban Development Authority Act 1977 (herein referred to as the Act) and the rules/regulations applicable thereunder and as amended from time to time. The approximate area of the site and the tentative premium of the plot as given below is subject to adjustment in accordance with the actual measurement of the site at the time of delivery of possession.

Sec. No.	Name of Urban Estate	Plot No.	Area in Sq.Mtr.	Rate per Sq.Mtr.	Tentative Price of the plot
25	Panchkula	GH-8	20000	2234.00	44680000.00

3. The balance 75% amount i.e. Rs. 33510000.00 of the above tentative price of the plot can be paid in lumpsum without interest within 60 days from the date of issue of the allotment letter or in five annual instalments. The first instalment will fall due after the expiry of one year of the date of issue of this letter. Each instalment would be recoverable together with the interest on the balance price @15% interest on the remaining amount. The interest shall however, accrue from the date of offer of possession. Annual instalment (without interest) of Rs. 6702000.00 will fall due on 8th August every year.

144
Action 10/9/99

JB(M)
JB(F)

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8211
The possession of the site will be offered to you on completion of the development work in the area i.e. the date on which water connection and approach road is made available at site.

5. Each instalment shall be remitted to the Estate Officer and every such remittance shall be accompanied by a letter showing the full particulars of the site i.e. the number of plot and sector number to which the payment pertains. In the absence of these particulars the amount remitted shall not be deemed to have been received.
6. 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 premium determined shall be paid within thirty days of its demand.
7. In case the instalment is not paid by the 10th of the month following the month in which it falls due (or in case the additional price is not paid within time), the Estate Officer shall proceed to take action for imposition of penalty and resumption of plot in accordance with the provisions of section of the said Act.
8. In the event of breach of any other condition of transfer the Estate Officer may resume the land in accordance with the provisions of section 17 of the Act.
9. The land/building shall continue to belong to the Authority until the entire consideration money together with interest and other amount, if any, due to the Authority on account of sale of such land or building or both is paid. You shall have no right to transfer by way of sale, gift, mortgage, or otherwise the plot/building or a right, title or interest therein till the full price is paid to the Authority, except with the prior permission of the competent authority.
10. On the payment of 100% of the price of the plot, you shall execute the Deed of Conveyance in the prescribed form and in such manner as may be directed by the Estate Officer. The charges for registration and stamp duty will be paid by you.
11. The plot shall not be used for any purpose other than that for which it has been allotted in accordance with the plans approved by the competent Authority. No obnoxious trade shall be carried out in or any land/building.
12. You shall have to pay all general and local taxes rates or cesses imposed or assessed on the said land/building by the competent authority.

Y-A Compound interest @18% p.a.
shall be charged for delay
period i. e. after due date,

You shall have to pay separately for any construction material bricks, structures and compound wall existing in your plot at the time of allotment of which compensation has been assessed and paid by the Authority, if you want to made use of the same.

- 14. The Authority will not be responsible for leveling the uneven sites.
- 15. You will have to complete the construction within two years of the date of offer of possession after getting the plans of the proposed building approved from the competent authority in accordance with the regulations governing the erection of buildings. The time limit is extendible by the Estate Officer, if he is satisfied that non-construction of the building was due to reasons beyond your control, otherwise this plot is liable to be resumed and the whole or part of the money paid, if any, in respect of it forfeited in accordance with the provision of the said act You shall not erect any building or make any alteration addition without prior permission of the Estate Officer. No fragmentation of any land or building shall be permitted.
- 16. The Authority reserves to itself all mines and minerals whatsoever in or under the said site with all such rights and powers as may be necessary or expedient for the purpose of searching for, working, obtaining removing and enjoying the same at all such times in such manner as the Authority shall think fit, with power to carry out any surface or any underground working and to let down the surface of all or any part of the said site and to sink pits, erect buildings, construct lines and generally appropriate and used surface of the said site for the purpose of doing all such things as may be convenient or necessary for the full enjoyment of the exceptions and reservations herein Contained.

Provided that the allottee shall be entitled to receive from the Authority such payment for the occupation by the Authority of the surface and for the damage done to the surface or building on the said land by such works or workings or letting down as may be agreed upon between the allottee and the authority or failing such agreement as shall by ascertained by reference to arbitration.

- 17. The Authority may by its officers and servants of all reasonable times and in a reasonable manner after twenty four hours notice in writing enter in and upon any part of the said land/building erected there on for the purpose of ascertaining that the allottee has fully performed and observed the conditions to be observed under the rule/regulations under the said Act.
- 18. The Authority shall have full rights power and authority at all times to do through its officer or servants all acts and things which may be necessary or expedient for the purpose of enforcing compliance with all or any of the terms condition and reservations imposed and to recover from you as first charge upon the said land/building, the cost of doing all or any such act and things and all cost incurred in connection there with or in and any way relating thereto.

All disputes and differences arising out of or in any way touching or concerning this allotment whatsoever shall be referred to the sole arbitration of the Chief Administrator or any other officer appointed by him. It will not be an objection to such appointment that the arbitrator so appointed is a Government servant or an officer of the Authority that he had to deal with the matter to which this allotment relates in the course of his duties as such Government servant or officer as the case may be, he has expressed his views on all or any of the matters in dispute or difference. The decision of such arbitrator shall be final and binding on the concerned parties.

20. All payment shall be made by means of the demand draft payable to the Estate Officer, Haryana Urban Development Authority, Panchkula draws on any scheduled bank situated at Panchkula.
21. No separate notice will be sent for payment of the instalments. However, the information regarding the instalment amount, the due date etc. may be sent as a matter of courtesy.

dep
Estate Officer,
HUDA, Panchkula.

NOTE :

- i) Any change in address must be notified by registered A.D.post.
- ii) The name and full address alongwith two attested photographs of the office bearers of the Society may be sent for record.
- iii) Strike out whichever is not applicable.
- iv) In addition to the conditions laid down in this allotment letter, your society shall be bounded by all the terms and conditions, including mode of payment, period of construction and norms of development, explained in the agreement in form 'C' executed between your society and the Chief Administrator, HUDA.



Haryana Urban Development Authority

FORM BR VII
[See Regulation-II (2)]

FORM OF OCCUPATION CERTIFICATE



From

The Estate Officer,
HUDA, Panchkula

To

The Central Govt. Employees
Welfare Housing Organization
G.H.S. Sec-25 Panchkula

Memo No. S- 5/87

Dated 14/02/06

Subject :- Occupation Certificate

Whereas Sh./Smt./Miss Col. S. Mohan

has applied for the issue of an Occupation Certificate in respect of the building described below.

I, hereby :-

- Grant permission for the occupation of the said building.
- Grant provisional permission of occupation for a period of six months.

DESCRIPTION OF BUILDING Stilt + A storey 240 Nos. Flats and
one community centre

Plot No. G.H.S. Sector 25 Panchkula.

Note : The permission will be deemed as withdrawn in case the owner adds any extra violation in the above noted permises.

Estate Officer,
HUDA, Panchkula

Endst. No. S-

Dated

- A copy of the above is forwarded to the Executive Engineer, HUDA Division No. Panchkula for information please.
- A copy to concerned Assistant for record.

Estate Officer,
HUDA, Panchkula

HARYANA URBAN DEVELOPMENT AUTHORITY

To

1. Col. H.S. Guleria,
(Resident Welfare Society),
H.No. 1004, Sector-26, Panchkula.
CWP No. 18687/2012 ✓
2. Sh. Rajinder Parkash Sharma,
Plot No. 53, Sector-25, Panchkula,
CWP No. 2072/2012. ✓
3. Sh. Rajinder Kumar,
H.No. 348, Sector-25, Panchkula.
CWP No. 19454/2005.
4. Brig. (Retd.) Sh. Ishwar Singh Punia
C/o Sh. S.K. Lamba (Advocate)
H.No. 110, Sector-25, Panchkula
CWP No. 2038 of 2006.
5. Mrs. Kanta Singh,
H.No. 706, Sector-25, Panchkula.
CWP No. 18724/2007. ✓
6. Sh. Sukhwinder Singh,
H.No. 215, Sector-25, Panchkula.
CWP No. 11392/2009. ✓
7. The President,
House Owner Society,
1774, Sector-28, Panchkula.
CWP No. 25666 of 2012. ✓
8. The President,
The Himprastha Co-operative Group Housing Society Limited. ✓
GH-8, Sector-24, Panchkula.
CWP No. 22319 of 2015.

25 JAN 2017

ESTATE OFFICER
SAGAR SINGH
2.0004 EO (P)

Pl- Put up with
file of Residents
Welfare Society, 2016
Rtd
21/1/16 Rtd

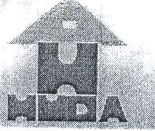
NO.HUDA-CCF-ACCTT-II-2017/-
DATED:-

Subject:- Speaking order passed in compliance with the orders of Hon'ble Punjab & Haryana High Court in CWP No. 2642 of 2016-Residents Welfare Society (House Owners) Vs Sh. Vikas Gupta, IAS.

1. Please refer to the subject cited above.
2. Please find enclosed herewith the copy of speaking order No. 9/2017 passed by the Chief Administrator, HUDA, Panchkula in case of CWP No. 2642 of 2016-Residents Welfare Society (House Owners) Vs Sh. Vikas Gupta, IAS, in compliance of Hon'ble High Court vide order dated 02.05.2016.

DA/As above:

Chief Accounts Officer,
For Chief Administrator,
HUDA, Panchkula



हरियाणा शहरी विकास प्राधिकरण

HARYANA URBAN
DEVELOPMENT AUTHORITY

Tel : _____

Website: www.huda.gov.in

Toll Free No. 1800-180-3330


E-mail id: ccfhuda@gmail.com

Address: C-3 h... tor-6,
Panchkula

Endst.No.HUDA-CCF-Acctt-II-2017/-16510-11 Dated:- 25/01/2019

1. 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 Office, HUDA, Panchkula.

DA/As above:


Chief Accounts Officer,
For Chief Administrator,
HUDA, Panchkula

20 (a) of 42

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SPEAKING ORDER No. 9/2017

1. This order is being passed in compliance with the orders dated 27.2.2016 (Sr. No. 1-7 table below) and 2.5.2016 (Sr. No.8 table below) of Hon'ble Punjab & Haryana High Court as detailed below:-

Sr. No.	CWP No.	Sector No.	Petitioners (Title)
1	18687 of 2012	26	Residents Welfare Society Vs HUDA
2	2072 of 2001	25	Rajinder Parkash Sharma & Ors Vs. State of Haryana & Others
3	19454 of 2005	25	Rajinder Kumar & ors Vs State of Haryana & Others
4	2038 of 2006	25	Brig.(Retd.) Ishawar Singh Punia & Ors Vs State of Haryana & Others
5	18724 of 2007	25	Mrs. Kanta Singh Vs State of Haryana & Others
6	11392 of 2009	25	Sukhvinder Singh Vs State of Haryana & Others
7	25666 of 2012	28	House Owner Society Vs. HUDA & Others
8	22319 of 2015	24	Himprastha Coop. GHS Ltd. And Ors Vs HUDA

The writ petitions were disposed of by the Hon'ble Punjab and Haryana High Court with directions to issue self-speaking fresh demand notices subject to the following conditions:-

- i. The respondent-authorities will upload the details of the subject-enhancement including the reasons justifying the additional demand now raised and such comprehensive self-speaking tentative order shall also be appended with individual demand notice to be served on the allottees;
- ii. The allottees or their Resident Welfare Society (In representative capacity) may seek further information, if need be, for submitting their effective replies to the demand notices;
- iii. The Chief Administrator, HUDA shall constitute a Committee comprising an officer in the rank of Administrator, one Estate Officer, and Chief Accounts Officer, HUDA who shall consider the

replies and submit a reason-based report justifying the enhancement, if any. The final order shall be based upon such report only.

- iv. Till such order is passed, the allottees shall not be compelled to pay any additional amount. However, if an allottee has already deposited the enhanced amount, it may be retained by HUDA subject to its adjustment and/ or refund depending upon the final decision.
- v. If HUDA has taken a decision in respect of any residential Sector to refund any amount to the allottees, let such benefit of refund be extended to similarly placed other allottees as well. However, if final adjudication in respect of such Sector is yet to attain finality, then the amount be retained though the final decision shall be required to be taken within a period of four months.

2. Before passing the speaking order, it is relevant to mention there is a lot of litigation and queries from the plot owners about the manner of determination of additional price. A need was 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/lavouts/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/lavouts/CCF/Policy%20regarding%20recovery%20of%20enhanced%20compensation%20from%20allottees%20in%20case%20of%20sale%20of%20land%20or%20building%20by%20allotment.pdf).

Discussions and Findings

- 3. As per directions of Hon'ble High Court a Committee was constituted by Chief Administrator, HUDA, Panchkula on 10.5.2016 under the Chairmanship of Administrator, HUDA, Panchkula and consisting of Chief Controller of Finance, Chief Town Planner, Estate Office and Chief Accounts Officers to consider the replies and to submit a reason based report justifying the enhancement if any.
- 4. The Committee held personal hearing in the case on 20.9.2016. During hearing, the matter was discussed with the petitioners/representatives of petitioner's societies in detail. The petitioners submitted their representations regarding enhancement matter and requested to pass the speaking orders on the points.

W.A
raised in their representations. Thereafter, the Committee has submitted its report on 13.1.2017.

5. Copy of the report is enclosed as **Annexure 'A'** of this order and may be treated as part and parcel of this speaking order.
6. I find that the committee had examined all the issues and submitted a reason based report justifying the calculations of enhancements of Sector-24 to 28, Panchkula and found the calculations in order.
7. It is, therefore, my considered opinion that the calculations of Sector-24 to 28, Panchkula made and uploaded on the website seems to be correct. The residents/allottees may be directed to deposit the enhancement accordingly. It may also be made clear that if some allottees have already excess deposited the enhancement earlier then the same is to be adjusted against the outstanding dues with regard to the plot on further enhancement.
8. I order accordingly.

Encl: Annexure 'A'

V. Gupta
(Vikas Gupta, IAS)
Chief Administrator,
HUDA, Panchkula

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REPORT

This Report is being submitted as per the orders dated 27.2.2016 of the Hon'ble High Court issued in CWP No. 18687 of 2012 -titled as Residents Welfare Society Vs HUDA & connected cases viz CWP No.2072 of 2001-Rajinder Parkash Sharma & Ors Vs. State of Haryana & Others, CWP No.19454 of 2005-Rajinder Kumar & ors Vs State of Haryana & Others, CWP No.2038 of 2006-Brig.(Retd.) Ishawar Singh Punia & Ors Vs State of Haryana & Others, CWP No.18724 of 2007-Mrs. Kanta Singh Vs State of Haryana & Others, CWP No. 11392 of 2009-Sukhjvinder Singh Vs State of Haryana & Others, CWP No. 25666 of 2012-House Owner Sociery Vs. HUDA & Others and order dated 2.5.2016 of Hon'ble High Court, issued in CWP No. 22319 of 2015-titled as Himprastha Coop. GHS Ltd. And Ors Vs HUDA.

Background of the cases are as under:-

1. That notices for recovery of enhancement compensation to the plot holders were issued by Estate Officer, HUDA, Panchkula pertaining to Sector-24 to 28, Panchkula on various dates in the year 2012 in October, 2012.
2. Vide various writ petitions the Resident Welfare Associations of the sector challenged the enhancement notices in the Hon'ble High Court on various grounds. Main writ petition in this case was CWP No. 18687 of 2012 titled as Resident Welfare Association Vs HUDA and other connected matter.
3. During the hearing of the writ petitions it transpired that the notices issued by the Estate Officer under regulations 10 (2) of Haryana Urban Development Authority Act, 1977 for recovery of additional price from the plot owner do not give the detail of calculations in the simplified speaking

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language on the basis of which demand has been raised. Therefore it was decided to withdraw the demand notices issued against 5th and 6th enhancement to the allottees of Sector-25 and 26, Panchkula and issue fresh notices giving the basis of determination of additional price in the simplified speaking language. The Hon'ble High Court was apprised accordingly and the writ petitions were disposed of vide order dated 27.2.2016 treating the impugned notices as withdrawn with liberty to the respondent Authority (HUDA) to issue self speaking fresh demand notices subject to the following conditions:-

- i. The respondent-authorities will upload the details of the subject-enhancement including the reasons justifying the additional demand now raised and such comprehensive self-speaking tentative order shall also be appended with individual demand notice to be served on the allottees;
- ii. The allottees or their Resident Welfare Society (in representative capacity) may seek further information, if need be, for submitting their effective replies to the demand notices;
- iii. The Chief Administrator, HUDA shall constitute a Committee comprising an officer in the rank of Administrator, one Estate Officer, and Chief Accounts Officer, HUDA who shall consider the replies and submit a reason-based report justifying the enhancement, if any. The final order shall be based upon such report only.
- iv. Till such order is passed, the allottees shall not be compelled to pay any additional amount. However, if an allottee has

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already deposited the enhanced amount, it may be retained by HUDA subject to its adjustment and/ or refund depending upon the final decision.

v. If HUDA has taken a decision in respect of any residential Sector to refund any amount to the allottees, let such benefit of refund be extended to similarly placed other allottees as well. However, if final adjudication in respect of such Sector is yet to attain finality, then the amount be retained though the final decision shall be required to be taken within a period of four months.

4. As per the directions of Hon'ble High Court the details of calculations made by HUDA for the recovery of enhanced compensation were uploaded on the website of HUDA on 22.6.2016. Thereafter, various representations against the uploaded recovery of enhancement were received from the Resident Welfare Association from Sector-24 to 28, Panchkula on 27.7.2016 onwards.

5. As per directions of Hon'ble High Court a Committee was constituted by Chief Administrator, HUDA, Panchkula on 10.5.2016 under the Chairmanship of Administrator, HUDA, Panchkula and consisting of Chief Controller of Finance, Chief Town Planner, Estate Office and Chief Accounts Officers to consider the replies and to submit a reason based report justifying the enhancement if any. The final order of enhancement shall be based upon such report only.

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6. The constituted committee affords an opportunity of hearing to the various Resident Welfare Associations of the sectors concerned on 20.9.2016. Following issues were raised by the Societies of Sector-24 to 28, Panchkula which were considered and decided by the Committee.

The relevant record has been examined by the Committee and it is observed that :-

a. The Land forming part of villages Ramgarh, Madanpur, Nagal Moginand and Jhuriwala was acquired for development and utilization of land as residential, commercial etc. The detail of lands acquired is as under:

i. Award no. 6 dated 17.06.1992	655.93 acres
ii. Award no. 5 dated 17.06.1992	485.97 acres
iii. Award no. 7 dated 17.06.1992	3.08 acres
iv. Award No. 8 dated 17.06.1992	5.01 acres

That the Land Acquisition Collector, Panchkula awarded compensation @ Rs 1,10,000/- for Chahi and Abi land, Rs 90,000/- for barani land, Rs 70,000/- for Banjar Quadim land and Rs 50,000/- for Gair Mumkin land in respect to aforesaid land. That amount paid under the aforesaid awards of Land Acquisition Collector, Panchkula is Rs 8,27,05,758/-.

b. That thereafter land measuring 1.15 acres was acquired vide supplementary award No. 1 dated 06.03.1993 to main award no 6 of 1992-93. The LAC awarded compensation at the same rate as awarded vide award no 6 dated 17.06.1992.

c. Thereafter, land measuring 2.73 acres of village Ramgarh and land measuring 0.39 acres of village Bana Madanpur was acquired vide award

S. K. Sharma *H. K. Sharma* *W. K.* *Q. K.*

No. 2 dated 28.01.1997. The LAC awarded Rs 2,50,000/- per acre as compensation.

- d. The Sectors 24 to 28, Panchkula have been planned over the acquired land in question. That the total land acquired for Sector-24 to 28, Panchkula is 1154.26 acres. The sector wise bifurcation of land is as under:-

Sector No.	Acquired area (in acre)	Net planned	Ghaggar area	Communication / recreational zone
24	120	44.00	76.00	0.00
25	218.30	183.19	11.38	17.76+5.97
26	328.04	253.66	67.68	6.70
27	238.62	191.42	42.61	4.59
28	249.30	172.58	74.02	2.70
	1154.26	844.85	271.69	37.72

- e. The detail of total saleable and non-saleable/common area sector-wise has been mentioned in the enhancement notices, which has been uploaded on HUDA website.
- f. The committee observes that complete information pertaining to land acquired, area reserved for roads, common services etc along with layout plan original and revised, details of notification U/s 4 and 6, detail of deposit of enhancement compensation, interest paid thereon has already been provided to RWS vide memo no 38984 dated 23.11.2011. The RWS has also been provided with 260 nos. 'D' Form showing payment of Rs 5,80,43, 43,858/- vide letter no 2443 dated 18.01.2012. The committee further observed that the Land Acquisition Officer, Panchkula vide his

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office letter no 1961 dated 04.05.2012 certified the payment of Rs. 5,95,24,65,980.00, detail of which is also provided to the RWS.

The various issues which are taken up for discussion in following manner:

A. It has been alleged that Hon'ble Supreme Court in SLP (Civil) No. 21489/2008 observed that demand for enhanced compensation may be raised as and when higher compensation is awarded by the competent court. RWS with these submissions averred fresh demand notices needs to be avoided in absence of higher compensation. The committee has gone through this submission and find that the same is not as per record. It is a matter of fact that the aforesaid SLP was filed against the order dated 20.07.2006 passed in CWP No. 154/2006. The reference courts after passing of the order in aforesaid CWP has passed various awards. The detail of awards of learned Additional District Judge as given by LAO is as under:

Sr. No	LAC No. & Name of party	Date of award by Ld. ADJ
1.	1/95-Hans Raj etc. (7 cases)	21-8-09
2.	25/96-Shakuntla Devi etc.(35 cases)	24-8-09
3.	26/96-Gurdev Singh etc. (117 cases)	12-10-09
4.	8/96/09-Smt.Kesari etc. (19 cases)	20-10-09
5.	102/96/09-Smt.Mato etc. (12 cases)	26-10-09
6.	115/96/09-Gulzar Singh etc. (10 cases)	5-11-09
7.	182/99-Ajmer Singh etc. (18 cases)	19-7-10

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	cases)	
8.	11/99-Smt.Kreshni Devi etc. (9 cases)	2-8-10
9.	793/96-Parsanni Devi etc.(4 cases)	12-1-11
10	803/99-Rattan Singh	10-2-11
11	801/99-Pikhu	14-2-11
12	804/97-Devinder	3-3-11
13	753/10-Gurdev Singh	8-3-13

Therefore, the contention of the RWS that no award has been passed is not found correct. It is also observed by the committee that these facts were not brought to the notice of the Hon'ble Supreme Court when SLP was decided. Infact in RFA No. 1956 of 2010 State of Haryana vs Hans Raj and other connected RFAs, the compensation has been enhanced further to Rs 380/- per square yard by the Hon'ble High Court. This fact is duly in notice of the Joint Action Committee of the sectors concerned and fact of further enhancement by the Hon'ble High Court proves that the award of the Additional District Judge, Panchkula enhancing the compensation has been passed in this matter. Therefore, this contention of RWS that were no awards of the court being wrong and incorrect is completely untenable in eyes of law. The committee recommends to reject this contention.

B RWS has contended that vide award dated 11.01.1999 of ADJ, Ambala, compensation was assessed as Rs 250 per square yards. This is also factually correct as vide award dated 11.01.1999, compensation was determined @ Rs.250/- per square yard. The enhancement notices have been issued on the basis of actual payments made by the

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concerned Land Acquisition Officer as per the enhanced rates of compensation by the Hon'ble Court.

C. RWS has contended that Land Acquisition Office, Panchkula has paid the enhancement compensation to the land owners at huge interest amount @ 9 % and 15 % P.A. in the absence of the specific directions of the competent court for payment of such interest. This contention is also liable to be rejected because the courts have granted statutory benefits available under the Land Acquisition Act, 1894. The committee intends to refer to the following provision contained in land Acquisition Act, 1894. **Section-28** of 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 there of which has not been paid into Court before the date of such expiry."

Therefore, the payment of interest @ 9 % P.A and 15 % P.A is the statutory obligation of the Haryana Urban Development Authority and could not be avoided under any circumstance. RWS relied on certain claims statement prepared by Land Acquisition Officer in support of

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their contention and one such case is of LAC No. 874/96. In this regard, the committee finds that Land Acquisition Officer, Panchkula vide his office memo no. 1223 dated 17.04.2013 clarified that calculation of LAC No 874/96 of applicant Angrejo S/o Chamela is correct and amount has been deposited in the court in accordance with the decision of the court and interest has also been given as per decision. It has further been clarified that interest @ 15% P.A. on amount of Rs 5222928 comes to Rs 9358342 which is correct. In Gurdev Singh's case LAC reference, Additional District Judge Panchkula passed an award dated 05.09.2009 to following effect:

"In view of the above said discussion and finding on issue no. 1 hereby allow the present land reference with costs and the market value of the land acquired is determined at the rate of Rs. 250/- per square yard on the date of notification under section 4 of the Act. The value of the trees and structures in individual cases is fixed as described above. The petitioners shall also be entitled to statutory benefits under section 23(1a), 23(2), and 28 of the land acquisition Act. References are accordingly returned in favour of the petitioners with costs."

The committee do not find any merit. The committee recommends to reject this contention.

D. The next contention which is raised is that load of enhancement or the land of common purposes like roads, parks, community centre etc. has inadvertently been put allottees of residential plots. This contention has been gone through by the committee and finds that it is not based on correct facts. The committee is of the view that every sector has certain common areas which are meant for common utilization of the residents. These services including roads, parks, community centre, police station

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are meant for benefits of residents. Since this area is non-saleable area, therefore, the load of enhancement of common area is distributed proportionately over the saleable area which may include residential plots, Group Housing Sites, commercial area. Therefore, contention of RWS that load of enhancement of common area has been loaded on residential plot holders is not correct. It is pertinent to discuss herein that this load is also distributed over the commercial area which is actually borne out by Haryana Urban Development Authority. In *Ajay Sood vs Haryana Urban Development Authority And Ors.* (1997) 117 PLR 659 decided on 30/5/1997 held that In *Charanjit Bajaj v. State of Haryana and Ors.*, 1986 P.L.J. 601 *Charanjit Bajaj v. State of Haryana and Ors.*, C.W.P. 1270 of 1985 (decided on April 10, 1991) : 1992(1) R.R.R. 40 (P & H) (D.B.) and *Randeep Singh Surjewala v. Haryana Urban Development Authority and Anr.*, C.W.P. 510 of 1993, question similar to one raised in these petitions was raised by the petitioners to challenge the demand to enhanced compensation from the petitioners in respect of the plots allotted to them. In its order dated 10th April, 1991, the Division Bench has held that there was no ground for the Court to interfere with the calculation made by the Haryana Urban Development Authority. In Civil Writ Petition No. 510 of 1993 the Court took notice of the stand taken by the respondents and observed :- "Counsel for the petitioner did not doubt HUDA's rights and authority to demand enhanced price but argued that the enhanced compensation per square yard in fact comes to Rs. 130.61 per square yard and not Rs. 218.80. Petitioner's case is that the total compensation of Rs. 10,29,18,840.00 should be divided by 162.80 being the total number of



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acres (net area) of the acquired land and not by 85.73 acres which is plotable area. As against this, the stand taken by HUDA is that for the land measuring 19.20 acres for L.I.C., shopping centre and HUDA land, the enhanced compensation of Rs.1,21,37,856.00 has been borne by HUDA and the balance amount of Rs.9,07,80,984.00 has been distributed on the plotable area of 85.73 acres. Area of 57.87 acres has been exempted from burden of enhanced compensation having been reserved for roads, parks and other similar amenities which have been provided to the plot-holders in the scheme. Counsel for the respondents has placed reliance on a Division Bench judgment of this Court in Charanjit Bajaj v. State of Haryana and Ors., C.W.P. No. 1270 of 1985 decided on 10.4.1991, wherein it has been held that the areas left for Roads and parks etc. can be exempted from burden of the enhanced compensation by transferring the entire burden of enhanced compensation on the area reserved for plots. No exception can be taken to the stand taken by the respondents. For the land measuring 19.20 acres which is reserved for L.I.C., shopping centre and HUDA land, the burden of the enhanced compensation of Rs.1,21,37,856.00, has been borne and debited to the account of HUDA. The plea regarding the discrimination and recovery of entire amount from the plot holders by excluding the area reserved for roads and parks from the burden of enhanced amount is squarely covered by Charanjit Bajaj's case (supra) in which it has been held as under :- "An additional argument has been raised by Mr. Sarin in C.W.P. No. 16866 of 1989 that the respondents have discriminated against the petitioners and certain other organisations with regard to the burden of sharing of the enhanced

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compensation and in the case of others, only 55 per cent of the area has been taken into account for getting the balance enhanced amount. This argument is also without force. The residential plot, holders have been given fully developed plots with all amenities like approach roads etc. whereas the organisations aforementioned have been given large area wherein certain area would be left out for the purpose of roads and other civic amenities." We are, therefore, of the view that the judgment of the Division Bench dated 8.7.1986, is sound in all respects and no interference is called for. The present writ petitions are, therefore, allowed in terms of the judgment of the Division Bench dated 8.7.1986. We order accordingly. No other point has been raised." In Welfare Association Of Sector 7 Plot Owners vs H.U.D.A. (2000) 124 PLR 358 decided on 8/9/1999, the Hon'ble High Court while dismissing the RSA held that the beneficiaries of the plots have also to share the burden with respect of those areas which were earmarked for green belt, police station, etc., which would be ultimate benefit to the allottees of the plots; whether residential or non-residential. In view of the same, contention of the RWS that allottees are liable to pay the enhanced price for area actually sold and transferred to them is untenable. The committee recommends to reject the same.

- E. Another issue raised by RWS is regarding not to recover the amount of compensation charged for the area of River Ghaggar in absence of provision of law. In Sukhwinder Singh's case (supra), additional point has been raised with respect to validity of acquisition of land falling in river Ghaggar and audit para framed by Public Accounts Committee. In Himprastha's case (supra), the petitioners have raised objection with

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respect to the area of Ghaggar river charged on them with respect to demand of enhanced compensation vis a vis area of sector as depicted in layout plan. This issue has been deliberated in detail and for purpose of making recommendations in the matter, the committee has assistance of report of the Joint Site Inspection Committee. The operative part of the report is re-produced hereunder:

"Since the notification under section 6 was issued on 25.06.1990 the award of this land is to be announced prior to 25.06.92. The members of the Joint Site Inspection Committee have visited the land under acquisition and the Shajra Plan placed at Flag 'A' may kindly be seen. Out lined by colour pink is the area notified under Section 6 of the Land Acquisition Act measuring 1153.7 acres. This entire area is mainly agricultural land and free from any construction. The land situated between State Highway (State Highway is depicted named as 'X' and 'Y') and the black line is plain, level agricultural land which can be floated for saleable purpose without any problem. However, the land situated in the part of the black line upto the Punjab Border i.e outer barrier of the land under acquisition is low lying area which has been cut by the mining and flow of Nandan Cho and the river Ghaggar. The present course of the flowing nadan Cho and the river Ghaggar has been depicted in colour blue on the Shajra Plan. The area of the land falling between black line and the main course of Ghaggar is around 179 acres. This area with proper grading can be utilized for green belt and recreational purposes as proposed in the Development plan of this area. The area under main course of the Ghaggar is around 33 acres and the area beyond Ghaggar upto Punjab Border is around 52 acres. From the perusal of the plan it may kindly be seen that this area is in the form of linear belt varying in width from 1/2 acre to 2 acres. The committee is of the opinion that it might not be desirable to leave this area out of acquisition, in the public interest because as on today it may not be possible to put this area to any

Abdullah Hussain

useful purposes but at a later stage when the Town grows it should be possible to put this area for various miscellaneous uses.

In the above context, the committee is of the opinion that it would be prudent to acquire the entire land notified under section 6 as leaving any area from acquisition would only lead to haphazard and speculative encroachments/ development o the land.

Therefore, due to the reasons mentioned above, the Joint Site Inspection Committee is of the opinion that entire land measuring 1153.75 acres notified under section 6 of the Land Acquisition Act should be acquired."

In view of the above discussion, it is apparently clear that the acquisition of the land falling in river Ghaggar was made consciously. Therefore, the acquisition cannot be questioned especially when much water has flow down during this period. As regards the audit para framed regarding expenditure incurred on acquiring the land in river bed of Ghaggar framed in Audit Report (Civil) for the year 31.03.2004, the committee observes that the said para was dropped and acquisition was thereby held to be justified. The area falling in river Ghaggar of about 30 acres has already been reclaimed. Engineering Wing of HUDA has already spent about Rs 10 crores on the strengthening of the bundhs on river Ghaggar to prevent flooding, for ultimate benefit of residents of the area concerned. Therefore, the committee do not find any merit in the objection so raised.

In so far as Himprastha's case is concerned, the committee observes that the reference made by the petitioner to Section 79 of the HUDA Act, 1977 is erroneous as said section is applicable only where the area has been declared as Local Development Area within the meaning of Section 62 of the HUDA Act, 1977 which is not in the

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present case. Therefore, Section 79 of the HUDA Act, 1977 has no applicability to the present case.

It is also contended that area of Ghaggar is not part of the Sector-24, Panchkula as per layout plan so no enhancement is payable by them. The committee finds that the calculation of tentative price as well as the additional price on account of enhanced compensation is determined sector-wise as per Regulation 2 of Haryana Urban Development (Disposal of Land and Buildings) Regulations, 1978. Further, Section 2 (h) of HUDA Act 1977 read with Rule 2 (g) & (h) of the Punjab Scheduled Roads & Controlled Areas Restrictions of Unregulated Development Rules, 1965 define the sector means any part shown as "Sector" in the Development Plan. Therefore, the contention raised that since the area of the Ghaggar was not planned, so area of Ghaggar is not a part of this sector, is not acceptable. The Committee has to rely upon the sector as reflected in the Development Plan. The Committee finds that part of Ghaggar River is a part of Sector-24, Panchkula as per development plan, and therefore, enhanced compensation in respect to area of river Ghaggar falling in Sector-24, Panchkula has been charged on allottees of the said sector proportionately.

The committee therefore recommends that these contentions may be rejected.

It is further observed by the committee that :-

- a. Sector wise area has been provided by the Chief Town Planner, HUDA, Panchkula which has already been uploaded on HUDA website.

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- b. The objection of the societies that the area which is a part of Ghaggar river and includes in the award should not be included in the area calculated for enhancement because it is not acquired for the benefits of the residents. From the perusal of record it was found that the details of land which were provided by Chief Town Planner, Panchkula for each sector has been taken as basis of enhancement. The committee considered the issue raised and reached at calculation that the enhancement for the area which falls in Ghaggar river in each sector has rightly been included in the common area of the sector and enhancement of which has been loaded proportionally to the various heads i.e. area under plots, area under Group Housing Society, Commercial area, area under public/ semi public use etc. As per calculation loaded on the website of HUDA. Enhancement for the commercial area has been borne by HUDA.
- c. It is also noted by the Committee that in each sector some land has been left out for common areas for providing services to the resident of the sector i.e land under Community Center, area under educational facility, area under medical facility, area under religious building, area under water works etc. area under open spaces, area under roads, area under communication zone and area under Ghaggar river are the common area in each sectors and enhancement of which has been proportionally divided towards the saleable area.
- d. Issue raised by the residents that the area left out for cremation ground be not included in the common area and its

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enhancement should be bearred by HUDA. In view of the committee, the averment of the applicant is not justified because the land left for crimination ground is for the benefit of the residents of the sector. Hence its enhancement has been rightly, proportionately divided on the saleable area.

- e. Area under communication zone and recreation Zone has rightly been treated as common area. Hence its enhancement has also been rightly, proportionately divided on the saleable area.
- f. Area reserved for Community Center, religious site were included into the common area and its enhancement was proportionately charged from saleable area as these facilities were provided in the sector for the benefit of the residents/allottees. It is found by the society that land from the acquired area in the area is being allotted to Government and private education institutions. Therefore, land reserve for these areas is divided into 50% into saleable area and 50% into common area as per policy and later on total land of common areas is divided on proportionately on the saleable area.
- g. Enhancement for the land allotted to EWS category has been charged proportionately of their area at the concessional rate.
- h. The enhancement for the area allotted to public and semi public use has been charged proportionately showing the land allotted to them in the saleable area. The enhancement regarding the land allotted to them is to bear by them.

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6. Enhancement for the land under HT lines has rightly been taken into common area and thereafter proportionately divided on the saleable area.
7. It is also noted by the Committee that earlier enhancement of all common area is being charged from the plot holders only. The residents filed the writ petitioner No. 18681 of 2011, which was decided on 4.10.2011 and directions were given to pass the speaking order and thereafter speaking order was passed by the Administrator, HUDA (HQ) on 18.1.2012 and the enhancement to be charged from the allottees was reduced as per saleable area of the sector.
8. Now it is found by the committee constituted for the purpose that HUDA has rightly divided the acquired area of the sector into two categories i.e saleable area and common areas. Enhancement for the common area has been proportionately divided on the saleable areas which are clear from the calculation loaded on the website of HUDA. The committee only find irregularity in regard to the notice issued by the Estate Office to the effect that details of calculations for enhancement notices were not given with the notices issued due to the reason the enhancement notices were withdrawn when the allottees challenges the same in the Hon'ble High Court.
9. After considering all the objections raised by the residents of the sector- 24 to 28, Panchkula and the uploaded enhancement on the website of HUDA, it is now found that enhancement notices issued by HUDA are justified and no discrimination has been made with the petitioners/ allottees by HUDA by calling the present enhancement notices.

Atul K. Jaiswal

10. The committee also found that there were lot of litigations and queries from the plot owners about the manner of determination of additional price. 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 has been notified by a policy, approved by the HUDA Authority in its 111th meeting held on 27.7.2016 at Agenda Item 22. For the guidance of the public, the policy is 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).

11. Hence, calculations made and uploaded on the website seems to be correct as per the above said policy. However, the calculations may be re-verified as per HUDA policy and any rectification, if needed, may be made and the residents/ allottees may be directed to deposit the enhancement accordingly. It may also be made clear that if some allottees have already excess deposited the enhancement earlier then the same is to be adjusted against the outstanding dues with regard to the plot on further enhancement.

[Signature]
 Chief Accounts Officer
 HUDA, Panchkula

[Signature]
 Estate Officer
 HUDA, Panchkula

[Signature]
 Chief Town Planner
 HUDA, Panchkula.

[Signature]
 Chief Controller of Finance
 HUDA, Panchkula

[Signature]
 Administrator,
 HUDA, Panchkula.