

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI**

**ORIGINAL APPLICATION NO. 1241/2024**

**(I.A. NO. 515/2024)**

**IN THE MATTER OF:**

**ANURAG UPADHYAY & ORS.**

**...APPLICANTS**

**VERSUS**

**BPTP PARK LIFE RWA & ORS.**

**...RESPONDENTS**

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**THROUGH COUNSEL**

**ADVOCATE KULDEEP KUMAR KOHLI  
D/383/1979**

**ADVOCATE SIMRAN BAJAJ  
D/10037/2023**

**KOHLI & KOHLI LAW ASSOCIATES  
V 3/11, DLF PHASE III,**

**GURUGRAM, HARYANA 122002**

**EMAIL: KOHLIANDKOHLILAWASSOCIATES@GMAIL.COM**

**PH: 0124-4014318, 0124-4990107**

**DATE: 06.02.2025**

**PLACE: DELHI**

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
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**SUBMISSION OF ADDITIONAL INFORMATION / DOCUMENTS**

**MOST RESPECTFULLY SHOWETH:**

1. That during the last hearing on 21.10.2024, this Honourable Authority had ordered as under:

“Learned Counsel for the Applicant seeks time to examine the guidelines and the orders of the Court / Tribunal in respect of the utilization of the area earmarked for park and also disclose the

extent of the area of the park in question and the area being utilized for basketball court, badminton court etc.”

### **PRELIMINARY SUBMISSIONS**

2. That the applicants are aggrieved residents of BPTP Freedom Park Life, Sector 57, Gurugram, Haryana, a housing project, approval of which has been granted by the office of Town & Country Planning, Haryana vide approval No 14-16 of 2005 dated 24.07.2005. A copy of the approvals and the renewal is annexed herewith as **Annexure 1 (colly)** and a copy of the Map annexed to the approval is annexed herewith as **Annexure 2.**
3. That as per the approved plans the open space/ organized green required is 15% i.e. 8424.402 sq. mtrs. and the open space organized / provided is 9214.359 sq. mtrs. which is as per the NGT norms as well as the norms of the Department of Town & Country Planning, Haryana. The above stated details are marked as “RED” in the map annexed at **Annexure 2.**
4. That the measurement of the basketball court and the area adjoining the same is 45 feet 9 inches x 22 feet = 109.38 sq. yds.

The said area is marked in “GREEN” in the map annexed herewith as Annexure 2.

5. That the measurement of the illegally constructed concrete badminton court is 44 feet x 20 feet and 4.75 inches = 99.73 sq. yds. The said area is marked in “GREEN” in the map annexed herewith as Annexure 2.
6. That the maps are approved by the Department of Town & Country Planning, Haryana which is responsible to regulate development and also to check the Haphazard developments in and around towns in accordance with The Haryana Development and Regulation of Urban Areas Act, 1975 and Rules 1976.
7. That the standard condition as laid down in form LC – V being License (Annexure 1) granted to the colonizer as issued by the Haryana Government Town & Country Planning at Clause 2 (a) is as under:

**“The license granted is subject to the conditions:**

- (a) That the colony is laid out to conform to the approved layout plans and development works are executed according to the**

**designs and specifications shown in the approved plan accompanying this license.”**

8. That keeping in mind the guidelines pertaining to the green area, for the group housing in Haryana, the notification on functions and policies of Town & Country Planning Department, Haryana clearly states at Para (j) as under:

**“j. It is also mandatory to provide 15% organized green space in a group housing complex”**

A copy of the said policy as placed on the website of the Town & Country Planning, Haryana is annexed herewith as **Annexure 3**

9. That the government has laid the Policy on Functions and Policies of Town & Country Planning, Haryana to regulate the developments in accordance with the following statutes: **(Annexure 3)**

- (i) The Punjab Scheduled Roads & Controlled Areas Restriction of Unregulated Development Act, 1963.

- (ii) The Haryana Development and Regulation of Urban Areas Act, 1975
- (iii) The Punjab New (Capital) Periphery Control Act, 1952

10. That it is only after ensuring that the guidelines related to providing mandatory 15% organized green space are met, the approval is granted by the Town & Country Planning Department, Haryana.

11. That a Deed of Declaration dated 11.05.2012 (**Page No.47 to 101 of OA**) has been submitted with the Sub-Registrar, Gurugram by the promoter of the project being Countrywide Promoters Pvt. Ltd. once the entire project has been completed and the Occupation Certificate received, which describes the entire construction so made in the complex. That once the Deed of Declaration has been submitted as per the approved layout plans, no deviations / changes can be made without the permission of the office of Town & Country Planning, Haryana, which deviations in the present case have been done by the Respondents.

12. That it would be noted from the said Deed of Declaration that no approval for any plans for the construction of any Basketball Court

or Badminton Court was ever obtained and hence any subsequent construction by Respondent No. 1 in connivance with Respondent No. 2, 3 and 4 is not only illegal as it sans approval of the Town & Country Planning, Haryana but is also in violation of the NGT norms for concretising a green area as well as in violation of Article 21, 48A, 51(G) of the constitution.

**13.** That the Respondent No. 1 Association is an illegal Association namely BPTP Park Life Residents Welfare Association, which is not mandated to perform the functions of maintenance and upkeep and this has been held by the Honourable Civil Judge (Junior Division), Gurugram in a matter No. CS/2319/2021 dated 27.07.2022 wherein the Honourable Judge held as under: **(Page No. 102-112 of the OA)**

*“14. In such circumstances prima facie case in favour of the plaintiff is made out. Also, when weighed on the scale of balance of convenience the same tilts in favour of the plaintiff Association. In case the stay is not granted the plaintiff Association will be a greater peril than the defendant. Accordingly, the Defendants are restrained from interfering in the maintenance and operation of Freedom Park Life complex”.*

14. That the main issues raised in the complaint are:

- (i) Illegal construction of a Basket Ball Court at BPTP Freedom Park Life, Sector 57, Gurugram by dismantling a Senior Citizens Park and the measurement of the basketball court and the area adjoining the same is 45 feet 9 inches x 22 feet = 109.38 sq. yds.
- (ii) Illegal construction of a concrete badminton court and the measurement of the badminton court and the adjoining area is 44 feet x 20 feet and 4.75 inches 99.73 sq. yds and the said area is marked in Green in the map annexed herewith as **Annexure 2**. The map is a copy of the approved plan as approved by the Town & Country Planning Department, Haryana.
- (iii) Violation of the conditions laid down in the License granted to the promoter for development of the project at BPTP Freedom Park Life, Sector 57, Gurugram, as elaborated earlier by Town & Country Planning.
- (iv) Violation of the Deed of Declaration dated 11.05.2012 submitted with the Sub-Registrar, Gurugram by the

promoter of the project being Countrywide Promoters Pvt. Ltd. once the entire project has been completed and the Occupation Certificate received, which describes the entire construction so made in the complex.

(v) Violation of Article 21, 48A, 51(g) of the constitution.

15. That is a well settled principle of law that as per the rules of the Town & Country Planning, Haryana every residential complex is mandated to have 15% green area, while approving any residential complex. The Green area should always remain to be green areas and can, under no circumstances, be converted into a concrete area.

16. The hon'ble Supreme Court in **Lal Bahadur v. State of Uttar Pradesh & Ors. (2018)15SCC407**, held in para 12 of judgment that change of area from green belt to residential is in violation of Article 21, 48A and 51A(g) of the Constitution. Reliance was placed on **Bangalore Medical Trust v B.S. Muddappa & Others, (1991) 4 SCC 54**, wherein Honourable Supreme Court had said that protection of environment, open spaces for recreation and fresh air, playground for children, promenade for the residents and other conveniences or amenities are matters of great public concern

and a vital interest to be taken care of in a development scheme. Public interest in the reservation and preservation of open spaces for parks and playgrounds cannot be sacrificed by leasing or selling such sites to private persons for conversion to some other use.

**In Para 15, court said that “This court had clearly laid down that such spaces could not be changed from green belt to residential or commercial one. It is not permissible to the State Government to change the Parks and playgrounds contrary to legislative intent having constitutional mandate, as that would be an abuse of statutory powers vested in the authorities. Court also observed, when master plan was prepared earlier and authorities found importance of such space, it was their bounden duty not to change its very purpose when they knew very well the importance of this place to be kept open space. The Court said, “The importance of park is a universal recognition. It was against public interest, protection of the environment and such spaces reduce the ill effects of urbanisation, it was not permissible to change this area into urban area as the garden / Greenbelt is essential for fresh air, thereby protecting against the resultant impacts of**

urbanization. The provisions of the Act of 1973 and other enactments relating to environment could not be permitted to become statutory mockery by changing the purpose in the master plan from green belts to residential one. Authorities are enjoined with duty to maintain them as er doctrine of public trust.”

17.The Hon'ble National Green Tribunal in **Girja Shankar Rai vs State Of Uttar Pradesh OA No. 165/2021** held that land reserved for green belt, whether of the State or private owners, cannot be allowed to be used for raising any construction.

18.That the Honourable National Green Tribunal, New Delhi in the matter titled as **Gulmohar Park Journalists Welfare Association Vs. South Delhi Municipal Corporation & Ors. OA No. 229/2014** held:

“Needless to state that anything constructed on an open area, which is designated as a tot lot area in a Master Plan unless specifically permitted therein amounts to invasion to open area necessary and planned for salubrious environment and as such would cause damage to it”.

19. In view of the above facts and circumstances, it is evident that the respondents have not only brazenly violated the terms and conditions of the License as well as the deed of declaration but also the order of the Ld. Court of Civil Judge (Junior Division), Gurugram
20. That the balance of convenience is in favour of the applicants and the ends of justice shall suffer if the relief as prayed is not granted.

### **PRAYER**

It is therefore most respectfully prayed that in the interest of justice this Honorable Tribunal may kindly be pleased to graciously grant the following reliefs:

1. Direct respondent no. 1 through respondent no. 2,3 & 4 to dismantle the concrete basketball court on the green area.
2. Direct respondent no. 1 through respondent no. 2, 3 & 4 to dismantle the concrete badminton court on the green area.
3. To impose a fine of Rs. 20,00,000.00 upon the respondents for depriving the residents of the complex of their right to enjoy the green belt/area.
4. To impose a penalty of Rs. 25,00,000.00 upon the respondents for the coercive measures and dictatorial tendencies adopted by them, which shall serve as a deterrent for any future

RWAs/groups for violating the guidelines and rules related to maintaining greenery as per the statute / rules/ orders of the Honourable Supreme Court and Honourable NGT.

5. To impose any such environmental compensation as this hon'ble tribunal may deem fit and proper in the interest of justice.
6. To take such remedial and punitive measures as this hon'ble tribunal may deem fit and proper in the interest of justice.



**THROUGH COUNSEL**

**ADVOCATE KULDEEP KUMAR KOHLI**

**D/383/1979**

**ADVOCATE SIMRAN BAJAJ**

**D/10037/2023**

**KOHLI & KOHLI LAW ASSOCIATES**

**V 3/11, DLF PHASE III,**

**GURUGRAM, HARYANA 122002**

**EMAIL: KOHLIANDKOHLILAWASSOCIATES@GMAIL.COM**

**PH: 0124-4014318, 0124-4990107**

**DATE: 06.02.2025**

**PLACE: DELHI**

## ANNEXURE 1

FORM LC-V  
(See Rule 12)  
HARYANA GOVERNMENT  
TOWN AND COUNTRY PLANNING DEPARTMENT

Licence No. 16 of 2005.

1. This licence has been granted under the Haryana Development & Regulation of Urban Areas Act, 1975 & the Rules made thereunder to Smt Santra Wd/o Ram Chander, Smt Sushila D/o Sh. Ram Chander Virender Singh-Sudarshan Kumar-Chander Parkash Uma Shankar Ss/o Ram Chander, Gaj Raj Singh Sultan Singh-Dalip Singh Ss/o Hari Singh, Smt. Rama Devi Wd/o Mehar Singh, Maju-Geeta D/o Mehar Singh, Anil-Jitender Ss/o Mehar Singh for setting up of Group Housing Colony at village Samaspur District Gurgaon.

2. The particulars of the land wherein the aforesaid colony is to be set up are given in the Schedule annexed hereto and duly signed by the Director, Town & Country Planning, Haryana.

The licence is granted subject to the following conditions:

- a) That the residential Colony is laid out to conform to the approved layout plan and development works are executed according to the designs and specifications shown in the approved plan.
  - b) That the conditions of the agreements already executed are duly fulfilled and the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and Rules 1976 made thereunder are duly complied with.
  - c) That the demarcation plan of the colony area is submitted before starting the development works in the colony and for the approval of zoning plan.
- 4 That the portion of Sector /Master plan road which shall form part of the licenced area shall be transferred free of cost to the Government in accordance with the provisions of Section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
- 5 That you will have no objection to the regularization of the boundaries of the licence through give and take with the land that HUDA is finally able to acquire in the interest of planned development and integration of services. The decision of the competent authority shall be binding in this regard.
- 6 The licence is valid upto 21.7.2007.

*S.S. Dhillon*  
(S.S. Dhillon)

Director,

Town & Country Planning,  
Haryana, Chandigarh

Dated: Chandigarh

The 22.7.2005

Dated:- 25-7-05

Endst. No.5DP-2005/ 7350-59

A copy along with a copy of schedule of land is forwarded to the following for information and necessary action: -

1. Smt Santra Wd/o Ram Chander, Smt Sushila D/o Sh. Ram Chander Virender Singh-Sudarshan Kumar-Chander Parkash Uma Shankar Ss/o Ram Chander, Gaj Raj Singh Sultan Singh-Dalip Singh Ss/o Hari Singh, Smt. Rama Devi Wd/o Mehar Singh, Maju-Geeta D/o Mehar Singh, Anil-Jitender Ss/o Mehar Singh C/o M/s. Countrywide Promoters Pvt Ltd. M-11, Middle Circle, Cannaught Place, New Delhi alongwith a copy of agreement LC-IV and Bilateral agreement.

372

To be read licence No. 16 of 2006

Detail of land owned by Smt Santra Wd/o Ram Chander, Smt Sushila D/o Sh. Ram Chander Virender Singh-Sudarshan Kumar-Chander Parkash Uma Shankar Ss/o Ram Chander, Gaj Raj Singh Sultan Singh-Dalip Singh Ss/o Hari Singh 29/45+1/12 or(131/180 share), Smt. Rama Devi Wd/o Mehar Singh, Maju-Geeta D/o Mehar Singh, Anil-Jitender Ss/o Mehar Singh 29/180 share, Village Samaspur Distt. Gurgaon..

Village	Rect No.	Killa No.	Total Area K-M	
Samaspur	13	14 min South	1-12	
		18	8-0	
		22	7-19	
		23	7-11	
		22	2	7-12
		9/1	3-12	
Total			36-6 Or 4.538 Acres	

Information Supplied  
Under RTI Act 2005 and  
This Paper is Attested

DTP (HC/DM SPIO)

*[Signature]*  
Director  
Town and Country Planning,  
Haryana, Chandigarh  
*[Signature]*

Annexure  
207 ✓

**FORM LC-V**  
(See Rule 12)  
**HARYANA GOVERNMENT**  
**TOWN AND COUNTRY PLANNING DEPARTMENT**

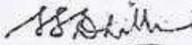
Licence No. 15 of 2005.

1. This licence has been granted under the Haryana Development & Regulation of Urban Areas Act, 1975 & the Rules made thereunder to Tej Ram S/o Shri Ram Narayan for setting up of Group Housing Colony at village Samaspur District Gurgaon.
2. The particulars of the land wherein the aforesaid colony is to be set up are given in the Schedule annexed hereto and duly signed by the Director, Town & Country Planning, Haryana.
3. The licence is granted subject to the following conditions:
  - a) That the residential Colony is laid out to conform to the approved layout plan and development works are executed according to the designs and specifications shown in the approved plan.
  - b) That the conditions of the agreements already executed are duly fulfilled and the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and Rules 1976 made thereunder are duly complied with.
  - c) That the demarcation plan of the colony area is submitted before starting the development works in the colony and for the approval of zoning plan.
4. That the portion of Sector /Master plan road which shall form part of the licenced area shall be transferred free of cost to the Government in accordance with the provisions of Section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
5. That you will have no objection to the regularization of the boundaries of the licence through give and take with the land that HUDA is finally able to acquire in the interest of planned development and integration of services. The decision of the competent authority shall be binding in this regard.
6. The licence is valid upto 21-7-2007.

Dated: Chandigarh

The 22-7-2005.

Endst. No.5DP-2005/ 7340-49

  
(S.S. Dhillon)  
Director,  
Town & Country Planning,  
Haryana, Chandigarh.

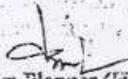
Dated:- 25-7-05

A copy along with a copy of schedule of land is forwarded to the following for information and necessary action:-

1. Tej Ram S/o Shri Ram Narayan C/o M/s. Countrywide Promoters Pvt Ltd. M-11, Middle Circle, Cannaught Place, New Delhi alongwith a copy of agreement LC-IV and Bilateral agreement.
2. Chief Administrator, HUDA, Panchkula.
3. Addl. Director Urban Estates, Haryana, Panchkula.
4. Chief Engineer, HUDA, Panchkula.
5. Superintending Engineer, HUDA, Gurgaon along with a copy of agreement.
6. Land Acquisition officer, Gurgaon.
7. Senior Town Planner, Gurgaon
8. Senior Town Planner (Enforcement) Chandigarh.
9. District Town Planner, Gurgaon along with a copy of agreement.
10. Accounts Office, O/O Director, Town & Country Planning, Haryana, Chandigarh along with a copy of agreement.

**Information Supplied  
Under RTI Act 2005 and  
This Paper is Attested**

DP (HOD) (10)

  
District Town Planner (Hq) JS,  
For Director, Town and Country Planning,  
Haryana, Chandigarh.

370

To be read licence No. 15 of 2005

Detail of land owned by Tej Ram S/o Shri Ram Narayan Village  
Samaspur Distt. Gurgaon..

Village	Rect No.	Killa No.	Total Area K-M	Area taken K-M
Samaspur	21	13/2	3-16	1-11
		14/1/1	4-10	4-3
		16/2/2	1-19	1-19
		17/2	7-19	7-19
		18/1	3-18	3-18
		23/2	6-0	6-0
		24	7-4	7-4
		25/1	6-19	6-2.5
		26	0-16	0-16
		Total		

Information Supplied  
Under RTI Act 2005 and  
This Paper is Attested

DTP (HQ/CUM/SPIO)

*[Signature]*  
Director  
Town and Country Planning,  
Haryana, Chandigarh

*[Signature]*

Annexure - 161 ✓

**FORM LC-V**  
(See Rule 12)  
**HARYANA GOVERNMENT**  
**TOWN AND COUNTRY PLANNING DEPARTMENT**

Licence No. 14 of 2005.

1. This licence has been granted under the Haryana Development & Regulation of Urban Areas Act, 1975 & the Rules made thereunder to Sh. Nand Kishan S/o Sh. Dalu Ram for setting up of Group Housing Colony at village Samaspur District Gurgaon.
2. The particulars of the land wherein the aforesaid colony is to be set up are given in the Schedule annexed hereto and duly signed by the Director, Town & Country Planning, Haryana.

The licence is granted subject to the following conditions:

- a) That the residential Colony is laid out to conform to the approved layout plan and development works are executed according to the designs and specifications shown in the approved plan.
  - b) That the conditions of the agreements already executed are duly fulfilled and the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and Rules 1976 made thereunder are duly complied with.
  - c) That the demarcation plan of the colony area is submitted before starting the development works in the colony and for the approval of zoning plan.
4. That the portion of Sector /Master plan road which shall form part of the licenced area shall be transferred free of cost to the Government in accordance with the provisions of Section 3(3)(a)(iii) of the Haryana Development and Regulation of Urban Areas Act, 1975.
  5. That you will have no objection to the regularization of the boundaries of the licence through give and take with the land that HUDA is finally able to acquire in the interest of planned development and integration of services. The decision of the competent authority shall be binding in this regard.
  6. The licence is valid upto 21.7.2007

Dated: Chandigarh

The 22.7.2005

Endst. No. SDP-2005/ 7330-39

*S.S. Dhillon*  
(S.S. Dhillon)  
Director,  
Town & Country Planning,  
Haryana, Chandigarh.

Dated:- 25.7.05

A copy along with a copy of schedule of land is forwarded to the following for information and necessary action:-

1. Sh. Nand Kishan S/o Sh. Dalu Ram C/o M/s. Countrywide Promoters Pvt Ltd. M-11, Midale Circle, Cannaught Place, New Delhi along with a copy of agreement LC-IV and Bilateral agreement.
2. Chief Administrator, HUDA, Panchkula.
3. Addl. Director Urban Estates, Haryana, Panchkula.
4. Chief Engineer, HUDA, Panchkula.
5. Superintending Engineer, HUDA, Gurgaon along with a copy of agreement.
6. Land Acquisition officer, Gurgaon.
7. Senior Town Planner, Gurgaon
8. Senior Town Planner (Enforcement) Chandigarh.
9. District Town Planner, Gurgaon along with a copy of agreement.
10. Accounts Office, O/O Director, Town & Country Planning, Haryana, Chandigarh along with a copy of agreement.

RECEIVED IN ORIGINAL FILE  
19.15.05  
Information Supplied Under RTI Act 2005 and This Paper is Attested

*JS*  
District Town Planner (Hq) JS,  
For Director, Town and Country Planning,  
Haryana, Chandigarh.

360

To be read licence No. 14 of 2004

Detail of land owned by Sh. Nand Kishan S/o Sh. Dalu Ram Village Samaspur Distt. Gurgaon.

Village	Rect No.	Killa No.	Total Area K-M
Samaspur	21	6/2	0-9
		15/1	7-19
		16/1/1	4-18
	22	10	8=0
		11	8-0
		20/1	5-16
		Total	

Information Supplied  
Under RTI Act 2005 and  
This Paper is Attested

DTP (HO/CUM/SPIO)

*S. S. Singh*  
Director  
Town and Country Planning,  
Haryana, Chandigarh  
*Chandigarh*

TO BE READ WITH LICENSE NO. 14-16 OF 2005 (LC516)										
SR. NO	NAME OF OWNER	VILLAGE	RECTANGLE NO.	KHASRA NO.	AREA		SHARE	AREA TAKEN		
					K	M		K	M	
1	Sh. Nand Kishan	Samaspur	21	6/2	0	9				
				15/1	7	19				
				16/1/1	4	18				
			22	10	8	0				
				11	8	0				
				20/1	5	16				
				<b>TOTAL</b>	<b>35</b>	<b>2</b>				
<b>OR 4.387 ACRES</b>										
2	Tej Ram	Samaspur	21	13/2	3	16		1	11	
				14/1/1	4	10		4	3	
				16/2/2	1	19		1	19	
				17/2	7	19		7	19	
				18/1	3	18		3	18	
				23/2	6	0		6	0	
				24	7	4		7	4	
				25/1	6	19		6	2.5	
				26	0	16		0	16	
				<b>TOTAL</b>	<b>39</b>	<b>12.5</b>				
<b>OR 4.953 ACRES</b>										
3	Smt Santra	Samaspur	13	14 min South	1	12				
				18	8	0				
				22	7	19				
			22	23	7	11				
				2	7	12				
				9/1	3	12				
				<b>TOTAL</b>	<b>36</b>	<b>6</b>				
<b>OR 4.538 ACRES</b>										

REVISED SCHEDULE OF LICENSE NO. 14 & 16 OF 2005										
SR. NO	NAME OF OWNER	VILLAGE	RECTANGLE NO.	KHASRA NO.	AREA		SHARE	AREA TAKEN		
					K	M		K	M	
14 & 16	Countrywide Promoters Pvt. Ltd	Samaspur	21	6/2	0	9				
				15/1	7	19				
				16/1/1	4	18				
			22	10	8	0				
				11	8	0				
				20/1	5	16				
				2	7	12				
			13	9/1	3	12				
				14/1/2	1	12				
				18	8	0				
				22	7	19				
				23	7	11				
			<b>TOTAL</b>	<b>71</b>	<b>8</b>					
<b>OR 8.925 ACRES</b>										





Department of Town & Country Planning  
Government of Haryana

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### Functions and Policies Town & Country Planning Department, Haryana

The Department of Town and Country Planning, Haryana is responsible to regulate the development and also to check the haphazard development in and around towns in accordance with the provisions of following statutes:-

1. The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.
2. The Haryana Development and Regulation of Urban Areas Act, 1975.
3. The Punjab New (Capital) Periphery Control Act, 1952.

In order to involve the private sector in the process of urban development, the Department grants licences to the private colonizers for development of Residential, Commercial, Industrial and IT Park/Cyber Park Colonies in accordance with the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 and rules framed thereunder.

#### I. Classification of State into zones:-

These licences are granted to the owners having clear title of land in their favour. For the purpose of granting licences the Department has divided the State into different zones according to their development potential . Following is the classification of towns into different potential zones:-

Sr. No.	Classification	Name of the towns
1.	Hyper	Urban Area in and around Gurgaon town including the Urban Areas declared by the Government for Gurgaon- Manesar Urban complex
2.	High Potential Zone	Faridabad- Ballabgarh Complex, Panchkula, Kalka, Pinjore Gual Pahari-Balola Bandhwari Complex in Gurgaon District, Sonapat-Kundli Urban Complex, Panipat.
3.	Medium Potential Zone	Karnal, Kurukshetra, Ambala City, Ambala Cantt, Yamuna Nagar, Bahadurgarh, Jagadhari, Hisar, Rohtak, Ganaur , Palwal, Hodal, Rewari, Dharuhera-Bawal and Oil Refinery Panipat.

Sr. No.	Classification	Name of the towns
4.	Low Potential Zone	All the other urban areas in the State.

## II. Minimum Area Parameters:-

For development of licenced colonies in the State, the Government has approved the minimum area parameters for making application for grant of licence in accordance with the location of the colony in a particular zone. Following are the parameters:-

Zone	Residential Plotted	Residential Group Housing	Commercial	Cyber City	Cyber Park
Hyper/High Potential Zone	100	10	8000 sq. mtrs to 16000 sq. mtrs	50 acres	5 to 15 acres
Medium Potential Zone	50	5	-do-	-do-	-do-
Low Potential Zone	25	5	4000 sq. mtrs to 8000 sq. mtrs	-do-	-do-

## III. Application for grant of Licence:-

The colonizers has been defined in the Act i.e. an individual , company or association, body of individuals whether incorporated or not, owing land for converting it into a colony and to whom a licence has been granted under this Act. In accordance with the above definition following kind of applications are being considered:-

1. The 'company' having ownership of land in accordance with the above parameters.
2. Individual having ownership of land in accordance with the above parameters.
3. Group of persons i.e. body of individual may also pool together their land falling in the compact block in accordance with above minimum area parameter and may apply for grant of licence after executing a collaboration agreement with a reputed builder having sound financial capability to develop the colony.

## IV. Conformity to the Land Use Plan:-

The land applied for licence should be in conformity with the land use plan and the permissible uses as defined in the zoning regulations of the Development Plan published/approved for the controlled area under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 963 or the Punjab New (Capital) Periphery Control Act, 1952(for periphery area of Panchkula only).

## V. Release of Land from Acquisition:-

1. The land should be free from all encumbrances including the proceedings under the Land Acquisition Act, 1894. In case the ownership of the land is prior to notification of under section 4 of the Land Acquisition Act, the application can be considered for grant of licence on merits of each case provided Government grants concurrence and decides to release the land.
2. The colonizers should have sound capacity to develop the colony and needs to submit proof of his financial capacity along with the application.

## VI. Parameters for Grant of Licence:-

The different parameters for each category of colony are detailed below:-

### Residential Plotted Colony:-

- a) The plotable area/saleable area in a plotted colony cannot exceed more than 55% of the area of the colony (inclusive of 4% commercial area for need of the residents of the colony) and remaining area is to be utilized for planning of roads, community buildings like schools, hospitals , utility buildings/sites and open spaces.
- b) The colonizer is required to provide for community building sites in accordance with the norms approved for the purpose. These norms are population based and are arrived at by taking into account the designated densities as envisaged in the Development Plan proposals. The minimum width of the road is 12 mtrs.
- c) 20% of the plots are to be reserved for EWS , housing with a minimum plot size of 50 sq. mtrs.
- d) 25% of the total plots are to be allotted under the category of 'No Profits No Loss' plots ( NPNL) i.e. at the rate prescribed by the Director. The size of these plots ranges between 125 sq. mtrs to 225 sq. mtrs.
- e) The population to be achieved in the colony cannot exceed beyond the designated densities in the Development Plan.

### Group Housing:-

- a) The Group Housing site is governed in accordance with the zoning regulations approved by the Director.
- b) The ground coverage in the group housing project as 35% of the site area and the floor area ratio (FAR)

is 175.

- c) The maximum habitable height in a group housing complex is 60 mtrs .
- d) The group housing project should not exceed 20% of the sector area.
- e) The community facilities are to be provided in accordance with the norms approved by the Department and are based on the population to be achieved as per proposed density of the group housing complexes which ranges from 100 to 400 persons per acre.
- f) To provide convenient shopping within the group housing complex 0.5% of the site area can be utilized towards convenient shopping , these shopping is single storey with a maximum height of 4 mtrs.
- g) 15% of the total number of flats are reserved for EWS and 10% of the main dwelling units is required for service apartments i.e. for domestic help.
- h) The minimum two level basement for parking and services with a compulsory provision of one car space for every flat of the group housing complexes (except EWS).
- i) Area requirement for EWS and service apartment is 200 sq.ft. and 140 sq.ft. respectively.
- j) It is also mandatory to provide 15% organized green space in a group housing complex.

#### Commercial:-

The zoning regulations of development plans have been amended to allow private sector to undertake development of maximum 50% of the designated commercial areas in the development plans by way of licences. The parameters for licence in residential colonies are as below:-

- a) The commercial colonies are also granted licences for sites falling along the peripheral/sector road in the designated residential sector of the Development Plan.
- b) The area under licenced colony in a residential sector cannot exceed 3.5% of the sector area subject to minimum and maximum prescribed area limits.
- c) The location of the site should be along a sector peripheral road within a provision of service road.
- d) The ground coverage allowed in commercial project is 40% and the floor area ration is 150 or 175 as opted by a colonizer.
- e) Maximum Height of the habitable area is 60 mtrs.
- f) Three level basement is permitted for providing parking and services . No storage is allowed in the basement.
- g) The parking norms are one car space for every 75 sq. mtrs covered area.

#### Cyber City/Cyber Park:-

- a) The location of the site should be on a sector peripheral road in residential or industrial sector in the Development Plan. In case of residential sectors the permissible area for IT Park/ Cyber Park will not exceed 5% of the sector area.
- b) The permissible ground coverage is 40% and FAR is 250.
- c) In case of cyber cities 10% of the area of the site can be utilized for Group Housing and 4% of the area for commercial use.
- d) In case of Cyber Parks only 4% of the area can be utilized towards commercial uses. No group housing is permissible.
- e) The parking requirement is one car space for every 40 sq. mtrs area achieved.
- f) Three level basement is permissible for parking and service. No storage is to be allowed.
- g) In the area designated for IT activities, no other use is permissible. In case of violation , the colonizer will be required to pay the fee and charges on commercial rates for the area where violation are being committed.
- h) In case of Cyber City, the colonizer is required to complete at least 30% of the IT area within 5 years of the grant of licence and in case of Cyber Park within three years of grant of licence.

#### VII. Fees and Charges:-

1. The colonizer is required to pay [scrutiny fees](#) along with its application for grant of licence. The scrutiny fees is levied at the rate of Rs. 10/- per sq. mtrs for the gross area of the colony and in case of Group Housing , Commercial and IT, the scrutiny fees is for the proposed FAR.
2. The colonizer is required to pay the [licence fee](#) and [conversion charges](#) as prescribed by the Government.
3. The colonizer is also required to pay [Infrastructure Development Charges](#) as per rates prescribed in the Schedule in Rules 1976.
4. The colonizer is also required to pay the EDC as a proportionate cost of development of the town level infrastructure for a town as decided by the development agency, in this case Haryana Urban Development Authority.

Rate of External Development Charges(EDC) for the year 2010.

(In Rs Lakhs per acre)

Sr. No.	Name of Town	Residential Plotted	Group Housing	Commercial	IT
1	Gurgaon	68.72	274.88	320.69 (For 175 FAR) 274.88 (For 150 FAR)	229.06
2	Sonepat	45.48	181.89	181.89	151.57

3	Faridabad				
4	Rohtak	56.63	226.51	271.81 (For 175 FAR) 226.51 (For 150 FAR)	188.76

### VIII. Grant of Change of Land Use Permission

The department grants change of land use permission for residential/ industrial/commercial/institutional/farm house/recreational use under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 and its Rules, 1965.

The applicant desiring to seek permission for change of land use for residential/ industrial/ commercial/ institutional/ farm house/ recreational use is required to submit his application on prescribed form CLU-I to Director, as provide under rule 26-A along with following:-

1. Scrutiny fee @ Rs. 10/- per sq. meters for uses other than industrial/recreational projects and Rs.2/- per sq. meters for industrial & recreational use.
2. Copy of deeds showing the title of the applicant
3. A survey plan of the land on a scale of 1 to 40 feet showing the existing means of access to the said land for the nearest public road and building and their nature falling within 100 yards of the said land.
4. Shajra Plan.
5. Land Utilization Plan.
6. Potability of water certificate from recognized water-testing laboratory (for farmhouse).
7. Project report
8. SSI certificate/registration certificate with Industries Deptt (for Industries)
9. Deputy Commissioner's recommendation certificate (for petrol pump and institutional applications)

As provided under rule 26-B, no application under rule-26-A shall be considered to be valid until a plan and a copy of deed required by rule 26-A has been furnished to the satisfaction of the Director. In case of failure of such compliance, the application together with the plan and copy of deed shall be return to the applicant for resubmission in accordance with these rules.

As provided under rule 26-C (1) if, after scrutiny of the plan and other necessary enquiry, which the Director may deem fit, he is satisfied that the application is fit for the grant of permission, he shall before granting permission, call upon the applicant to full fill the conditions laid down in rule-D within a period of thirty days from the date of notice given to him under a registered cover.

If the applicant fails to fulfill these conditions within the period specified in sub-rule (1), the permission shall be refused.

As provided under rule-26-E (1), if the applicant has fulfilled all the conditions laid down in rule 26-D to the satisfaction of the Director, the Director shall grant the permission.

As provided under rule 26-F, the permission granted under rule-26-E shall remain valid for a period of two years from the date of order during which period all works for putting the said land to the permitted use shall be completed; provided that the permission may be renewed up to a further period of one year if the Director is satisfied that the delay in execution of works was for reasons beyond the control of the applicant.

#### Flow of application: -

The applicant submits the CLU application form in the field office alongwith the required scrutiny fee (Rs 10 per sq. mtr for uses other than recreational /industrial use & Rs 2 per sq. mtr for industrial /recreational use). After examination of the case, field office forwards the CLU application alongwith report to circle office, which ultimately sent to the Directorate.

#### Policies: -

1. Change of Land Use applications are considered/approved as per the provisions of zoning regulations. However, Government can relax the zoning regulations as per the provisions of Section 7(A) of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, which is reproduced below: -

*[7A. Power of relaxation. – The Government may, in public interest, relax any restrictions or conditions in so far as they relate to land use prescribed in the controlled area in exceptional circumstances.]*

2. The change of land use application are considered in conformity with the zoning regulations and disposed off at the level of Director, Town & Country Planning, where the development plans are published. However, where the development plans are not published decision on the CLU application is taken at the level of the Government. It is pertinent to mention here that the grant of change of land use permission of petrol-pumps are referred to the Government for approval.

3. Government has taken a decision for not allowing the industrial units in the agriculture zone of Hyper/High Potential Zone. However, the SSI-units upto 2 acres are allowed in agriculture zone of High Potential Zone falling in Industrially Backward Block.

4. In Medium Potential Zone industries are allowed on roads other than Scheduled Road and National Highway, which are non polluting/RIS/SSI upto 2 acres. The NOC from Pollution Control Board is required for the industries to be

located in Agriculture Zone. The industries registration certificate is also required. Minimum 30 feet wide rasta is required for locating the industries in Agriculture Zone.

5. The Government has approved a policy for Mega tourism and recreational projects in the controlled areas with the following parameters: -

1. The minimum area of the project will be 300 acres.
2. The residential component in the project will be upto 20% and the commercial component will be 10% of the project area.
3. The fee and charges for residential and commercial component will be payable as per the prescribed rates.

6. No commercial Change of Land Use permissions for small commercial activities for Departmental Store, Cyber Café, Banquet Hall etc.

7. For setting up of institutional activity and petrol-pump the applicant needs to genuineness certificate from the concerned Deputy Commissioner. 9. The minimum area norm for considering the building plans and the completion of the project of the industrial building is as below: -

- i. Upto 1 acre = 25% of Permissible Covered Area
- ii. Above 1 acre upto 5 acre = 20% of Permissible Covered Area
- iii. Above 5 acres & upto 10 acres = 15% of Permissible Covered Area
- iv. Above 10 acres = 10% of Permissible Covered Area

8. The Dhaba is allowed along National Highway in Agriculture Zone with minimum area of 2000 sq. mtrs. alongwith FAR of 40% and ground coverage also as 40%. The height is restricted upto 17 feet and the parking facility is 1 PCU for 50 sq. mtrs. covered area. The charges for grant of Change of Land Use permission are as applicable to commercial. The access permission is required from NHAI, however, if the said site is located along the service road then NOC for access permission is not required.

9. Small Motel/Restaurant are allowed in Agriculture Zone along National Highway from 1 acre to 3 acre with FAR on 100%. However, Government has recently approved the policy for the following activities: -

Permissible Zone	Agriculture Zone along National Highway with provision of Service Road and Scheduled Roads
Area	I) Restaurant: minimum 2000 sq. mtrs. and maximum 1 acre. II) Motel without banquet facilities: minimum 1 acre and maximum 3 acres. III) Motel with banquet facilities: minimum 2.5 acres and maximum 5 acres. IV) 5-star hotel minimum area: 4 acres and maximum 15 acres. V) Resort: minimum 4 acres and maximum 10 acres. VI) Amusement Park/Theme Park: minimum 2.5 acres maximum 10 acres with FAR of 50%.
Commercial component	15%
Ground coverage Maximum	30%
FAR	150% for the activity mentioned at Sr. No.(i) to (v) whereas the FAR for Amusement Park will be 50%. It is pertinent to mention here that department grants 150% to 175% FAR for the commercial use in the Urbanizable Zone.
Access permission	The access permission is required from NHAI if the site is located on National Highway, whereas if the site is located on scheduled road then the permission is required from XEN, PWD B & R.
Scrutiny fee	Rs.10/- sq. mtrs.
Conversion charges	Commercial charges for the activity mentioned at Sr.No.(i) to (v) and Recreational charges for activity mentioned at (vi). However, the commercial component of Amusement Park will be charged at commercial rates.

12. The Mobile Towers are allowed in all the zones except public utility. However, cellular Operators are advised to avoid residential area. Every cellular Operator has to submit structural stability certificate from reputed institute, regarding steel structure and foundation. Maximum height of the tower from the ground level is not allowed above 60-metre and the applicant needs to submit clearance from Statutory Advisory Committee for Frequency Allocation (SACFA), Ministry of Communication and Information Technology, Government of India. The companies need to submit indemnity bond indemnifying DTCP against any loss of life/property in the event of mishap. The permission for setting up of communication tower is co-terminus with the period of lease agreement.

13. The independent petrol-pumps along National Highway require minimum area 2500 sq. mtrs. and maximum area should not be more than 3000 sq. mtrs. The petrol-pumps with facilities like repairs/service shop, ATM should be minimum area 1 acre and maximum area 1.5 acre. The minimum area required for petrol-pump alongwith scheduled roads and other roads is 1000 sq. mtrs. and maximum area is 2500 sq. mtrs. For petrol-pumps on scheduled roads and other roads with facilities like repairs, ATM and small eating place, minimum area is 3000 sq. mtrs. and maximum area is 1 acre. For sitting parameters on National Highway, NHAI is enforcing agencies and access permission in this regard is taken from NHAI. For sitting the petrol-pump on all roads other than National Highway, IRC: 12—1983 is followed.

14. For giving Change of Land Use permission for residential use in residential sector following points are considered: -

- i. The site should be an isolated/residual pocket which otherwise cannot be beneficially used by HUDA independently upon its acquisition.
- ii. The site should be adjustable in the approved layout plan of the licensed colony to ensure its integration.

iii. The maximum area to be considered for CLU permission for a residential house not to exceed 1000 sq. yds. Thus is equivalent of maximum two kanal plots being planned in licensed colonies as well as urban estates. However, if the site beyond two kanal is still unusual then the area to be considered for CLU will be decided on merits.

iv. In case the services have been laid by the colonizer and are functional, then the colonizer will be bound to give these services to the site being considered for grant of permission. In case the services are not laid in the surrounding areas, then the owner shall make arrangement as prescribed in the rules, however, this arrangement can continue only till the time the services becomes functional in the area.

v. The site should not be part of colony where action has been initiated by the field office as per the provision of Act No.8 of 1975.

vi. The minimum approach to the site should be through the roads planned for the licensed colonies. In cases where such approach is not available, the width of the access should be minimum 30 ft. wide.

15. Solar Water Heating System is made compulsory in :

- i. Institutional building (including schools having hostels).
- ii. Dispensary, Health Centre, Hospitals, Nursing Homes sites.
- iii. Hotel, Motels & Restaurants.
- iv. Banquet Halls and Marriage Places.
- v. Club and Community Centre.
- vi. Old Age Homes.

No conversion charges are levied on the Renewal Energy Project located in Agriculture Zone of the Controlled Area.

16. Farmhouses and IT units are allowed in conforming zones and as per policy mentioned in the Zoning Regulations of the Development Plan.

17. Composition fee of Rs.2,00,000/- is levied on the applicant, who has running petrol-pump unauthorisedly .

18. 50% conversion charges are levied on the Food Processing units located in Industrially Backward.

#### **A Statement of the Categories of documents that are held by it or under its control**

- (a) Act / Rules notified in the official gazette,
- (b) Development plan and its write up notified in the official gazette;
- (c) Various controlled areas notified by the State Govt.;
- (d) Urban Areas notified under section 7 (a) of the Act No. 8 of 1975;
- (e) Licences granted under Act No. 8 of 1975;
- (f) Layout plan/ zoning plan of the licenced areas;
- (g) CLU cases permitted under Act No. 41 of 1963;
- (h) Zoning plans approved for the CLU cases;

#### **The particulars of any arrangement that exists for consultation with or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;**

All amendments in the Act/Rules and all the development plans notified by the department are first notified in the draft form for inviting objections / suggestions of the general public. Only after the objections / suggestions are considered then a final notification is published.

#### **A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice and as to whether meetings of those boards, councils, committees and bodies are open to the public, or the minutes of such meetings are accessible for public;**

- (a) State Level Committee for the publication of development plans,
- (b) District Level Committee for the publication of development plans – two members are from general public who participate in the discussion on development plan,
- (c) Monitoring cell for monitoring the cases of un-authorized construction,
- (d) Building plan approval Committee under the Chairmanship of Chief Town Planner, Haryana;
- (e) District Level Committee under the Chairmanship of District Town Planner, a committee under the Chairmanship of Senior Town Planner, for building between 2 to 5 acres,
- (f) Empowered Committee Garden Estate Colony, Gurgaon.

No meeting except at (b) above are open to public.

The manner of execution of subsidy programmes, including the amounts allocated and the detail of beneficiaries of such programmes:	There is no subsidy programmes of the department
Particulars of recipients of concessions, permits or authorities granted by it.	There is no any policy & scheme of the department for the grant of financial concession permits or authorities.