

To

1. Dr. Devlina Chakravarty, Executive Director
C/o M/s Artemis Medicare Services Ltd.
R/o 414/1, 4th Floor, BDA Commercial Complex,
District Centre Janakpuri, New Delhi-110058.
- 2.(i) Mr. Jagbir Singh/R/o A-303, Citizen Welfare Society,
Plot No. GH-01, Sector-51, Gurgaon, Haryana
- (ii) Mr. Virender Yadav R/o B-602,
The Citizen Welfare Society (Regd.),
702/IV, GH-85, Sector-51, Gurgaon.
- (iii) Navneet Goel Head, Legal and Company Secretary
Artemis Hospital, Sector-51, Gurgaon.
3. (i) Sh. B.C. Bhardwaj , President, RWA, Regd. Office # 726, Sector-51,
Gurugram-122003, Haryana.
- (ii) Sh. Satveer Singh Sandhu, Joint Secretary, RWA, Regd. Office # 726
Sector-51, Gurugram-122003, Haryana.
- (iii) Dr. Dharamveer Rathi, Secretary, RWA, Regd. Office # 726, Sector-51,
Gurugram-122003, Haryana.

Memo NO.HUDA-CCF-ACCTT-II-2017/- 167790

DATED:- 7/9/17

Subject: - Passed in compliance of order dated 02.02.2016 passed by the Additional Chief Secretary to Government of Haryana, Town & Country Planning & Urban Estate, department in revision petition U/s 17(8)/30 of HUDA Act, 1977, in respect of Artemis Medicare Hospital Site in Sector-51, Gurugram.

1. Please refer to the subject cited above.
2. Please find enclosed herewith the copy of speaking order No. 14/2017 passed by the Chief Administrator, HUDA in compliance with the orders dated 02.02.2016 passed by the Additional Chief Secretary to Government of Haryana, Town & Country Planning & Urban Estate, department in revision petition U/s 17(8)/30 of HUDA Act, 1977, in respect of Artemis Medicare Hospital Site in Sector-51, Gurugram.

DA/As Above

Chief Accounts Officer,
for Chief Administrator,
HUDA, Panchkula.

Endst.No.HUDA-CCF-Acctt-II-2017/- 167791 Dated:- 7/9/17

A copy of the above is forwarded to the following for kind information and necessary action :-

1. The District Attorney, Legal cell, HUDA (HQ), Panchkula for taking necessary action.
2. The GM (IT), HUDA (HQ), Panchkula for uploading the same on HUDA Website.
3. The Estate Officer-II, HUDA, Gurugram with the request to take necessary action as per speaking order No. 14/2017.

Chief Accounts Officer,
for Chief Administrator,
HUDA, Panchkula.

14/10/17

Subject: Passed in compliance of order dated 02.02.2016 passed by the Additional Chief Secretary to Government of Haryana, Town & Country Planning & Urban Estates, Department in revision petition U/s 17(8)/30 of HUDA Act 1977, in respect of Artemis Medicare Hospital Site in Sector-51, Gurgaon.

1. This speaking order is Passed in compliance of order dated 02.02.2016 passed by the Additional Chief Secretary to Government of Haryana, Town & Country Planning & Urban Estates, Department in revision petition U/s 17(8)/30 of HUDA Act 1977, in respect of Artemis Medicare Hospital Site in Sector-51, Gurgaon in which it was ordered that:-

"As the dispute is primarily based on the manner in which enhancement calculation are made, a committee headed by CCF, HUDA, Administrator, Gurgaon, Estate Officer, Gurgaon, Representative of the Hospital and Representative of Resident Welfare Association of Sector 51, as members would be constituted by the Chief Administrator, HUDA immediately. The committee would examine all the relevant issues and determine whether the enhancement calculations have been correctly made and submit their detailed report to Chief Administrator, HUDA who would take a final decision on the same based on merits and equity. The committee is directed to decide the issue within 3 months from the date of this order and in the meantime no coercive action be taken qua the property involved in this case."

2. A committee was constituted vide order No. HUDA-CCF/Acctt-II-2016/12135-40 dated 16.5.2016 by the C.A., HUDA.

Record of meeting

3. The committee held its meetings on 28.06.2016 and 29.11.2016 .

The members were also informed that speaking order No. 8/2016 dated 14.11.2016 in respect of additional price of sector-51 Gurgaon has already been issued in pursuance of High Court order in CWP No. 7184 of 2015 in case of Sh. Umesh Yadav Vs. HUDA. The copy of speaking order is available on HUDA website at the link [https://www.huda.org.in/layouts/CCF/COCP No 2582 of 2015 in CWP No 7184 of 2015 umesh yadav others Vs HUDA Others.pdf](https://www.huda.org.in/layouts/CCF/COCP%20No%202582%20of%202015%20in%20CWP%20No%207184%20of%202015%20umesh%20yadav%20others%20Vs%20HUDA%20Others.pdf)

Ref. The members were also informed that a policy regarding recovery of additional price on account of enhanced compensation from allottees in case of sale or lease of land or building by allotment has been approved by the HUDA Authority on item 111th meeting held on 27.7.2016 at Agenda Item 22. The policy has been circulated vide

instructions No.10 dated 16.8.2016 and has been displayed on the HUDA website under (Policy-finance Wing-instructions) at the link

[https://www.huda.org.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.org.in/layouts/CCF/Policy%20regarding%20recovery%20of%20enhanced%20compensation%20from%20allottees%20in%20case%20of%20sale%20of%20land%20or%20building%20by%20allotment.pdf)

The queries raised in the first two meetings were got verified and thereafter 3rd meeting was held on 20.1.2017.

Discussions and Findings and Order

4. The issues raised in the 3rd meeting are being considered as below.

4.1 Issue No.1 - Police Station: They ("Representative of RWA and Artemis Hospital") represented that area for police station at Sector-51, is taken as 2 acres for calculation. This police station caters to the whole of the Urban Estate, Gurgaon and not only in one sector. (measuring 1.5 acres needs to be off loaded).

Comments from the CTP, HUDA: Area of police station has been planned for the Sector-51, Gurugram. Therefore, the load of enhancement compensation of common area i.e police station is to be loaded on all users i.e. plot holders group housing societies, commercial area based upon their respective saleable area on proportionate basis.

Order:- No relief is granted on this issue.

4.2. Issue No.2 - Religious sites: Area for 0.2 acres has been taken as common area for religious buildings. They represented that if this site has been auctioned, its enhancement shall not be offloaded.

Comments from the CTP, HUDA: Area of religious site has been planned for the Sector-51, Gurugram. Therefore, the load of enhancement compensation of common area i.e religious site is to be loaded on all users i.e. plot holders group housing societies, commercial area based upon their respective saleable area on proportionate basis.

Order:- No relief is granted on this issue.

4.3 Issue No. 3 -Electric sub station: They represented that 1.21 acres has been offloaded against electric sub station whereas this electric substation is catering

for atleast four sectors in Urban Estate Gurgaon apart from Sector-51. It may be enquired from the electric sub-station in charges of Sector-51, whether this caters to Sector-51 exclusively or it caters to others sectors also. Accordingly, common area proportionately should be reduced.

Similary in respect of Boosting Station area of 8 acres. They represented that it caters to atleast 26 other sectors i.e from Sector-27 to Sector-57. Accordingly, common area proportionately should be reduced.

Comments from the Engineering Wing, HUDA: As per report of the Executive Engineer, HUDA, Gurugram, 66 KVA Electric Sub-station installed at Sector-51, Gurugram caters to Sector-45, 46 & 57, Samashpur, Rail Vihar, Mayfield Garden, Sector-51, HUDA Boosting Station Sector-46, Artemis Hospital, Wazirabad, Sector-50, Gurugram.

He has further reported that Boosting station Sector-51, Gurugram caters Sector-42, 43, 45, 46 Part, 47 Part, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 along Sohna road.

Order:- I find that similar issue has already been decided by the Sh. R.P. Bajaj, District Judge (Retired), Sole Arbitrator in his order dated 14.9.2010 in the matter of Sector-10, Ambala. Where under he has decided this issue against the allottees as below:-

" The next contention by the learned counsel for the claimants is that the land left for setting up of common institutions like roads, water works, parks etc. are not only for the benefit of Sector10 but also can be availed of by the residents of the neighboring sectors and others, therefore, the cost of acquisition of this land should be borne by all such users. On due consideration, I do not find it acceptable, the reasons for that are as under:-

The definition of 'additional price' given in Clause 2 (b) of the Regulations reproduced above, makes the allottee liable to pay the ELC not only of the land actually allotted to him, but also on account of enhancement of compensation of any land or building in the same sector ordered by the court under Section 18 of Act. In the face of these legal provisions, the residents of sectors, other than that where the said common institution is located, can not be made liable for additional price. At the same time, it has to be taken into consideration that some common facilities of public utility like public library, cremation/burial ground, fire station etc., not envisaged in Sector-10, must have been set up in the other sectors, which can be used by the residents of Sector-10 as well. On account of that user, the residents of Sector-10 cannot be made liable to pay ELC of such land situated in other sectors. Another important reason is that the use of this common public utility institutional land can be made by numerous and mostly unidentifiable persons. For instance, the road

can be used by any one passing through the city/sector. For the realization of ELC. HUDA can raise the demand on the person who can be identified and made liable."

Accordingly, I also do not grant any relief on this issue.

- 4.4 Hospital:** They represented that as per norms 500 bedded hospital is provided on a population of ten lacs and 50 bedded hospital is provided on a population of one lac. They enquired if this norm is applicable or not.

Comments from the CTP, HUDA: As per norms at a population of ten lacs, a hospital site upto 35 acres is allotted for upto 500 bedded hospital and at a population of one lac, a hospital site upto 5 acres is allotted upto 50 bedded hospital.

Order :- No order required on this issue.

- 4.5 Park and Community Centre:** They represented that initially the land allotted for park and community centre at Sector-51 but later on the same was used to adjust the allottee whom land was allotted against the released land related to the allotment of Sheetal International and Paras Nath Developers. So they requested that park and community Centre be again given for the benefit of Sector-51, Gurgaon as these are primary facilities.

Comments from the CTP, HUDA: The scope of this committee is restricted to the calculation of enhanced compensation only. Therefore, the request of the allottees to give back park and community centre is not within the scope of this committee.



Order :- No order required on this issue as presently the issue is calculation of enhanced compensation only.

- 4.6 Enhancement price calculation:** They represented that the price of land of Sector-51 is required to be calculated based on present layout of Sector-51 as the layout has considerably modified.

Comments from the CTP, HUDA: The calculation has been prepared on the basis of legend of latest layout plan supplied by CTP, HUDA, Panchkula as per HUDA Policy.

Order :- No order required on this issue.

14/2017

Comments from the CTP, HUDA: The calculation has been prepared on the basis of legend of latest layout plan supplied by CTP, HUDA, Panchkula as per HUDA Policy.

Order :- No order required on this issue.

- 4.7 City level facility:** With respect to the minutes of meeting dated 28.6.2016 additional input was required by Artemis Hospital with respect to the breakup of 31.30 acres of city land facility i.e. college, hospital, boosting station. They requested that this query be provided as soon as possible.

Comments from the CTP, HUDA: The breakup were provided as 8 acres for Boosting Station, 8.3 acres for Hospital site and 15 acres for college site, totaling 31.3 acres at Sector-51, Gurgaon.

- 4.8 Interest:** They represented if interest is paid by HUDA if refund of additional price arises to allottees.

Finding : If any refund arises to the allottee on account of excess additional price deposited, interest will be paid on the refund amount as per instructions No.2 dated 9.2.2015 available on HUDA website under (Policy-finance Wing-instructions) at the link

[https://www.huda.org.in/layouts/CCF/Interest on deposit of additional price against original plot on account of enhancement.pdf](https://www.huda.org.in/layouts/CCF/Interest%20on%20deposit%20of%20additional%20price%20against%20original%20plot%20on%20account%20of%20enhancement.pdf)

- 5.** No relief is granted as per findings & order above.


Chief Administrator
Haryana Urban Development Authority,
Panchkula.

Endst. No. HUDA-CCF/Acctt-II/2017/

Dated:

A copy of the above is forwarded to the following :-

1. The Administrator, HUDA, Gurgaon.
2. The Chief Town Planner, HUDA, Panchkula.
3. The Estate Officer-II, HUDA, Gurgaon.
4. Dr. Devlina Chakravarty, Executive Director C/o M/s Artemis Medicate Services Ltd. R/o 414/1, 4th Floor, BDA Commercial Complex, District Centre Janakpuri, New Delhi-110058.

5. Sh. Navneet Goel, Head, Legal and Company Secretary, Artemis Hospital, Sector-51, Gurgaon.
6. Sh. B.C. Bhardwaj, President, RWA, Sector-51, Gurgaon.
7. Sh. Satveer Singh Sandhu, Joint Secretary, RWA Sector-51, Gurgaon.
8. Dr. Dharamveer Rathi, Secretary, RWA, Sector-51, Gurgaon.

∴ Accounts Officer-II
For Chief Administrator, HUDA,
Panchkula.