

GAMES HUDA HAS PLAYED WITH RESIDENTS OF

SECTOR 20, PANCHKULA

1. HUDA has made Sector 20, Panchkula the milch cow FOR garnering its revenues because it has seen that the bulk of the residents pay up each and every demand quietly. The couple of small Societies who individually go to Court can be played along by delaying their cases with extraneous issues and Speaking Orders till they get weary. But now with its latest demand HUDA may have woken up the sleeping residents of Sector 20, Panchkula.

2. Every owner deserves adequate compensation for land which was compulsorily acquired and on which we now stay. This compensation has been finalized by Hon'ble Supreme Court at Rs 394 per sq yard. **This has been paid by us in full as 2nd LEC in 2010. All demands thereafter are a sleight of hand by HUDA, culminating in its letter of 19.01.2018 whereby it has increased the 3rd LEC by Rs 588.20 per sq metre, which with added interest comes to Rs 786.72 per sq metre. Thus the court mandated (and paid) demand of Rs 394 per sq yard stands today at Rs 4422.56 per sq metre (equal to Rs 5289.34 per sq yard)!**

3. The latest HUDA letter forced a review of the past demands and what has emerged shows that we have been taken for a ride at every stage from the initial land payment through all LECs.

How HUDA overcharged for land.

4. HUDA had devised a formula for cost of land payment to be recovered from GHS. This formula itself is open to contest for legality. However, the formula applied two figures to work out the cost – “cost of land” and “percentage of plottable area of the sector”. In its calculations, HUDA applied Rs five lakhs per acre as cost of land, whereas it had paid only Rs 1.21 per acre. It applied 55% as the plottable area, whereas it is in fact 75%. Correct application of the figures with 15% interest from 1991 (as per HUDA norms) is entitled to us as refund.

Land Enhancement

5. Land enhancement is not equally shared by all properties in the Sector. Enhancement of common areas has to be borne by the Plottable Area. This is done by proportionately dividing the common areas to the Plottable area through a Loading Factor. Scrutiny of the calculation formula indicates that the frequent changes have been detrimental to the allottees of the Saleable Area and that Speaking Orders No 6/2015 and 9/2016 had gone to the extent of increasing the load by nearly 58 %.

6. HUDA has been grossly unfair in loading town level facilities like Police Station, Electric Substation, Water Works etc. on us when there are rulings to the effect that enhancement must be shared by all users sectors.

7. It has not charged any enhancement for private builders on technicalities while they are equal users of the facilities of Sector 20, Panchkula.

8. The final shock has come in the revised demand of 19.01.2018 wherein Sector 20 (Part 1) and (Part 2) have been combined into one sector, 27 years after acquisition of the land, against the very definition of a "Sector" as defined in the Act.

9. HUDA is in no hurry to process cases of land enhancement because it is getting 15% interest pa on period of delay. It is solely responsible for a deliberate delay of 10 years due delayed decision making.

10. HUDA is getting away these malafide, arbitrary and illegal actions because it is the judge of its own errors of omission and commission. Whenever, some issues come under judicial scrutiny, it apologizes and passes a new Speaking Order in which it adds new errors. There is no consistency in Speaking Orders between the decisions given in one Speaking Order and the next. It never fixes accountability for the lapses which cause so much financial loss and mental agony to the citizens. It seems that it has become a law unto itself without any accountability.

11. It is a socio-economic reality that most middle class citizens build one house in a life time. They cut the cloth according to their means. That is to say that they buy the house according to a budget within their means, taking loans and depriving themselves in m many ways. However, the perfidious manner in which HUDA keeps enhancing its demands has badly upset the financial stability of many allottees.

12. HUDA claims that it is a No Profit No Loss Organization, but it would not be wrong to say that HUDA has become a modern day Shylock, passing on interest driven demands not only to the allottees, but in some case to their heirs also. As a government organization it shows no signs of good governance and is instead an epitome of the callousness, inefficiency and unaccountability. It has transferred plots of GH 55 and GH 55 A to private builders , carved out three petrol pumps in Sector 20 and kept huge plots for future auction at tremendous profit. Why shouldn't this be adjusted against enhancement?

Legal Questions

13. The following questions can only be decided by the Hon'ble Courts.

(a) Whether the actions of HUDA have been arbitrary, partial, unfair, deliberately causing financial loss to petitioners and hence violative of article 14 of the Constitution apart from various sections of the Criminal Procedure code.

(b) Whether HUDA is culpable for having arbitrarily used incorrect cost of land and other data in an unapproved formula while calculating tentative land cost.

(c) Whether HUDA has fraudulently charged extra for 0.15 acres of land from the Societies and is liable to refund the same with 15 % interest.

(d) Whether any liability for enchantment remains after the last of the court awards has been implemented in full in 2010.

(e) Whether HUDA has been arbitrary and fraudulent in frequently changing land enhancement loading formula and land usage details.

- (f) Whether the act of HUDA to combine two sectors into one after 27 years is legally tenable in view of the fact that it is contrary to definition of the term "Sector" and has been done without amending the Master Plan according to the laid down procedure.
- (g) Whether the applicability of interest at 15% per annum is only for the period that an allottees delays in making payment and not for any period which arises due to inaction / deliberate delays by HUDA / period after the demand has been paid in full.
- (h) Whether HUDA can change calculation parameters prospectively and ask for interest with retrospective effect.
- (j) Whether Private Builders who have not carried out any IDC development as defined in the Act are to be exempted from sharing the enhancement
- (k) Whether Private Builders have been given undue benefit by HUDA by not charging them with IDC and enhancement.
- (l) Whether HUDA has been unfair in not applying decision regarding load sharing given in various other cases to Sector 20.
- (m) Whether HUDA has been guilty of making excessive demands for enhancement through deliberate delays and revision of calculation parameters.
- (n) Whether the officials who deliberately change such established figures as details of land usage and combine the area of sector are liable to be held accountable for the fraud perpetrated by them.
- (j) Whether the system of passing Speaking Orders provides justice to the complainants since the same official who made the errors in the first place cannot be expected to admit their mistakes.
- (k) Whether in the present case an independent and impartial enquiry is required to be conducted to find out the role of the guilty officers?

Present Status

14. Relief was anticipated for everyone through the pending cases of Angel Society and Jal Vayu Vihar. However, HUDA has brushed aside their claims at one stroke by combining of two sectors.

15. GH 79 (AWHO) had lodged a writ in the Hon'ble High Court seeking Stay on all the demand notices and reconciliation of the issues raised, which has been admitted and notice issued to HUDA. GH 38 (Triveni) has also lodged a writ which has been tagged with the same case. The next hearing in both cases is on 24 April 2018.