

MEHTA AND MODI HOMES

Office: 5-4-187/3 &4, II Floor,
Soham Mansion, M. G. Road,
Secunderabad – 500 003.
Ph. Nos. 040 – 66 33 5551/2/3

Dt. 30th December 2017.

To,
The Commissioner, *l.c.c.p*
Town Planning Section (H.O),
Greater Hyderabad Municipal Corporation,
Tankbund Road,
Hyderabad.

Dear Sir,

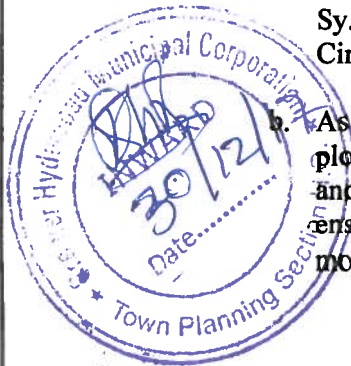
Sub: Delay of over 2 years in granting occupancy certificate for our gated community group housing project viz., Silver Oak Bungalows bearing Sy. Nos. 31, 40, 41, 42, 44, 45 & 55 situated at Cherlapally Village, Kapra Mandal, GHMC Kapra Circle, Medchal Malkazgiri District.

- Ref :**
1. Our application for Occupancy Certificate dated 1st September 2015.
 2. GHMC letter No. 39189/01/09/2015/HO dated 26.10.2015
 3. Our application for Occupancy Certificate dated 1st September 2016.
 4. GHMC Permit No.16/44 in file No. B/303/CCP/TPS/GHMC/2010 dated 28.06.2010
 5. Letter No. 19/TPS/KC-1/EZ/GHMC/2016 dated 01.10.2016 by Dy. Commissioner, GHMC Kapra Circle to Tahsildar, Ghatkesar Mandal.
 6. Reminder No. 19/TPS/KC-1/EZ/GHMC/2016 dated 06.10.2016 by Dy. Commissioner, GHMC Kapra Circle to Tahsildar Ghatkesar Mandal
 7. Reminder No. 19/TPS/HO/GHMC/2016/HO/1562 dt. 07.11.2016. by GHMC, H.O to Tahsildar, Kapra Mandal.
 8. Observation sent to GHMC by Tahsildar, Kapra Mandal Lt. No. B/502/2017 dt. 28.6.2017
 9. RTI application by our legal council to irrigation department dt. 20.7.2017.
 10. Reply to RTI application from irrigation department to our legal council dt. 06.09.2017
 11. Our letter dated 27.09.2017.

Please note that there has been an inordinate delay in issue of occupancy certificate for the above referred project. We have complied with all terms and requested for occupancy certificate in September, 2016. However, till date we have not received any communication from GHMC in the said matter. A brief history of communication related to the said matter is given under.

- a. We have obtained gated community group housing permission from GHMC vide permit No. 16/44 in file No. B/303/CCP/TPS/GHMC/2010 dated 28.06.2010 (**Enclosure - I**) to construct 103 Nos residential bungalows in the land admeasuring Ac. 8.37 ½ gts bearing Sy. Nos. 31, 40, 41, 42, 44, 45 & 55 situated at Cherlapally Village, GHMC Kapra Circle, Kapra Mandal, Medchal Malkazgiri District, Telangana.

- b. As per the terms of permit for construction and development of lay-out 5% of plots i.e., plot nos. 314, 315, 316, 317, 393 & 394 (six plots) were mortgaged to HMDA and another 5% of plots i.e., plot Nos. 387 to 388 (two plots) were mortgaged to GHMC to ensure that the layout is developed as per rules given in bye-laws. In total we have mortgaged 8 (eight) plots to GHMC/HMDA (**Enclosure - II**).



[Handwritten Signature]

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- c. Out of the total 103 bungalows we have completed construction of 97 bungalows. We have not completed the construction of balance 6 (six) bungalows which are under mortgage to GHMC/HMDA. We have submitted our application to GHMC for issuance of occupancy certificate for the above said project on 1st September 2015 (**Enclosure - III**).
- d. GHMC replied to our application vide their letter No. 39189/01/09/2015/HO dated 26.10.2015 (**Enclosure - IV**) stating that we have not commenced construction of 6 (six) bungalows i.e., bungalow Nos. 387, 388, 393, 394, 314 & 315 (6 Nos) and the file submitted by you for release of Occupancy Certificate was rejected.
- e. It took 10 months to complete the construction of balance 6 (six) bungalows and have submitted a fresh application on 1st September 2016 (**Enclosure - V**) for issue of Occupancy Certificate and requested to release mortgaged bungalows . We have not received any communication from GHMC since September 2016.
- f. Instead of processing our file for issue of Occupancy Certificate and release of mortgaged bungalows we were surprised to learn that GHMC has filed a Caveat against us in the Hon'ble High Court of Telangana and Andhra Pradesh with a contention that we have illegally encroached into the nala adjacent to our site. GHMC neither issued show cause notice nor any notice seeking clarification from us in this regard till date.
- g. After our due enquiry we found that at the pressure of the Hon'ble Mayor of GHMC, GHMC Kapra Circle had sought a report from the Tahsildar, Ghatkesar/Kapra Mandal vide their letter No. 19/TPS/KC-1/EZ/GHMC/2016 dated 01.10.2016 (**Enclosure VI**) and a reminder dated 06.10.2016 (**Enclosure VII**) and GHMC Head Office addressed another reminder to The Tahsildar, Kapra Mandal vide letter No.19/TPS/HO/GHMC/2016/HO/1562 dated 7.11.2016. (**Enclosure - VIII**).
- h. The Tahsildar, Kapra Mandal replied vide his report No. B/502/2017 dated 28.06.2017 (**Enclosure – IX**) clearly states that there is no encroachment into the nala, but it has been pointed out a small portion of land was effected in the 2 mtrs buffer zone on either side of the nala. Further the Tahsildar, Kapra Mandal has stated in his above referred letter that the width of the existing nala is 10 mtrs wide.
- i. Please note that the width of the nala was always been 9 mtrs and our sanction plan clearly shows the width of the nala as 9 mtrs. We have maintained the width of the nala as 9 mtrs on site along with 2 mtrs buffer zone on either side.
- j. To best of our knowledge the Tahsildar has marked the width of the nala as 10 mtrs wide on an adhoc basis without any documentary evidence or a comprehensive evaluation of the overflow of Nagaram lake. To confirm the same our legal council sought clarification from Irrigation Department under RTI Act. Please note that in the reply given to our legal council query clearly states that, *'it is to inform that the copy of the relevant document that shows width of nala to be 10M as requested by the applicant is not found in this office records'* (**Enclosure – X**). The RTI reply confirms that the Tahsildar has no grounds for increasing the nala width from 9 mtrs to 10mtrs. It may be noted that a report sent to the High Court had been unnecessarily attached to the RTI query and does not pertain to our site.



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- k. The nala next to our site is a secondary nala for overflow of water from Cherlapally lake. The main nala is on the north eastern side of the lake and 100 mtrs away from our site. The nala adjacent to our site has never over flowed even in the heaviest rain in the last 10 years since we have started work in that area
- l. Further the nala is flowing in Sy. No. 30 which is government land. We have neither claimed ownership of any part in Sy. No. 30 nor have been encroached into any part of Sy. No. 30. In the year 2007 Irrigation Department have inspected our site and have issued a letter bearing No. EE/NTD/273a dated 25.08.2007 (**Enclosure – XI**) stating that the land in above said survey numbers falls down stream, on Right flank of Cherlapally Cheruvu, which will not be revealed as FTL lands.
- m. The HMDA master plan and the village map do not show any nala passing through the lands developed by us. Sy. No. 30 was carefully demarked with the help of the revenue department to ensure that the nala is not encroached upon.
- n. We have done the construction of bungalows and maintained the tot-lots exactly as per the permit issued by HMDA/GHMC. Appropriate buffer strip of 2 mtrs has been left along the nala. A Schematic plan of the existing nala along with buffer strip is enclosed herewith for your reference (**Enclosure – XII**). Please note that at each point the width of the nala + buffer zone is more than 13 mtrs (9mtrs nala + 2 mtrs buffer strip on each side) along our site.
- o. We have completed construction of all 103 bungalows along with three (3) commercial complexes along with the development works of the layout by formation of roads, drainage lines, septic tank, overhead tank, sumps, water supply lines, electric power supply, street lights, avenue plantation, rain water harvesting pits, etc.

We have requested you for issue occupancy certificate and release the mortgage vide our letter dated 27.09.2017 duly enclosed all above referred documents (**Enclosure – XIII**).

Once again we request you to issue the occupancy certificate for the said project and release the mortgage of the bungalows at the earliest. We further request you to ignore the erroneous report of the Tahsildar, limited to the extent of the adhoc increase in nala width by 1 mtr. Instead please consider our application for occupancy certificate maintaining the nala width as 9 mtrs with 2 mtrs buffer zone on either side.

Thank you,

Yours sincerely,
For Mehta & Modi Homes,

(Soham Modi)

Encl: As above.