

# SILVER OAK RELATY

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

Dt. 24<sup>th</sup> May 2017

To,  
Commissioner, /ccf  
Greater Hyderabad Municipal Corporation,  
Tankbund Road,  
Hyderabad.



**Sub.: Request for refund of excess fees and charges that were levied incorrectly.**

**Ref.: 1. Permit for construction bearing no. 53202/HO/EZ/Cir-1/2016 dated 03.05.2017 in file no. 56688/19/12/2015/HO for land admeasuring 17,874.79 sq mtrs for the site situated at Sy. Nos. 11, 12, 14 to 18 & 294 of Cherlapally Village, Kapra Mandal, Medchal Malkazgiri District.**

**2. Our letter dated 11.04.2017 for payment of fees under protest.**

Dear Sir/Madam,

We have obtained permit for construction on land admeasuring 17,874.79 sq. mtrs for development of a gated community consisting of 68 houses along with clubhouse and other open areas. The total fees and charges levied have been incorrectly calculated and we have paid the fees under protest vide reference 2 above.

We request you to refund (or give credit for future permits) for the excess amount paid towards fees and charges. The details of excess fees and charges levied along with grounds for this appeal are detailed under:

1. We are the owners of Ac. 6-18 gts., of land. At the time of application for sanction we were advised to show the entire land owned by us in the site plan, clearly demarcating land for future development, for GHMC to assess issues like access roads to surrounding lands, existing nalas and water bodies, circulation pattern of roads, etc. Accordingly, we have shown entire extent of land in the site plan. The details of the land are:
  - a. Area proposed for development: 17,874.79 sq mtrs
  - b. Area not covered under proposed development:
    - i. Area for future development: 7,214.70 sq mtrs
    - ii. Area affected under road widening: 436.43 sq mtrs
    - iii. Area affected under 2 mtr wide drain: 196.24 sq mtrs
    - iv. Area affected under buffer strip: 392.32 sq mtrs
  - Sub-total: 8,239.69 sq.mtrs
  - c. Total area: 26,114.48 sq mtrs
2. We have paid a total amount of Rs.2,09,33,215/- (Rupees Two Crores Nine Lakhs Thirty Three Thousand Two Hundred and Fifteen only) towards fees and other charges as per details given below:
  - i. Building permit fee - Rs. 10,24,750/-
  - ii. Development charges (GOMS no. 223 dated 30.8.16) - Rs. 62,72,781/-
  - iii. Betterment charges and external betterment charges (on built up area) - Rs. 18,98,400/-
  - iv. Betterment charges and external betterment charges (on site area) - Rs. 31,36,190/-

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v. Sub-division charges	-	Rs. 3,76,340/-
vi. Rainwater harvesting charges	-	Rs. 1,00,385/-
vii. Vacant land tax	-	Rs. 8,10,190/-
viii. Environment impact fee (GO No. 34 dated 7.6.2015 )	-	Rs. 4,14,560/-
ix. Shelter fee (GO No. 245 dated 30.6.2012)	-	Rs. 37,63,420/-
x. Proportionate layout charges (on open site area )	-	Rs. 31,36,190/-
Total charges	-	Rs. 2,09,33,715/-

3. We have no objection to the fees paid under the following heads:
- Building permit fee
  - Betterment charges and external betterment charges (on built up area)
  - Rainwater harvesting charges
  - Environment impact fee (G.O. No. 34 dated 7.6.2015)
4. Under the head of 'Development Charges' we have been charged an amount of Rs. 62,72,780/- in 3 parts i.e., Rs. 81,000/- on built-up area of amenities block, Rs. 14,87,500/- on built-up area of the proposed houses and Rs. 47,04,280/- towards open area. Total charges towards open area were calculated on 25,089.50 sq.mtrs (total land of 26,114.48 less 436.43, 196.24 & 392.32 sq mtrs) for land affected in road widening, 2 mtr drain and buffer strip). The total charges towards open area should have been calculated on 17,874.79 sq mtrs by deducting the land left for future development of 7,214.70 sq mtrs. Besides, the applicable rate for calculation of development charges on open area are prescribed as Rs. 125/- per sq mtr as per GO no. 233 dated 3.8.16. However, the charges were levied at 1.5 times (at the rate of Rs. 187.50 in place of Rs. 125 per sq mtr) the prevailing rate as given in GO no. 102 dated 28.8.2015. GO no. 102 is squarely related to development of layouts less than 10 acres in area. In our case the permit for construction is under group housing scheme prescribed in GO no. 168 dated 7.4.12. The restriction on minimum area for development under group housing scheme as per GO No. 168 is 4,000 sq mtrs. Therefore, development charges can only be levied at the rate of Rs. 125/- per sq mtr in the present case. Accordingly, the development charges payable on open land are Rs. 22,34,349 (17,874.79 sq mtrs x Rs. 125/- ) in place of Rs. 47,04,280/- levied on us. We appeal to you to refund an amount of Rs. 24,69,931/- that has been charged (also paid) in excess.
5. Under the head of 'Betterment Charges and External Betterment Charges' on site area we have been charged an amount of Rs. 31,36,190/-. Total charges were calculated on 25,089.50 sq.mtrs (total land of 26,114.48 less 436.43, 196.24 & 392.32 sq. mtrs for land affected in road widening, 2 mtr drain and buffer strip). The total charges towards open area should have been calculated on 17,874.79 sq mtrs by deducting the land left for future development of 7,214.70 sq mtrs. Accordingly, the betterment charges and external betterment charges on site area payable are Rs. 22,34,349 (17,874.79 sq mtrs x Rs. 125/) in place of Rs. 31,36,190/- levied on us. We appeal to you to refund an amount of Rs. 9,01,841/- that has been charged (also paid) in excess.

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6. Under the head of 'Sub-division Charges' we have been charged an amount of Rs. 3,76,340/- Total charges were calculated on 25,089.50 sq.mtrs (total land of 26,114.48 less 436.43, 196.24 & 392.32 sq mtrs for land affected in road widening, 2 mtr drain and buffer strip). The total charges towards sub-division should have been calculated on 17,874.79 sq mtrs by deducting the land left for future development of 7,214.70 sq mtrs. Accordingly, the sub-division charges payable are Rs. 2,68,122/- (17,874.79 sq mtrs x Rs. 15/-) in place of Rs. 3,76,340/- levied on us. We appeal to you to refund an amount of Rs.1,08,218/- that has been charged (also paid) in excess.
7. Under the head of 'Vacant Land Tax' we have been charged an amount of Rs. 8,10,190/- Total charges were calculated on 25,089.50 sq mtrs i.e., 30, 007 sq yds (total land of 26,114.48 less 436.43, 196.24 & 392.32 sq mtrs for land affected in road widening, 2 mtr drain and buffer strip). The total charges towards vacant land tax should have been calculated on 17,874.79 sq mtrs (21,378 sq yds) by deducting the land left for future development of 7,214.70 sq mtrs. Accordingly, the vacant land tax payable is Rs. 5,77,206/- (21,378 sq yds x Rs. 5,000 per sq yd, @ 0.5% + 8% library cess) in place of Rs. 8,10,190/- levied on us. We appeal to you to refund an amount of Rs. 2,32,984/- that has been charged (also paid) in excess.
8. Under the head of 'Shelter Fees' we have been charged an amount of Rs. 37,63,420/- Total charges were calculated on 25,089.50 sq.mtrs (total land of 26,114.48 less 436.43, 196.24 & 392.32 sq mtrs for land affected in road widening, 2 mtr drain and buffer strip). The total charges towards shelter fee should have been calculated on 17,874.79 sq mtrs by deducting the land left for future development of 7,214.70 sq mtrs. Accordingly, the shelter fees payable are Rs. 26,81,219/- (17,874.79 sq mtrs x Rs. 750/- @ 20% ) in place of Rs. 37,63,420/- levied on us. We appeal to you to refund an amount of Rs. 10,82,201/- that has been charged (also paid) in excess.
9. We have been charged 'Proportionate Layout Charges' at the rate Rs. 125/- per sq mtr on 25,089.50 sq.mtrs. It appears that these charges have been levied as per the terms of GO no. 902 dated 31.12.2007 and GO no. 113 dated 31.01.2008. These GOs are pertaining to 'regulation of un-approved and illegal layouts'. Further, the deadline for regularization or un-approved and illegal layouts has expired. By no stretch of imagination is our application for building permit under the group housing scheme where neither development of the layout or construction of houses has started, can be construed as either unapproved or illegal layouts. Besides, charges applicable to layout schemes are being unduly levied on our application under group housing scheme. Approval of layouts are governed by GO nos. 288 dt.3.4.2008, 526 dt. 31.7.2008, 455 dt. 10.12.2012, 33 dt. 24.1.2013. Please note that the rules and regulations for group housing scheme and for layouts are different and cannot be applied simultaneously either to a group housing schemes or a layouts. Particularly, requirement of open areas (10% Vs 7.5%), social infrastructure (0% Vs 2.5%), mortgage houses/plots (5% Vs 15%) are different in group housing Vs layouts. Therefore, the charges levied as proportional layout charges are not applicable in our present case. We appeal to you to refund an amount of Rs.31,36,190/- that has been charged (also paid) in excess.

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10. Assuming but not admitting that proportionate layout charges are applicable in our present case, they should have been charged on an area of 17,874.79 sq mtrs instead of 25,089.50 sq.mtrs (total land of 26,114.48 less 436.43, 196.24 & 392.32 sq mtrs for land affected in road widening, 2 mtr drain and buffer strip), by deducting the land left for future development of 7,214.70 sq mtrs. Accordingly, an amount of Rs.9,01,841/- has been over charged on this count alone.

11. As per the above we request you to refund (or adjust against future fees and charges payable) an amount of Rs.79,31,365/- on the following counts:

a. Development charges (GO MS no. 223 dated 30.8.16)	Rs. 24,69,931/-
b. Betterment charges and external betterment charges (on site area)	Rs. 9,01,841/-
c. Sub-division charges	Rs. 1,08,218/-
d. Vacant land tax	Rs. 2,32,984/-
e. Shelter fee (GO No. 245 dated 30.6.2012)	Rs. 10,82,201/-
f. Proportionate layout charges (on open site area )	Rs. 31,36,190/-

**Total amount refundable**

**Rs. 79,31,365/-**

You are requested to consider our appeal for refund of excess fees and charges levied (and paid) on merits within 30 days of this letter.

Thank You.

Yours sincerely,  
For Silver Oak Realty,

  
Soham Modi  
(Managing Partner)