

## Notes on Mayflower Park regarding notice from Kapra Municipality.

### Facts of the Case

1. Kapra Notice: We received a notice dated on 20/7/02 from Kapra Municipality only on 29/7/02. On receipt of the notice we approached the officials of the town planning section of Kapra Municipality. We were informed that this was just a formal notice and they agreed to extend the validity of sanction for a period of one year provided the B. G. was extended for one more year. Accordingly we made a representation to Kapra on 29/7/02 for the same. At that time we were not aware that our BG was revoked.
2. Bank Guarantee: A Bank Guarantee (BG) of Rs. 17.09 lakhs was given by A. P. Mahesh Bank to Kapra Municipality (as per the provisions of G. O. No. 423, dated 31-07-98) at the time of taking of sanction. The BG was extended for a further period of 2 years i.e. upto 19-09-2002. Vide letter dated 20-07-02, Kapra Municipality revoked the bank guarantee unilaterally, without any prior intimation to us. We have not been given an opportunity/notice to represent our case. The B.G. has been revoked unilaterally and with malafide intent.
3. Facts about the Kapra Notice:
  - The notice is not clear. We don't know whether it is a notice for stopping construction or a show cause notice.
  - Counter to the "Brief explanations of unauthorized construction":
    - a. There is no deviation from sanction plan. (see area statement)
    - b. As per the sanction plan we are permitted balcony projections of ~~one~~<sup>1.2</sup> meter. Accordingly the set back from the column line is 6.1 meters and balcony is a projecting out of the column line by ~~one~~<sup>1.2</sup> meter as per sanction.
    - c. The side set back is 6 meters and balconies are projecting out by ~~one~~<sup>1.2</sup> meter as permitted by the sanction plan. Obvious the site set back from the balcony projection will be ~~5~~<sup>about</sup> meters.
    - d. Here again the column to column distance between Block A1 and Block C is 12 meters. Balcony projections of ~~one~~<sup>1.2</sup> meter have been permitted as per sanction in both the blocks and therefore the clear open space between Block A1 and C from one balcony to an other is ~~10~~<sup>about</sup> meters.
    - e. Here again the column to column distance between Block C and Block B2 is 12 meters. Balcony projections of ~~one~~<sup>1.2</sup> meter have been permitted as per sanction in both the blocks and therefore the clear open space between Block C and B2 from one balcony to an other is ~~10~~<sup>about</sup> meters.
4. Sanction Plan: We have obtained sanction for construction of 550 flats from HUDA and Kapra Municipality for a period of 3 years as per the terms and conditions of their proceedings dated 22-09-99. We have paid Rs. 11.24 lakhs towards development and processing charges to HUDA and Rs. 1.29 lakhs to Kapra Municipality towards planning charges. We have also given a bank guarantee upto 19-09-2002 of Rs. 17.09 lakhs to Kapra Municipality. As per the proceedings dated 22-09-99 we

received a tentative permission only and as per Clause 13 & 16 the same is to renewed after 3 years by extension of BG.

5. **Current Status:** Out of the nine blocks we have completed 3 blocks and handed over the flats. The fourth block will be completed in all respects with in a month's time. The fifth block - R.C.C. structure will be completed with in a month's time. The balance four blocks are at the foundation/R.C.C. construction stage. We have booked 400 out of the 550 flats and registration of about 150 flats is completed.

**Our requirement:**

1. Obtain stay order against encasement of BG.
2. The Kapra notice must be stayed/squashed.
3. We must be permitted to continue construction.
4. If possible, we must be permitted to renew the bank guarantee for a further period of 6 months to 1 year, as per the terms of sanction.
5. Area statement can be given to the court if necessary.
6. We can, categorically state that we have not violated any terms of sanction and that there is no deviation in setbacks, FAR & by-laws.

**Crux of the issue:** We need about 6 months to complete the R.C.C. structures of all the blocks and an other six months to complete the entire construction. We need to buy time for atleast 6 to 12 months.

Mayflower Park				
Sy. No. 174 Mallapur, RR Dist.				
	Number of blocks as per sanction		9	
	Number of blocks as per our plan		9	
	No. of flats sanctioned		550	
	No. of flats under construction		550	
	Land Area	23,232.00	sq. yds.	
	Land surrendered in road widening free of cost	300.00	sq. yds.	
	Balance Land	22,932.00	sq. yds.	
	F.A.R. as per rules	1 : 1.40		
	Add for common areas, balconies, etc.	30%		
				Balance
	Total permissible construction as per rules	34,909.49	sq. mts.	
	Sanctioned area	34,188.95	sq. mts.	
	Actual Construction on site	34,177.51	sq. mts.	
	Deviation in sanctioned area	Nil	sq. mts.	
	Balance FAR available for further construction:	720.54	sq. mts.	
	Area Statement:			
		Areas in Sq. meters		
	Block No	Our Plan	Sanction plan	Difference
1	A	4,275.09	4,287.85	-12.76
2	B	4,275.09	4,287.85	-12.76
3	C	2,997.21	2,973.15	24.06
4	D	4,275.09	4,287.85	-12.76
5	E	2,695.17	2,692.75	2.42
6	F	4,275.09	4,287.85	-12.76
7	G	4,275.09	4,287.85	-12.76
8	H	2,997.21	2,973.15	24.06
9	I	4,112.45	4,110.65	1.80
	Total	34,177.51	34,188.95	-11.44
	Difference percentage			-0.03 %
	Practically nil.			