

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH, AT:  
HYDERABAD

W.P.No. 2068 OF 2009

Between:-

1. M/s. Sri Sai Builders of M/s. Modi Ventures, a registered partnership firm, rep. by its Authorised Representative, Soham Modi, S/o. Satish Modi, aged about 38 years, R/o.2<sup>nd</sup> Floor, Soham Mansion, M.G.Road, Secunderabad.

2. M/s. Modi Vendutes, a registered partnership firm, rep. by its partner, Soham Modi, S/o.Satish Modi, aged about 38 years, R/o.2<sup>nd</sup> Floor, Soham Mansion, M.G.Road, Secunderabad.

...Petitioners

And

1. The Greater Hyderabad Municipal Corporation, rep. by its Commissioner, Hyderabad.

2. The Chief City and Town Planner, Greater Hyderabad Municipal Corporation (Town Planning Section, Head Office), Hyderabad.

...Respondents

AFFIDAVIT FILED ON BEHALF OF THE PETITIONERS

I, Soham Modi, S/o.Satish Modi, aged about 38 years, R/o.2<sup>nd</sup> Floor, Soham Mansion, M.G.Road, Secunderabad, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the Authorized Representative of the 1<sup>st</sup> petitioner and Managing Partner of the 2<sup>nd</sup> petitioner-registered partnership firms and as such, I am competent to depose to this affidavit on behalf of the petitioners.

2. I submit that the petitioners herein are registered partnership firms which are engaged in development of land and construction of Group Housing Scheme, residential apartment complexes etc.

3. I further submit that the petitioners had earlier purchased about Ac.4.00 guntas of land in Sy.Nos.93, 94 and 95 of Mallapur village, Uppal Mandal, Ranga Reddy District and after obtaining construction permission/building permission from the 1<sup>st</sup> respondent-Corporation, they have constructed five blocks of apartments under Group Housing Scheme. Subsequently, the petitioners had purchased the adjoining land admeasuring about Ac.1.18 guntas in the same

survey numbers with an objective of extending the same Group Housing Scheme by constructing two other similar blocks of residential apartments. Therefore, the petitioners had submitted building application; dated 26-04-2008, to the 1<sup>st</sup> respondent seeking permission for construction of the proposed two blocks of residential apartments as an extension of the Group Housing Scheme under which five blocks were already constructed based on the permission that was granted by the 1<sup>st</sup> respondent.

4. Pursuant to the said building application, the 1<sup>st</sup> respondent had called upon the petitioner to make payment of a sum of Rs.55,00,205/- vide its letter, dated 25-01-2008, in the said aggregate demand, a component of "Layout Regularization Scheme Charges" of Rs.25,54,430/- was included. When the petitioners had received the said demand, they made a protest against levy of "Layout Regularization Scheme Charges" vide representation dated 30-12-2008, stating that "Layout Regularization Scheme Charges" would become payable only for such plots of land which were not having sanctioned layout as defined in G.O.Ms.No.902, Municipal Administration of Urban Development Department, dated 31-12-2007. Despite the said representation and protest of the petitioners, the 1<sup>st</sup> respondent has reiterated its demand vide letter dated 17/27-01-2009 and called upon the petitioners to make payment of the same within seven days, failing which the file will be closed.

5. It is further submitted that the petitioners are in immediate requirement of sanctioned plan since the cost of construction and the selling value of the built up area are undergoing drastic changes every day in view of the "great depression" and any delay in grant of construction permission would jeopardize the interest of the petitioners. Thus, the petitioners have reconciled to the situation of making payment of the protested demand also i.e. the amount of Rs.25,54,430/- towards "Layout Regularization Scheme Charges" but they are advised to file the present writ petition questioning the validity of the said levy. It is wholly inapplicable to the building application of the petitioners and the type of construction which is sought to be made by the petitioners. Thus, the petitioners are constrained to seek indulgence of the Hon'ble Court.

6. I further submit that the land purchased by the petitioners in Sy. Nos.93,94 and 95, Mallapur village, Uppal Mandal, Ranga Reddy District, was never divided

into plots nor the plots were sold to third parties in the form of a layout. I further submit that the petitioners had applied for extension of Group Housing Scheme and after the construction of the residential apartments in the said scheme, the petitioners will indulge in sale of the built up area covered by the residential apartments and the question of plotting out the land and selling the land does not arise. Hence, the question of levy of charges towards layout regularization scheme, does not fit in into the present facts and circumstances and the building application that was made by the petitioners.

7. As already stated, the issue of regularization of layout arises only when agricultural land had been divided into plots which are sold out. Since the building application of the petitioner and the construction activity of the petitioner is not either based on plots or in the form of plots, the lay out regularization scheme itself does not apply to the building application of the petitioners. Thus, the payment of the 1<sup>st</sup> respondent-Corporation contained in the letter, dated 25-11-2008 insofar as it relates to the levy of "Layout Regularization Scheme Charges" of Rs.25,54,430/- is totally unauthorized and illegal. Under these circumstances, the petitioners are constrained to approach the Hon'ble Court.

8. I submit that the petitioners do not have any alternative remedy, except to approach this Honourable Court under Article 226 of the Constitution of India. The petitioners have not approached any court for the same relief, which is sought for in this writ petition.

9. It is necessary that the Hon'ble Court may be pleased to direct the respondents to release the construction permission to the petitioners subject to the fulfillment of the demand amount as contained in the letters of the respondents dated 25-11-2008 and 17/27-01-2009, pending disposal of the writ petition and subject to the result of the writ petition, and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

10. It is therefore prayed that the Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring that the action of the respondents in making a levy of Rs.25,54,430/- towards "Layout Regularization Scheme Charges" in terms of its letter, dated 25-11-2008 and 17/27/01/2009, while dealing with the building application of the petitioner, dated 26-04-2008.

relating to the extension of group housing schemes in Sy. Nos.93,94 and 95, Mallapur village, Uppal Mandal, Ranga Reddy District, as arbitrary and illegal and consequently direct the respondents to refund the said amount to the petitioners with interest at 18% per annum and grant such other relief as it deems fit in the circumstances of the case.

Sworn and signed before me on this the 5<sup>th</sup> day of February, 2009 at Hyderabad.

Deponent

Advocate, Hyderabad

Verification Statement

I, Soham Modi, S/o.Satish Modi, aged about 38 years, R/o.2<sup>nd</sup> Floor, Soham Mansion, M.G.Road, Secunderabad, being the Authorized Representative of the 1<sup>st</sup> petitioner and Managing Partner of the 2<sup>nd</sup> petitioner-registered partnership firms, do hereby state that the facts mentioned in paragraphs 1 to 7 are true and correct to the best of my knowledge and belief and the facts mentioned in paragraphs 8 to 10 are true legal advice obtained from my counsel and I believe the same to be true and correct. Hence, verified to be true and correct on this the 5<sup>th</sup> day of February, 2009, at Hyderabad.

Advocate

Deponent

MEMORANDUM OF WRIT PETITION  
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)  
IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,  
AT: HYDERABAD  
(SPECIAL ORIGINAL JURISDICTION)

W.P.No. of 2009

Between:-

1. M/s. Sri Sai Builders of M/s. Modi Ventures, a registered partnership firm, rep. by its Authorised Representative, Soham Modi, S/o. Satish Modi, aged about 38 years, R/o.2<sup>nd</sup> Floor, Soham Mansion, M.G.Road, Secunderabad.
2. M/s. Modi Vendutes, a registered partnership firm, rep. by its partner, Soham Modi, S/o.Satish Modi, aged about 38 years, R/o.2<sup>nd</sup> Floor, Soham Mansion, M.G.Road, Secunderabad.

..Petitioners

And

1. The Greater Hyderabad Municipal Corporation, rep. by its Commissioner, Hyderabad.
2. The Chief City and Town Planner, Greater Hyderabad Municipal Corporation (Town Planning Section, Head Office), Hyderabad.

...Respondents

The address for service of all notices and other processes on the above named petitioner is that of his counsel M/s Vedula Venkata Ramana, 62/2RT Saidabad Colony Hyderabad – 500 059.

For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Honourable Court may be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the respondents in making a levy of Rs.25,54,430/- towards "Layout Regularization Scheme Charges" in terms of its letter, dated 25-11-2008 and 17/27/01/2009, while dealing with the building application of the petitioner, dated 26-04-2008, relating to the extension of group housing schemes in Sy. Nos.93,94 and 95, Mallapur village, Uppal Mandal, Ranga Reddy District, as arbitrary and illegal and consequently direct the respondents to refund the said amount to the petitioners with interest at 18% per annum and grant such other relief as it deems fit in the circumstances of the case.

Hyderabad,  
Dt.05-02-2009

Counsel for the Petitioners

2-5  
RANGA REDDI : DISTRICT

HIGH COURT : HYDERABAD

W.P.NO. 2068 OF 2009

MEMO. OF WRIT PETITION

M/S. VEDULA VENKATARAMANA (1141)  
PERI PRABHAKART  
COUNSEL FOR THE PETITIONERS

-9- P1

**GREATER HYDERABAD MUNICIPAL CORPORATION**

Office of Commissioner & Spl. Officer,  
Town Planning Section, H.O.  
GHMC, Tankbund, Hyderabad.

Lr. No. 0514/CSC/TP1/2008

Date. 25.11.2008.

To  
Sri Sai Builders & Mod Ventures,  
Sy. No. 93, 94 & 95,  
Mallapur, Kapra, Hyderabad,

Sir/Madam,

Sub: GHMC - Town Planning Section - HO - Proposals for the Construction of additional blocks i.e. Block-F = Stilt + 5 upper floors, Block-G = Cellar, Stilt + 5 upper floors, (40+115=155 flats) for residetnail flats in Sy. No. 93, 94 & 95, situated at Mallapur Village, Kapra, Hyderabad [in the premies already permitted & constructed A to E (i.e. 350 flats) blocks in an extent of 14599.62 sq. mts.] - Fees Intimation - Regarding.

- Ref: 1. Your building application dt: 26.04.2008.  
2. T. O. Lr. No. 0514/CSC/TP1/2008, dt: 26.04.2008.  
3. Minutes of the Building Committee held on 04.10.2008.

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With reference to the subjected cited, it is to inform that the proposals submitted by you, for the Construction of additional blocks i.e. Block-F = Stilt + 5 upper floors, Block-G = Cellar, Stilt + 5 upper floors, (40+115=155 flats) for residetnail flats in Sy. No. 93, 94 & 95, situated at Mallapur Village, Kapra, Hyderabad [in the premies already permitted & constructed A to E (i.e. 350 flats) blocks in an extent of 14599.62 sq. mts.] have been examined and you are requested to remit the following fee and charges within (10) days.

1. Building Permit fee (Difference)	: Rs:	2,88,125=00
2. VLT Charges	: Rs:	1,04,050=00
3. Debris, Tree grounds, RWHC, EDF, Drainage Charges	: Rs:	6,27,800=00
4. Development Charges	: Rs:	19,25,800=00
5. Layout Regulation Scheme Charges	: Rs:	25,54,430=00
Total	: Rs:	<u>55,00,205=00</u>

(Rupees: Fifty five lakhs two hundred and five only.)

P.T.O.

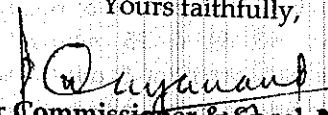
10

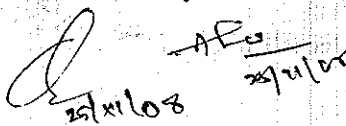
Further, you are also requested to comply the following conditions.

- 1 To surrender land admg. 229.02 sq. mts., affected under the propped 100'-0' wide road towards north-east corner free of cost to GHMC along with plans, photographs & undertakings.
- 2 ~~---~~ No. of trees to be planted in the site area.
- 3 (  ) Rainwater Harvesting Structures to be constructed.
- 4 To follow condition stipulated in GO. Ms No. 86, MA, dt: 03.03.2006, in over all and clause 20, i.e. notarized affidavit, handing over to GHMC, the Ground / First or Second Floor before releasing the permission.
- 5 To comply the requirement prescribed under 7.2 (i), (iii), (iv), (v) and (vii) of GO. Ms. No. 86 MA, dt: 03.03.2006.
- 6 On submission of Water Feasibility Certificate from HMWS & SB.
- 7 On submission of undertakings as per GO Ms No. 541, MA, dt: 15.11.2000.
- 8 On submission of contractors All Risk Policy for a period of (3) years.
- 9 To submit Builder license.

Further action for release of approvals will be taken after receipt of the above, if the fee and charges and undertakings are not submitted within the stipulated time, your application will be returned / refused with out any further intimation.

Yours faithfully,

  
for Commissioner & Special Officer,  
Greater Hyderabad Municipal Corporation.

  
27/11/08





**GREATER HYDERABAD MUNICIPAL CORPORATION**  
TOWN PLANNING SECTION

**BUILDING PERMIT ORDER**

TO

Sri Sai Builders & Others,
Sy.No.93, 94 & 95,
Mallapur,
Kapra,
Hyderabad.

FILE No. 514 / CSC / TP- 1 / 2008.
PERMIT No. 26 / 1
DATE : 01 . 04 . 2009

Sir / Madam,

Sub: Building Permission - Sanctioned - Reg.  
Ref: Your Application dated: 25.04.2008 u/s 388, 428 & 433 of HMC Act, 1955 and A.P.Urban Areas (Dev), Act, 1975.

Your application submitted in the reference has been examined with reference to the rules and regulations in force and permission is hereby sanctioned conditionally as detailed below:

A APPLICANT AND LICENSED PERSONNEL DETAILS:							
1	Applicant	Sri Sai Builders & Others					
2	Developer / Builder	M/s.Modi Properties and Investments Pvt.Ltd., Rep.by Sri Soham Modi				Lic.No.	BLJ1171/2008
3	Licensed Technical Person	O.Bala Venkateswarlu				Lic.No.	CA/92/15409
4	Structural Engineer	M.Dattatreya Rao				Lic.No.	134/Stri.Eng./TP10/MCH
5	Others						
B SITE DETAILS							
1	Sy.No.	93, 94 & 95					
2	Premises No	-					
3	Plot No.	-					
5	Street	-					
6	Locality	Mallapur, Kapra, Hyderabad.					
7							
C DETAILS OF PERMISSION SANCTIONED							
Residential apartment ; Block - F for Stilt + Upper (5) floors and Block - G for Cellar, Stilt + Upper (5) floors ( already permitted and constructed Block - A to E.)							
1	Floors						
2(A)	Use	Upper floors( 5 )		2(B)	Parking floors		
	Residential	No.	Area(m <sup>2</sup> )	Level	No.	Area(m <sup>2</sup> )	
		5	16806.65	Cellar	1	5346.02	
				Stilt	1		
3	Set backs (m)	Front		Rear	Side I	Side II	
		Block - G 6.0 m	6.0 m	6.0 m	10.0 m		
		Block - F 9.0 m	9.0 m	9.0 m	6.0 m		
4	Site Area (m <sup>2</sup> )	21040.00		11	Common Area(m <sup>2</sup> )		
5	Road affected area (m <sup>2</sup> )	-		12	Gross F.S.I. (m <sup>2</sup> )		
6	Net Area(m <sup>2</sup> )	21040.00		13	Tot-lot (m <sup>2</sup> )		
7	Coverage area (m <sup>2</sup> )	365.14		14	Height (m)		
8	Coverage ( % )	-		15	No. of RWHPs		
9	Net FSI(m <sup>2</sup> )	-		16	No. of Trees		
10	FSI (Road affected Area)(m <sup>2</sup> )	-		17	Others		
D DETAILS OF FEES PAID (RS.) TOTAL :							
1	Building Permit Fee	Rs.	12,650+2,88,125/-	6	Layout regulation charges	Rs.	25,54,430/-
2	Development Charges	Rs.	19,25,800/-	7	Compounding Fee	Rs.	-
3	R.W.H. Charges:	Rs.	6,27,800/-	8	Open space Charges	Rs.	-
4	V.L.T. Charges	Rs.	1,04,050/-	9	Others	Rs.	-
5	Sub-Division Charges	Rs.	-				
E OTHER DETAILS :							
1	Contractor's all Risk Policy No.	180118221 1000152	Dt	1.1.2009	Valid Upto	31.12.2011	
2	Notarised Affidavit No	R 073268	Dt:	19.2.2009	Floor handed over	Block - F & G First floor	Area (m <sup>2</sup> ) + 454.34 + 1372.81 = 1827.15
3	Entered in prohibitory property watch register Sl.No	-	Dt:	2.3.2009	S.R.O.	Kapra.	
F	Construction to be Commenced Before				31.03.2010		
G	Construction to be Completed Before				31.03.2012		

The Building permission is sanctioned subject to following conditions:

*K. Pundarikrishna Reddy*  
for COMMISSIONER & SPECIAL OFFICER  
GHMC

*17/4/09*

The Building permission is sanctioned subject to following conditions:

1. The permission accorded does not confer any ownership rights, At a later stage if it is found that the documents are false and fabricated the permission will be revoked U/s 450 of HMC Act 1955.
2. If construction is not commenced within one year, building application shall be submitted afresh duly paying required fees.
3. Sanctioned Plan shall be followed strictly while making the construction.
4. Sanctioned Plan copy as attested by the GHMC shall be displayed at the construction site for public view.
5. Commencement Notice shall be submitted by the applicant before commencement of the building U/s 440 of HMC Act.
6. Completion Notice shall be submitted after completion of the building & obtain occupancy certificate U/s 455 of HMC Act.
7. Occupancy Certificate is compulsory before occupying any building.
8. Public Amenities such as Water Supply, Electricity Connections will be provided only on production of occupancy certificate.
9. Prior Approval should be obtained separately for any modification in the construction.
10. Tree Plantation shall be done along the periphery and also in front of the premises.
11. Tot-lot shall be fenced and shall be maintained as greenery at owners cost before issue of occupancy certificate.
12. Rain Water Harvesting Structure (percolation pit) shall be constructed.
13. Space for Transformer shall be provided in the site keeping the safety of the residents in view.
14. Garbage House shall be made within the premises.
15. Cellar and stilts approved for parking in the plan should be used exclusively for parking of vehicles without partition walls & rolling shutters and the same should not be converted or misused for any other purpose at any time in future as per undertaking submitted.
16. No. of units as sanctioned shall not be increased without prior approval of GHMC at any time in future.
17. This sanction is accorded on surrendering of Road affected portion of the site to GHMC free of cost with out claiming any compensation at any time as per the undertaking submitted.
18. Strip of greenery on periphery of the site shall be maintained as per rules.
19. Stocking of Building Materials on footpath and road margin causing obstruction to free movement of public & vehicles shall not be done, failing which permission is liable to be suspended.
20. The permission accorded does not bar the application or provisions of Urban Land Ceiling & Regulations Act 1976.
21. The Developer / Builder / Owner to provide service road wherever required with specified standards at their own cost.
22. A safe distance of minimum 3.0mts. Vertical and Horizontal Distance between the Building & High Tension Electrical Lines and 1.5mts. for Low Tension electrical line shall be maintained.
23. No front compound wall for the site abutting 18 mt. road width shall be allowed and only iron grill or Low height greenery hedge shall be allowed.
24. If greenery is not maintained 10% additional property tax shall be imposed as penalty every year till the condition is fulfilled.
25. All Public and Semi Public buildings above 300Sq.mts. shall be constructed to provide facilities to physically handicapped persons as per provisions of NBC of 2005.
26. The mortgaged builtup area shall be allowed for registration only after an Occupancy Certificate is produced.
27. The Registration authority shall register only the permitted builtup area as per sanctioned plan.
28. The Financial Agencies and Institutions shall extend loans facilities only to the permitted builtup area as per sanctioned plan.
29. The Services like Sanitation, Plumbing, Fire Safety requirements, lifts, electrical installations etc., shall be executed under the supervision of Qualified Technical Personnel.
30. Architect / Structural Engineer if changed, the consent of the previous Architect / Structural Engineer is required and to be intimated to the GHMC.
31. Construction shall be covered under the contractors all risk Insurance till the issue of occupancy certificate (wherever applicable).
32. As per the undertaking executed in terms of G.O. Ms. No. 541 MA, dt. 17-11-2000 (wherever applicable).
  - a. The construction shall be done by the owner, only in accordance with sanctioned Plan under the strict supervision of the Architect, Structural Engineer and site engineer failing which the violations are liable for demolition besides legal action.
  - b. The owner, builder, Architect, Structural Engineer and site engineer are jointly & severally responsible to carry out and complete the construction strictly in accordance with sanctioned plan.
  - c. The Owner, Builder, Architect, Structural Engineer and Site Engineer are jointly and severally are held responsible for the structural stability during the building construction and should strictly adhere to all the conditions in the G.O.
  - d. The Owner / Builder should not deliver the possession of any part of built up area of the building, by way of Sale / Lease unless and until Occupancy Certificate is obtained from GHMC after providing all the regular service connections to each portion of the building and duly submitting the following.
    - (i) Building Completion Certificate issued by the Architect duly certifying that the building is completed as per the sanctioned plan.
    - (ii) Structural Stability Certificate issued by the Structural Engineer duly certifying that the building is structurally safe and the construction is in accordance with the specified designs.
    - (iii) An extract of the site registers containing inspection reports of Site Engineer, Structural Engineer and Architect.
    - (iv) Insurance Policy for the completed building for a minimum period of three years.
33. Structural Safety and Fire Safety Requirements shall be the responsibility of the Owner, Builder/ Developer, Architect and St. Engineer to provide all necessary Fire Fighting Installations as stipulated in National Building Code of India, 2005 like;
  - i) To provide one entry and one exit to the premises with a minimum width of 4.5mts. and height clearance of 5mts.
  - ii) Provide Fire resistant swing door for the collapsible lifts in all floors.
  - iii) Provide Generator, as alternate source of electric supply.
  - iv) Emergency Lighting in the Corridor / Common passages and stair case.
  - v) Two numbers water type fire extinguishers for every 600 Sq.mts. of floor area with minimum of four numbers fire extinguishers per floor and 5k DCP extinguishers minimum 2 Nos. each at Generator and Transformer area shall be provided as per I.S.I. specification No.2190-1992.
  - vi) Manually operated and alarm system in the entire buildings;
  - vii) Separate Underground static water storage tank capacity of 25,000 lits. Capacity.
  - viii) Separate Terrace Tank of 25,000lits capacity for Residential buildings;
  - ix) Hose Reel, Down Corner.
  - x) Automatic Sprinkler system is to be provided if the basement area exceed 200 Sq.mts.
  - xi) Electrical Wiring and installation shall be certified by the electrical engineers to ensure electrical fire safety.
  - xii) Transformers shall be protected with 4 hours rating fire resist constructions.
  - xiii) To create a joint open spaces with the neighbours building / premises for maneuverability of fire vehicles. No parking or any constructions shall be made in setbacks area.

By order

For COMMISSIONER & SPL. OFFICER  
GHMC

Copy to

1. The Assistant City Planner/City Planner, ....., GHMC
2. The Zonal Commissioner, ....., Zone, GHMC.
3. The Manager Director, HMWS&SB.
4. The Director, A.P. TRANSCO, Hyderabad.
5. The Director General, Stamps and Registration Department, Hyderabad.
6. The Director General, Fire Service Department, Govt. of A.P, Hyderabad.
7. The Neighbors (side1, side2 & rear)
8. The Licensed Technical Personnel / Structural Engineer / Builder



GREATER HYDERABAD MUNICIPAL CORPORATION

B. No. 26

Sl. No. 1

Permit for construction of the House, or Additions and Alternations, and Plotting of Lands under Sections 423, 433, 392 of H. M. C.'s Act of 1956.

Duplicate Permit No. ( 26/1 ) of 2009

File No. 0514/CSC/TP/1/2008

BPF R. 12650-10 Challan No. 4122/16 dt. 26.4.2008		Permission is accorded on the conditions enumerated in the plan sketch
1	Name of the Applicant S. S. Builders U. Modi, Venkateswara	BPF R. 2,88,125 DCR 19.25,800
2	Date of Application 26.4.2008	RWH. 6,29,800 VLT. 1,04,050 LRS 25,54,450
3	Locality Malla Pura	
4	House No. Gy. No. 93.94 U. 25	55,00,205.00
5	Construction proposed for Cellar, Stair (5) T. Room 708	

- This permit is valid if the construction is started within one year from the date of issue of the permit. *As per G.O. MC NO. 86 MA dt. 3-3-06*
- Applicant is hereby directed to produce the sanctioned plan and the permit for the perusal and verification as and demanded by the inspecting officers failing which the construction will be deemed to be un-authorised and action will be taken under section No. 452 of Greater Hyderabad Municipal Corporation Act 1956
- This permit will neither establish the ownership nor affect the ownership over the land.
- The applicant should not do any work otherwise than in accordance with the sanctioned plan or any other direction or requisition made subsequently.

Date of Issue

*[Signature]*

*[Signature]*  
**COMMISSIONER**  
 Commissioner & Special Officer  
 Greater Hyderabad Municipal Corporation  
 Greater Hyderabad Municipal Corporation  
 Hyderabad.

VEDULA VENKATARAMANA  
PERI PRABHAKAR  
ADVOCATES

Residence:  
H.No.3-5-801, (245 New)  
Hyderguda, Lane Opp.  
Bharatiya Vidya Bhavan,  
HYDERABAD – 500 029.  
Phone: 98490 26415.

11.04.2009

To

1. The Greater Hyderabad Municipal Corporation, rep. by its Commissioner, Tank Bund, Hyderabad.
2. The Chief City and Town Planner, Greater Hyderabad Municipal Corporation (Town Planning Section, Head Office), Tank Bund, Hyderabad.

Sirs,

Under the instructions of my client M/s.Sri Sai Builders and M/s.Modi Ventures, represented by Soham Modi, II Floor, Soham Mansion, M.G.Road, Secunderabad (Writ petitioners in W.P.No.2068 of 2009), the following letter is being issued to you.

Pursuant to the legal notice, dated 16.03.2009, you have released the construction permission as per the building application of my client, dated 26.04.2008 in respect of the land in survey Nos.93 to 95, Mallapur Village, Uppal Mandal, Ranga Reddy District and my clients expressed their satisfaction and appreciate the gesture. This letter is being issued under their instructions to express their satisfaction.

Thanking you,

Yours sincerely,

  
(PERI PRABHAKAR)



IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
AT HYDERABAD

FRIDAY, THE SIXTH DAY OF FEBRUARY  
TWO THOUSAND AND NINE

PRESENT:

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.M.P NO: 2617 of 2009

IN

W.P.NO: 2068 of 2009

Between:

1 M/s. Sri Sai Builders of M/s. Modi Ventures, a registered Partnership firm, rep. by its Authorised Representative,

Soham Modi S/o. Satish Modi, aged 38 yrs R/o. 2nd Floor, Soham Mansion, M.G. Road, Secunderabad.

2 M/s. Modi Ventures, a registered Partnership firm, rep. by its Partner, Soham Modi S/o. Satish Modi, aged 38 yrs R/o. 2nd Floor, Soham Mansion, M.G. Road, Secunderabad.

... PETITIONERS

(Petitioner in WP.No : 2068 of 2009  
on the file of High Court)

AND

1 The Greater Hyderabad Municipal Corporation rep. by its Commissioner, Hyderabad.

2 The Chief City and Town Planner, Greater Hyderabad Municipal Corporation (Town Planning Section, Head Office) Hyderabad.

...RESPONDENTS

(Respondents in -do-)

Counsel for the Petitioner: SRI V. VENKATARAMANA

Counsel for the Respondents: SRI R.RAMACHANDRA REDDY,  
SC FOR GHMC

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support thereof, the High Court may be pleased to release the construction permission to the petitioners subject to the fulfillment of the demand amount as contained in the letters of the respondents dt. 25-11-2008 and 17/27-1-2009 pending WP.NO.2068 of 2009 on the file of the High Court.

The Court while directing issue of notice to the Respondents herein to show cause as to why this application should not be compiled with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER: "There shall be interim direction as prayed for. Notice."

Sd/- K. SACHIDANANDA SARMA  
Asst. Registrar

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1 The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

2 The Chief City and Town Planner, Greater Hyderabad Municipal Corporation (Town Planning Section, Head Office) Hyderabad.

(1 & 2 RPAD)

3. One CC to Sri V. Venkataramana, Advocate (OPUC)

4. One spare copy.

RV

101

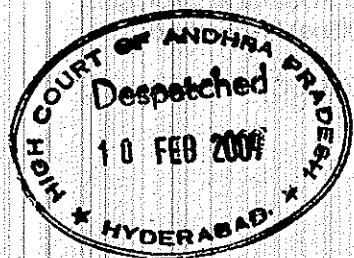
HIGH COURT

NVRJ

Dated 6.2.2009

ORDER  
WPMP.No.2617 of 2009  
IN  
WP.No.2068 of 2009

Interim direction



c/c

Dt. 12.02.2009

From:  
Modi Ventures,  
5-4-187/3 &4, II Floor,  
Soham Mansion, M. G. Road,  
Secunderabad – 500 003.

To  
The Commissioner,  
Greater Hyderabad Municipal Corporation,  
Tank bund Road,  
Hyderabad.

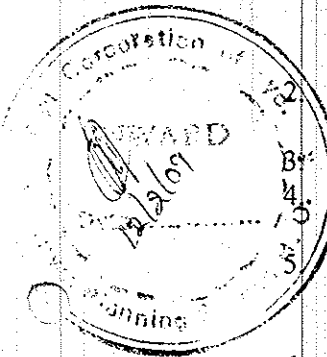
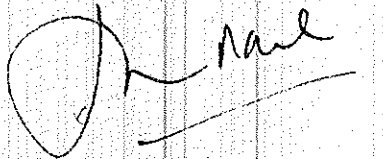
Dear Sir,

**Sub: Submission of Pay Order for Rs. 55,00,205/- and other documents as per your below mentioned letter.**

**Ref: Your letter No. 0514/CSC/TP1/2008 dated. 25.11.2008.**

In response to your above referred letter please find enclosed herewith pay order and the below mentioned documents for releasing of our proposed Group Housing Residential Apartments permission in part of Sy. Nos. 93, 94 & 95 of Mallapur Village, GHMC Kapra Circle, Uppal Mandal, Hyderabad, R. R. Dist.

1. Bank Manager's Cheque bearing No. 146895 dated 12.02.2009 for **Rs. 55,00,205/-** (Rupees Fifty Five Lakhs Two Hundred and Five only) infavour of Commissioner, GHMC, drawn on HDFC Bank, S. D. Road, Secunderabad paid as per the enclosed Hon'ble High Court order of W.P. No. 2068 of 2009.  
Undertaking- (a1) typed on Rs.100/- non-judicial stamp paper to surrender the land affected under the proposed 100' wide road with plans duly notarized.
2. We will plant required no. of trees in the proposed site.
3. We have already shown in the site plan Rain Water Harvesting Pits. We will comply the same before completion of the proposed blocks construction.
4. Annexure – II, Affidavit typed on Rs. 100/- non-judicial stamp paper along with plans as per G. O. Ms. No. 86 M.A dated 03.03.2006 clause 20 (Mortgage Affidavit) duly notarized.
5. We have enclosed the following Affidavits, Undertakings & Declarations under section 7.2 (i), (iii), (iv), (v) and (vii) of G. O. Ms. No. 86 M.A, dt. 03.03.2006.
  - a. Affidavit – (b1) typed on Rs. 100/- non-judicial stamp paper duly notarized
  - b. Undertaking – (c1) typed on Rs. 100/- non-judicial stamp paper duly notarized
  - c. Undertaking – (e1) typed on Rs.100/- non-judicial stamp paper duly notarized.
  - d. Declaration –cum- Undertaking – (f1) typed on Rs.100/- non-judicial stamp paper duly notarized
  - e. Declaration –cum- Undertaking – (g1) typed on Rs.100/- non-judicial stamp paper duly notarized



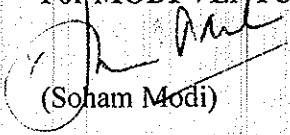
7. 100 mm dia drinking bulk water connection is existing in the proposed site. This water line was laid by us and the connection was given by GHMC, Kapra Circle. Enclosed herewith xerox copy of proceedings of GHMC, Kapra Circle duly attested.
8. xerox copy of Contractors all risk policy duly attested.
9. Xerox copy of Builder License duly attested
10. Rs. 20/-Non-judicial stamp paper
11. Soft copy of proposed drawings
12. Xerox copies of plans 1 set in A3 size.

We request you to release our proposed Group Housing residential apartments permission at the earliest

Thanking you,

Yours faithfully,

For **MODI VENTURES,**

  
(Soham Modi)

Encl: Pay order for Rs. 55,00,205/- and other documents as mentioned above.



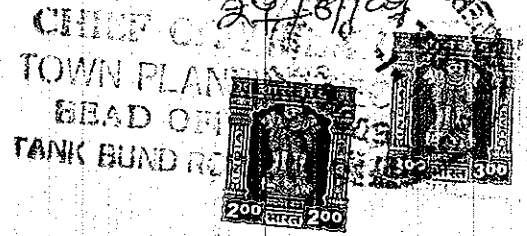
GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the, Chief City Planner,  
(Town Planning Section, H.O.)  
GHMC, Tankbund, Hyd.

Lr. No. 514/CSC/TP1/2008 / 1217

Date: 09.01.2009

To  
M/s. Sri Sai Builders & Modiventure,  
Pr. No. 5-4-187/3 & 4,  
II<sup>nd</sup> Sohan Mension,  
M. G. Road, Sec'bad-003.



Sir,

Sub: GHMC - TPS - H.O. - Proposed Construction of Stilt + 5 upper floors for Residential in Sy. No. 93, 94 & 95, Mallapur, Kapra - Non Payment of BPE - Regarding.

- Ref: 1. Your Building Application dt: 26.04.2008.  
2. This Office Lr. No. 514/CSC/TP1/2008-3600, dt: 12.12.2008.

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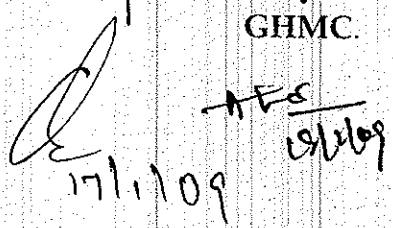
With reference to this office letter 2<sup>nd</sup> cited, you are requested to pay for Rs. 55,00,205/- (Rupees fifty five lakhs two hundred and five only) towards the fee / charges to accord building permission for proposed construction of Stilt + 5 upper floors for residential purpose in Sy. No. 93, 94 & 95, Mallapur, Kapra and also requested to comply other requirements as mentioned.

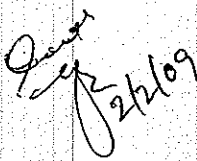
But so far you have not paid the above fee / charges and also not complied the other requirements as sought and communicated vide reference 2<sup>nd</sup> cited.

Hence, you are once again directed to pay for Rs. 55,00,205/- (Rupees fifty five lakhs two hundred and five only) towards the fees / charges and also comply the other requirements as mentioned within (7) days failing which deemed to be file closed without further any correspondence.

Yours faithfully,

  
for CHIEF CITY PLANNER,  
GHMC.

  
17/1/09

  
27/1/09

D/C

# MODI VENTURES

5-4-187/3 & 4, II Floor, M.G. Road, Secunderabad - 500 003.

© : 66335551 (4 Lines) Fax : 040-27544058

E-mail : info@modiproperties.com Website : www.modiproperties.com

To,  
The Commissioner & Special officer,  
Town Planning Section, H.O.  
GHMC, Tankbund,  
Hyderabad.

Date: 30.12.2008

Sub.: GHMC – Town Planning Section – HO – Proposals for the construction of Additional blocks i.e., Block f = Stilt + 5 upper floors, Block G = Cellar, stilt + 5 upper floors, (40+115= 155) for residential flats in Sy. No. 93, 94 & 95 situated at Mallapur Village, Kapra, Hyderabad (in the premises already permitted & constructed A to E (i.e., 350 flats) blocks in an extent of 14599.62 sq. mts) – Fees intimation – Regarding.

Ref.: Your letter no. 514/CSC/TP1/2008 dated 25.11.2008.

In your letter dated 25.11.2008 referred above, you have levied layout regulation scheme charges of Rs. 25,54,430/- Upon enquiry we have learnt that these charges have been levied as per terms of G.O. No. 902, 113 MA & 301 dated 31.12.07, 13.1.2008 & 11.4.2008, which were issued by MA&UD Department for regularization of illegal layouts.


Please note that we have applied for building permission to construct 155 flats on vacant land which is zoned for residential use. On the said land we have already constructed 350 flats as per sanction obtained from HUDA. The construction of the 5 blocks is exactly as per sanction without any deviations.

The said orders apply to unapproved illegal layouts where land has been divided into several plots and sold to intending purchasers. In our case we have not made any plots or sold it to any intending purchasers and the said orders does not apply to us.

We request you to please delete the layout regulation scheme charges of Rs. 25,54,430/- and issue a fresh letter for payment of fees and charges.

Thank You,

Yours sincerely,  
For MODI VENTURES

  
Soham Modi  
Partner.



**GREATER HYDERABAD MUNICIPAL CORPORATION**

Office of Commissioner & Spl. Officer,  
Town Planning Section, H.O.  
GHMC, Tankbund, Hyderabad.

Lr. No. 0514/CSC/TP1/2008

Date. 25.11.2008.

To  
Sri Sai Builders & Modo Ventures,  
Sy. No. 93, 94 & 95,  
Mallapur, Kapra, Hyderabad.

Sir/Madam,

Sub: GHMC - Town Planning Section - HO - Proposals for the Construction of additional blocks i.e. Block-F = Stilt + 5 upper floors, Block-G = Cellar, Stilt + 5 upper floors, (40+115=155 flats) for residential flats in Sy. No. 93, 94 & 95, situated at Mallapur Village, Kapra, Hyderabad [in the premises already permitted & constructed A to E (i.e. 350 flats) blocks in an extent of 14599.62 sq. mts.] - Fees Intimation - Regarding.

- Ref: 1. Your building application dt: 26.04.2008.  
2. T. O. Lr. No. 0514/CSC/TP1/2008, dt: 26.04.2008.  
3. Minutes of the Building Committee held on 04.10.2008.

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With reference to the subjected cited, it is to inform that the proposals submitted by you, for the Construction of additional blocks i.e. Block-F = Stilt + 5 upper floors, Block-G = Cellar, Stilt + 5 upper floors, (40+115=155 flats) for residential flats in Sy. No. 93, 94 & 95, situated at Mallapur Village, Kapra, Hyderabad [in the premises already permitted & constructed A to E (i.e. 350 flats) blocks in an extent of 14599.62 sq. mts.] have been examined and you are requested to remit the following fee and charges within (10) days.

1. Building Permit fee (Difference)	: Rs:	2,88,125=00
2. VLT Charges	: Rs:	1,04,050=00
3. Debris, Tree grounds, RWHC, EDF, Drainage Charges	: Rs:	6,27,800=00
4. Development Charges	: Rs:	19,25,800=00
5. Layout Regulation Scheme Charges	: Rs:	25,54,430=00
Total	: Rs:	<u>55,00,205=00</u>

(Rupees: Fifty five lakhs two hundred and five only.)

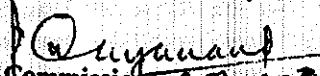
P.T.O.

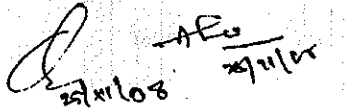
Further, you are also requested to comply the following conditions.

- 1 To surrender land admg. 229.02 sq. mts., affected under the propped 100'-0' wide road towards north-east corner free of cost to GHMC along with plans, photographs & undertakings.
- 2 ~~/~~ No. of trees to be planted in the site area.
- 3 (  ) Rainwater Harvesting Structures to be constructed.
- 4 To follow condition stipulated in GO. Ms No. 86, MA, dt: 03.03.2006, in over all and clause 20, i.e. notarized affidavit, handing over to GHMC, the Ground / First or Second Floor before releasing the permission.
- 5 To comply the requirement prescribed under 7.2 (i), (iii), (iv), (v) and (vii) of GO. Ms. No. 86 MA, dt: 03.03.2006.
- 6 On submission of Water Feasibility Certificate from HMWS & SB.
- 7 On submission of undertakings as per GO Ms No. 541, MA, dt: 15.11.2000.
- 8 On submission of contractors All Risk Policy for a period of (3) years.
- 9 To submit Builder license.

Further action for release of approvals will be taken after receipt of the above, if the fee and charges and undertakings are not submitted within the stipulated time, your application will be returned / refused with out any further intimation.

Yours faithfully,

  
for Commissioner & Special Officer,  
Greater Hyderabad Municipal Corporation.

  
25/11/08

0514/CSE/TP/2018

OFFICE OF THE DEPUTY COMMISSIONER, KAPRA CIRCLE,  
GREATER HYDERABAD MUNICIPAL CORPORATION

FEE SHEET FOR APARTMENTS & COMMERCIAL BUILDINGS

Belongs to Sri / Smt Sai Builders & Mode Ventures S/o,

Plot No. \_\_\_\_\_

No. 939495 situated at Mallapur, Kapra

I R.F. FEES :			
1	Site approval fee @ Rs.3/- per Sq.Mt. for Res. Bldgs. And $\times 6242m^2$ Rs.3/- per Sq.Mt. for Commercial buildings	$18,640 = 00$	
2	B.P.Fee on Plinth area @ Rs.15/- per Sq.Mt. for Res. Bldgs. $\times 17,119m^2$ and Rs.25/- per Sq.Mt. for Commercial buildings	$2,56,785 = 00$	
3	Compound wall @ Rs.15/- per RMT for Res. Bldgs. And Rs.20/- per RMT for Commercial Buildings (3000-1000)	$2000 = 00$	
4	Toilets @ Rs.40/- each $\times 465$	$18,600 = 00$	
5	Stair Case @ Rs.100/- each floor $\times 20$	$2000 = 00$	
6	Building Application Form cost @ Rs.25/- $\times 2$	$50 = 00$	
7	Borewell Fee @ Rs.50/- each $\times 2$	$50 = 00$	
<b>TOTAL Rs.</b>			<u>2,98,125 - 10,00</u>
			<u>2,88,125 =</u>

II			
1	Vacant Land Tax @ 0.50% $7432 sq. yds \times 2800 \times 0.5\%$	$1,04,050 = 00$	
2	Conversion Fee @ 20 Paisas per Sq.Mt.		
3	Development Charges @ Rs.50/- per Sq.Yd. (on Plot area)	L Rs.	
4	Street charges for open spaces	L Rs.	
5	Water charges @ 10/- per sq. ft.		
<b>TOTAL Rs.</b>			

III			
1	Tree Guard Contribution @ Rs.270/- for every 4RMT of $\times 50$ Compound Wall	$13,500 = 00$	
2	Debris Charges @ Rs.4/- per Sq.Yard for Apartments / $\times 7432 sq. yds.$ Commercial Buildings.	$29,730 = 00$	
3	Neeru-Meeru RWH Structure Fee Rs.10,000/- for Apartments / Commercial Buildings.	$40,000 = 00$	
4	Education Donation @ Rs.200/- each unit for Apartments / $\times 155$ Commercial Buildings	$31,000 = 00$	
5	Drainage Charges @ Rs.30/- per Sq.Mt. on floor area $17119m^2$	$5,13,570 = 00$	
6	Security Deposit @ Rs.50/- per Sq.Mt. on floor area for Apartments / Commercial Buildings (only for above 300 Sq.Mt. plot area)		
7	Others		
<b>TOTAL Rs.</b>			<u>6,27,800 = 00</u>
<b>GRANT TOTAL (I+II+III) Rs.</b>			

Rs. \_\_\_\_\_ (Rupees)

only may be collected towards B.P. Fees etc., please

TOWN PLANNING ASSISTANT

CITY PLANNING

Collected Rs. \_\_\_\_\_ vide Receipt No. \_\_\_\_\_ Dt. \_\_\_\_\_

#### IV. Development charges

on BUA Rs :  $17119 \text{ m}^2 \times 150/- = \text{Rs. } 19,11,900 = 00$

on open area  $2852 \times 75/- = \text{Rs. } 2,13,900 = 00$

Total Rs. 19,25,800 = 00

Layout Regulation charges as per G.O.MI No. 113

UA dt. 31.1.2008 to G.O.MI No 113 UA dt. 11.4.2008

$5362 \text{ m}^2 \times 500 \times 35\% = \text{Rs. } 9,38,250 = 00$

open space provisions

$6413 \text{ sq.m} \times 0.14 \times 1800/- = \text{Rs. } 16,16,080 = 00$

Total Rs. 25,54,430 = 00

1, Dist of RPF Rs : 2,88,125 = 00

2, VLT Rs : 1,04,050 = 00

3, Debris, Trenches.

Route, Drain, Etc Rs : 6,27,800 = 00

4, DC

Rs : 19,25,800 = 00

5, L & S charges

Rs : 25,54,430 = 00

Total Rs. 55,00,205 = 00

(Rings Pitter five latches two rounded five only)

AFO  
14/11/08

My  
14/11/08

**HYDERABAD URBAN DEVELOPMENT AUTHORITY  
LAND USE INFORMATION**

Letter No :5851-LU/P5/ HUDA/2008

Dated :14-5-2008

To.  
Sri.M.Malla Reddy (Adm. Asst)  
Modi Properties & Investments Pvt.  
H.No: 5-4-187/3&4, II Floor, M.G.Road  
SECUNDERABAD - 500 003.



Sir.

Sub:-HUDA - Furnishing of Land Use Information.  
Ref :-Your application Nos.2751 & 2752. dated: 17.4.2008.

With reference to your application cited, the details of Land Use Information as per statutory Provisions of **Extensive Modification to the Master Plan of HUDA AREA (excluding the erstwhile MCH area and the newly extended area of Huda)** notified by the Govt. Vide G.O.Ms.No.288. MA dt: 3.04.2008 is furnished hereunder :

Survey Nos.	Land Use
2	: Residential Zone & 30.Mts Wide Road touching at one side
19	: Water body (Major Part), Open Space Zone (ie "Green belt") Part. Residential Zone (Part) & 20.Mts Wide Road affected at one side. 18.Mts Wide Road affected at one side, 20.Mts & 18.Mts Roads junction affected at one corner.
82/1	: Residential Zone (Major Part) . Commercial Zone (Minor Part) & 60.Mts Wide R & B Bye Pass Road. 30.Mts Wide Road, 60.Mts & 30.Mts Roads Junction. Railway line touching at one side.
93 & 94	: Residential Zone
95	: Residential Zone & 30.Mts Wide Roads (2 Nos.). 30.Mts Roads junction. Railway line touching at one side
183	: Affected under 60.Mts Wide R & B Bye Pass Road
184 & 190	: Residential Zone & 60.Mts Wide R & B Bye Pass Road touching at one side.
191	: Residential Zone & 60.Mts Wide R & B Bye Pass Road touching at one corner
VILLAGE	: MALLAPUR
MANDAL	: UPPAL
ZONE SEGMENT	: MOULA-ALI
DISTRICT	: RANGA REDDY

**NOTE:**

- (1) This information does not bar any public agency or department including the HUDA from acquisition of Lands for public purpose or from converting the Land Use at any time as per the Law.
- (2) This information shall not be used as the proof of any title to the Land.
- (3) This information shall not be used as the sole reason for obtaining exemption from the provisions of U.L.C Act. 1976.
- (4) This information does not purpose to be any development permission under the APJA (Dev) Act. 1975.
- (5) Land use information does not guarantee that any Lay-Out or Building Permission will be granted by competent authority Any Building/Lay-Out Permission will have to be examine and granted by competent authority based on Building/Lay-Out/Land use Rules and conditions.
- (6) This Letter is solely for information purpose only.

Yours faithfully  
*B. Devaraj*  
14/5/2008  
for VICE CHAIRMAN

Copy to the Special Officer, ULC, Hyderabad for kind information.  
Copy to the Collector for kind information.

GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the Chief City Planner,  
Town Planning Section, (HO), GHMC,  
Tank Bund Road, Hyderabad.

Lr. No. 0514/CSC/TP V2008.

Dated : 26-4-2008.

To,

Sri / Smt. Sriyal Builders & Modi ventures

H.No. S-4-187/394 1<sup>st</sup> Floor

Shahen Meenishan. M.R. Road

Secunderabad

Pin 500003

Phone No. 66335551

Sir / Madam,

Sub :- GHMC - T.P. Section - H.O. - Proposed Construction of

Group housing scheme in

S.No. 93, 94, 95 Mallepuri (V)

Kopra circle

Ref :- Your Building Application dated: \_\_\_\_\_

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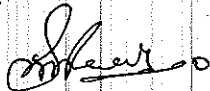
With reference to your Building Application Cited, it is to inform that the plans submitted by you are under examination. Hence, you are directed not to proceed with any type of Construction at site till you obtain permission from GHMC, if any construction is made, it will be treated as un-authorized construction and action will be initiated as per rules.

Yours faithfully,

  
for Chief City Planner, 26/4/08  
GHMC.

Received by:

(Signature)



Name & Address: M. Mulla Reddy

Modi Properties

H.No. S-4-187/394 1<sup>st</sup> Floor

Shahen Meenishan M.R. Road

Sec - bad. 500003

66335551





హైదరాబాద్ మహానగర పాలక సంస్థ  
**GREATER HYDERABAD MUNICIPAL CORPORATION**  
 HYDERABAD  
 CITIZENS' SERVICE CENTER CALL CENTRE 1100 Website : www.ghmc.gov.in

Receipt No. 01/ 01  
 Date 26-APR-08  
 Counter Shift Center Code  
 MCH HEAD OFFICE

Plot No./ 5-4-187/3&4  
 Reference No./File No. 0000514/CSC/TP1/2008  
 SRTS/AT BUILDERS & MODI/VENTUR  
 BUILDING PERMIT FEES, MORE THAN 300 SQ.MTS & GROUP HOUSING  
 TOWARDS TOWN PLANNING - RESIDENTIAL

PAY MODE	Chq/D.D. Chln Date	Bank Name	Branch Name	Amount Rs.	Ps.
DD	25-APR-08	HDFC BANK LTD	S.D ROAD (SEC)	12650	
Total Amount Paid				12650	

Amount in Words Rs.:  
 Twelve Thousand Six Hundred Fifty Only  
 Signature: *[Signature]*

U.N. - S-4-187/- 80. 0-1-0