

DELHI DEVELOPMENT AUTHORITY
CONTRACTOR'S REGISTRATION BOARD
1st Floor, Vikas Minar, New Delhi-110002

4302
Date: 16-10-15

No. F 4(D)72 / ACTION CASE / 2015 / Secy. (CERA)

Dated 14-10-2015

ORDER No. 88/2015

Whereas M/s Emaar MGF Construction Pvt. Ltd. ECE House, 1, Kasturba Gandhi Marg, New Delhi, a Special Purpose Company (SPC) constituted by the consortium members (i) Emaar Properties PJSC (ii) Emaar MGF Land Pvt. Ltd. (iii) MGF Development Ltd. (iv) Discovery Estates Pvt. Ltd. was prequalified for development of Commonwealth Games Village on Public Private Participation mode by the Delhi Development Authority. Neither the SPC nor its consortium members are presently registered with DDA in any category.

Whereas M/s Emaar MGF Construction Pvt. Ltd. was assigned the construction of Residential Project of Commonwealth Games Village 2010 on Public Private Participation (PPP) Mode vide Project Development Agreement (PDA) dated 14.09.2007.

Whereas CE (EZ & CWG) vide letter No. F4(5)2015/CE(CWG)/DDA /135 dated 27.08.2015 has reported to this office that the agency M/s Emaar MGF Construction Pvt. Ltd. has acted in unprofessional manner as developer while developing the Commonwealth Games Village Residential Project under Project Development Agreement (PDA) dated 14.09.2007.

In accordance with the terms and conditions of the PDA clause 1.1.3 at page 5, the SPC was to obtain all applicable permits. It was their responsibility to get approval of building plans from the Regulatory Authority i.e. Building Department of DDA. They have submitted the building plans to the Regulatory Authority in Aug. 2007 and the approval of the same was granted on 18.03.2008. The building plans submitted by were for a total construction area of 2,05,140. Sq. mtr. having residential component of 2,03,087.25 sq. mtr. And 2052.75 sq. mtr. for club and community facilities.

In accordance with the applicable Building Bye Laws, the SPC was required to notify to the building department of DDA for plinth level inspection in Performa B-I as per above laws.. No such notice was given by you to the building section at that level of building.

The completion plans are submitted to the Regulatory Authority i.e. Building Section of DDA under building Bye Laws 7.5.2 on 31.03.2010.

Thereafter, during inspection by the building section, it was noticed that instead of 1161 apartments, total apartments constructed by the company were 1168 and the construction done was not in accordance with the sanctioned building plans and the area constructed in both the cases i.e. for residential component and for club and community facilities was increased from the sanctioned building plans. The area of the residential component constructed is approx. 2,25,206.29 sq. mtr. and for the club and community facilities is 3032.06 sq. mtr. approx against the sanctioned area of 2,03,087.25 sq. mtr. and 2052.75 sq. mtr. respectively.

Whereas in view of above a show cause notice was served upon you vide this office letter No. F4(8)72/action case/2015/secy. (CRB)/ 551 dated 28.08.2015.

The reply to the said show cause notice was received from you on 10.09.2015 and a copy of the same was sent to CE (EZ & CWG) for submission of his specific comments.

The comments of CE (EZ & CWG) were received on dated 14.09.2015 wherein he has reiterated his earlier recommendation dt. 27.08.2015 and recommended that the SPC, M/s Emaar MGF Construction Pvt. Ltd. alongwith all its consortium members should be debarred/black listed for participation in any PPP contract in the Govt. Department for a period of 5 years.

The case was placed before the Contractors Registration Board's meeting held on 18.09.2015 and was deliberated at Length. During the discussion it is concluded that the M/s Emaar MGF Construction Co. Pvt. Ltd., alongwith all its consortium members were failed to comply clauses 1.1.3, 8.1 & 8.7 of the PDA, thereby acted in unprofessional manner as a Developer.

The CRB after careful consideration of all the evidences on the record unanimously decided that special purpose company (SPC) i.e. M/s Emaar MGF Construction Co. Pvt. Ltd., ECE House, 1, Kasturba Gandhi Marg, New Delhi-110001 alongwith its consortium members (i) Emaar Properties PJSC (ii) Emaar MGF Land Pvt. Ltd. (iii) MGF Development Ltd. (iv) Discovery Estates Pvt. Ltd. be blacklisted by the DDA from

participation in any contract of PPP mode in all government departments for a period of 3 years from the date of issue of this order.

Accordingly, it is decided and ordered that the SPC M/s Emaar MGF Construction Co. Pvt. Ltd., ECE House, 1, Kasturba Gandhi Marg, New Delhi-110001 along with its four consortium members i.e. (i) Emaar Properties PJSC (ii) Emaar MGF Land Pvt. Ltd. (iii) MGF Development Ltd. (iv) Discovery Estates Pvt. Ltd. are hereby blacklisted for participation in any Public Private Partnership projects of the Govt. of India for a period of 3 years from the date of issue of this order.

(Nihar Singh)

Secretary, Contractors Registration Board
DDA

M/s Emaar MGF Construction Co. Pvt. Ltd.,
ECE House, 1, Kasturba Gandhi Marg,
New Delhi-110001

and consortium members:

- (i) M/s Emaar Properties PJSC, Emaar Business Park, Shk. Zayed Road, P.O. Box 9440, Dubai, UAE.
- (ii) M/s Emaar MGF Land Pvt. Ltd., ECE House, 1st floor, 28, K.G. Marg, New Delhi-110001.
- (iii) M/s MGF Development Ltd., MGF House, 17-B, Asaf Ali Road, New Delhi-110002.
- (iv) M/s Discovery Estates Pvt. Ltd., MGF House, 17-B, Asaf Ali Road, New Delhi-110002.

Secretary, Contractors Registration Board
DDA

Copy to:

1. OSD to VC/DDA
2. PS to EM/DDA

3. PS to FM/DDA
4. CVO/DDA
5. CLA/DDA
6. CE(HQ)/Chairman (CRB)
7. Director (Delhi Division), Ministry of Urban Development, Government of India, Nirman Bhawan, New Delhi-110011 with the request that copy of this order be circulated in all Government Departments for information and necessary action.
8. All CEs, Dirs (Hort.), N&S, Project Manager (Flyover) Group I & II and Directors (MM). They are requested to circulate the same orders among, SEs, EEs (Civil & Elect.) and Dy. Director (Hort.)
- ✓ 9. Director(System) with the request to upload the order on DDA website.
10. All C.A.U.'s, DDA
11. A.O. (Works)-I, II, III/DDA
12. DGW/CPWD, Nirman Bhawan, New Delhi
13. GM/ISBT, Kashmere Gate, Delhi
14. Engineer-in-Charge, Military Engineer Services (MES) Head Office at Room No. 143, Kashmir House, Rajaji Marg, New Delhi-110011
15. FO to DDW (W), Department of Telecom, Sanchar Bhawan, New Delhi.
16. SDE (Civil), Civil Wing, BSNL, Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi-110001.
17. Commissioner Income Tax, New Delhi
18. Income Tax Office, Contractor Circle, New Delhi
19. Commissioner, STCC, New Delhi
20. Commissioner, Labour, New Delhi
21. Chief Engineer (Northern Railway), Kashmere Gate, Delhi
22. Chief Engineers, DSIDC, Lajpat Nagar, New Delhi.
23. Delhi Metro, School Block, Shakarpur, Delhi


Secretary, Contractors Registration Board
DDA