

Dr. Kirit Somaiya, MP

Chartered Accountant, Ph.D

CHAIRMAN

Parliamentary Committee on Energy



Member Parliament Committees:

- Public Accounts Committee
- Finance Committee
- Privilege Committee
- Protocol Committee
- Urban Consultative Committee

KS/DEL/ED/2016

1st July, 2016

Hon'ble Justice Dhingra Commission
Haryana

Sub: Robert Vadra Land Scam.

Honb'le Shri Justice Dhingra, *Dhingraji*

We are sure the following information/observations are already considered by yourself. We are writing this to you, this may be helpful to you.

Request you to check –

M/s Skylight Hospitality was floated by Mr. Robert Vadra as a registered company in November-2007 with one lakh rupee of equity capital. In February 2008, the Company registered the purchase of 3.531 acres of agriculture land in village Shikohpur, Sector 83, Gurgaon for Rs. 7.5 crore using a false cheque. Cheque No. 607251 for Rs 7.5 crore was shown as payment made to the vendor M/s Onkareshwar Properties in registered deed No. 4928 dated 12.02.2008. It was claimed in the deed that Rs. 45 lakh towards stamp duty was also paid in cash by M/s Skylight Hospitality. The advances received from M/s DLF were used to pay for the cost of land and stamp duty later on 9th August 2008. The land with commercial colony license permission for 2.701 acres was sold to M/s DLF for Rs. 58 crore. As per clause 3 (a) of a collaboration agreement dated 5th August, 2008, the possession of the land was already handed over to M/s DLF. A total consideration of Rs. 58 crore for sale of land and commercial colony license was received as follows:

- Rs 5 crores on 03.06.2008
- Rs 10 crores on 27.03.2009
- Rs 35 crores on 07.10.2009
- Rs 8 crores on 25.07.2012

A Letter Of Intent for commercial colony license was issued with great speed by the licensing authority, Director Town and Country Planning Haryana, on 28.03.2008, within just 18 days of the application made. The commercial colony license was similarly granted in great hurry on 15.12.2008 against the application made on 18.11.2008. The license was renewed on 18.01.2011 and permitted to be transferred on 03.04.2012.

The value of 3.531 acre land shot up by Rs. 50 crore due to the commercial colony license permission accorded to the company by the government. The value of the LOI/ License was Rs. 50 crore which was hawked to M/s DLF Retail Developers (now DLF Universal). The fortunes of M/s Onkareshwar Properties soared from Rs. 6,783/- as on

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31.03.2005 to a bank balance of Rs 70.84 crores, net investments of Rs 85.27 crore and fixed assets of Rs 9.76 crore within a period of 6 years as on 31.03.2011.

Observations:

1. With a cash & bank balance of Rs. 1 lakh, how was Cheque No. 607251 for Rs. 7.5 crores issued by M/s Skylight Hospitality to M/s Onkareshwar Properties on 9.2.2008? Who paid the Rs. 45 lakhs in cash towards stamp duty on 12.02.2008?
2. Whether the Cheque No. 607251 belonged to Skylight Hospitality and whether the Cheque was presented to the bank for encashment?
3. Who are the beneficial owners of M/s Onkareshwar Properties? What was the quid pro quo for the sweetheart deal with M/s Skylight Hospitality?
4. What was the real purpose of M/s DLF Retail Developers when it paid M/s Skylight Hospitality advances of Rs 6.5 crore on 05.06.2008, Rs. 1 crore on 10.06.2008 and Rs. 0.55 crore on 12.06.2008? Were the purposes of these advances changed at a later date?
5. Was the payment of Rs. 7.95 crore (Rs 7.5 crore towards cost of land and Rs 45 lakh towards stamp duty) not paid to M/s Onkareshwar Properties on 09.08.2008 vide Cheque No. 978951 after receiving advances from DLF as above?
6. What assessment was made of the technical and financial capacity or intent of M/s Skylight Hospitality to develop over two lakhs square feet of commercial complex before issuing the LOI in a hurry within 18 days of the application on 28.03.2008?
7. A Collaboration Agreement dated 5.8.2008 was entered into between M/s Skylight Hospitality and M/s DLF Retail Developers to develop a commercial complex at the site. Why was an unregistered agreement entertained by the licensing authority against the provisions of the Registration Act leading to loss of crores of State revenues?
8. Why was the commercial colony license granted in favour of M/s Skylight Hospitality when it was clear in the application for grant of license and other correspondence that the actual developer would be M/s DLF Retail Developers (renamed DLF Universal)?
9. When M/s Skylight Hospitality had already entered into an agreement to sell the land against which Rs. 50 crore was received as advance against sale and possession of the land was handed over to M/s DLF, why was the commercial colony license renewed in favour of M/s Skylight Hospitality on 18.01.2011?
10. Under what statute is the colony license permitted to be transferred and sold?
11. The transfer of the land was completed before August, 2008 as per section 2 (47) (v) of the Income Tax Act, 1961. Was tax paid by M/s Skylight Hospitality in the AY 2009-10 (FY 2008-09) on the short term capital gains of Rs. 50 crores which

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accrued to the company and if not, what penalty proceedings have been initiated against the company by the Income Tax authorities?

12. **The business model of Mr. Robert Vadra is kleptocratic rentiering from the discretionary licensing and change in land use permissions of the government.**
13. What went behind the scuttling of the thematic audit, "Issue of licenses for development of colonies etc. after release of land" in Haryana by the Comptroller and Auditor General on 3rd June, 2013?

Request to consider following issues:

1. Violation of Sections 9 and 13 of The Prevention of Corruption Act, 1988.
2. Violation of Sections 417, 467, 468, 471 and 120B of IPC for non-disclosure of material facts in the renewal application of M/s Skylight Hospitality, viz, that it had entered into an agreement to sell the land and received Rs. 50 crore as advance against sale of land and that the possession of the land was handed over to the buyer.
3. Violation of Section 82 of the Registration Act, 1908 for making false statement in the registered deed No. 4928 dated 12.02.2008.
4. Violation of Sections 217 (5) and section 628 of the Companies Act, 1956 for showing false book overdraft of Rs 7.94 crores in the balance sheet of M/s Skylight Hospitality as on 31.03.2008.
5. Violation of Haryana Ceiling on Land Holdings Act, 1972. *His companies had 147 acres or more, against the permissible limit of a maximum of 54 acres.*

Request to do the needful.

With regards,

Yours sincerely,

(Dr. Kirit Somaiya)

Vadra Land Scam (Haryana)

Mutation No.	Name of Seller	Name of Purchaser	Registered Deed	Date	Total Land	Present status and owner
5719	Khem Chand s/o Banke Lal s/o Mathura Parsad	H.L. Pahwa	4080	18.01.2008 Sale consideration of Rs 10,00000/-	72-0	
5721	H.L.Pahwa	Robert Vadra	4781	03.03.2008 Sale consideration of Rs 36,90,000/-	72-0	
5777	Jaswant S/o Bihari	Robert Vadra	2428	Registered sale deed no. 2428 dated 9.9.2008, sale consideration of Rs 1500000/-	78-5	Vikal s/o Bed Ram VPO-Bhuapur, subtehsil-Tigaon. Purchased through registered sale deed no. 313 dated 13.2.2015 at the total consideration of 75,12,500/-
7270	Robert Vadra	Vikal s/o Bed Ram VPO-Bhuapur,	313	Registered sale deed no. 313 dated 13.2.2015 at consideration of Rs 75,12,500/-	78-5 72-0 <hr/> 150-5	Purchased by Vikal
5898	Karam Chand S/o Yad Ram ancestral land	Sky Light Reality limited through Robert Vadra	4155	09.01.2009 Total sale consideration- 20,00000/-	80-0	Rishi Pal s/o Lala Ram resident of Sihari, PO- Punhana, Dist-Nuh. Purchased through registered sale deed no. 7229 dated 21.3.2014 at the consideration of Rs 40,00000/-
7155	Sky Light Reality limited through Robert Vadra	Rishi Pal s/o Lala Ram resident of Sihari, PO- Punhana, Dist-Nuh. Purchased through	7229	Registered sale deed no. 7229 dated 21.3.2014 at the consideration of Rs 40,00000/-		
5899	Mamchand- Gian Chand- ancestral land	Robert Vadra	3866	17.12.2008 Total sale consideration- 20,00000/-	78-8	Kailash Kumar s/o Om Parkash resident of Phattu Pura Sub-Tehsil- Tigaon, Faidabad at the consideration of Rs 39,20,000/- vide registered sale deed no. 7227 dated 21.3.2014
5968	Radhika Rai s/o B Rai, Gurgaon	M/s Real Earth Movers through Director Robert Vadra	167	Registered sale deed dated 20.4.2009 at sale consideration of Rs 20,00000/-	80-0	
7154	M/s Real Earth Movers through Director Robert Vadra	Kailash Kumar s/o Omparkash VPO- Phattu Pura, Tigaon	7225	Registered sale deed no. 7225 dated 21.3.2014 at sale consideration of Rs 40,00000/-	80-0	