



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

Mini Secretariat (2nd and 3rd Floor), Sector-1, Panchkula.

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Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 18.12.2024.

Item No. 273.30

Submission of consent from 2/3rd allottees.

Promoter: M/s BM Gupta Developers Pvt. Ltd.

Project: 'BMG Antriksh Towers', Group housing colony measuring 5.975 acres situated in sector 26-27, Rewari.

Reg. No.: 89 of 2017 dated 23.08.2017 valid upto 26.09.2020, first extension and general extension granted upto 25.06.2022, second extension granted upto 25.06.2023, third extension granted upto 25.06.2024 & fourth extension granted upto 25.06.2025

Present: Mr. Manoj Kapoor, Sangeeta Gupta and Mr. Arpit Gupta.

1. A letter dated 05.10.2023 received from the promoter requesting for discontinuation of RERA Registration. License no. 73 of 2014 granted by DTCP dated 01.08.2014, renewed upto 26.09.2023.

2. The promoter has submitted:

- i. *Occupation Certificate (for residential tower T1 to T4) vide BR-VII memo no. ZP-1034/PA (DK)/2022/31254 dated 14.10.2022. Occupation Certificate for the Commercial C1 (Ground Floor) and C2 vide BR-VII memo. No. ZP-1034-II/JD (RD)/2023/31512 dated 21.09.2023.*
- ii. *DHBVN memo no. Ch.-4/SE/PLG/File no. 34/DH/272 dated 19.01.2023, recommends issuance of OC in view of electrical infrastructure installation.*
- iii. *As per terms and conditions of the license no. 74 of 2014 dated 01/08/2014 and in accordance with the provisions outlined in section 3(3)(a)(iii) of the Haryana Development & Regulation Act, 1975 the applicant company have handed over land falling under 12-m-wide service road and 24-m-wide internal circulation road free of cost to Government of Haryana through DTCP.*



- iv. *The promoter states that EDC amounting to Rs.423.98 lacs has been deposited with DTCP Haryana.*
- v. *The deed of declaration executed vide s.no. 4912 dated 27.10.2022 and till date 867 conveyance deeds executed out of 930 flats sold.*
- vi. *Revised building plans approval of C1 and C2 vide memo no. ZP-1034 Vol-II/JD (NK)/2023/12868 dated 04.05.2023 on account of commercial FAR increase from 4% to 8%.*
3. Orders of the Authority dated 30.10.2023 are as follows:
- 6.The Authority observes that the promoter has submitted a copy of the approval letter relating to revised building plans of Commercial-1 & 2 however, building plans have not been enclosed.*
- 7.The Authority decides that the promoter should first submit an approved copy of the revised building plans and then request of the promoter will be considered. Further, the promoter received OC for two commercial pockets on 21.09.2023 however their registration was valid upto 25.06.2022, therefore, the promoter should apply for third extension.*
4. On 10.01.2024, the Authority decided that promoter should apply for registration of 4% commercial area of 1st and 2nd floor. As building plans were revised. Consent of 2/3rd allottees be submitted, if already not submitted.
5. Vide reply dated 12.03.2024 the promoter has submitted:
- Principal approval of revised building plans of Commercial – 1&2 dated 21.02.2023
 - Copy of advertisement published in The Tribune dated 25.02.2023, The Punjab Kesari dated 25.02.2023 and Dainik Tribune dated 25.02.2023
 - Copy of specimen letter sent 934 allottees through registered post along with copy of registered postal receipts
 - Copy of Affidavit dated 01.04.2023 which was submitted to DTP, Rewari
 - Copy of report of DTP, Rewari forwarded to STP, Gurugram regarding advertisement and no objection received from the allottees
 - STP, Gurugram dated 13.04.2023 forwarded to DTCP, Haryana
 - Copy of Approval of revised building plans of commercial – 1&2.

The promoter states that at the time of grant of registration certificate no. 89 of 2017 has approved 4% commercial area only for which the Occupation Certificate has been issued by DTCP Haryana on 21.09.2023. He also submits that the said project being completed in all respect and requests to discontinue the RERA registration no. 89 of 2017 with the permission



to apply fresh REP-1 Part A to H for grant of RERA registration for increased 4% FAR of commercial area in Commercial C1 as First floor and second floor.

6. On 28.08.2024, Mr. Manoj Kapoor stated that consent of allottees has been sought and will be submitted shortly. The promoter has applied for registration of increased FAR of Commercial 01 (8%) which was returned on 18.10.2024. Along with the application, the promoter submitted consent of 331 allottees.
7. Mr. Manoj Kapoor submitted that Hon'ble Authority had already decided on 16.05.2024 that there is no provision in RERA Act, 2016 to discontinue the registration. Mr. Kapoor further stated that all the flats/ apartments have been sold and conveyance deeds executed, hence, extension for 4th year is not required.
8. On 23.10.2024, Authority decided as under:
 - i. Registration fee be worked out. (not required to be conveyed since it is a matter of discontinuation of registration.)
 - ii. Project Section may examine the case for 4th year extension and submit report on next date of hearing.
 - iii. Consent of 2/3rd allottees be submitted. Adjourned to 18.12.2024.
9. Authority, on 09.10.2024 (item no. 266.14), granted extension of 4th year up to 25.06.2024 subject to payment of late fee. Vide letter dated 27.11.2024, consent letters from 103 allottees has been submitted and states that balance letters will be submitted in 60 days since some allottees are required to be approached individually. Further, the promoter states *that building plan revised are of standalone towers of commercial C1 & C2 (20 shop owners have already given their written consent out of total 30 shops) and do not lead to any revision whatsoever of the residential towers thus do not affect the rights of the allottees of the residential towers and therefore should be considered by the Authority in view of the facts presented without jeopardising the rights of the developer permitted as per policy notified by DTCP Haryana.*
10. Late fee/ Penalty calculated as part of agenda dated 04.12.2024. 189 allottees still to give consent as per letter of the promoter dated 25.11.2024 received on 27.11.2024.
11. Mr. Manoj Kapoor submitted that out of 934 total units, conveyance deed of 912 units has been executed, As all the flats have been sold out, there is no source of funds collection



left. Level playing field among allottees, licensor and license is to be applied by Authority. He assured that consent of rest of the allottees will be submitted before next date of hearing.

12. Adjourned to 19.02.2025.



True copy

Executive Director,
HRERA, Panchkula

~~20/1/25~~
21/1/25

A copy of the above is forwarded to CTP, HRERA Panchkula, for information and taking further action in the matter.

CA (monika)