



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 07.02.2024.

Item No. 241.16

Continuation of registration under Section 7(3) of the RERD Act, 2016.

Promoter: Omaxe Limited.

Project: Project Area 2.80 Acre Commercial Colony situated in Sector-3, 3A and 14, Tehsil Bahadurgarh, District Jhajjar.

Reg. No.: 167 of 2017 dated 29.08.2017 valid upto 31.12.2021.

1. The subject cited case was last heard by the Authority on 17.07.2023 vide item no. 219.16 wherein the Authority had decided that Audit of the project be got done from empanelled CA firm. Cost of audit will be borne by promoter and notice in newspapers be got published for inviting objections from general public.
2. In view of the above, vide letter dated 11.08.2023, M/s Anuj Goyal Associates were appointed as auditor in the present matter and public notice dated 08.08.2023 was published in the newspapers. No objections have been received from general public in view of the above.
3. Now, vide letter dated 29.01.2024, M/s Anuj Goyal Associates has submitted its audit report (along with the photographs of the project), which is reproduced as under:-

"1. Details of separate RERA Bank Account of the project in which 70% of the amount realized from the allottees are being deposited.

Axis Bank Ltd., Account No: 917020053192971

IFSC Code: UTIB0000206, MICR Code :110211024

Type of Account: Current Account- Business Advantage

Title of the Account: Omaxe Ltd-Project Galleria Bahadurgarh-Rera A/c



2. Amount Received from the allottees shall be verified i.e. receipts issued shall be verified with the amount received in the Bank.

The following information has been provided by the Auditee in excel sheets through email comprising of the following details as at 30th June, 2023 in respect of the Project under Audit :-

- The project under audit has 80 nos. of Plots, each having Ground, First and Second Floor. Further, Plot no. 33 & Plot no. 34 are considered as one plot in the APPROVED LAYOUT PLAN, thus, leaving 79 nos. of actual available Plots in the Project under Audit. It, therefore, has 237 Units out of which two units bearing no. 34 First floor and Second Floor are unsold. In other words, amounts have been received from the allottees of 235 units.
- The total sales price (excluding taxes) of 235 Units as above, aggregates to Rs. 50,66,29,918/- out of which an aggregate sum of Rs. 50,58,99,818/- (excluding taxes) has been received from the allottees leaving a balance sum of Rs. 7,30,100/- still recoverable from the allottees as at 30.06.2023. It is further stated that actual amount collected from the allottees aggregates to Rs. 41,81,87,454/- (as per clause 6 of CA Certificate No. 0121 dated 26.07.2023) and the balance of Rs. 8,77,12,364/- (Rs. 50,58,99,818/- less Rs. 41,81,87,454/-) is stated to be on account of adjustment of refund amounts to various allottees relating to other projects.
- We are unable to verify the amounts received from the allottees and adjustments of refund amounts as above, since original physical receipts issued to the allottees have not been produced for verification by the Auditee during the course of audit.

A copy of excel sheet as provided by the Auditee in support of above data is attached forming an integral part of this report.

3. The Auditor shall certify that provisions of Section 4(2)(1)(D) of the Real Estate (Regulation and Development) Act, 2016 are being followed and withdrawals are in proportion of the development works carried undertaken at site. If not, then utilization and diversion details of the funds should also be mentioned.

The following information / documents were provided by the Auditee for certifying the provisions of Section 4(2)(1)(D) of the Real Estate (Regulation and Development) Act, 2016 :-

- Copy of Architect's Certificate dt. NIL issued by ABMS Design Associates, Architects & Engineers, duly certifying the progress of construction work at site under Audit for the quarter ended 30th June, 2023. Copy attached as Annexure - II, forming an integral part of this report.
- Copy of Engineer's Certificate dt. 26.07.2023 issued by A. K. Engineering & Associates, duly certifying the percentage of completion of construction work of the Project at the end of the quarter 30.06.2023. Copy attached as Annexure - III, forming an integral part of this report.



- Copy of CA Certificate no. 0121 dt. 26.07.2023 issued by Seksaria & Associates, Chartered Accountants, Chartered Accountant in practice duly certifying the cost incurred for the Project and the amounts which can be withdrawn from the designated account along with amount actually withdrawn from the particular Account. Copy attached as Annexure - IV, forming an integral part of this report.
 - Copy of Bank Statement in respect of Designated Bank Account from 01.07.2017 to 30.06.2023 as maintained with Axis Bank Ltd. Account No: 917020053192971 as given in Para 1 above. The first deposit in this account was made on 03.03.2018.
- On going through the above certificates and other documents as produced before us and as per the information and explanation provided to us by the Auditee, our observations are tabulated as under: -

TABLE - 1: This table deals with the Various Amounts as Certified by CA (as per CA Certificate No. 0121 dt 26.07.2023) and Corresponding figures as per our calculations

Particulars	As per CA Certificate (Amount in Rs.)	As per Our Calculations (Amount in Rs.)
Total amount collected from the allottees till 30.06.2023.	41,81,87,454/- (As per clause 6 of CA Certificate)	50,58,99,818/- The difference of Rs. 8,77,12,364/- is stated to be on account of adjustment of refund amounts to various allottees relating to other projects.)
Amount which can be withdrawn from the Designated Account (subject to total cost incurred at the Real Estate Project)	27,93,05,949/- (As per clause 3 of CA Certificate)	35,41,29,873/- (70% of Rs. 50,58,99,818/-)
Amount withdrawn from the Designated Account till 30.06.2023	29,27,31,218/- (As per clause 6 of CA Certificate)	The first deposit in the Designated Account with Axis Bank Ltd. was made on 03.03.2018 and an aggregate deposit of Rs. 8,67,59,225.72 was made in the account and out of which an aggregate withdrawal of Rs. 8,66,94,014.40 was made from this account during the period from 03.03.2018 to 30.06.2023 leaving a balance of Rs. 65,211.32 in the said account.
Amount overdrawn from the Designated Account	1,34,25,268/-	In the absence of complete details of Deposits of Total Sale Price in the Bank Accounts of the Company, we cannot comment upon the amount overdrawn from the designated bank account.



Table 2 This table deals with the Various Amounts as Certified by CA (Certificate No. 0121 dt. 26.07.2023) vis-a-vis Architect Certificate (Certificate dated NIL issued for Qtr. Ending 30.06.2023)

Particulars	As per CA Certificate (Amount in Rs.)	As per Architect Certificate (Amount in Rs.)
Cumulative Cost of Construction	19,16,02,941/- (As per clause 1(ii)a(ii) of CA Certificate)	17,26,97,016/- (The sum total of serial no.1 to 4 of table A forming part of Architect's Certificate)

Based upon the data in Table 2 as above, it is observed that a sum of Rs. 1,89,05,925/- (Rupees One Crore Eighty Nine Lakh Five Thousand Nine Hundred Twenty Five Only) have been over spent by the Auditee Company in view of the certificate issued by the Architect based on the percentage of completion of work done with respect to cumulative cost of construction of the project amounting to Rs. 17,26,97,016/-, which is not in consonance with Section 4(2)(I)(D) of the Real Estate (Regulation and Development) Act, 2016.

Further, as per third proviso to Section 4(2)(I)(D) of the Real Estate (Regulation and Development) Act, 2016, the promoter shall get his accounts audited within six months after the end of every financial year by a Chartered Accountant in Practice, and shall produce a Statement of Account duly certified and signed by such Chartered Accountant and it shall be verified during the Audit that the amounts collected for a particular project have been utilized for the project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project. In this connection, it is observed that the desired year wise Audit Report / CA Certificate has not been produced before us for our verification, by the Auditee Company and, hence, third proviso to Section 4(2)(I)(D) of the Real Estate (Regulation and Development) Act, 2016 has not been complied with.

4. Site Visit and Site details. Assessment of work done duly supported by the photographs.

- The undersigned partner of the Auditor Firm personally visited the Project site on 27.08.2023 (Sunday) by his own Motor Car and reached the site at around 11:30 in the morning. The distance between the office of the Auditor firm and the Project site is around 52 kms. by road. The undersigned was assisted by Mr. Loveneesh Saxena, Chief Manager, Sales & Marketing, M/s. Omaxe Limited having mobile no. 9999999829 who explained the entire details of the project under audit.



- The Project under Audit has been named by Auditee as OMAXE GALLERIA and comprises of 237 Commercial Units constructed on 79 plots with Ground, First and Second Floor on each plot. The Project is almost complete and the allottees have already opened their Commercial Establishments and, thus, the Project is operational.
 - The undersigned captured various photographs of the project site from his own mobile and out of that 10 (ten) photographs are attached herewith as Annexure - V, forming an integral part of this report.
5. *Verification of Surrendered/ Resumed/ Cancelled/ Restored Plots. As informed by the Auditee, Ground Floor of Shop at Plot no. 49 was cancelled at the request of the allottee on 25.06.2016 which was booked by the allottee on 20.05.2016 and the funds were requested to be transferred to First Floor of Shop at Plot No. 60 in the same project of the Auditee."*

4. Subsequently, First Floor of Shop at Plot No. 60 was also cancelled at the request of the allottee vide Affidavit-cum-Undertaking dt. 30.11.2016 and funds received were requested to be transferred to another project of Auditee Company wherein the allottee preferred to book a plot. Both the above Units were subsequently allotted to other allottees. This Audit Report has been prepared on the basis of documents and other records produced before us and as per the information and explanation provided to us by the Auditee Company which was represented by Mr. Manoj Singhal, Mobile no. 9999999316 at M/s Omaxe Limited, 7, Local Shopping Centre, Kalkaji, New Delhi-110019.

5. After consideration, Authority decided that CA report be sent to promoter for his comments. Promoter should submit CA certificate, Engineer Certificate and photographs of development works. Resolution plan for completion of project be also submitted. Promoter be personally present on next date of hearing. Authority observes that report of CA is not in order, hence, he should be asked to re-submit the report.

6. Adjourned to 03.04.2024.



True copy

[Handwritten Signature]

Executive Director,
HRERA, Panchkula

[Handwritten Signature]
21/2/24.

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

LA Shubham