



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

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Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 24.07.2024.

Item No. 260.27

Request for discontinuation of RERA Registration.

Promoter: BM Gupta Developers Pvt. Ltd.

Project: 'BMG Elegant Heights', Group housing colony measuring 9.943 acres (forming part of larger colony of 52.218 Acres) situated in sector-26, Gadhi Bolni Road, Tehsil and District Rewari, Haryana.

Reg. No.: 241 of 2017 dated 26.09.2017 valid upto 24.03.2021.

Present: Mr. Manoj Kapoor through VC and Ms. Sangeeta Gupta.

1. BM Gupta Developers Pvt. Ltd, vide letter dated 05.10.2023 of project 'Elegant Heights' requested for discontinuation of RERA Registration no. 241 of 2017 dated 26.09.2017 valid upto 25.09.2019, first extension granted upto 25.09.2020. The promoter is entitled for 6 months covid period, i.e., from 25th March to 24th September 2020, therefore, registration is valid upto 24.03.2021.

2. The quarterly has been submitted till 4th quarter of 2022. License no. 35 of 2009 dated 11.07.2009, renewed upto 10.07.2025.

3. The promoter had submitted:

i. *Occupation Certificate for Block-2,3,4,5,6,7,8,9, EWS Block, community Building and convenient Shopping (total 499 units) vide BR-VII memo no. ZP-620/AD (RA)/2021/8254 dated 26.03.2021 however site plan mentioned 504 units in the said project.*

ii. *DHBVN memo no. Ch. 53/Load 16.05.2022, recommending issuance of OC in view of electrical infrastructure installation.*



(Y)

- iii. *As per terms and conditions of the license no. 35 of 2009 dated 11/07/2009 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. 4,819.19 lacs and IDC amounting Rs. 460.85 lacs have been deposited with DTCP Haryana.*
 - v. *The deed of declaration executed vide s.no. 1868 dated 23.07.2021 and till date 374 conveyance deeds executed out of 400 flats sold.*
 - vi. *The developer company is extending the maintenance services as per the provisos of the License from the grant of OC.*
4. The promoter had requested to discontinue the RERA registration no. 241 of 2017 dated 26.09.2017.
5. The Authority on 30.10.2023 observed that before considering the request of the promoter, the promoter should submit the following:
- i. *Completion certificate for the pocket measuring 9.943 acres granted by the DG, TCP.*
 - ii. *The promoter should also certify that the project is complete in all respects and no more construction is to be undertaken.*
 - iii. *A certificate from the RWA that the project is complete in all respects.*
6. The promoter vide reply dated 16.01.2024 has stated:
- i. *Regarding point no. 4(i): Building plans of Group Housing were originally approved on 03.10.2012 which were revised on 17.02.2020. The originally sanctioned 504 units were revised to 499 (420+79 EWS). (copy of letter approved building plan, copy of letter approved revised building plan, site plan and Occupation certificate for 499 units is enclosed).*
 - ii. *Regarding point no. 6(i): License 35 of 2009 is for residential plotted colony measuring 52.218 acres which comprises of:*
 - a. *Plotted component of 40.590 acres for which service completion was received on 26.05.2016 (copy enclosed)*
 - b. *Group Housing component measuring:*



- i. BMG Elegant Heights for 8.741 acres (RC no. 241 of 2017 granted for 9.943 acres)
- ii. BMG Aspire measuring 4865.62 sq. mts (RC no. 208 of 2020)
- c. Commercial component: BMG City Centre measuring 1.685 acres (RC no. 243 2017)

The promoter states that Haryana development & Regulation of Urban Areas Act 1975 and Rules 1976 under section 24/Rule 16(2) allows completion of services being granted on prescribed LC-IX and grant of Occupation Certificate for Build Up areas on prescribed BR-VII under Code 4.10 (2) (4) and (5) provisos of Haryana Building Code 2017, which have been granted in the matter of "BMG Elegant Heights".

Further, the Haryana Development Act and Rules under Rule 16 stipulate payment of infrastructure Augmentation Charges (IAC) at rates specified in case of profit-margin exceeds 15% and as per condition imposed in the bilateral agreement (LC-IVB) at the time of grant of license. In view of BMG Aspire and BMG City Centre not having achieved the stage of Occupancy and classified as ongoing project, thus the profit-margin of license no. 35 of 2009 is not ascertainable at the current stage and thus the application rate of IAC cannot achieve finality and the Act/Rules do not proviso any part completion of a license thus the review of decision of the Hon'ble Authority of their Interim order if hereby requested.

- iii. Regarding point no. 6 (iii): The promoter states that subsequent to grant of occupation certificate the developer have executed the Deed of Declaration under the Haryana Apartment Ownership Act 1983 and in provisos of the Deed registered have nominated the RWA named "Resident Welfare Association BMG Elegant Heights" having 278 members (all owners and resident) duly registered with District Registrar, Firms & Societies, Rewari on 15.03.2022.
- iv. A small group of members registered another society in the name of 'Elegant Heights Resident Welfare Association' with District Registrar on 03.03.2022. Adjudication is pending with State Registrar regarding registration of the said association, therefore, RWA elections cannot be held for now.
- v. The developer submits that they are maintaining the GH/Condominium complex in compliance of terms and conditions of license no. 35 of 2009 for the period of 5 years from the date of grant of Occupation Certificate on 26.03.2021.
- vi. The promoter states that EDC amounting to Rs. 4,819.19 lacs and IDC amounting Rs. 460.85 lacs have been deposited with DTCP Haryana.
- vii. The deed of declaration executed vide s.no. 1868 dated 23.07.2021 and till date 385 conveyance deeds executed out of 408 flats sold till date (386 flats sold till Q4/2022 whereby 437 flats were booked and 51 flat cancellations during intervening period) against the total 420 flats.
- viii. All EWS flats have also been handed over to the allottees as per the draw and 75 conveyance deeds of EWS flats stand executed.



- ix. A total of 9 shops stands sold and 7 nos. conveyance till date out of 10 shops.
x. The project is complete in all respect with 390 families residing in the "Elegant Heights" condominium complex as of date.

7. On 01.05.2024, Authority decided that promoter should submit completion certificate of pocket measuring 9.943 acres. Promoter should also clarify that "no more construction is to be undertaken" and also submit a certificate from RWA that project is complete in all respects. Authority did not agree to the request of 'discontinuation of RERA registration' as there is no such provision in RERA Act, 2016. No reply received.
8. Mr. Manoj Kapoor submitted that all flats have been sold and OC has been issued which contains that project will be maintained by promoter for five years.
9. Authority decided that promoter should file reply to the observations of Authority dated 01.05.2024.
10. Adjourned to 09.10.2024.



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14/8/24

True copy

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Executive Director,
HRERA, Panchkula

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

LA (Monika)