



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 23.10.2024.

Item No. 267.10

Request for Change of Developer of Project.

Promoter: "Mrishi Marendey India Ltd" to Sun and Sand Realinfra Private Limited.

Project: "Mrishi Marcndey Enclave", a Residential Plotted Colony on area measuring 43.129 acres falling in the revenue estate of village Rattangarh and Jhambra, Sector-5 & 6, Shahbad, Kurukshetra, Haryana.

Reg. No.: HRERA-PKL-KRK-337-2022 dated 22.08.2022 valid upto 30.06.2027.

Present: Mr. Manoj Kapoor, AR and Ms. Sangeeta.

1. Vide letter dated 24.06.2023, the promoter has requested the Authority to change the Developer in the Registration Certificate No. HRERA-PKL-KRK-337-2022 dated 22.08.2022 in the name of M/s Sun and Sand Real infra Private Limited from M/s Samsung Overseas Limited (now known as Mrishi Marcndey India Limited). The request was examined and vide letter dated 10.07.2024, the promoter was directed to mark 2.908 acres which is still in the ownership of M/s Samsung Overseas Limited and 2.18 acres transferred to the Government on the last approved layout plan.

2. Thereafter, vide letter dated 12.07.2024, the promoter has submitted the summary of the area:

Licensed area-43.12 acres

Handed over to Govt. of Haryana 2.18 acres

Plots conveyed to allottees-2.90 acres

Net area of land transferred to Sun & Sand Real Infra Pvt Ltd-38.040 acres.

The promoter had also marked the areas on the layout plan.



3. The above matter was heard by the Authority in its meeting held on 24.07.2024 wherein the Authority had decided that consent of all allottees of M/s Samsung Overseas Ltd. be submitted. Authority observed that the matter requires detail deliberation with the representatives of Town & Country Planning Departments. Office was directed to fix a meeting with representatives of Town & Country Planning Department in next 10-15 days.

4. In view of the above, vide letter dated 09.09.2024, DTCP, Haryana was requested to depute a senior officer well versed with the facts of the case to this office and Sh. Raman, ATP had attended the office on 10.09.2024 and briefed the matter to Hon'ble member Nadim Akhtar and Ld. CTP.

5. Further, the promoter vide replies dated 19.09.2024 and 24.09.2024 has submitted the consent from 48 allottees in which they have consented that they have no objection for change of developer from Mrishi Marcndey India Limited to Sun and Sand Realinfra Pvt. Ltd.

6. The promoter vide another letter dated 19.09.2024 has submitted the 'Form REP - I Part A' duly filled in the name of new developer along with the details of Directors enclosing the supportive documents for perusal, record and being uploaded at the back end. He further submitted that there is no change in the earlier submitted REP-I Part A to H at the time of grant of Registration Certificate by the Hon'ble Authority.

7. The details of change of signatory in the Escrow Account in REP-I Part D shall be furnished once the Hon'ble Authority accords the permission for Change of Developer as the same is required by the Punjab National Bank Branch, Panipat prior to amending the account name and operation signatories. Therefore, they requested for approving the Change of Developer of this project.

8. On 09.10.2024, Authority directed to re-list the matter on 16.10.2024 and Sh. Manoj Kapoor was directed to file reply on the following issues:

- i. Both Mrishi Marcndey and Sun and Sand Realinfra should submit a joint affidavit that Sun and Sand shall be responsible for the provision and maintenance of Infrastructural services in the entire area till such services are handed over to the Municipal body/ Govt;



ii. Sun and Sand Realinfra should submit a complete REP-I (A to H) Form duly signed by its authorized signatory so that it would be uploaded along with the corrigendum, in which they should submit as under: -

a. Authority desiring a Joint Undertaking being given by Samsung Overseas Ltd. (now known as Mrishi Marcndey India Ltd), namely, Old Developer & Sun and Sand Realinfra Private Limited, namely, New Developer for maintaining the services for the 48 plots sold to the allottees and duly conveyed in our considered opinion is not required as the Collaboration Agreement registered by and between both the entities vide S. No. 293 dated 06.05.2024 at Clause (xii) read with Clause (3) clearly incorporates Sun and Sand Realinfra Private Limited, namely the New Developer solely maintaining the services as reproduced hereunder-

“The Parties, hereby, undertakes and agrees, upon execution of the present Agreement, no rights and ownership of any of the 48 allottee(s), prior to execution of this Agreement will be affected or relinquished or transferred to any third party. The present execution is only for the purpose of compliance of order of the DTCP Haryana and via present transaction, only the symbolic ownership of the land is being transferred to Sun and Sand Realinfra Limited, to further accommodate the allottees for the purpose of provided / to be provided ancillary services attached to the project and its maintenance thereof”

b. Sun and Sand Realinfra Limited, hereto, confirms and agree that, obtaining part completion/completion, maintenance, marketing, and sale of balance plots will be the sole prerogative of SSRI, and MMit shall under no circumstances be made liable of any default or non-compliance on sold project with any Sellers under any Act or rules

Apart from this all the 48 allottees in their consent letters submitted to the Hon'ble Authority on 19.09.2024 and 24.09.2024 clearly incorporates their consent recognising the New Developer being responsible for the maintenance of services which is reproduced for reference as under-

We also wish to inform you that after the change being approved by HRERA Panchkula, M/s Sun and Sand Realinfra Private Limited will be responsible for the ongoing development and maintenance of the colony.

Thus, in view of the above submission, we in our considered opinion submit that Sun and Sand Realinfra Private Limited, the New Developer are solely responsible for maintenance of the entire services, be it pertaining to 48 plots sold



by SOL(MMIL) or for new plots to be sold duly accepted by all the 48 allottees in their consent letters.

9. They have attached the fresh Form REP-I Part A to H duly filled and signed by Sun and Sand Realinfra Private Limited submitted for being uploaded at back end after approval of Change of Developer in the subject RERA Registration Certificate by the Hon'ble Authority.

10. The details of escrow account numbers opened with Yes Bank Ltd., Plot No. 11/48, Shopping Centre, Diplomatic Enclave, Malcha Marg, Chanakyapuri, New Delhi-110021 (IFSC: YESB0000003) are-

Master Collection Account No.: 000372500000097

RERA Collection Account No.: 000372400000197

11. After consideration, Authority allowed change of developer from M/s Mrishi Marcendey India Ltd. to M/s Sun and Sand Realinfra Pvt. Ltd. in RC No. HRERA-PKL-KRK-337-2022 dated 22.08.2022 as well as change of bank accounts in Yes Bank, Chanakyapuri, New Delhi. Corrigendum be issued. Promoter will get public notice issued in two leading newspapers regarding change of promoter/ developer and bank accounts under intimation to Authority.

12. Adjourned to 18.12.2024.



Received on 14/11/2024.
Part
14/11/24
14/11/24.

True copy

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 Tushar

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