NON- COMPLIANCE OF CONDITIONS OF REGISTRATION CERTIFICATE HEARING BRIEF

S.No.	Particular	Details
1.	Registration certificate no.	720/452/2023/64
2.	Date of Registration	23.05.2023
3.	Date of expiry of validity of registration	16.04.2028
4.	Name of promoter	JMS Infrabuild Pvt. Ltd.
5.	Name of project	Mega City
6.	Area of project	15.06875 Acres
7.	Nature of project	Affordable Residential Plotted Colony under DDJAY
8.	Location of project	Sector 05, Sohna, Gurugram
9.	Suo-motu complaint no.	RERA-GRG-3872-2023
10.	Status of compliance done by the promoter	

Conditions	Compliance due date	Date of approval obtained on	Whether compliance done within time frame
The promoter shall submit the approved service plans & estimates in the Authority within three months.	23.08.2023	-	Not submitted

11.	Details of refundable security submitted by the promoter			
	Name of the bank	No. And date refundable security	Amount	Submitted for
	ICICI Bank	Cheque no. 000922 dated 23.05.2023	25 lacs	Service plans and estimates

12.	File status	Date
	Show cause notice sent on	21.08.2023
	First reply received on	15.09.2023
	First hearing on	22.09.2023
	Second hearing on	27.10.2023 (adjourned)
	Second reply received on	02.11.2023
	Third hearing on	10.11.2023 (adjourned)
	Fourth hearing on	07.12.2023 (adjourned)

	Fifth hearing on	15.12.2023
	Third reply received on	10.01.2024

13. Case history

Whereas an application for registration of the above real estate project under section 4 of the Real Estate (Regulation and Development) Act, 2016 was submitted to the Authority by **JMS Infrabuild Pvt. Ltd.** and after due consideration, the said real estate project was conditionally registered with the Haryana Real Estate Regulatory Authority Gurugram. Since the promoter failed to comply with the conditions mentioned in the registration certificate within the prescribed time, the Authority issued a show- cause notice dated 21.08.2023 as to why the registration certificate shall not be revoked and penal proceedings shall not be initiated against the promoter and an opportunity of hearing was offered on 22.09.2023.

The promoter submitted a reply dated 15.09.2023 which has been scrutinized and it is found that the DTCP vide memo no. LC-4834/JE(DS)/2023/23321 dated 17.07.2023 has demanded a BG of 268.26 lacs on account of IDW. The promoter states that the approval is in final stage at DTCP and requests 60 days' time to submit the final approval in the Authority.

Proceedings dated 22.09.2023

Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.

Sh. Vipul Kumar Dahiya (AR) is present on behalf of the promoter.

The AR of the promoter seeks 60 days' time to submit the compliance of the conditions imposed. One opportunity of thirty days is granted for submitting the above compliance subject to the final decision of the Authority regarding delay in submission of compliance in terms of the registration certificate. Matter to come up on 27.10.2023 for further proceedings.

On 27.10.2023, the matter was adjourned to 10.11.2023.

Meanwhile, on 02.11.2023, the promoter requested six months' time to submit the approval stating that DTCP has not till date provided the information pertaining to road level, sewer systems and water supply lines. In this regard, a letter dated 07.12.2023 has been issued to DTCP to provide confirmation of the fact submitted by the promoter.

On 10.11.2023, the matter was adjourned to 07.12.2023. On 07.12.2023, the matter was further adjourned 15.12.2023.

Proceedings dated 15.12.2023

Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.

Sh. Vipul Kumar Dahiya (AR) is present on behalf of the promoter.

It is noted that the BG of Rs. 188.39 lacs has been sought by the DTCP on account of internal development works for the approval of service plans and estimates vide DTCP memo no. LC-4834/JE(DS)/2023/23321 dated 17.07.2023, a copy of which is placed in file. However, the promoter has submitted in its reply dated 02.11.2023 that DTCP had not provided them the information pertaining to road levels, sewer systems and water supply lines to enable them to align the services with the current status of these components.

A letter dated 07.12.2023 seeking confirmation of this fact submitted by the promoter has been written to DTCP by this Authority and the reply is still awaited.

The promoter is directed to clarify the status of the approval of service plans and estimates from DTCP within one week. If the facts submitted by the promoter are found to be false, the promoter shall be liable to punitive actions against him. The matter to come up on 12.01.2024.

The promoter has submitted an undertaking in the Authority on 10.01.2024 to deposit the bank guarantee mentioned in DTCP memo dated 17.07.2023 within a period of one month to the DTCP for approval of service plans and estimates.

Further, the promoter has requested the Authority to grant time of one month and requests no action to be taken against the promoter till then.

(Ar. Neeraj Gautam)
Associate Architectural Executive

Day and date of hearing	Friday and 12.01.2024
Proceedings recorded by	Ram Niwas

Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.

Sh. Vipul Kumar Dahiya (AR) is present on behalf of the promoter.

The AR of the promoter states that the promoter will deposit the bank guarantee mentioned in DTCP memo dated 17.07.2023 within a period of one month to the DTCP for approval of service plans and estimates and an undertaking to this effect has also been submitted in the Authority. The AR of the promoter requests for one month time to submit the compliance in the Authority.

One final opportunity is granted to the promoter for submitting the above compliance subject to the final decision of the Authority regarding delay in submission of compliance in terms of the registration certificate.

The matter to come up on 16.02.2024.

(Ashok Sangwan)
Member, HARERA, Gurugram