



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Registration No.	GGM/748/480/2023/92 dated 09.10.2023
Name of promoter	M/s Yashvi Homes Pvt. Ltd.
Name of project	Golden Gate Residency
Location of project	Sector 03, Farukhnagar, Gurugram
Suo- motu complaint No.	RERA-GRG-399-2024

ORDER

1. 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 M/s Yashvi Homes Pvt. Ltd. and after due consideration, the said real estate project was registered with the Haryana Real Estate Regulatory Authority Gururam with the following details:

S. No.	Particulars	Details
1.	Registration No.	GGM/748/480/2023/92
2.	Date of Registration	09.10.2023
3.	Date of expiry of validity of registration	31.07.2028
4.	Name of promoter	M/s Yashvi Homes Pvt. Ltd.
5.	Name of project	Golden Gate Residency
6.	Area of project	12.2875 acres
7.	Nature of project	Affordable Residential Plotted Colony under DDJAY
8.	Location of project	Sector 03, Farukhnagar, Gurugram

2. Thereafter, it had come to the knowledge of the Authority that a full-page advertisement was published in the newspaper "Gurgaon Times" edition dated 07.01.2024 referring to the registration no. GGM/748/480/2023/92 wherein certain irregularities were observed.
3. As per the provisions of Section 11(2) of the RERA Act, 2016 the advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have



Project	Golden Gate Residency
Promoter	M/s Yashvi Homes Pvt. Ltd.

been entered and include the registration number obtained from the Authority and such other matters incidental thereto.

Further, as per the provisions of Section 13(1) of the RERA Act 2016, that no promotor shall accept a sum more than ten percent of the cost of the apartment, plot, or building as the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale with such person and register the said agreement for sale, under any law for the time being in force.

4. Following irregularities are observed in the advertisement:

- (i) There is no such policy as Deen Dayal Awas Yojana 2024. (The policy is known as "Deen Dayal Jan Awas Yojana", 2016)
- (ii) The details of registration no. and website address of the Authority, wherein all details of the registered project have been entered, is not mentioned prominently in the advertisement.
- (iii) The amenities promised in the advertisement are not as per the sanctioned layout plan of the project. The details of amenities offered is as below:

S. No.	Particular	Detail as per sanctioned layout plan	Detail as per advertisement
1.	Green area	0.9253 acres	4.0 acres
2.	School	As per Deen Dayal Jan Awas Yojna - Affordable Plotted Housing Policy 2016 colonizer will transfer 10% area of the licenced colony free of cost to the Government for provision of community facilities.	Claims the provision of these amenities in the project.
3.	Club House		
4.	Swimming pool		
5.	Badminton court + half basket ball court		

While there is no provision for amenities like school, club house, swimming pool, badminton court, half basketball court etc. in the approved layout plan submitted by the promoter at the time of registration, the same has been mentioned in the advertisement.

- (iv) The payment plan published mentions the 30% amount to be submitted within 30 days. However, section 13 of the Act of 2016 mandates that a promoter shall not accept a sum of more than ten percent of the cost of apartment, plot, or building a the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale with such person and register the said agreement for sale, under any law for the time being in force.
- (v) The image of the site used in the advertisement is deceiving as the same does not seem to be in accordance with the sanctioned layout plan.

5. It was observed that despite of mandatory provisions provided under section 11(2) and 13(1) of the Act, 2016, the promoter had failed to describe the details in

Project	Golden Gate Residency
Promoter	M/s Yashvi Homes Pvt. Ltd.

a proper manner in the advertisement which is punishable under section 61 of the Real Estate (Regulation and Development) Act, 2016, which provides as under-

“61. Penalty for contravention of other provisions of this Act-

If any promoter contravenes any other provisions of this Act, other than that provided under section 3 or section 4, or the rules or regulations made thereunder, he shall be liable to a penalty which may extend up to five per cent of the estimated cost of the real estate project as determined by the Authority.”

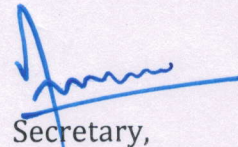
6. Accordingly, the Authority issued a show cause notice dated 30.01.2024 to the promoter as to why penal action shall not be taken against them under section 61 of the Act of 2016 for misleading advertisement and misrepresentation of amenities in the advertisement and an opportunity of hearing was granted on 12.02.2024.
7. In the hearing dated 12.02.2024, the Authority was of the view that the promoter had issued misleading advertisement in the newspaper and decided to impose a penalty of Rs. 25 lakhs on the promoter. The proceeding of the hearing dated 12.02.2024 is re-iterated below:

Sh. Mohd. Anees, Supervisor is present on behalf of the promoter. No authorization letter has been submitted. No reply has been submitted to the show cause notice issued to the promoter for issuing mis leading advertisement in the newspaper.

AR of the promoter states that the promoter has not issued any such advertisement. He further undertakes to enquire into and register FIR against the person/ entity which has issued the advertisement and also issue a disclaimer in the newspaper with respect to the same.

The authority has considered the matter and is of the view that the promoter has issued misleading advertisement in the newspaper. In view of the above, the authority hereby imposes a penalty amounting to Rs. 25 lakhs on the promoter. Detailed order in this regard shall follow.

8. Keeping in view the above, the promoter, M/s Yashvi Homes Pvt. Ltd., is hereby directed to deposit the penalty amounting to Rs. 25 lakhs in the Authority within a period of one week.



Secretary,

For and on behalf of: Haryana Real estate
Regulatory Authority, Gurugram

Haryana Real Estate Regulatory Authority, Gurugram

Dated: 02.04.2024