NON- COMPLIANCE OF CONDITIONS OF REGISTRATION CERTIFICATE HEARING BRIEF				
S. No.	**Particular**	**Details**		
1.	**Registration certificate no.**	677/409/2023/21		
2.	**Date of Registration**	30.01.2023		
3.	**Date of expiry of validity of registration**	14.11.2027		
4.	**Name of promoter**	M/s Desi Construction Pvt. Ltd.		
5.	**Name of project**	Tathastu II		
6.	**Area of project**	8.9750 acres		
7.	**Nature of project**	Affordable Group Housing		
8.	**Location of project**	Sector- 5, Sohna, Gurugram		
9.	**Suo-motu complaint no.**	RERA-GRG-3826-2023		
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 environmental clearance within 6 months.	30.07.2023	09.02.2023	Within time
	The promoter shall submit the fire scheme approval within 3 months.	30.04.2023	25.05.2023	Delay of 25 days
	The promoter shall submit the approved service plan and estimates within 3 months.	30.04.2023	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	DD no. 514205 dated 18.01.2023	25 lacs	Fire scheme
	ICICI Bank	DD no. 514207 dated 18.01.2023	25 lacs	Service plans and estimates

12.	**File status**	**Date**
	Show cause notice sent on	21.08.2023
	First reply received on	04.09.2023
	First hearing on	21.09.2023
	Second reply received on	18.10.2023
	Second hearing on	26.10.2023
	Third hearing on	28.12.2023 (Adjourned)
	Fourth hearing on	29.12.2023
	Fifth hearing on	02.02.2024
	Sixth hearing on	12.02.2024

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 **M/s Desi Construction 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 21.09.2023. The promoter submitted the reply dated 04.09.2023 and 18.09.2023 in the Authority which have been scrutinized and status of compliance is as listed above at S. No. 10.

Proceedings dated 21.09.2023

Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case. Ms. Priyanka Aggarwal, Advocate is present on behalf of the promoter.

The AR of the promoter seeks one month time to submit the compliance of the conditions imposed.

One opportunity 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. The matter to come up on 26.10.2023.

Further, in its reply dated 18.10.2023, the promoter states that they are working on

approval of service estimates and have made a representation to DTCP for providing information pertaining to road levels, sewer systems and water supply lines to enable them to align the service plans and estimates with the current status of vital components. The promoter further requests six months' time to get the approval of service plans and estimates.

Proceedings dated 26.10.2023

Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.
Sh. Ashwani Kumar (AR) is present on behalf of the promoter. The AR of the promoter states that in sector 05 of Sohna, all the promoters are facing an issue in the approval of service plan and estimates. The promoter has submitted a representation to DTCP for providing information pertaining to road levels, sewer systems and water supply lines to enable them to align the service plans and estimates with the current status of vital components. The promoter further requests six months' time to get the approval of service plans and estimates.
One opportunity 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.
The matter to come up on 23.11.2023 for further proceedings.

Proceedings dated 23.11.2023

Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.
Sh. Ashwani Kumar (AR) is present on behalf of the promoter.
The AR of the promoter states that they have submitted another application before DTCP for providing information pertaining to road levels, sewer systems and water supply lines to enable them to align the service plans and estimates with the current status of vital components so that the service plans and estimates may be submitted before the DTCP for approval and a copy of same has been submitted in the Authority today.
The concerned executive of the Authority is directed to send a letter to the DTCP seeking confirmation of the fact submitted by the promoter regarding delay in approval being faced on account of non- availability of information required from DTCP.
The promoter is directed to submit 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 28.12.2023. On 28.12.2023, the matter was adjourned to 29.12.2023.
In this regard, a letter dated 07.12.2023 has been issued to DTCP to provide confirmation of the fact submitted by the promoter. No reply from DTCP has been received in the

Authority yet.

Proceedings dated 29.12.2023

Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.
Sh. Ashwani Kumar (AR) is present on behalf of the promoter.
The AR of the promoter states that they are pursuing the matter regarding service plans and estimates with the DTCP. DTCP has till date not provided information pertaining to road levels, sewer systems and water supply lines to enable them to align the service plans and estimates with the current status of vital components so that the service plans and estimates may be submitted before the DTCP for approval. It is expected that the levels for aligning the services in the project site will be made available by the last week of January.
However, in a similar case of the project "Mega City" located at sector 05, Sohna, it is noted that the DTCP has sought bank guarantee from the promoter in the process of approval of service plans and estimates.
The Authority has sought confirmation of this fact submitted by the promoter through letter dated 07.12.2023 and no reply from DTCP has been received yet. A reminder in this regard be issued to the DTCP.
The matter to come up on 02.02.2024.

The promoter has submitted a reply dated 23.01.2024 in the Authority along with the copy of reply received from HSVP Gurugram with reference to their application dated 18.01.2024 (copy of which is not annexed in the reply) wherein HSVP intimates that the land for Master roads, water supply & sewerage, for master plan of 2031 AD for Urban Estate Sohna has yet not been acquired and master services of water supply & sewerage scheme will be planned after acquisition of land accordingly. After approval and execution of water supply & sewerage scheme, the water supply and sewerage connection will be sanctioned.

Further, the Authority decided in its meeting dated 01.01.2024 that the compliances by the promoters must be made without fail within the timeline of conditional registration failing which the BG/ security be forfeited and further action be initiated as per the provisions of the Act of 2016.

Proceedings dated 02.02.2024

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

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

The Authority notes that the letter dated 19.01.2024 from XEN HSVP Devision VI Gurugram pertains to non-availability of sewerage, water and road in sector 05, Sohna is

in the form of no objection and the last line states as under

"Therefore, this office has no objection if the agency arranges water from other source".

The reply of the promoter for non-submission of building plans and estimates is unsatisfactory especially in view of the fact that another similarly situated project in Sohna sector 05 by the name of "Mega City" has submitted the proposal for approval of service plans and estimates to DTCP and has placed on record letter dated 17.07.2023 in which bank guarantee has been demanded by DTCP Haryana for grant of approval of the service plans and estimates. The text of the letter dated 17.07.2023 reads as under

"The service plan estimates of the above said colony have been checked and corrected where ever necessary by chief engineer- I, HSVP Panchkula and as per intimated cost by their office, you are required to furnish the bank guarantee amounting to Rs. 268.26 lacs on account of IDW against which you have already furnished the bank guarantee Rs. 79.87 lacs. Therefore, you are requested to furnish an additional bank guarantee amounting to Rs. 188.39 lacs on account of internal development work within 15 days, so that service plan estimates could be approved."

The promoter has failed to submit the approval of service plans and estimates within the specified timeline of three months as per conditions of the registration certificate dated 30.01.2023. However, in the peculiar circumstances of the case, the matter may be placed before Authority on 12.02.2024. Meanwhile, the promoter is directed not to create any further third-party rights in the project.

Matter to come up on 12.02.2024 before the Authority for further proceedings.

Proceedings dated 12.02.2024

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

Sh. Ashok Kumar, Sh. Ashwani Kumar are present on behalf of the promoter.

The Chairman of the promoter states that the 37% of the consideration money from the allottees have been received as per schedule of payment and amount spent at site in completion of the building and development works are more than the amount received. Further the promoter is submitting the BG on tentative estimate basis for release of the approved service plans within six weeks.

The QPRs are being submitted which be examined by the planning branch. Matter to come up on 08.04.2024 for further proceedings.

Accordingly, the QPR of the project has been examined by the concerned and it is observed that as per the QPR for the quarter ending December 2023 submitted by the promoter, CA certified the percentage of completion of work is 25.50 %.
Further, as per the CA certificate, the amount paid till the end of quarter towards land and construction cost vis- a- vis the total estimated cost is 25.54%. The amount withdrawn by the promoter is 81.29 lacs against the permissible withdrawal i.e., 86.85 lacs.

Further, the promoter vide its reply dated 28.03.2024 informed the Authority that they have submitted a bank guarantee of Rs. 2.56 cr to DGTCP for approval of service plans and estimates.

(Ar. Neeraj Gautam)
Associate Architectural Executive

Day and date of hearing	Monday and 08.04.2024
Proceedings recorded by	Ram Niwas

Proceedings dated 12.02.2024

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

Sh. Ashok Kumar, Sh. Ashwani Kumar are present on behalf of the promoter. Since the promoter has submitted the fire scheme approval with a delay of 25 days and approval of service plans and estimates is yet to be submitted, the security amount submitted by the promoter on account of timely submission of approval of fire scheme and service plan & estimates is hereby forfeited.

The matter will be reviewed after three months on 08.07.2024.

(Sanjeev Kumar Arora)
Member, HARERA

(Ashok Sangwan)
Member, HARERA

(Vijay Kumar Goyal)
Member, HARERA

(Arun Kumar)
Chairman, HARERA