

HARYANA REAL ESTATE REGULATORY AUTHORITY GURUGRAM

हरियाणा भूसंपदा विनियामक प्राधिकरण गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह सिविल लाईंस गुरुग्राम, हरियाणा

	SUO-MOT	U HEARING BRIEF
S. No.	Particular	Details
1,	Registration certificate no.	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	12.2875Acres
7.	Nature of project	Affordable Residential Plotted Colony under DDJAY
8.	Location of project	Sector- 3, Farukhnagar, Gurugram
9.	Suo-motu complaint no.	RERA-GRG-399-2024
10.	File status	Date
	Show cause notice sent on	30.01.2024
	First reply received on	
	First hearing on	12.02.2024
11.	Case History	

No.

Refistric

It had come to the notice of the Authority that an advertisement had been published in the newspaper "Gurgaon Times" edition dated 07.01.2024 referring to the registration no. GGM/748/480/2023/92.

As per the record of the Authority, the real estate project as detailed below was registered with the Haryana Real Estate Regulatory Authority, Gurugram

S. No.	Particulars	Details
1 1	Registration No.	GGM/748/480/2023/92 dated 09.10.2023
1 12 CA 1	Expiry of registration	31.07.2028
3 ° !	Name of promoter	M/s Yashvi Homes Pvt. Ltd.
1114 nem		Golden Gate Residency
51.50	Area of project	12.2875 acres
	Nature of project	Affordable Residential Plotted Colony under DDJAY
77 (3	Location of project	Sector 03, Farukhnagar, Gurugram

Email: hareragurugram@gmail.com, reragurugram@gmail.com, Website: www.harera.in An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016 Act No. 16 of 2016 Passed by the Parliament भू.संपदा (विनियमन और विकास) अधिनियम, 2016की धारा 20के अर्तगत गठित प्राधिकरण भारत की संसद द्वारा पारित 2016का अधिनियम संख्यांक 16

Suo- motu complain no. RERA-GRG-399-2024



8	Number of units	253 residential plots + 1 commercial block
9	Total saleable area	30288.80 sqm

As per the provisions of **Section 11(2) of the 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 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 Act 2016**, 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.

Following irregularities are observed in the advertisement:

- 1. There is no such policy as Deen Dayal Awas Yojana 2024. (The policy is known as "Deen Dayal Jan Awas Yojana", 2016)
- 2. 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.
- 3. 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	Yojna - Affordable Plotted of these amenit	Claims the provision
3.	Club House		of these amenities in the project.
4.	Swimming pool		
5.	Badminton court + half basket ball court		non an

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.

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 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.

The image of the site used in the advertisement is deceiving as the same does not seem to be in

Email: hareragurugram@gmail.com, reragurugram@gmail.com, Website: www.harera.in

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016 Act No. 16 of 2016 Passed by the Parliament भू-संपदा (विनियमन और विकास) अधिनियम, 2016की धारा 20के अर्तगत गठित प्राधिकरण भारत की संसद द्वारा पारित 2016का अधिनियम संख्यांक 16 Suo- motu complain no. RER.

accordance with the sanctioned layout plan.

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

Accordingly, a show cause notice dated 30.01.2024 was issued to the promoter as to why a penalty under section 61 of the act of 2016 may not be imposed for misleading advertisement and mis representation of amenities in the advertisement with an opportunity of hearing on 12.02.2024.

No reply w.r.t notice dated 30.01.2024 has been received in the Authority yet.

(Ar. Neeraj Gautam) Associate Architectural Executive

Day and date of hearing	Monday and 12.02.2024	
Proceedings recorded by	Ram Niwas	

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

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 lakh on the promoter. Detailed order in this regard shall follow.

(Sanjeev Kumar Arora) (Ashok Sangwan) (Vijay Kumar Goyal) Member, HARERA Member, HARERA Member, HARERA (Arun Kumar) **Chairman, HARERA**

Email: hareragurugram@gmail.com, reragurugram@gmail.com, Website: www.harera.in

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016 Act No. 16 of 2016 Passed by the Parliament भू-संपदा (विनियमन और विकास) अधिनियम, 2016की धारा 20के अर्तगत गठित प्राधिकरण भारत की संसद द्वारा पारित 2016का अधिनियम संख्यांक 16 19

the they all period on the same to the second of the

n has been observed and dasoffe of bipedatory pils, a tax provider main a klow (1.2) or (2(1) of the Act, 2016, the plothener billed badeshift is the details in a plother mander as 2, divertisations, which is pendicially under a scheduler (1.2) is the details of the file of the scheduler as 2, development) act, 2016, which provides is (no-

D17 Top 10 Ku sistema and a floaten inclusion and Appress 2 floaten

n any provinser contractions any generation of an interview of the interview of the province of the section of the track of the section of the track of the section of the track of the section of the se

Accordinging a show exose ne loc dated 3000 (2024) vias benefit to the productor as to who a provide product of the art of 2016 may not be introved 5, and inducts eductorement and mis representation of an articles follow advectory or web all opportunated of the lag of the 12.02 2024

ny perindra amin'ny tanàna dia 1910. Ilay kaominina mpikambana amin'ny tanàna dia mampiasa dia 1914.

Day and date of hearing

recordings recorded by

Shi Mond Anses, Supervisor is present on behalf of the promoted the contexts friendation in the ended of protect No reply his been submitted to the show taxee oblice issues by the protecter to instead to electronic identicement in the newspaper.

NR of the promitter states that the promiter has not usue don't such alter their one. He fourful reductions of enquire into and register MR against the occane/entity vehicle has battered the a to be beintest and To a corre field and right the netwayapor with respect to the autor.

The authority has orgadered for matter and is of it is view thit the premoter has issuelt a start of advertisement in the newspaper; in view of the above the author view or by increase in accellance when it is Radio lash on the promoter. Detailed under in relevant shall follow.

and the same distant of the second second

An Abdoning non-Minarda under aberdin für brid besch Fakter (Pilgoli-ben wolf. Debere sen met "12 2 An Abdoning non-Minarda under 10 nd 2000 Prassion die 120 Paris entrop af stogethektione alle diging alfolikan, an akat setter alle artheres.