

SUO-MOTU 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	12.2875 Acres																								
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 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																									
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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	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.

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

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)
Member, HARERA

(Ashok Sangwan)
Member, HARERA

(Vijay Kumar Goyal)
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, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

