NON- COMPLIANCE OF CONDITIONS OF REGISTRATION CERTIFICATE HEARING BRIEF

S. No.	Particular	Details
1.	Registration certificate no.	512/244/2021/80
2.	Date of Registration	16.11.2021
3.	Date of expiry of validity of registration	24.08.2024
4.	Name of promoter	M/s DLF Home Developers Pvt. Ltd.
5.	Name of project	Gardencity Central
6.	Area of project	8.0396 Acres
7.	Nature of project	Commercial Plotted Colony
8.	Location of project	Sector-84, Gurugram
9.	Suo-motu complaint no.	RERA-GRG-4409-2022

10. Status of compliance done by the promoter

Conditions	Compliance due date	Date of approval obtained on	Whether compliance done within time frame
Approved architectural control sheet within 2 months	15.01.2022	21.02.2022	Delay of 37 days
Approved service plans & estimates	15.01.2022	09.12.2021	Within time.

11. Details of refundable security submitted by the promoter

Name of the bank	No. And date of refundable security	Amount	Submitted for
ICICI Bank	0007NDLG00205422 dated 15.02.2022	25 lacs	Approval of service plans & estimates; Approval of architectural control sheet

12.	File status	Date
	First show cause notice sent on	15.06.2022
	Second show cause notice sent on	14.06.2024
	First hearing on	01.07.2022
	Second hearing on	25.06.2024

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 DLF Home Developers 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 15.06.2022 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 01.07.2022.

No proceedings were recorded on 01.07.2022.

It is noted that the promoter has obtained the approved service plans and estimates within the stipulated time whereas the approval of architectural control sheet has been obtained with a delay of 37 days.

Accordingly, a show cause notice dated 14.06.2024 was issued to the promoter as to why the security amount submitted in lieu of the approved architectural control sheet shall not be forfeited.

In the reply dated 21.06.2024, the promoter states that they had applied for approval of architectural control sheet in the office of Director, Town & Country Planning on 15.11.2021 which was under consideration for final approval. Further, the promoter had applied for extension of time for submission of approved architectural control sheet in the Authority.

The promoter further states that the DTCP was considering/ preparing some guidelines/ SOP regarding approval of Architectural Control Sheet/ Standard Designs in respect of all such commercial plotted colonies and the same was notified on 31.01.2022. thereafter, the final approval for architectural control sheet was granted y the DTCP on

	21.02.2022 and the same was submitted in the Authority. The promoter requests the Authority to withdraw the show cause notice. **(Ar. Neeraj Gautam)** **Associate Architectural Executive**
Day and date of hearing	Tuesday and 25.06.2024

Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.
Sh. Anish Dham (AR) appeared on behalf of the promoter.
The AR of the promoter states that they had applied for approval of architectural control sheet in the office of Director, Town & Country Planning on 15.11.2021 which was under consideration for final approval. Further, the promoter had applied for extension of time for submission of approved architectural control sheet in the Authority.
The promoter further states that the DTCP was considering/ preparing some guidelines/ SOP regarding approval of Architectural Control Sheet/ Standard Designs in respect of all such commercial plotted colonies and the same was notified on 31.01.2022. thereafter, the final approval for architectural control sheet was granted by the DTCP on 21.02.2022 and the same was submitted in the Authority.
However, it is not disputed that the promoter was granted conditional registration at its own accord and depositing of security amount in the form of bank guarantee in lieu of submission of the requisite clearances within the time specified in the conditional registration. It was clearly mentioned in the registration certificate that these BGs shall be forfeited in case the conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.
The Authority decided to grant registration subject to deposit of BG of Rs. 25 lacs which shall be encashed in case approved architectural control sheet is not submitted within two months.
Keeping in view the above, the security amount is hereby forfeited. However, the AR of the promoter requests that a demand draft of the same amount may be accepted in lieu of the bank guarantee which may be returned. The same is approved. The bank guarantee may be returned on deposit of the demand draft amounting to Rs. 25 lakhs within a period of 15 days.

The matter is closed. The detailed order shall follow.

(Ashok Sangwan)
Member, HARERA, Gurugram