NON- COMPLIANCE OF CONDITIONS OF REGISTRATION CERTIFICATE HEARING BRIEF

S. No.	Particular	Details
1.	Registration certificate no.	710/442/2023/54
2.	Date of Registration	17.04.2023
3.	Date of expiry of validity registration	30.09.2026
4.	Name of promoter	M/s Diverse Developers LLP
5.	Name of project	ROF Insignia Park
6.	Area of project	0.928 Acres
7.	Nature of project	Residential Floors
8.	Location of project	Sector-93, Gurugram
9.	Suo-motu complaint no.	RERA-GRG-3867-2023

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 approved service plans & estimates within three months	17.07.2023	-	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	1651NDDG00047124 dated 02.11.2023	5 lacs	Service plans and estimates
ICICI Bank	1651NDDG00046924 dated 02.11.2023	10 lacs	
ICICI Bank	1651NDDG00047024 dated 02.11.2023	10 lacs	

12.	File status	Date
	Show cause notice sent on	21.08.2023
	First hearing on	22.09.2023

	Second hearing on	27.10.2023 (adjourned)
	First reply submitted on	03.11.2023
	Third hearing on	07.12.2023 (adjourned)
	Fourth hearing on	15.12.2023
	Fifth hearing on	19.01.2024 (adjourned)
	Sixth hearing on	02.02.2024 (adjourned)
	Second reply on	01.03.2024
	Seventh hearing on	22.03.2024
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 Diverse Developers LLP** 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 22.09.2023.

Proceedings dated 22.09.2023

Sh. Sanjeev Kumar (AR) is present on behalf of the promoter and states that the approval of service plans and estimates is pending at the level of DTCP and is likely to be issued soon. So far as the environmental clearance is concerned, their project does not fall under the category where EC is required, and the requisite instructions/notification will be submitted within one week.

The promoter has not complied with the conditions of registration and nor has he submitted the requisite BG on the basis of which the registration was issued. In view of the above, it is recommended that the registration of the project may be suspended, and the promoter be restrained from sale of any further inventory or creation of 3rd party rights in the project until compliance of the condition is made and/or BG is submitted. The matter to come up on 27.10.2023. On 27.10.2023, the matter was adjourned to 10.11.2023. On 10.11.2023, the matter was adjourned to 07.12.2023. On 07.12.2023, the matter was adjourned to 15.12.2023.

In the reply dated 03.11.2023, the promoter submitted the requisite security amount of Rs. 25 lacs in form of bank guarantees as mentioned above at S. No. 11 along with a

request to grant 3-4 months for getting approval of service plans and estimates which is pending at the level of DTCP.
The promoter further requested that the registration certificate of the project may be restored.

Proceedings dated 15.12.2023
Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.

Sh. Ashok Kumar (AR) and Sh. Sanjeev Kumar (AR) are present on behalf of the promoter. Since the promoter has submitted the requisite security amount in the form of the bank guarantees in the Authority, the order of suspension of the registration of the project shall be revoked. The case shall be reviewed after one month on 19.01.2024. On 19.01.2024, the matter was adjourned to 02.02.2024.

Accordingly, the order dated 02.01.2024 regarding revocation of suspension order of RC has been uploaded on the website.

Proceedings dated 02.02.2024
Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.

Ms. Alka Malik (AR) are present on behalf of the promoter and states that demand letter for deposit of bank guarantee amounting to Rs. 100.497 lacs has been received from DTCP on 30.11.2021 which is placed on record.
In view of the fact that 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 17.04.2023, the security deposited by the promoter in lieu of the timely submission of all the above approval is hereby forfeited. The promoter is further directed to submit the approval from the competent authority within a period of one month failing which legal consequences including but not restricted to freezing of bank accounts and restriction for creating any further third-party rights shall follow. Matter to come up on 01.03.2024. On 01.03.2024, the matter was adjourned to 22.03.2024.

Accordingly, the order dated 09.02.2024 for forfeiture of security amount has been uploaded on the website of the Authority.

The promoter, vide its application dated 01.03.2024, states that:

1. The service plans and estimates of the project were checked by the office of the Executive Engineer, HSVP, Division no. V, Gurugram vide its internal office letter dated 14.10.2021 and thereafter the same were approved by the said office and forwarded to the Chief Engineer I, HSVP, Panchkula vide its letter dated 18.10.2021.

Thereafter, the office of the Chief Engineer I, HSVP, Panchkula vide its letter dated 02.11.2021 checked the service plan estimates and forwarded the same to the Director, Town and Country Planning, Haryana for further necessary action. Although a bank guarantee of Rs. 49.658 lacs have already been deposited by the respondent to the office of Director, TCP, Haryana, yet an additional bank guarantee of Rs. 100.497 lacs has been demanded by DTCP vide its letter dated 30.11.2021 from the respondent to enable the approval of service plan estimates. The said bank guarantee as sought is unjustified and the respondent is already in the process of getting the said condition nullified.

2. The respondent was informed on 02.02.2024 by the officials of the Authority that the present matter was listed on 02.02.2024 itself. It was informed by this Authority in the proceedings conducted o 02.02.2024 that the various opportunities have been provided to the respondent on 03.11.2023 and 15.12.2023 and that in meeting dated 01.01.2024 of the Authority, it was decided that if promoter fails to comply with the timeline as per the registration certificate, the BG/security amount would be forfeited. That no hearing was conducted on 03.11.2023 and 15.12.2023 and no notice of hearing was received by the respondent for hearing dated 01.01.2024. Hence, after compliance of order dated 22.09.2023, the respondent was under impression that the condition imposed by this Authority was completed. The respondent was not aware of any order dated 01.01.2024. nor any such order has been uploaded on the website of the Authority. Hence, any action taken on the basis of the observation made on 01.01.2024 is liable to be recalled.
3. Despite receipt of substantial amount in form of the bank guarantee deposited by respondent to DTCP, the approval of service plan estimates is pending. There is no justified grounds for the DTCP to not approve the service plan estimates especially when the construction of the project in question has been completed by the respondent and respondent has already applied for completion certificate vide letter dated 15.02.2024.
4. There is no locus standi or ground at all to take any adverse action against the respondent, and if the same is allowed, it would cause unnecessary complications and loss to respondent without any fault on its part. If the order dated 02.02.2024 is not recalled by this Authority, it would cause unnecessary complications and loss to respondent.

The respondent prays that the order dated 02.02.2024 issued by this Authority be recalled. Further, no adverse order pertaining to the project in question be issued against the respondent in lieu of non- issuance of the approval of service plans and estimates by DTCP. Moreover, a direction be issued to DTCP to not demand any further bank guarantee from the respondent.

HARERA
GURUGRAM

Suo- motu complain no.	RERA-GRG-3867-2023

Proceedings dated 22.03.2024

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

Ms. Alka Malik (AR) along with advocate Garvit Gupta is present on behalf of the promoter.

The AR of the promoter states that the matter is being pursued at the level of the DTCP where certain complications have arisen.

In view of the continued non- compliance of the conditions of registration, the matter be placed before the Authority in its next meeting fixed for 01.04.2024.

Nikita

(Nikita)
Planning Executive

Day and date of hearing	Monday and 01.04.2024
Proceedings recorded by	Ram Niwas

Ms. Nikita (Planning Executive) briefed the facts of the case.

Ms. Alka Malik (Advocate) is present on behalf of the promoter.

The AR states that the services have been completed and an application for grant of CC also stand made to DTCP on 15.02.2024. The AR further, assures to submit the approved service plans and estimates within eight weeks.

The matter to come up on 10.06.2024.

(Sanjeev Kumar Arora)
Member, HARERA

(Ashok Sangwan)
Member, HARERA

V.I – 3

(Vijay Kumar Goyal)
Member, HARERA

(Arun Kumar)
Chairman, HARERA