NON- COMPLIANCE OF CONDITIONS OF REGISTRATION CERTIFICATE HEARING BRIEF

S. No.	Particular	Details
1.	Registration certificate no.	771/503/2023/115
2.	Date of Registration	11.12.2023
3.	Date of expiry of validity of registration	31.12.2025
4.	Name of promoter	M/s Celestial Estate Pvt. Ltd.
5.	Name of project	Iconic
6.	Area of project	3.409 Acres
7.	Nature of project	Commercial Colony
8.	Location of project	Sector-71, Gurugram
9.	Suo-motu complaint no.	RERA-GRG-3284-2024

10. Status of compliance done by the promoter

Conditions	Compliance due date	Date of approval obtained on	Whether compliance done within time frame
BIP permission/ Transfer of license/ COD as applicable within 3 months	11.03.2024	-	Not submitted
Fire scheme approval within 4 months	11.04.2024	15.05.2024	Delay of 34 days
Approved service plans and estimates within 6 months	11.06.2024	06.08.2024	Delay of 56 days

11. Details of refundable security submitted by the promoter

Name of the bank	No. And date of refundable security	Amount	Submitted for
-	-	-	-

Security amount is not submitted by the promoter.

12.

File status	Date
First show cause notice sent on	08.07.2024
First hearing on	08.08.2024

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 Celestial Estate Pvt. Ltd.** and after due consideration, the said real estate project was conditionally registered with the Haryana Real Estate Regulatory Authority Gurugram.

As per (G)(iii) of the registration certificate no. 115 of 2023 dated 11.12.2023, the promoter shall submit two BG/DD amounting to RS. 25 lakhs each as a security amount towards submission of Fire Scheme Approval and Approved Service Plans and Estimates, respectively. These DD/BG shall be forfeited in case the respective conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.

Since the promoter failed to deposit the requisite security amount and comply with the conditions mentioned in the registration certificate within the prescribed time, the Authority issued a show- cause notice dated 08.07.2024 for revocation of registration certificate with an opportunity of hearing on 08.08.2024.

Reply dated 07.08.2024: The promoter submits that;

1. The DGTCP in its order dated 20.06.2023 observed "that you shall deposit the Administrative charges on account of change in beneficial interest within 60 days of HRERA registration" and the promoter has submitted a sum of Rs. 2,89,76,500/- with DTCP on 25.04.2024 through RTGS. As per the discussion with DTCP, the condition of license renewal stands complied and no further action at the end of DTCP is required.
2. The application to fire department for approval of fire scheme was made on 27.02.2023. However, due to technical reasons, it was not processed, therefore, the promoter again applied for the same on 28.03.2024. the same was approved on 15.05.2024 and was submitted to the Authority on 17.05.2024.
3. The reply that the application for approval of service plans and estimates was made to HSVP which was approved and sent to DTCP on 27.03.2024. the copy of the same was submitted to the Authority on 08.05.2024. After various follow ups and delay due to change and its subsequent approval in SOP, the DTCP could only provide its approval on 06.08.2024 which is submitted in the Authority on 07.08.2024.

4. Corporate Insolvency Resolution Process was initiated by the Hon'ble NCLT against M/s Celestial Estate Pvt. Ltd. vide order dated 23.07.2019. to revive the company, M/s HS Oberoi Buildtech Pvt. Ltd. filed a resolution plan, which was approved by the Committee of Creditors on 16.11.2019, and thereafter confirmed/ approved by the Hon'ble NCLT New Delhi Bench III vide order dated 15.03.2021
5. The DTCP granted the renewal of the license on 20.06.2023, and soon thereafter, application was filed before this Hon'ble Authority, and the Hon'ble Authority was pleased to grant registration vide order dated 11.12.2023.
6. The conditions w.r.t obtaining the necessary certification/ approvals/ deposition of fees etc., as imposed by this authority has been complied with and necessary approvals has been obtained.
7. The company and its management have highest regard for the directions of this Hon'ble Authority, and the lapses pointed out in the notice under reply, as submitted herein above the same were neither intentional nor deliberate but occurred due to above mentioned reason, which were beyond the control of the company and its management for grant of all approvals and certification and has obtained the same.
8. The said conditions were imposed with a view that the necessary approvals are obtained for the benefit of the project and its 400+ allottees which has been complied with.

The promoter requests the Authority to condone the delay in complying with the conditions.

Proceedings dated 08.08.2024

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

Sh. Manveer Singh (AR) appeared on behalf of the promoter and stated that they have obtained the approval of fire scheme and service plans and estimates from the concerned department and submitted the same in the Authority. The AR further states that The DGTCP in its order dated 20.06.2023 observed "that you shall deposit the Administrative charges on account of change in beneficial interest within 60 days of HRERA registration" and the promoter has submitted a sum of Rs. 2,89,76,500/- with DTCP on 25.04.2024 through RTGS. As per the discussion with DTCP, the condition of license renewal stands complied and no further action at the end of DTCP is required.

Suo- motu complain no.	RERA-GRG-3284-2024

	The AR of the promoter requests the Authority to condone the delay in complying with the conditions. The promoter is directed to deposit the security amount as mentioned in the conditions of the registration certificate within a period of two weeks. In view of the peculiar circumstances of the case, the matter may be placed before the full bench on 23.08.2024 for further directions. As per the approval of the Authority, the case is fixed for hearing on 23.08.2024. **(Ar. Neeraj Gautam)** **Associate Architectural Executive**
Day and date of hearing	Friday and 23.08.2024

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

Sh. Karan Gupta (Advocate) and Sh. Manish Singh (AR) are appeared on behalf of the promoter.

Since the promoter has failed to comply with the RC conditions with respect to deposit of BG as per clause G(iii) and the condition at para 3 that if the above conditions are not fulfilled/compliance are not made by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted therein, the registration issued vide No. RC/REP/HARERA/GGM/771/503/2023/115, dated 11.12.2023 is hereby suspended and the promoter is given one final opportunity to comply with the conditions of registration within 15 days failing which the registration is liable to be revoked.

The matter to come up on 16.09.2024.

(Ashok Sangwan)
Member, HARERA

(Vijay Kumar Goyal)
Member, HARERA

(Arun Kumar)
Chairman, HARERA