NON- COMPLIANCE OF CONDITIONS OF REGISTRATION CERTIFICATE HEARING BRIEF

S. No.	Particular	Details
1.	Registration certificate no.	508/240/2021/76
2.	Date of Registration	09.11.2021
3.	Date of expiry of validity of registration	17.08.2026
4.	Name of promoter	M/s Emaar India Ltd.
5.	Name of project	Emaar Business District 89 NXT
6.	Area of project	2.99375 Acres
7.	Nature of project	Commercial Plotted Colony
8.	Location of project	Sector-89, Gurugram
9.	Suo-motu complaint no.	RERA-GRG-4398-2022

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 architectural control sheet and demarcation plan within one months	09.12.2021	19.04.2022	Delay of 132 days
The promoter shall submit the approval of service plan & estimates within 3 months	09.02.2022	08.02.2022	Within time

11. Details of refundable security submitted by the promoter

Name of the bank	No. And date of refundable security	Amount	Submitted for
HDFC	572GT01212850001 dated 12.10.2021	50 lacs	Returned vide order dated 28.09.2022

	HDFC	572GT01212850004 dated 12.10.2021	25 lacs	Expired
	HDFC	572GT01232420003 dated 30.08.2023	25 lacs	Submitted in lieu of above expired BG

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 Emaar India 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, however, the Authority, in its agenda dated 28.09.2022 decided to release the bank guarantee submitted in lieu of timely submission of approved service plans and estimates.

It is noted that the promoter has obtained the approved architectural control sheet with a delay of Delay of 132 days and accordingly, a show cause noted dated 14.06.2024 was issued to the promoter as to why the security amount submitted by the promoter in lieu of the timely submission of approved architectural control sheet shall not be forfeited, and a date of hearing was fixed for 25.06.2024.

The promoter has submitted a reply dated 24.06.2024 wherein a DD bearing no. 301521 dated 21.06.2024 of HSBC Bank amounting to Rs. 25 lakhs is submitted to replace the bank guarantees submitted on account of timely submission of approved architectural

	control sheet and demarcation plan along with a request to release the bank guarantees no. 572GT01212850004 dated 12.10.2021 and 572GT01232420003 dated 30.08.2023. **(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. Anitesh Singh (AR) appeared on behalf of the promoter.

The AR of the promoter states that the delay in submission of the architectural control sheet was not on account of the promoter but due to the internal delays in the office of DTCP, Haryana.

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 promoter has requested that demand draft 301521 dated 21.06.2024 of HSBC Bank amounting to Rs. 25 lakhs may be accepted in lieu of the bank guarantee as security for conditional compliance of the registration with respect to architectural control sheet.

In view of the above, the amount of Rs. 25 lakhs deposited vide DD no 301521 dated 21.06.2024 be and is hereby forfeited and bank guarantees no. 572GT01212850004 dated 12.10.2021 and 572GT01232420003 dated 30.08.2023 (revalidated) be returned to the promoter under intimation to the bank.

The matter stands disposed of. The detailed order shall follow.

(Ashok Sangwan)
Member, HARERA, Gurugram