NON- COMPLIANCE OF CONDITIONS OF REGISTRATION CERTIFICATE HEARING BRIEF

S. No.	Particular	Details
1.	Registration certificate no.	GGM/689/421/2023/33
2.	Date of Registration	02.02.2023
3.	Date of expiry of validity of registration	31.01.2029
4.	Name of promoter	M/s Mapsko Builders Pvt. Ltd.
5.	Name of project	MAPSKO MOUNT VILLE- PHASE II
6.	Area of project	2.3120 acres
7.	Nature of project	Group Housing
8.	Location of project	Sector- 78-79, Gurugram
9.	Suo-motu complaint no.	RERA-GRG-6257-2024

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 revised service plans and estimates within 3 months from the issuance of the registration certificate.	02.05.2023	09.06.2023	Delay of 38 days
The promoter shall submit the revised fire scheme approval within 3 months from the issuance of registration certificate.	02.05.2023	16.06.2023	Delay of 45 days

11. Details of refundable security submitted by the promoter

Name of the bank	No. And date of refundable security	Amount	Submitted for
ICICI Bank	500496 dated 30.01.2023	25 lacs	Approved service plans & estimates
ICICI Bank	500497 dated 30.01.2023	25 lacs	Approved fire scheme

12.	**File status**	**Date**
	First show cause notice sent on	17.12.2024
	First hearing on	02.01.2025 (Adjourned)
	Second hearing on	09.01.2025 (Adjourned)
	Third hearing on	30.01.2025

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 Mapsko Builders 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 submit the requisite approvals within the stipulated time period, therefore a show cause notice dated 17.12.2024 for forfeiture of the security amount submitted in lieu of the same was issued to the promoter.

It is noted that the revised service plans and estimates, and fire scheme are obtained with a delay of 38 days and 45 days, respectively.

(Ar. Neeraj Gautam)
Associate Architectural Executive

Day and date of hearing	Thursday and 30.01.2025

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

Sh. Vipin Kumar and Ms. Gargi Bhatt appeared on behalf of the promoter and requests to condone the delay. He has handed over written submissions with respect to show cause notice dated 17.12.2024 wherein it is stated that the developer had applied for revised service plans and estimates and revised fir scheme immediately after the issuance of RERA registration certificate by the Authority. However, since the same being a lengthy and time-consuming process, the undersigned developer vide application bearing dak ID 52216 dated 25.04.2023 requested the Authority to extend the time period for submission of revised service plans & estimates and revised fire scheme approval from 02.05.2023 to 17.07.2023 and that application is still pending for consideration before the Authority.

It is further stated in the application the revised fire scheme application was moved vide receipt dated 24.03.2023 and the same was received after approval only vide memos dated 17.05.2023 and 16.06.2023, respectively taking almost a period of two months and even more and for considerable period, there was no officer/ competent authority to deal with the request for issuance of revised fire scheme. So, the requisite approval could not be issued and submitted. Similarly, the revised service plans and estimates applied by the company and forwarded by Chief Engineer- I, HSVP Panchkula

vide memo dated 13.04.2023 were received from the Directorate of Town and Country Planning, Haryana vide memo dated 09.06.2023. Thus, there is no fault of the company in either of the two situations. The time taken by those authorities in processing and passing orders on the applications moved by the company w.r.t. revised service plans and estimates and revised fire scheme approval took about 2 and 3 months respectively and the company has no control over the same. Even, the Hon'ble Apex Court of the land while dealing with such type of situations excluded the period spent in pursuing litigation before the competent authorities and took the same view in cases of Laxmi Srinivasa R and P Boiled Rice Mill V/s State of Andhra Pradesh and Anr. 2022 LiveLaw (SC) 964, Consolidated & Ors (2008) 7 SCC 169 and recently followed in Purni Devi & Anr. v/s Babu Ram & Anr 92024) 4 SCR 37. The promoter requests to consider the case sympathetically and order refund/ release the subject security amount with interest.

The Authority decided in its meeting dated 01.01.2024 that the compliances by the promoters must be made without fail within the timeline of conditional registration failing which the BG/ security be forfeited and further action be initiated as per the provisions of the Act of 2016.

It is not disputed that the promoter was granted conditional registration at its own accord and depositing of security amount in the form of demand draft 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 cheques shall be forfeited in case the respective conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.

In view of the above, the security amount submitted in lieu of timely submission of the approved revised service plans and estimates, and approved revised fire scheme is hereby forfeited.

Since the compliance has now been made, although with a delay, the case is filed.

Detailed order shall follow.

(Ashok Sangwan)
Member, HARERA, Gurugram

HARERA
GURUGRAM

BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Registration No.	**GGM/689/421/2023/33 dated 02.02.2023**
Name of promoter	**M/s Mapsko Builders Pvt. Ltd.**
Name of project	**MAPSKO MOUNT VILLE- PHASE II**
Location of project	**Sector 78-79, Gurugram**
Suo motu complaint no.	**RERA-GRG-6257-2024**
Date of order	**30.01.2025**

ORDER

1. 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 Mapsko Builders Pvt. Ltd. and after due consideration, the said real estate project was conditionally registered with the Haryana Real Estate Regulatory Authority Gururam with the following details:

S. No.	Particulars	Details
1.	Registration No.	GGM/689/421/2023/33
2.	Date of Registration	02.02.2023
3.	Date of expiry of validity of registration	31.01.2029
4.	Name of promoter	M/s Mapsko Builders Pvt. Ltd.
5.	Name of project	MAPSKO MOUNT VILLE- PHASE II
6.	Area of project	2.3120 acres
7.	Nature of project	Group Housing
8.	Location of project	Sector- 78-79, Gurugram

2. Whereas on the request of the promoter, the Authority had decided to issue the registration certificate subject to the following conditions:

S. No.	Condition	Compliance due date	Date of approval obtained on

1.	The promoter shall submit revised service plans and estimates within 3 months from the issuance of the registration certificate.	02.05.2023	09.06.2023
2.	The promoter shall submit the revised fire scheme approval within 3 months from the issuance of registration certificate.	02.05.2023	16.06.2023

3. At the time of registration of the project, following refundable security was deposited by the promoter as a token of his assurance to submit the above compliance within the time period mentioned in the conditions:

Name of the bank	No. And date of refundable security	Amount	Submitted for
ICICI Bank	500496 dated 30.01.2023	25 lacs	Approved service plans & estimates
ICICI Bank	500497 dated 30.01.2023	25 lacs	Approved fire scheme

4. Since the promoter failed to submit the requisite approvals in the Authority within the stipulated time period mentioned in the conditions, a show cause notice dated 17.12.2024 for forfeiture of security amount submitted in lieu of the same with an opportunity of hearing on 02.01.2025 was issued to the promoter. On 02.01.2025, the matter was adjourned to 09.01.2025. On 09.01.2025, the matter was further adjourned to 30.01.2025.

5. On 30.01.2025, Sh. Vipin Kumar and Ms. Gargi Bhatt appeared on behalf of the promoter and requested to condone the delay. He handed over written submissions with respect to show cause notice dated 17.12.2024 wherein it is stated that the developer had applied for revised service plans and estimates and revised fire

scheme immediately after the issuance of RERA registration certificate by the Authority. However, since the same being a lengthy and time-consuming process, the undersigned developer vide application bearing dak ID 52216 dated 25.04.2023 requested the Authority to extend the time period for submission of revised service plans & estimates and revised fire scheme approval from 02.05.2023 to 17.07.2023 and that application is still pending for consideration before the Authority.

It is further stated in the application that the revised fire scheme application was moved vide receipt dated 24.03.2023 and the same was received after approval only vide memos dated 17.05.2023 and 16.06.2023, respectively taking almost a period of two months and even more and for considerable period, there was no officer/ competent authority to deal with the request for issuance of revised fire scheme. So, the requisite approval could not be issued and submitted. Similarly, the revised service plans and estimates applied by the company and forwarded by Chief Engineer- I, HSVP Panchkula vide memo dated 13.04.2023 were received from the Directorate of Town and Country Planning, Haryana vide memo dated 09.06.2023. Thus, there is no fault of the company in either of the two situations. The time taken by those authorities in processing and passing orders on the applications moved by the company with respect to revised service plans and estimates and revised fire scheme approval took about 2 and 3 months respectively and the company has no control over the same. The promoter requested to consider the case sympathetically and order refund/ release the subject security amount with interest.

6. It is not disputed that the promoter was granted conditional registration at its own accord and depositing of security amount in the form of demand draft 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 cheques shall be forfeited in case the respective conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.

7. The Authority has also decided in its meeting dated 01.01.2024 that the compliances by the promoters must be made without fail within the timeline of

conditional registration failing which the BG/ security be forfeited and further action be initiated as per the provisions of the Act of 2016.

8. In view of the above, the security amount submitted in lieu of timely submission of the approved revised service plans and estimates, and approved revised fire scheme is hereby forfeited. Since the compliance has now been made, although with a delay, the case is filed.

Ashok Sangwan,
Member, HARERA, Gurugram

Haryana Real Estate Regulatory Authority, Gurugram

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