HARERA
GURUGRAM

BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Registration No.	**GGM/507/239/2021/75 dated 09.11.2021**
Name of promoter	**M/s Emaar India Ltd.**
Name of project	**Emaar Business District 89**
Location of project	**Sector-89, Gurugram**
Suo motu complaint no.	**RERA-GRG-4393-2022**
Date of decision	**06.03.2025**

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 Emaar India 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/507/239/2021/75
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
6.	Area of project	50.61 Acres
7.	Nature of project	Residential Plotted Colony
8.	Location of project	Sector-89, 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 architectural control sheet and demarcation plan within 1 month of issuance of registration certificate	09.12.2021	19.04.2022
2.	The promoter shall submit approved service plans & estimates within 3 months of issuance of registration certificate	09.02.2022	08.02.2022

3. The promoter had deposited the following security amount as a token of his assurance to comply with the above conditions within the stipulated time period:

Name of the bank	No. And date of refundable security	Amount	Submitted for
HDFC Bank	572GT01212850002 dated 12.10.2021 (Refunded)	50 lacs	Approved service plans and estimates
HDFC Bank	572GT01212850003 dated 12.10.2021 (Original)	25 lacs	Architectural control sheet
HDFC Bank	572GT01232420004 dated 12.10.2021 (Revalidated)	25 lacs	Architectural control sheet
HSBC	DD no. 301498 dated 19.06.2024	25 lacs	In lieu of the BGs submitted for timely submission of approval of

			architectural control sheet

4. 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 20.08.2024 for forfeiture of security amount deposited in lieu of timely submission of the requisite approvals with an opportunity of hearing on 12.09.2024.
5. On 12.09.2024, the matter was adjourned to 10.10.2024. On 10.10.2024, the matter was again adjourned to 06.03.2025.
6. On 06.03.2025, Sh. Anitesh Singh Chauhan (AR) appeared on behalf the promoter. The AR of the promoter stated that they had applied for the approval of service plans and estimates to GMDA on 13.10.2022. The application was kept pending by the concerned authority for the purpose of framing guidelines/ standard operating procedures of approvals of architectural control sheet/ standard design in respect of all such kind of projects of commercial plotted colonies being developed in the state. It is further stated in the application that the promoter had written a letter dated 03.02.2021 along with undertaking at DTCP for issuance of approval and the final order for SOP got issued on 31.01.2022. The promoter's application was processed by DTCP and final approval was granted on 19.04.2024.

   The promoter requested vide application dated 30.08.2024 to release the security deposit as the delay in getting the approval was solely in the purview of competent authority.
7. It is not disputed that the promoter was granted conditional registration at its own accord and depositing of security amount of Rs. 75 lakhs as a guarantee for submission of the requisite clearances within the time specified in the conditional registration. It was clearly mentioned in the registration certificate that this bank guarantee shall be forfeited in case the conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.
8. The bank guarantee of Rs. 50 lakhs submitted on account of submission of approved service plans & estimates already stands refunded to the promoter and on request of the promoter, the bank guarantees of Rs. 25 lakhs bearing no.

572GT01212850003 dated 12.10.2021 (Original) and 572GT01232420004 dated 12.10.2021 (Revalidated) are already returned to the promoter on submission of DD no. 301498 dated 19.06.2024 of the same amount.

9. Keeping in view the fact that the promoter has submitted the approved standard designs with a delay of 131 days, the security amount of Rs. 25 lakhs deposited in lieu of timely submission of the same is hereby forfeited.

10. Since the compliance has 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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